MISSION

The mission of the New York City Police Department is to enhance the quality of life in New York City by working in partnership with the community to enforce the law, preserve peace, protect the people, reduce fear, and maintain order.

VISION

The New York City Police Department strives to foster a safe and fair City through the strategic deployment of resources, focusing on both crime prevention and addressing quality-of-life concerns while building lasting community relationships.

VALUES

In partnership with the community, we pledge to:

Protect the lives and property of our fellow citizens and impartially enforce the law.

Fight crime, both by preventing it and aggressively pursuing violators of the law.

Maintain a higher standard of integrity than is generally expected of others because so much is expected of us.

Value human life, respect the dignity of each individual and render our services with courtesy and civility.

POLICE OFFICER

1. Perform duty in uniform as indicated on roll call or as directed by competent authority.
2. Monitor portable radio
   a. Obtain a portable radio from desk officer, if assigned radio is defective.
3. Proceed to post, sector or assignment as directed by supervisor.
   a. Do not congregate, or engage in unnecessary conversation, with other members of the service while on post, absent police necessity.
4. Comply with meal and post relieving points as directed by commanding officer.
5. Report to desk officer when entering or leaving stationhouse/police service area/transit district during tour of duty indicating reason for presence therein.
6. Be aware of, and inspect, post or sector for conditions requiring police attention.
7. Report immediately to the patrol supervisor and the platoon commander any unusual crime, occurrence or condition.
8. Report conditions not requiring immediate attention to the telephone switchboard operator.
9. Render all necessary police service in assigned area and as otherwise directed.
10. Familiarize self with the everyday routine of people residing, doing business or frequenting post or sector.
11. Investigate suspicious conditions and circumstances on the post.
12. Give attention to crime hazards.
13. When dispatched to an assignment by the telephone switchboard operator, keep the telephone switchboard operator informed of police services rendered.
14. Report police services rendered in another command to desk officer of that command.
15. Call the desk officer when detained at court or elsewhere and unable to return to command at scheduled end of tour.
16. Maintain digital **Activity Log**.
17. Preserve completed **ACTIVITY LOGS (PD112-145)** and produce them as required by competent authority.
18. Do not leave post/sector until meal actually commences and be back on post when meal is over. (Travel time is not authorized).

RADIO MOTOR PATROL OPERATOR

1. Inspect the serviceability of seatbelts in the radio motor patrol car.
   a. Notify patrol supervisor of any deficiencies found in accordance with *P.G. 219-01, "Inspection of Department Vehicles Each Tour by Operator."*
2. Wear safety belts.
   a. Wear three-point safety belts, when provided.
   b. Wear two-point safety belts (lap belts) if three-point safety belts are not provided.
   c. Use safety belt extender when three-point safety belt becomes difficult to engage due to space constraints.

NOTE

There is an increased risk of significant injury to members of the service who do not wear safety belts. There is no question that wearing a safety belt when involved in a motor vehicle collision reduces the extent and severity of injuries and saves lives.

Therefore, the wearing of safety belts is required for all individuals operating or riding in a Department vehicle (marked or unmarked) or a private vehicle authorized for Department use. Safety belts may be removed only when a member of the service is involved in what appears to be a dangerous tactical situation and the wearing of the safety belt may impair the member's ability to take police action.

3. Inspect Ballistic Window Inserts and Window Insert Wedges for proper installation and damage, if vehicle is so equipped.
   a. Immediately report deficiencies to the patrol supervisor.
4. Operate car for the entire tour when assigned as driver of ranking officer.
   a. Monitor radio messages directed to assigned area when supervisor is out of car.
5. Permit only uniformed members of the service performing related police duty to enter or ride in a radio motor patrol car on patrol.
6. Respond to messages of serious police emergency within five blocks of location even if messages are directed to another car, regardless of sector, precinct and borough boundaries.
7. Do not carry electric blasting caps in vehicles or transmit within 150 feet of any electric blasting operation.
8. Leave radio on and have the car ready for instant use when car is being cleaned or supplied with fuel.
   a. Do not put car out of service if fuel is to be obtained in assigned command.
9. Avoid remaining in areas where radio reception is poor.
10. Proceed to an emergency scene with due caution. (Do not use the siren unnecessarily; approach the scene of a reported crime quietly).
11. Take RMP car out of assigned sector when:
    a. Directed by competent authority, or
    b. Answering an emergency call, or

RADIO MOTOR PATROL OPERATOR (continued)

c. Servicing, repairing or cleaning required, with permission of desk officer.

12. Constantly patrol assigned sector.
13. Do not unnecessarily leave the car unattended.
    a. Remove keys and lock car when answering call.
    b. Do not leave portable radio in car.
14. Position car at scene of an emergency to avoid obstructing, or being blocked by, emergency apparatus.
15. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
16. Perform the duties of recorder when none is assigned.
17. Inspect the car when reporting for duty (see *P.G. 219-01, "Inspection of Department Vehicles Each Tour by Operator").*
18. Make digital **Activity Log** entry of findings, odometer reading and amount of gasoline in the tank as registered by the indicator, in addition to all other required entries as per *P.G. 212-08, "Activity Logs."*
19. Notify the desk officer when a car requires speedometer repairs or other repairs or replacement of parts or accessories, including tires and tubes.
20. Operate car in manner to avoid injury to person or damage to property.
21. Drive at slow rate of speed and operate motor vehicle consistent with the New York State Vehicle Traffic Law, except under exceptional circumstances or extreme emergency.
22. Operate RMP car only when assigned and only when Department qualified to operate such vehicle.
23. Take care of car and accessories, equipment and tools assigned.
24. Cooperate with other operators of same car to which assigned in care and maintenance, particularly cleaning, washing and keeping the car in proper operating condition.
25. Make minor repairs to car when possible.
26. Enter appointment for preventive maintenance on sticker affixed to vehicle.
27. Deliver car for regular preventive maintenance inspection as scheduled on sticker affixed to vehicle.
28. Do not tow or push another vehicle with RMP car.

NOTE *When transporting non-members of the service in a Department vehicle, operators should exercise extreme vigilance and adhere to the New York State Vehicle and Traffic Law, except in extenuating circumstances.*

Highway District vehicles equipped with "protective bumper guards" may push disabled vehicles obstructing active traffic lanes to the nearest location where it may be parked safely. In ***NO*** *event will disabled vehicles be pushed to repair shops or onto private property (see P.G. 214-31, "Removal of Vehicles From Parkways, Highways and Expressways").*

RADIO MOTOR PATROL RECORDER

1. Assist Radio Motor Patrol Operator in inspection of seatbelts.
   a. Inform Radio Motor Patrol Operator of any deficiencies found and record findings in digital **Activity Log**.

NOTE *Report seatbelt deficiencies to the Patrol Supervisor.*

2. Ride in the front seat of radio motor patrol car, except when transporting prisoner, emotionally disturbed person, etc., in a radio motor patrol car not equipped with a fiberglass partition.
   a. Wear three-point safety belts, when provided.
   b. Wear two-point safety belts (lap belts) if three-point safety belts are not provided.
   c. Use safety belt extender when three-point safety belt becomes difficult to engage due to space constraints.

NOTE *There is an increased risk of significant injury to members of the service who do not wear safety belts. There is no question that wearing a safety belt when involved in a motor vehicle collision reduces the extent and severity of injuries and saves lives.*

Therefore, the wearing of safety belts is required for all individuals operating or riding in a Department vehicle (marked or unmarked) or a private vehicle authorized for Department use. Safety belts may be removed ONLY when a member of the service is involved in what appears to be a dangerous tactical situation and the wearing of the safety belt may impair the member's ability to take police action.

3. Notify radio dispatcher of the presence of a non-member of the service (e.g., prisoner, complainant, witness, abandoned child, emotionally disturbed person, etc.), the time entering the RMP, their gender and the beginning mileage.
   a. Notify radio dispatcher of time person exits RMP and ending mileage, upon arrival at destination.
   b. Search passenger area of RMP for contraband, weapons or other property immediately upon conclusion of trip.
   c. Enter in digital Activity Log:
      (1) Time trip starts,
      (2) Identify of person being transported,
      (3) Location of beginning and end of trip,
      (4) Purpose of trip, and
      (5) Results of vehicle inspection.
4. Operate the radio.
5. Record in digital **Activity Log**, radio messages directed to car, including time, location of call and type of case, in addition to all other required entries as per *P.G. 212-08, "Activity Logs*."
   a. Enter disposition of each call and time of completion.

RADIO MOTOR PATROL RECORDER (continued)

6. Transmit disposition or interim disposition to radio dispatcher immediately upon completion of assignment and before leaving the scene of assignment.
   a. Transmit interim disposition to radio dispatcher if required to proceed to another location in connection with current assignment.
   b. Notify desk officer of disposition of assignments originating from command or other important assignments of an unusual nature.
7. Notify the radio dispatcher if undue delay is encountered in response to a radio message.
8. Prepare all necessary reports and records connected with police action taken jointly with operator, while assigned as recorder.
9. Notify desk officer if radio becomes inoperative.
10. Obtain permission from radio dispatcher to place R.M.P. auto out of service for minor repairs.
11. Notify radio dispatcher of all assignments including pickup assignments, not emanating from Communications Section.
    a. Give location and nature of assignment.
12. Carry duplicate set of keys for vehicle to which assigned during the entire tour of duty.

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MOTOR SCOOTER OPERATOR

1. Operate scooter at a slow, safe rate of speed.
   a. Three-wheel scooters may be operated on all tours at speeds not exceeding twenty M.P.H.
2. Operate scooter with headlight on at all times.
3. Do not use scooter to pursue motor vehicles nor be assigned to expressways or parkways.
4. Check road conditions of entire post and make digital **Activity Log** entry immediately after arrival on post.
5. Request reassignment when original assignment is hazardous due to spillout from trucks, construction or other poor road surface conditions.
6. Do not perform scooter duty when:
   a. Rain, snow, sleet, heavy fog, or any precipitation causes ground to become slippery.
      (1) Three-wheel scooters may be used in moderate rain and fog.
   b. Patches of snow or ice remain from previous storm.
   c. High winds interfere with control of scooter.
   d. Temperature falls below 32 degrees Fahrenheit, 0 degrees Celsius (except three-wheel scooter).
7. Receive refresher training in motor scooter operation when member:
   a. Has been involved in scooter collision.
   b. Has not operated a Department scooter within six months period and is being considered for assignment to operate scooters.
   c. Has performed scooter duty for one year period without attending refresher course.
8. Inspect scooter to ensure it is in serviceable condition and enter in digital **Activity Log** findings, odometer reading and amount of gasoline in tank.
9. Operate scooter only when assigned, properly licensed and designated as qualified Department Scooter Operator.
10. Monitor portable radio.
11. Wear dual-purpose protection/scooter helmet with face shield in place.
    a. Face shield is not required to be in place when operating three-wheel scooter.
12. Wear reflective traffic safety vest during hours of darkness.
13. Obey traffic control devices.
    a. Siren and roof lights installed on three-wheel scooters will be operated when necessary.
14. Use extreme caution when approaching intersection or making turns.
15. Do not respond to radio runs unless specifically directed by radio dispatcher.

SCOPE

Neighborhood Safety Teams are only authorized for the following commands: 23rd Precinct, 25th Precinct, 28th Precinct, 32nd Precinct, 34th Precinct, 40th Precinct, 41st Precinct, 42nd Precinct, 43rd Precinct, 44th Precinct, 46th Precinct, 47th Precinct, 48th Precinct, 49th Precinct, 52nd Precinct, 67th Precinct, 69th Precinct, 71st Precinct, 73rd Precinct, 75th Precinct, 77th Precinct, 79th Precinct, 81st Precinct, 83rd Precinct, 101st Precinct, 103rd Precinct, 105th Precinct, 113th Precinct, 114th Precinct, 116th Precinct, 120th Precinct, Police Service Area 2, Police Service Area 3, Police Service Area 5, and Police Service Area 7.¶

UNIFORMED MEMBER OF THE SERVICE

1. Perform duty in specifically prescribed uniform.
   a. Be equipped with all required equipment as described in *A.G. 305-08, "Required Equipment."*
   b. Identify yourself as a Police Officer prior to taking enforcement action, when feasible.
2. Maintain daily record of activity in digital **Activity Log**.
3. Inform radio dispatcher when responding to, or present at the scene of a police incident.
4. Employ creative crime reduction, precision policing, and community engagement strategies to effectively improve the quality of life, increase trust and build relationships with the people and communities of New York City.
   a. Reduce violent street crime by identifying, investigating and apprehending individuals who possess illegal firearms, jeopardize public safety, or erode quality of life.
5. Deploy in areas based on current crime trends and statistics, giving special attention to times/locations prone to violent street crimes (e.g., robberies, felonious assaults, shootings, and firearms/weapons-related offenses) within command of assignment, as directed by the commanding officer.
6. No more than three neighborhood safety team members, including a supervisor, may be assigned to a Department vehicle per tour.
7. Develop intelligence for possible search warrants, associates from past crimes and any crime related information, with the assistance of the command field intelligence officer, through prisoner debriefings and/or confidential informant's intelligence.
8. Do not conduct lineup or show photographs without permission of precinct detective squad supervisor or qualified supervisor of investigating unit.
9. Do not perform duty in plainclothes or conduct decoy operations.
10. Do not perform duty as a member of a neighborhood safety team prior to attending the Department's neighborhood safety team training.

ADMINISTRATIVE QUALITY OF LIFE OFFICER

1. Report to quality of life team sergeant.
2. Perform duty in uniform.
3. Assist quality of life team sergeant by preparing statistical reports under the guidance of the Chief of Department's Office.
4. Maintain a master file of contact information of key community members/community groups for the purpose of disseminating information regarding newsworthy developments concerning the community.
5. Advise team members on traffic related issues and concerns.
6. Review and analyze all **Police Accident Reports (MV104AN)**.
   a. Note any deficiencies and bring to the attention of the precinct training sergeant.
7. Duplicate and forward collision reports, on a daily basis, to the Highway Unit concerned for collisions occurring on limited access highways.
8. Duplicate and forward collision reports to other agencies (Department of Motor Vehicles, Taxi and Limousine Commission, etc.), when necessary.

NOTE *All duplicate **Police Accident Reports** for outside agencies will be placed in a white envelope, addressed appropriately (e.g., Office of the Comptroller, One Centre Street, New York, NY 10007, attn: CIF Department) and forwarded to the Mail and Distribution Unit.*

9. Fax copy of all **Police Accident Reports** involving a "crossover" collision to the Corporation Counsel and the Highway District.

NOTE *A crossover collision is a motor vehicle collision occurring on a surface road or limited access highway where a motor vehicle strikes or crosses over any type of median (jersey barrier, guard rail, divider, fence, etc.) separating opposing traffic.*

10. Analyze and process **TRAFFIC INTELLIGENCE REPORTS (PD178-150)**.
11. Forward **TRAFFIC INTELLIGENCE REPORTS** that cannot be addressed on the precinct level to the Patrol Borough Traffic Safety Coordinator.
12. Identify collision prone locations and determine contributing factors for each location.
13. Survey all collision-prone locations and determine contributing factors for each location.
14. Recommend necessary engineering, enforcement and education strategies for collision reduction.
15. Forward necessary enforcement information (days and hours collisions are occurring, contributing factors, e.g. weather conditions, etc.) to other units providing summons enforcement in the precinct, such as the Strategic Response Group, Highway Units, Citywide Traffic Task Force, etc.
16. Maintain a liaison with the city's Department of Transportation regarding engineering recommendations.
17. Issue appropriate summonses at collision-prone locations.

ADMINISTRATIVE QUALITY OF LIFE OFFICER (continued)

18. Maintain copies of construction permits, visit construction sites and issue summonses for permit violations.
19. Count, record by category (e.g., red lights, improper turn, etc.), and process relevant summonses.
20. Enter information of each Moving summons served into the "B" Summons application in the Finest Online Records Management System (FORMS) using the "Paper" option on a daily basis.
    a. Enter the serial number from the top left of the Moving summons and complete all appropriate caption in FORMS.
    b. Store original and copies of Moving summonses in a secure location at command.
21. Maintain and update the precinct Traffic Safety Plan and Emergency Plans "A", "B" and "C".
22. Evaluate and monitor the precinct Pedestrian Safety Program.
23. Attend patrol borough traffic safety meetings.
24. Compile necessary statistical data for Traffic Stat meetings and attend meeting with executive officer when precinct is scheduled for a presentation.
25. At the direction of the commanding officer, attend community council and Safety Board meetings, as well as other public forums to discuss traffic safety.
26. Coordinate activities with the Community Affairs Officer to reduce collisions involving children.
27. Coordinate traffic related training (speed enforcement technology, construction site enforcement, school crossing guards, etc.) with the training sergeant.
28. Prepare and/or forward all traffic related reports, as appropriate.
29. Review the **HIGHWAY CONDITION RECORD (PD311-151)** for conditions that require notification to, or follow-up with, other agencies (Department of Transportation, Parks, etc.)
30. Prepare **MISSING TRAFFIC CONTROL DEVICE REPORT (PD620-150)** and forward to the appropriate Department of Transportation Borough Commissioner.
31. Maintain and update the precinct's traffic safety bulletin board to keep members current on collision-prone locations, school/church crossings and other traffic safety information.
32. Serve on the Precinct Vehicle Pursuit and Collision Safety Review Board and process necessary reports.
33. Review on a daily basis all summonses for moving violations and violations returnable to criminal court and to the Office of Administrative Trials and Hearings (OATH).
    a. Identify those summonses issued to owners/operators of vehicles licensed or those owners/operators of vehicles that should be licensed by the New York City Taxi and Limousine Commission.

ADMINISTRATIVE QUALITY OF LIFE OFFICER (continued)

b. Reproduce two photocopies of each summons, entering on the top of each photocopy the next respective sequential number from the "Report of Violation" log, and then forward one of the photocopies to the New York City Taxi and Limousine Commission.

c. File remaining photocopy of summons in rear of "Report of Violation" log or command file.

ADDITIONAL DATA

All administrative quality of life officers must be familiar with the Procedural Manual for Traffic Safety Officers.

The duties and responsibilities of the administrative quality of life officer are substantial and are fundamental in establishing an effective traffic safety program. Commanding officers will not assign duties to the administrative quality of life officer that are unrelated to the quality of life teams or traffic. In precincts that have a large number of collision prone locations, the assignment of an assistant administrative quality of life officer may be warranted.

Administrative quality of life officers will not be used as backfill for other command assignments without authorization by the commanding officer.

Administrative quality of life officers will not be assigned to details during their regularly scheduled tours of duty without permission of the bureau chief concerned, the Chief of Department, or the Police Commissioner.

YOUTH COORDINATION OFFICER

1. Report direct to special operations lieutenant and keep informed of all juvenile issues and conditions.
2. Perform duty in uniform and patrol areas frequented by youth.
3. Be equipped with Body-Worn Camera and comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* as appropriate.
4. Perform tours of duty that correspond with youth related crime.
   a. Perform duty for a minimum of four hours during third platoon.
5. Serve as principal liaison for any at risk youth within precinct or police service area of assignment.
   a. Confer with precinct domestic violence investigators to identify home conditions that contribute to youth violence, including cases involving child abuse.
6. Maintain close communication, and coordinate with quality of life officers, domestic violence prevention officers, and field intelligence officers when investigating youth related crime.
7. Develop strategies to address youth crime within command of assignment.
   a. Use community based services, relevant City agencies, and Department units (e.g., Youth Strategies Division, etc.), as necessary.
8. Follow up on all crimes, petty and serious, committed by youths.
   a. Confer regularly with field intelligence officer, precinct detective squad, domestic violence investigators, and precinct crime analysis unit regarding youth crime.
   b. Keep apprised of repeat youthful offenders, incidents involving multiple crimes committed by youths, and patterns involving youths.
9. Review arrest notifications received from Juvenile Strategies Unit regarding youths residing in precinct or police service area of assignment.
   a. Attempt to involve petty offenders in positive youth groups.
   b. Document investigative steps taken regarding youth crime in Enterprise Case Management System (ECMS), as appropriate.

NOTE *Depending on the severity of the charges, and the youth's history, the Juvenile Strategies Unit will provide information that may include Recidivist Tracking and Reporting Database and/or Domain Awareness System (DAS) reports. Youth coordination officers will conduct follow ups on all notifications received, and make conferrals/referrals, as appropriate.*

10. Review **COMPLAINT REPORTS (PD313-152)** involving youth victims and perpetrators daily.
    a. Maintain contact with victims of crime and follow up, as necessary.
11. Review **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)** prepared for youths residing in precinct or police service area, as appropriate.

YOUTH COORDINATION OFFICER (continued)

12. Contact parents/guardians and warn of offenses committed by their children that resulted in a **YOUTH REFERRAL (PD377-153)**, **ONLINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, or **JUVENILE REPORT SYSTEM WORKSHEET**.
13. Confer with precinct detective squad, domestic violence investigators, and field intelligence officers prior to visiting youth at home for any purpose, to ensure ongoing investigations will not be compromised.
    a. Ensure Body-Worn Camera is activated during visit.
    b. Notify radio dispatcher using radio code signal 10-75Y prior to youth home visit.
    c. Notify radio dispatcher using radio code signal 10-75Y1 after a successful youth home visit.
    d. Notify radio dispatcher using radio code signal 10-75Y2 after an unsuccessful home visit.
    e. Document details of visit in digital Activity Log and Enterprise Case Management System (ECMS), as needed.

NOTE

Members of the service have the discretion to deactivate Body-Worn Camera upon request of an involved party when it is safe and advisable to do so after consideration of all circumstances, including the requestor's desire for privacy and confidentiality. Recordings are to be tagged accordingly (e.g., youth coordination officer home visit, etc.).

14. Coordinate, guide, and develop youth programs to foster positive relationships with youth and families.
    a. Identify underutilized public spaces that could be activated or repurposed for youth programs and coordinate with Youth Strategies Division.
15. Visit schools and confer with school principals and school safety personnel to help reduce and prevent violence.
16. Be familiar with current case law governing juvenile arrest processing, in particular, those procedures related to conducting juvenile interviews and interrogations.
17. Collaborate with Administration for Children's Services (ACS), Juvenile Probation, Corporation Counsel, Family Court and District Attorney's Office regarding youth related matters.
    a. Monitor cases involving youth felony offenders ages 16 and 17, and if cases are being adjudicated in Family Court or Criminal Court.
18. Assist juvenile complainants and witnesses with court processes.
19. Serve as an information resource and advise command personnel, parents and community groups on youth matters.
20. Assist in processing runaways, abused children, and those youths requiring shelter, when necessary.

ADDITIONAL DATA

Youth coordination officers assigned to precincts that are not patrolled by the Housing Bureau will remain responsible for the duties in this procedure as it relates to youths residing in public housing developments within the precinct.

ADDITIONAL DATA (continued)

Furthermore, youth coordination officers will not be utilized as backfill for other precinct assignments (e.g., prisoner transports, hospital posts, etc.), or assigned to details during their regularly scheduled tours of duty without permission of the Police Commissioner, Chief of Department or bureau chief concerned.

Youth coordination officers will not ordinarily be assigned juvenile arrests.

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ARREST PROCESSING OFFICER

1. Perform duty in uniform.
2. Report to operations coordinator.
3. Perform arrest processing related tasks as directed by desk officer.
4. Assist arresting officer in all facets of arrest processing, including, but not limited to:
   a. Running warrant and license checks,
   b. Completing all arrest related paperwork,
   c. Fingerprinting,
   d. Obtaining additional contact information (i.e., cell/work/home phone number, email address, preferred mailing address, etc.),
   e. Obtaining DNA, when warranted, for Desk Appearance Ticket arrests,
   f. Ensuring all uniformed members of the service properly "categorize" and "tag" videos associated with arrests.
5. Liaise with District Attorney's office regarding:
   a. The identification and acquisition of any discovery material (e.g., any documents or recordings related to the incident) necessary for prosecution,
   b. The availability of members of the service, and
   c. Communication issues (i.e., length of time to confer, problems with arrest paperwork, etc.).
6. Liaise with borough Court Section regarding issues with arrest processing (i.e., delays, arresting officers awaiting affidavit preparation, etc.).

NOTE

The arrest processing officer will be responsible for all additional arrest related functions dictated by the needs of individual commands/patrol boroughs, and as requested by their respective commanding officers.

In addition, if the arrest processing officer is with the prisoner and the arresting officer is NOT present, the arrest processing officer will request appropriate relief before leaving the prisoner to attend to other aspects of arrest processing. A member of the service will be with the prisoner at all times.

COMMUNITY AFFAIRS OFFICER

1. Attend community council meetings and assist in stimulating and coordinating council activities.
2. Forward monthly report of council meeting programs and operations to Deputy Commissioner, Community Affairs Bureau through borough community affairs coordinator and Commanding Officer, Community Outreach Division and Crime Prevention Division.
3. Establish personal contact with civic and community groups within the command and attend meetings as directed.
4. Perform duties in relation to community council in addition to crime and delinquency prevention, as directed.
   a. Maintain liaison with community/youth council leadership.
5. Act as liaison between the Community Council Executive Board and the commanding officer.
6. Inform commanding officer and borough community affairs coordinator of all new and/or revised activities of unusual events and demonstrations.
7. Maintain a close liaison with the management of facilities within commands where large events are held.
8. Maintain an open constructive avenue of communication with other members of the service to allow for exchange of ideas and information regarding the community.
9. Maintain daily contact with the special operations lieutenant to combine efforts for attention to areas of sensitive complaints and the needs of the residents.
10. Visit schools, houses of worship, hospitals and similar public institutions frequently.
    a. Confer with principals, clergy, administrators, etc., on delinquency and other youth related problems.
11. Investigate incidents and conditions that may lead to intra/inter group community unrest.
    a. Respond to disorders, demonstrations, racial conflicts or other unusual conditions resulting in large groups on the street, as directed by the commanding officer or other ranking officer in charge.
12. Assist commanding officer in:
    a. Keeping members of command informed of community affairs problems
    b. Developing and implementing community affairs programs.
13. Assist training sergeant in developing related police/community affairs in-service training, including the use of guest speakers.
14. Maintain liaison with crime prevention officer, quality of life team officers, and youth coordination officer to ensure mutual cooperation and support.
15. Perform other community affairs duties as directed by commanding officer or other competent authority.

COMMUNITY AFFAIRS OFFICER (continued)

16. Wear appropriate business attire when not performing duty in uniform.
17. Administer the MedicAlert + Alzheimer's Association Safe Return program.
18. Contact every nursing home and similar facility in the command to ensure that these facilities know about and are taking advantage of the MedicAlert + Alzheimer's Association Safe Return program and to describe this program at community meetings, council meetings and every other appropriate forum they address.
19. Review **MISSING/UNIDENTIFIED PERSON REPORTS (PD336-151)** for the names of special category persons who have been reported missing in the past and contact the families of, and/or the persons responsible for, persons with cognitive impairments and ascertain if they registered with the MedicAlert + Alzheimer's Association Safe Return program.
    a. Provide information about the program if they have not registered and encourage them to register by contacting the Alzheimer's Association New York City Chapter twenty-four hour helpline at 1-800-272-3900 for free information and support.

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COMMAND AUXILIARY POLICE COORDINATOR

1. Perform tours of duty that coincide with the tours of auxiliary police personnel, when possible.
2. Perform duty in uniform.
3. Assist commanding officer and special operations lieutenant in the command's problem solving objectives by coordinating and maintaining a liaison with quality of life team officers, crime prevention officer, community affairs officer, and youth coordination officer.
4. Coordinate all auxiliary police activities within command.
5. Recruit new members into the Auxiliary Police Program continually by developing strategies with the Commanding Officer, Auxiliary Police Section and recruitment staff.
6. Interview, enroll, investigate, and fingerprint auxiliary police applicants.
7. Examine and verify all information submitted, including proof of residence, employment, citizenship, etc.
   a. Verify by written documentation that on-file applicant is a permanent resident or possesses a valid visa issued by U.S. Citizenship and Immigration Services.

NOTE *Foreign nationals who have permanent residence status or hold a valid visa also qualify for the Auxiliary Police Program.*

8. Prepare paperwork for members in biannual basic training class, as scheduled by the Auxiliary Police Section, Training Unit.
   a. Contact the Auxiliary Police Section, Training Unit to schedule training (e.g., RMP, 12 passenger van, bicycle, etc.).
9. Identify and recommend to the special operations lieutenant suitable auxiliary police who have been trained in, and have volunteered to participate in, “”Quality of Life” enforcement (e.g., sale of alcoholic beverages, cannabis products, box cutters, spray paint cans/broad tip markers, etc.).
10. Obtain shields, identification cards and uniforms of inactive members and process accordingly.
11. Submit requests for recognition awards and promotion to the Auxiliary Police Section through borough auxiliary police coordinator concerned.
12. Include monthly figures on required Auxiliary Police Section form and forward to the borough auxiliary police coordinator and Auxiliary Police Section.
13. Inspect auxiliary police officers at roll call, make assignments, and provide instruction on current orders, directives, bulletins, etc., issued by Commanding Officer, Auxiliary Police Section.
14. Supervise auxiliary personnel in the field upon deployment, as per *P.G. 212-100, “Auxiliary Police Supervision and Deployment of Personnel.”*

COMMAND AUXILIARY POLICE COORDINATOR (continued)

15. Confer with the commanding officer and special operations lieutenant to develop plans for optimum use of auxiliary police members in the event of an emergency.
    a. Ensure that auxiliary police mobilization plans are developed and tested by the command and all auxiliary police personnel are instructed on the provisions of the plans.
16. Safeguard and maintain all equipment and supplies assigned for auxiliary police use.
17. Inspect all portable radios and the supply of bullet resistant vests assigned to command for auxiliary police use, when performing duty.
    a. Document inspection by listing serial numbers of portable radios and bullet resistant vests assigned to the command for auxiliary police use in the Auxiliary Police Unit Command Vest/Radio Log and indicate if all property is present and accounted for. (See *ADDITIONAL DATA* statement.)
    b. Ensure all bullet resistant vests are stored in a separate secure locker when not in use.
        (1) Ensure bullet resistant vest is not secured or stored by an individual auxiliary police officer when not in use.

NOTE

In the absence of the command auxiliary police coordinator or alternate, the special operations lieutenant/platoon commander will designate an appropriate uniformed member of the service to complete step "17."

18. Account for auxiliary police equipment (e.g., generators, computers, portable radios, bicycles, etc.) maintained at the command.
19. Rotate assignments of auxiliary personnel.
20. Develop innovative programs within Department guidelines to generate interest and enthusiasm in the program.
21. Create and maintain a "Command Auxiliary Reference Library" containing relevant materials to the Auxiliary Police Program (i.e., Patrol Guide, Auxiliary Police Guide, Training Manual, Department Bulletins, Directives, Personnel Orders, etc.).

ADDITIONAL DATA

Each command auxiliary police coordinator will maintain an Auxiliary Police Unit Command Vest/Radio Log to ensure the integrity and safekeeping of all portable radios and bullet resistant vests assigned to the command for auxiliary police use.

The Auxiliary Police Unit Command Vest/Radio Log will contain captions across the top of each page, as follows:

EVIDENCE/ PROPERTY CONTROL SPECIALIST

1. Receive, invoice, release, package, and label property and evidence, including, but not limited to, narcotics, U.S. and other currencies, securities, jewelry, etc.
2. Perform intake functions, check and examine property to ensure that it is in conformance with related documentation; search for possible contraband, unaccountable items, or VIN numbers and other proof of identification.
   a. Assign storage number location.
3. Prepare property and pertinent documents necessary for transport; operate Department vehicles to transport all invoiced property to various Department locations, District Attorneys' Offices, etc.
4. Move, load, unload all types of property from one location to another or to other building sites.
5. Transport, deliver, deposit money for safekeeping to the appropriate bank facility; return and log bank receipts and invoices at appropriate command location.
6. Receive, review and maintain invoices, records, logs and indexes pertaining to all property received.
7. Secure and maintain storage area.
   a. Notify the desk officer of the number of **PROPERTY CLERK INVOICES** stored within the command in excess of thirty days.
8. Process release of invoiced property.
   a. Determine identity of persons requesting release of property; verify identification and proof of ownership; may fingerprint claimant, if necessary.
9. Verify the identity and authorization of personnel entering or leaving Department premises where property is stored.
10. Cancel alarms; monitor alarm systems, security cameras and other security systems at assigned premises.
11. Make appropriate notifications, write and dispatch communications and transmittal forms; order necessary supplies.
12. Respond to inquiries from the Public Administrator's Office, District Attorneys' Offices and other jurisdictions pertaining to the disposition of property of deceased individuals, criminal evidence and related matters.
13. Perform all miscellaneous activities in connection with Rotation Tow operations in the absence of evidence and property related functions.
    a. Photocopy and forward **PROPERTY CLERK INVOICE** prepared for recovered stolen vehicles to Patrol Borough Pattern Identification Module by next business day.
14. Perform periodic inspection of, or schedules overall maintenance of vehicles assigned to property functions.

DRAFT

Section: Duties and Responsibilities		Procedure No: 202-14
TELEPHONE SWITCHBOARD OPERATOR		
DATE EFFECTIVE: 11/16/22	LAST REVISION: I.O. 112	PAGE: 1 of 1

TELEPHONE SWITCHBOARD OPERATOR

1. Answer telephone promptly, stating in courteous manner, command, rank or title, surname, and "May I help you?"
2. Process requests for service.
3. Bring to the attention of desk officer matters of importance or other conditions requiring attention.
4. Confer with desk officer to ascertain any changes in roll call assignments.
5. Maintain:
   a. Printout of Centralized Personnel Resource (CPR) System Roll Call,
   b. **TELEPHONE DISPATCH LOG (PD112-143),**
   c. **HIGHWAY CONDITION RECORD (PD311-151)** and make related notifications,
   d. **OUTGOING TOLL CALLS (PD112-142)**.
6. Notify desk officer when a member required to signal fails to comply within a reasonable time.
7. Maintain copy of "Frequent Telephone Inquiries."
8. Interview visitors entering command.

NOTE *A civilian member of the service will be assigned as the telephone switchboard operator, when feasible.*

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UNIFORMED/CIVILIAN POLICE ATTENDANT

UNIFORMED/ CIVILIAN POLICE ATTENDANT

1. Assume control of search, if applicable, and inspect prisoners.
   a. Ensure that property that is dangerous to life, may facilitate escape, damage or deface other property, could be used to attempt/commit suicide, or assault another is removed from prisoner (e.g., articles containing glass or having sharp edges, belts, neckties, shoelaces, drawstrings, etc.).
2. Examine doors of all occupied cells to ensure that they are locked.
3. Enter inspection of prisoners on **PRISONER ROSTER (PD244-145)**, and notify desk officer of inspection results immediately after reporting for duty, as applicable.
4. Remain inside cell block at all times while prisoners are confined therein, and be alert to conditions and needs of such prisoners.
   a. Relief personnel will remain within the cellblock during relief periods and ascertain that cell doors of all occupied cells are locked.
5. Enter results of inspection of prisoners on **PRISONER ROSTER** every thirty minutes, as applicable.
6. Report to desk officer any physical condition or unusual need of prisoner in custody or in the detention area.
7. Attend to personal needs of prisoner (e.g., meals, water, menstrual hygiene products, soap, other essentials, etc.).
   a. If menstrual hygiene product issued:
      (1) Make note on **PRISONER ROSTER** in "Remarks" section, and
      (2) Notify desk officer.

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

8. Keep detention cell area clean and supplied with paper cups, toilet paper and paper towels.
9. Visit female detention cell area, if uniformed/civilian police attendant is a male as follows:
   a. When accompanied by a female member of the service, and then, only with permission of supervisory officer in command; or
   b. For daily cleaning of unoccupied female cells; or
   c. In an emergency.

UNIFORMED/ CIVILIAN POLICE ATTENDANT (continued)

10. Report necessary command/detention area repairs to the desk officer/ appropriate supervisor.
11. Wash cells thoroughly, and test emergency alarms in the cellblock each day, immediately after prisoners have been taken to court.
12. Remove and safeguard firearms prior to entering detention cell area, or facilities established during emergency arrest situations (uniformed member of the service only).

NOTE *Supervisory officers are to ensure that weapons of uniformed members of the service assigned to temporary detention facilities are safeguarded.*

CIVILIAN POLICE ATTENDANT

13. Enter occupied cell only when accompanied by a uniformed member of the service, absent extraordinary or life threatening emergencies.
14. Escort prisoners, as directed by competent authority.
15. Immediately request assistance (e.g., use panic alarm, contact desk officer, etc.) for a medical emergency occurring in a cell, and enter cell only when accompanied by a uniformed member of the service, absent extraordinary or life threatening emergencies.

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FIELD INTELLIGENCE OFFICER

1. Perform only intelligence related duties as a field intelligence officer in assigned command.
   a. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
   b. Notify field intelligence sergeant, if present, at beginning and end of tour.
   c. Perform tour of duty, as directed by field intelligence sergeant.
2. Perform duty in civilian clothes.
   a. Be equipped with Oleoresin Capsicum pepper spray, and other equipment, as required, while on duty.
3. Advise and make recommendations to command field intelligence sergeant on intelligence matters.
4. Respond to incidents in the field to provide assistance and gather information in the absence of the command field intelligence sergeant.
   a. Identify self to ranking patrol commander and investigator at scene.
   b. Confer, regularly, with command field intelligence sergeant, and provide updates on all information/intelligence received.
   c. Document information in Enterprise Case Management System (ECMS).
5. Enter intelligence from any source into ECMS, as appropriate.
6. Act as a key component of the Intelligence Division by gathering and sharing intelligence information with all Department units (e.g., Detective Bureau, Patrol Services Bureau, etc.).
7. Develop information in support of borough level intelligence strategy.
8. Exchange information with other field intelligence sergeants and officers, Intelligence Division units, Detective Bureau commands, and other specialized units, as appropriate, regarding parolees, parole absconders, subjects of **INVESTIGATION CARDS (PD373-163)**, wanted persons and other matters germane to each command.
   a. Provide data, updates and pictures on these individuals, when obtained.
9. Use secure e-mail system, when practical, for making notifications and inquiries to other field intelligence officers, and Intelligence Division.
10. Assist with preparation of weekly Intelligence Division Activity Report.
11. Attend community meetings to obtain information of intelligence value.
12. Participate in detective and patrol training sessions, as directed by command field intelligence sergeant.
13. Confer, regularly, with patrol officers, detectives, supervisors and unit specialty officers to obtain intelligence (i.e., School Safety, Community Affairs, Domestic Violence, Quality of Life team, etc.).
14. Confer, regularly, with youth coordination officers regarding youth related crime.

FIELD INTELLIGENCE OFFICER (continued)

15. Review documents, reports, and statistics for intelligence content, including but not limited to:
    a. **COMPLAINT REPORTS (PD313-152)**, including those recorded by Detective Bureau,
    b. **JUVENILE REPORT SYSTEM WORKSHEETS(PD377-159A)**,
    c. **ON-LINE BOOKING SYSTEM ARREST WORKSHEETS (PD244-159)**,
    d. **UNUSUAL OCCURRENCE REPORTS (PD370-152)**,
    e. **DETECTIVE BUREAU UNUSUAL OCCURRENCE REPORTS (PD370-151)**,
    f. **STOP REPORTS (PD383-151)**,
    g. **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS (PD313-147)**,
    h. **New York State Domestic Incident Reports (DCJS-3221**),
    i. Arrests and complaint statistics, patterns and trends, and
    j. Intelligence Division Reports and worksheets.
16. Document intelligence forwarded to investigative and enforcement units in ECMS, and report forwarded information to command field intelligence sergeant.
17. Follow up on all actionable intelligence gathered under the supervision of command field intelligence sergeant.
    a. Record follow-up action (i.e., investigation initiated, arrest effected, search warrant requested/executed, etc.) in ECMS, after conferral with field intelligence sergeant.
18. Notify Intelligence Division, and desk officer, to arrange supervision for any urgent field operations, if command field intelligence sergeant is not present.
19. Assist command field intelligence sergeant with **SEARCH WARRANT REQUEST (PD374-162)** form, when necessary, as outlined in *P.G. 212-75, "Search Warrant Applications."*
    a. Comply with *P.G. 221-17, "Search Warrant Execution,"* as appropriate.
20. Develop confidential informants who offer, or propose to offer, information, and who are approved by the Department.
    a. Act as point of contact, when applicable, and be guided by *P.G. 212-68, "Confidential Informants."*
    b. Maintain files for informants.
    c. Ensure security of all folders.
21. Confer with commanding officer, command of assignment, at the direction of command field intelligence sergeant.
22. Conduct debriefings of prisoners when circumstances indicate intelligence may be gained.
23. Coordinate debriefings with command field intelligence sergeant and Detective Bureau, as necessary.

FIELD INTELLIGENCE OFFICER (continued)

24. Assist command field intelligence sergeant in developing specific debriefing questions regarding crimes, crime patterns, or trends occurring within assigned command.
    a. Provide command specific questions to other Intelligence Division units, as appropriate, for their debriefings at the direction of command field intelligence sergeant.
25. Maintain a record of debriefings conducted, including details on positive or negative results, as necessary.
    a. Record results of prisoner debriefings in ECMS and electronically route accordingly.
26. Be present during debriefings of all arrests, when possible, to assist in development of intelligence information.
27. Notify command field intelligence sergeant and Intelligence Division, Criminal Intelligence Section regarding all unusual incidents, and significant occurrences.
28. Track and review all ECMS "Positive Debriefing" entries related to active criminal investigations.
29. Forward copies of "Positive Debriefing" entries in ECMS electronically, to the appropriate investigative units after review.

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Section: Duties and Responsibilities		Procedure No: 202-17
PATROLWAGON OPERATOR		
DATE EFFECTIVE: 11/16/22	LAST REVISION: I.O. 112	PAGE: 1 of 1

PATROLWAGON OPERATOR

1. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
   a. Obtain assignment and meal period from supervisor concerned at beginning of tour.
2. Keep the patrolwagon and equipment in clean, serviceable condition.
3. Maintain a record of all activities performed.
4. Make entry of time leaving command on assignment, all stops made and time of return.
5. Notify supervisor concerned when leaving and returning from calls and meals.
6. Report necessary repairs to the commanding officer.
7. Check rear and compartment doors for serviceability and security before and after loading prisoners.
8. Remain available for service and in location known to supervisor concerned when not on assignment and render police assistance as required.
9. Call the borough court section concerned from all stops on the way to court or other destination, upon arrival at and prior to departure from court or other destination.
   a. Notify borough court section concerned if prisoners are not ready to be transported within twenty minutes after arrival at location where prisoners are to be picked up.
10. Search interior of patrolwagon for weapons or other contraband after delivering prisoners to court or other destination, and immediately notify ranking officer at the facility if contraband is discovered.
11. Return transport chains used for restraining prisoners to location from where obtained.
12. Perform duty in proper uniform.
13. Pick up Department supplies and equipment after receiving clearance from borough court section concerned.

REVISED

SCOPE Desk officers must be a uniformed member of the service in rank of sergeant or above.

DESK OFFICER

1. Perform duty in uniform.
2. Be responsible for all police operations within command during tour.
3. Inspect all arrest processing areas and prisoner detention areas within command prior to assuming desk officer duties.
4. Maintain Command Log.
   a. Sign name and time in Command Log when assuming desk officer duties.
   b. Sign out in Command Log when leaving desk area for any reason.
5. Operate and monitor base radio.
6. Inspect the property locker and all areas within command where invoiced property is being held at the commencement of each tour.
   a. Designate a member of the service to conduct 'Physical Inventory' of property using Finest Online Records Management System (FORMS) Property.
   b. Enter results of inspection of invoiced property and Property Clerk Division seals in Command Log by documenting the "Physical Inventory" number ascertained from FORMS Property.
   c. Make a separate entry listing any **PROPERTY CLERK INVOICES (PD521-141)** stored within the command in excess of thirty days.
   d. Notify the operations coordinator of the number of **PROPERTY CLERK INVOICES** stored within the command in excess of thirty days and expedite delivery of the invoiced property to its final storage location.
7. Query Medical Division Sick Reporting System at start of tour to determine which members assigned to command are on sick report, and/or not on full duty status.
8. Query CPR System "Court Appearances" to ensure members of the service that are required to appear in court have been properly notified and are attending.
9. Upon completion of roll call, provide communications dispatcher with a complete "Rundown" of the command's resources as listed in the Centralized Personnel Resource (CPR) System Roll Call.
   a. Notify communications dispatcher throughout tour with changes as they occur (e.g., resources have been reassigned, additional resources have been added, etc.).
10. Conduct immediate investigation when member of the service is unaccounted for at start of their tour.
    a. Comply with *A.G. 324-17, "Absent Without Leave"* if member of the service is still unaccounted for after two hours.

DESK OFFICER (continued)

11. Log into Domain Awareness System (DAS) and enter the resource's tax number(s), tour assignment and their assigned vehicle information, if applicable.
12. Review ICAD history, frequently, throughout the tour, of dispatched jobs and ensure that a New York State Domestic Incident Report has been prepared for all assignments in which a 10-90F1, 10-90F2, 10-90J1, 10-90J2, 10-92F, 10-92J, 10-93F, or 10-93J radio code disposition has been given.
13. DO NOT permit unauthorized person behind desk except the following persons when performing their official duties:
    a. Members of the service
    b. Judicial officers
    c. M.E. or assistant
    d. Corporation Counsel or assistant
    e. Comptroller or assistant
    f. District Attorney or assistant
    g. Non-local law enforcement agency personnel.

NOTE

Members of the service are informed as per Local Laws 228 and 246, non-local law enforcement agency personnel are not permitted in any non-public areas of any city property (any real property leased or owned by the city that serves a city governmental purpose over which the city has operational control) absent a judicial warrant.

This prohibition, however, does not apply where non-local law enforcement agency personnel seek access to non-public areas of city property in the following circumstances: where such personnel are authorized pursuant to a cooperative agreement, such as a task force; where the access is required by law; where the access furthers the purpose or mission of the Department, such as public safety; or exigent circumstances exist.

14. Directly supervise:
    a. Telephone switchboard operator,
        (1) Ensure civilian member of the service is assigned as the telephone switchboard operator, when feasible
            (a) A uniformed member of the service on restricted duty or limited duty may be assigned as the telephone switchboard operator, if necessary
    b. Police attendant,
        (1) Ensure police attendant is not assigned any duties that would require them to leave the cell block while prisoners are lodged therein
    c. Command clerk,
    d. Patrolwagon operator,
    e. Arrest processing officer, in conjunction with operations coordinator, and monitor arrest processing,
        (1) Periodically inspect the arrest processing area and ascertain number of prisoners on hand, and length of time in command
    f. Community Guide,

DESK OFFICER (continued)

(1) Issue Department tablet at commencement of tour and ensure return upon completion of tour

(a) Record members name and assigned tablet serial number in Command Log.

g. Entries made on **PRISONER ROSTER (PD244-145)**,

h. Issuance of summons books,

i. Distribution of paychecks, and

j. Platoon sign-out at end of tour.

15. Prepare **DAILY VEHICLE ASSIGNMENT SHEET (PD120-141)** on each tour. Maintain **SHEETS** for the current month on a clipboard behind the desk.

a. Verify **DAILY VEHICLE ASSIGNMENT SHEET** when performing duty with the first platoon.

b. Have completed **SHEETS** filed after each month.

16. Visit all areas of the command facility at least once each tour.

a. Personally check all restrooms and locker rooms for any structural defects that would permit visual access by persons located outside these private areas, and take immediate corrective action to rectify any such condition, when circumstances dictate.

b. Inspect command for display of any offensive material.

c. Ensure that all areas containing Department computer systems are being used within Department guidelines and are not damaged in any way.

17. Inspect all parking facilities and streets/sidewalks around command to ensure there are no Department vehicles or vehicles displaying Restricted Parking Permits parked illegally (e.g., obstructing bicycle lanes/sidewalks /pedestrian ramps, in front of fire hydrants, bus stops, etc.), or with equipment violations (e.g., obstructed license plates, etc.).

a. Ensure all entrances, visitor waiting areas, Americans with Disabilities Act (ADA) accessible ramps, internal paths of travel to areas accessible to the public, any area accessible to public, etc., are clean, neat and free from unnecessary clutter and obstacles.

b. Document inspection and any corrective action taken, if necessary, in Command Log.

18. Record adjustments/post changes to CPR System Roll Call and in the Command Log, as they occur.

a. Notify telephone switchboard operator of all post changes.

b. Notify patrol supervisor of reassignment of members returning from court or other details.

19. Check Department computer systems, frequently, throughout the tour.

a. Checks of command email account are required immediately upon start of tour, and again during the fourth hour of tour.

(1) Record checks in Command Log.

b. Monitor FINEST messages affecting command and/or members of command.

c. Monitor Department directives and disseminate information affecting command, as appropriate.

DESK OFFICER (continued)

d. Ensure important or actionable information is relayed to outgoing platoon or appropriate command personnel, as required.

20. Notify commanding officer of important matters, i.e., unusual arrest or occurrences and important messages or conditions requiring personal attention.
21. Notify Information Technology Bureau (ITB) Service Desk for any non-functioning Automatic Vehicle Location (AVL) device and be guided by their instructions.
    a. Make entry in Telephone Record regarding notification and inform patrol supervisor.
22. Notify the Intelligence Division's Criminal Intelligence Section of major incidents and/or special circumstances deemed appropriate by the Commanding Officer, Intelligence Division and/or precinct/PSA/transit district commanding officer.
23. Certify to accuracy and completeness of entries in Command Log concerning vouchered property.
24. Enter in Interrupted Patrol Log identity of all members of platoon entering command for any reason.
25. Certify entries in **TELEPHONE DISPATCH LOG (PD112-143)** by signing the **LOG** after 4th hour and at end of tour.
26. Maintain Telephone Record.
27. Arrange meals and reliefs for personnel assigned to duty in command facility.
28. Confer with commanding officer, executive officer, and operations coordinator concerning any trends observed or other matters of importance.
29. Check on the repair, availability and distribution of field and emergency equipment and make entries in pertinent records.
30. Examine, sign and forward forms and reports as required.
31. Ensure that the United States flag is displayed properly between sunrise and sunset on each day.
32. Accept service of civil process for member of command and notify member concerned, when principal administrative associate not performing duty.
33. Make required notifications to members of the service assigned to or residing within command.
34. Assign qualified member to operate patrolwagon when civilian operator is not available. If neither is available in command, request patrol borough command to assign operator.
    a. DO NOT assign patrolwagon operator any duty outside stationhouse without prior approval of borough court section concerned. (Assignments from borough court section concerned have priority over precinct assignments).
35. Verify arrival and departure of command receptionist by signing Personnel Schedule and Time Sheet.
36. Forward command receptionist program reports as required.
37. DO NOT deploy specialized units personnel unless a specialized unit supervisor is assigned directly and totally to their supervision.
38. Ensure that meals assigned to supervising officers performing duty are scheduled so that a supervisor is on patrol at all times.

DESK OFFICER (continued)

39. Report defective gas pumping equipment to Fleet Services Division, Fuel Control.
40. Make required entries and corresponding changes on CPR System Roll Call prior to start of incoming platoon.
41. Examine and process, when performing duty with first platoon:
    a. Forms and reports prepared during previous twenty-four hours,
    b. Summonses issued during previous twenty-four hours.
42. Make Command Log entry prior to being relieved at end of tour. Entry must include:
    a. Identity, condition and location of any member of the service injured during the tour,
    b. Location and time of any confirmed shots fired jobs,
    c. Location and time of any 10-13 or 10-85 radio runs called during the tour,
    d. Open missing persons cases requiring follow up and include identity, age and residence,
    e. Hospitalized prisoners and their locations,
    f. Any fixed posts that require relief,
    g. Number of **COMPLAINT REPORTS**, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** and **Police Accident Reports (MV104AN)** pending sign-off,
    h. Other pertinent information, as required.

ADDITIONAL DATA

The final entry serves as a written resource for the relieving desk officer for information about notable incidents and postings that affect personnel deployment.

Sample final entry: "Sgt. Smith off desk. No MOS injured during tour. No shots fired/10-13's/10-85's to report. One missing person: Jones, Sally, F/16, 1808 3rd Ave, #16H. One hospitalized prisoner at Lincoln Hospital E.R. – needs relief. DOA at 123 Main St. #12B – needs relief. Two complaint reports pending sign-off. RMP #1234 placed out of service (mechanical) at 1300 hours."

When there is more than one patrol supervisor working on patrol, one will relieve the desk officer for meal. Meal relief is not considered an emergency.

SCOPE

Patrol Supervisors must be a uniformed member of the service in the rank of sergeant or above.

PATROL SUPERVISOR

1. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
2. Supervise all police field operations within command during tour of duty.
3. Conduct roll call, five minutes after start of tour, as detailed in *P.G. 212-01, "Roll Call."*
4. Patrol command in uniform, as directed.
   a. Ensure that radio messages directed to member assigned to sector/post are acknowledged.
5. Immediately respond to and direct activities at radio runs involving any weapons (firearms, knives, etc.), serious crimes, burglaries and emergencies.
   a. Make appropriate digital **Activity Log** entries.
   b. Communications Section will immediately dispatch a patrol supervisor from an adjoining command if patrol supervisor, command of occurrence, is not available.
6. Be cognizant of crimes and other conditions within command and instruct police officers concerning activities that affect their sector/posts.
7. Direct RMP units to resume patrol when services are no longer required.
8. Keep lieutenant platoon commander or desk officer notified of current matters of importance.
9. Confer with commanding officer, executive officer, operations coordinator, lieutenant platoon commander, desk officer and quality of life sergeants concerning trends observed or other matters of mutual interest and importance.
10. Use Salesforce Application to assist in supervising and conducting quality of life operations.
11. Use Automatic Vehicle Location (AVL) feature in Domain Awareness System (DAS) to monitor location of RMP units during tour to enhance safety of members of the service, and to ensure proper delivery of police services.
    a. Notify desk officer, if AVL is not functioning.
    b. Do not remove Department vehicle from service for inoperable AVL, unless directed to do so by Internal Affairs Bureau or Fleet Services Division.
12. Visit uniformed members of the service assigned to:
    a. Foot and radio motor patrol frequently and at irregular intervals.
       (1) Ensure members of the service do not congregate, or engage in unnecessary conversation, with other members of the service while on post, absent police necessity.
    b. Hospital and special posts at least once each tour.

PATROL SUPERVISOR (continued)

(1) Record all visits by entering time, name, and assignment in digital **Activity Log** and signing the uniformed member of the services digital **Activity Log**.

13. Supervise inspection of Department vehicles assigned to members of platoon.
    a. Report serious deficiencies in RMP seatbelts to lieutenant platoon commander or in their absence, direct to commanding officer.

NOTE *Take appropriate action if defects in seatbelts are deemed to be of a nature not consistent with normal usage. In addition, be vigilant for indications that members are disabling or improperly using seatbelts (e.g. buckling seatbelt behind occupant's body or behind seat).*

    b. Report all vandalism of RMP seatbelts to the Internal Affairs Bureau.
14. Conduct investigations and submit reports as required, including, but not limited to, injuries to members of the service (uniformed and civilian) or damage to Department property.
15. Report derelictions of duty to commanding officer.
16. Notify switchboard operator of location where meal will be taken and relieve lieutenant platoon commander or desk officer for meal, when designated.
17. Direct uniformed members assigned to scooter duty to report to lieutenant platoon commander or desk officer for reassignment when weather/road conditions make scooter operation dangerous.
18. Supervise member's performance of duty, test knowledge of command conditions and closely evaluate member's activity.
19. Evaluate driving habits and abilities of members of the platoon and take corrective action as necessary.
20. Submit to commanding officer, in writing, recommendations for special assignment, detective designation, or change in assignment for members under supervision.
21. Visit various locations within command at different times during the first platoon to ascertain that uniformed members of the service are performing duty at all times.
22. Review and sign **OFFICER PROFILE REPORTS** of police officers/detectives specialists, monthly.
    a. Make required entries and deliver completed **REPORTS** to platoon commander for review by the fifth day for the previous month.

DRAFT

SCOPE

Neighborhood Safety Teams are only authorized for the following commands: 23rd Precinct, 25th Precinct, 28th Precinct, 32nd Precinct, 34th Precinct, 40th Precinct, 41st Precinct, 42nd Precinct, 43rd Precinct, 44th Precinct, 46th Precinct, 47th Precinct, 48th Precinct, 49th Precinct, 52nd Precinct, 67th Precinct, 69th Precinct, 71st Precinct, 73rd Precinct, 75th Precinct, 77th Precinct, 79th Precinct, 81st Precinct, 83rd Precinct, 101st Precinct, 103rd Precinct, 105th Precinct, 113th Precinct, 114th Precinct, 116th Precinct, 120th Precinct, Police Service Area 2, Police Service Area 3, Police Service Area 5, and Police Service Area 7.

SUPERVISOR

1. Comply with all of the provisions of *P.G. 202-05, "Neighborhood Safety Team Officer."*
2. Perform no duties other than neighborhood safety patrol, when assigned as Neighborhood Safety Team Supervisor.
   a. Neighborhood safety teams may not be deployed if a supervisor in the rank of sergeant or above is not assigned solely to their supervision.
3. Supervise all police operations of neighborhood safety teams.
   a. Be cognizant of location of neighborhood safety team members, and be able to contact personnel at all times.
   b. Supervise no more than five neighborhood safety team members per tour.
4. Confer with special operations lieutenant, field intelligence officer, quality of life sergeant, precinct detective squad supervisor, crime analysis sergeant, and commanding officer to identify times and locations where violent street crimes (e.g., robberies, felonious assaults, shootings, firearms/weapons-related offenses, etc.) are likely to occur.
5. Inform Desk Officer of Neighborhood Safety Team locations in order to provide information to uniformed members of the service on patrol.
6. Notify Commanding Officer of all incidents of importance that occur during tour within the confines of their command.
7. Inspect members daily for proper uniforms and equipment as detailed in *A.G. 305-08, "Required Equipment."*
8. Ensure uniformed members of the service assigned to Neighborhood Safety Teams are properly trained regarding their duties as described in Department directives.
9. Ensure uniformed members of the service assigned to Neighborhood Safety Teams have attended the Department's Neighborhood Safety Team training prior to being assigned to a Neighborhood Safety Team.
10. Monitor and regularly evaluate uniformed members of the service assigned to Neighborhood Safety Team for effectiveness by determining success of crime reduction, problem solving strategies, case preparation, and engagement with other Department units and community residents.

SUPERVISOR (continued)

11. Inspect and sign digital **Activity Logs** of neighborhood safety team members daily.
12. Systematically review Body Worn Camera video, including all videos regarding arrests and use of force, to provide positive feedback and address any performance or tactical deficiencies observed.
13. Use **SUPERVISOR FEEDBACK FORM** on the CRAFT application to highlight commendable actions by Neighborhood Safety Team members (e.g., an arrest that closes a precinct pattern, arrests involving a firearm, an exceptional community interaction, etc.), when warranted.

NYPD

TRAINING SERGEANT

1. If assigned to a Patrol Precinct, Transit District, or Police Service Area, perform only training related duties, as directed by the Commanding Officer, Command Level Training Section.
   a. All other commands will perform duties as directed by the commanding officer.
2. Perform duty in uniform, as the primary training instructor and coordinator for all uniformed and civilian members of the command of assignment.
   a. Unless otherwise authorized by the Commanding Officer, Command Level Training Section.
3. Develop, implement and maintain a comprehensive command-level training program that is suitable and responsive to the needs of the assigned members of the service, and addresses local command conditions.
4. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
   a. Training sergeants reporting to the Police Academy or other external training sites will report for duty in uniform, business attire, or civilian clothes, as directed by the Training Bureau.
5. If assigned to a Patrol Precinct, Transit District or Police Service Area, perform tours of duty at the direction of the Commanding Officer, Command Level Training Section. All other commands will perform tours of duty at the direction of their commanding officer.
   a. Tours should maximize exposure to all members of the command.
   b. Tours should be adjusted, when necessary, to train members outside normal working tour.
   c. Tours may be adjusted when performing training outside of the command for the Training Bureau.
6. Conduct roll call training regularly, not to exceed 25 minutes, for all three platoons.
   a. Ensure that members not assigned to the three platoons receive similar training.
   b. Prepare roll call messages daily, to ensure steady flow of information.
   c. Training sergeants assigned to commands that do not conduct roll call, should schedule regular training sessions at the direction of the commanding officer.
7. Attend training seminars and conferences to receive instruction on how to best conduct training on topics selected by the Training Committee.
   a. If the training sergeant is unable to attend, commanding officers will assign an appropriate alternate trainer.

TRAINING SERGEANT (continued)

8. Confer frequently with the commanding officer and executive officer, members of the community, command uniformed and civilian supervisors, and Training Bureau to identify training needs.
   a. Attend community meetings at the request of the commanding officer.
9. Keep abreast of occurrences and current events within the command, as well as borough and Citywide, to aid the commanding officer in identifying issues that may be resolved through training.
10. Periodically review reports and forms completed by members of the command and note any individual, or patterns of deficiencies, which may be rectified through training.
11. Frequently survey members of the command for training topics and request feedback from members regarding training.
12. Frequently check the Department intranet/internet/FINEST for current Orders (i.e., Interim/Operations Orders), memos, messages, etc., and relay relevant messages through training, announcements and roll call instruction.
    a. Direct members to appropriate websites to view recent Orders/directives and pertinent videos, messages, etc.
13. Confer with the Training Bureau, and/or check the Training Bureau intranet page, to identify current training topics and generic lesson plans that may assist in satisfying identified training needs of the command.
14. Utilize the online Training Attendance Certification Transcript Integrated Collection System (TACTICS) application to electronically record all training conducted.
    a. Ensure members scan identification cards to receive credit for training.
    b. When conducting command specific training, identify the general course in the TACTICS application that coincides with the training topic and record attendance under that course.

NOTE *The Training Bureau has populated the TACTICS application with generic courses that can be used during unit training and when training deficiencies in the command are identified. If a generic course coinciding with the identified training needs cannot be located, confer with the Training Bureau for guidance.*

15. Utilize TACTICS to schedule, coordinate, and monitor training for the command.
    a. Ensure all members are attending training within the training cycle.
    b. Monitor attendance at external training and recommend discipline for members who fail to appear, as appropriate.

NOTE *The Borough/Bureau Training Coordinators will inspect TACTICS to ensure members are receiving required command level training.*

TRAINING SERGEANT (continued)

16. Make Training Bureau lesson plans available and accessible to supervisors in the command for training when unavailable due to vacation, sick, etc.
17. Utilize the command's digital media displays to post relevant training information and general messages.
    a. Utilize displays to give advanced notice of training topics to increase interest.
    b. Prepare and maintain training bulletin boards, if no digital media displays are available in the command.
    c. Supervise the maintenance of all command bulletin boards/pin maps.
18. Measure effectiveness of training by regularly:
    a. Questioning members on recent training topics and current Orders and directives
    b. Observing uniformed members in the field, during arrest processing, and while conducting administrative tasks
    c. Observing member's interactions with the general public, as well as prisoners, suspects, witnesses, victims, and other Department members
    d. Reviewing forms and reports prepared by members of the command.
19. Maintain command library.
20. Periodically review Body-Worn Camera (BWC) video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

NOTE

Members assigned as training sergeants in patrol, transit and housing commands are assigned to the Training Bureau and cannot be utilized to fill any other administrative position. Commanding officers should consider the importance of command level training and the fact that these members must act as instructors in the Police Academy and the Joint Tactical Training Centers, when making recommendations for assignment to the position.

21. Assess compliance with *P.G. 212-123, "Use of Body-Worn Cameras"* and take necessary remedial action to correct deficiencies.
22. Prepare and submit monthly BWC inspection report to the Compliance Division's Body-Worn Camera Unit by the 20th of each month for videos reviewed during the previous month.

ADDITIONAL DATA

Borough/bureau training coordinators will ensure that Body-Worn Camera (BWC) videos are reviewed, as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

FIELD INTELLIGENCE SERGEANT

1. Perform only intelligence related duties, as directed by Commanding Officer, Criminal Intelligence Section, and confer with commanding officer, assigned command.
2. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
3. Perform duty in civilian clothes.
   a. Be equipped with Oleoresin Capsicum pepper spray, and other equipment, as required, while on duty.
4. Ensure field intelligence officer is equipped, as appropriate, while on duty.
5. Respond to incidents in the field to provide assistance and gather information.
6. Supervise and evaluate the performance of field intelligence officers within assigned command.
7. Schedule tours of duty for field intelligence officers, as appropriate.
8. Ensure field intelligence officers appropriately follow-up on any actionable intelligence gathered.
9. Coordinate debriefings with command field intelligence officer and Detective Bureau, as necessary.
10. Conduct debriefings of prisoners when circumstances indicate intelligence may be gained.
11. Ensure field intelligence officers enter information into Enterprise Case Management System (ECMS) and other Department databases, as appropriate.
12. Track and review all ECMS "Positive Debriefing" entries related to active criminal investigations.
13. Ensure copies of "Positive Debriefing" entries in ECMS have been electronically forwarded to the appropriate investigative units after review.
14. Maintain Command Recidivist List and update quarterly via the Precision Alerting System (PAS).
15. Access information from computer databases that are not available at command level, via Commanding Officer, Criminal Intelligence Section.
16. Perform duties of supervisor as outlined in *P.G. 212-68, "Confidential Informants,"* when necessary.
17. Liaise with Borough Field Intelligence Coordinator, Criminal Intelligence Section, as necessary
18. Review and sign **SEARCH WARRANT REQUEST (PD374-162)** and comply with *P.G. 212-75, "Search Warrant Applications,"* when applicable.
    a. Notify Commanding Officer, Criminal Intelligence Section prior to execution of search warrant, if possible.
       (1) Confidentiality will be maintained in order to ensure the safety of all members involved and the integrity of the investigation.

FIELD INTELLIGENCE SERGEANT (continued)

19. Supervise field intelligence officers and represent Intelligence Division at the scene of search warrant execution.
    a. Comply with *P.G. 221-17, "Search Warrant Execution."*
20. Confer regularly, with Commanding Officer, Intelligence Division, special operations lieutenant, platoon commander, precinct detective squad commander, and quality of life sergeants in command of assignment to identify crime and quality of life conditions.
    a. Develop command specific debriefing questions in regard to specific crimes, patterns, or trends.
21. Participate, regularly, in command supervisor and crime strategy meetings.
22. Promote intelligence gathering by addressing roll calls and participating in detective, and patrol, training sessions.
23. Prepare weekly Intelligence Division Activity Report.
    a. Forward copy to Commanding Officer, Criminal Intelligence Section.
    b. Submit copy to commanding officer, command of assignment.
24. Ensure all intelligence is disseminated to the proper command field intelligence sergeant, appropriate investigative unit, and precinct concerned.
25. Use Intelligence Division, Field Intelligence Support Team (FIST) to assist with follow up on intelligence gathered (i.e., surveillance, fencing operations, controlled buys, reverse sting operations, reconnaissance, etc.), when appropriate.

LIEUTENANT PLATOON COMMANDER

1. Be responsible for all command operations during the tour performed.
2. Make entry in Command Log when reporting on or off-duty.
   a. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
3. Perform duty in uniform.
4. Cause necessary changes or adjustments in roll call at beginning of tour.
   a. Schedule meals for supervisors assigned to platoon so that a supervisor is on duty at all times.
   b. Grant tour changes and excusals for members of platoon when appropriate.
5. Supervise roll call as described in *P.G. 212-01, "Roll Call."*
6. Assume responsibilities of desk officer or patrol supervisor, based on needs of command.
   a. Respond to and direct police activities at serious crimes and emergencies when acting as desk officer, while ensuring the duties of a desk officer are assumed by another supervisor.
7. Identify conditions to be addressed by members working the platoon on a continuing basis.
8. Allocate all resources available for the platoon after conferral with the special operations lieutenant.
9. Query NYPD 360 Civilian Complaint Review Board (CCRB) Dashboard regularly to identify and review complaints pertaining to members assigned to platoon.
   a. Confer with commanding officer and integrity control officer, as appropriate
10. Advise and confer with commanding/executive officers, operations coordinator, special operations lieutenant, integrity control officer, squad commander, if appropriate, on matters of importance, unusual arrests or occurrences, personnel and integrity concerns, and other conditions requiring their attention.
11. Confer with integrity control officer regarding personnel, civilian complaints, sick records, overtime concerns and integrity issues.
12. Confer frequently with the special operations lieutenant regarding command crimes and conditions.
13. Confer with lieutenant platoon commander or patrol supervisor from previous tour, at start of tour.
14. Use Salesforce Application to assist in supervising and conducting quality of life operations.
15. Access the Department's intranet webpage to ascertain active Paid Detail locations and times of assignment within the precinct, at start of tour.
    a. Make a Command Log entry indicating results of inquiry into active Paid Detail locations, including times of assignments.

LIEUTENANT PLATOON COMMANDER (continued)

b. Print reference copy of Paid Detail assignments scheduled during tour and attach to roll call.

NOTE *If the lieutenant platoon commander is unavailable, any other lieutenant or above performing duty within the command will perform the above step.*

16. Confer with lieutenant platoon commanders of adjacent precincts, police service areas and transit districts to coordinate crime strategies.
17. Ensure radio transmissions affecting the command are monitored at all times.
18. Ensure all personnel of the platoon are properly supervised and performing duty in a satisfactory manner.
19. Prepare annual evaluations of subordinate platoon supervisors.
20. Inspect the command facility each tour and record results in the Command Log.
21. Be responsible for proper entries of complaint information in the OMNIFORM System for tour.
22. Evaluate training needs and confer with training sergeant as required.
    a. Recommend members of the platoon receive specific training required for complete tour operations, i.e., fingerprint training, scooter qualification, etc.
23. Investigate communications and perform assigned self-inspections, as directed by commanding officer.
    a. Ensure sergeants properly and accurately complete self-inspections, communications, and reports.
24. Inspect and sign digital **Activity Log** of patrol supervisors daily.
25. Maintain digital **Activity Log** and make entries listing times, names, locations and assignments of members visited.
26. FIRST PLATOON - Review reports and forms prepared for the previous twenty-four hours.
27. SECOND PLATOON - Be responsible for maintenance and weekly inspection of Department vehicles.
28. Perform duty in civilian clothes when directing plainclothes units or making discreet observations with the integrity control officer, when directed by commanding officer or other competent authority.
29. Respond to radio runs unannounced to observe performance of sergeants and police officers.

SPECIAL OPERATIONS LIEUTENANT

1. Perform duty in uniform whenever practical.
2. Make entry in Command Log when reporting on or off-duty.
   a. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
3. Perform tours as approved by the commanding officer, choosing tours that will maximize supervision of subordinate personnel.
4. Enter in Command Log whenever leaving or returning to command during tour, and reason.
5. Monitor field performance of subordinate personnel and personally observe command conditions.
6. Coordinate the crime prevention program of command.
7. Supervise and coordinate command's specialized personnel, including:
   a. Quality of Life team sergeant,
   b. Domestic violence sergeant,
   c. Crime prevention officer,
   d. Auxiliary police coordinator.
8. Inspect records and logs of subordinate units and personnel.
9. Inspect and sign digital **Activity Log** of quality of life team sergeants each week.
10. Review and sign the **OFFICER PROFILE REPORT** for subordinates and confer with detail sergeants as necessary.
    a. Deliver **REPORTS** to operations coordinator within seven days following month for which submitted.
11. Review and approve schedules for subordinate personnel on a weekly basis.
12. Query NYPD 360 Civilian Complaint Review Board (CCRB) Dashboard regularly to identify and review complaints pertaining to command's specialized personnel.
    a. Confer with commanding officer and integrity control officer, as appropriate.
13. Act as the problem solving coordinator for the command, in conjunction with, and at the direction of the commanding officer.
    a. Be responsible for assisting the commanding officer to:
       (1) Identify major crime and quality of life problems affecting the command.
       (2) Perform an analysis of the identified crime and quality of life problems in order to separate them into their essential components.
       (3) Design a response utilizing command, Department and community resources, and where possible the resources of other agencies.
       (4) Implement the designed response.

SPECIAL OPERATIONS LIEUTENANT (continued)

(5) Evaluate the effectiveness of the response and modify it, if necessary.

14. Use Salesforce application to assist in supervising and conducting Quality of Life operations, as applicable.
15. Attend Community Council, Community Board, and similar meetings, at the direction of the commanding officer.
    a. Be cognizant of community crime trends and quality of life conditions, allocating resources to address these concerns.
16. Maintain contact with community associations and civic groups to foster positive community relations and mutual involvement in addressing crime and quality of life conditions.
17. Attend public meetings where subordinate members are addressing groups to observe and supervise performance.
18. Prepare annual evaluations for subordinate supervisors under direct control.
19. Maintain contact with principals of local schools.
    a. Ensure youth coordination officer is maintaining contact with these institutions.
20. Be knowledgeable in current orders and procedures.
    a. Instruct and test subordinate personnel in these matters.
21. Confer regularly with platoon commanders regarding conditions within command.
    a. Encourage exchange of information between specialized units and platoons.
22. Confer regularly with the command's detective squad commander to share information.
    a. Encourage exchange of information between the detective squad and specialized units.
23. Supervise and coordinate the activities of the command's Auxiliary Police Program through the auxiliary police coordinator.
    a. Ensure that the auxiliary police coordinator actively recruits new members, conducts required training courses, and properly equips auxiliary police personnel.
    b. Integrate the auxiliary police functions into the command's problem solving objectives, e.g., crime prevention, community affairs, youth planning, etc.
    c. Keep commanding officer apprised of all auxiliary police activities.
24. Act as the command liaison officer to the New York State Office of Victim Services (OVS) and external State and City victim advocacy agencies.
25. Review and sign-off pending **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)** utilizing the On-Line Juvenile Report System on a daily basis.
    a. Audit and review **JUVENILE REPORT SYSTEM WORKSHEETS (PD313-152A)** weekly to ensure accuracy.

SPECIAL OPERATIONS LIEUTENANT (continued)

b. Utilize the **OMNIFORM** system to ensure **JUVENILE REPORT SYSTEM WORKSHEETS** were not completed in error (i.e., prepared in addition to an **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** for an arrest of a juvenile delinquent, etc.).

26. Assist commanding officer in developing and implementing command's school safety plan.
    a. Respond to incidents where a school safety agent is a victim of an offense in lieu of patrol supervisor, if working.
    b. Keep apprised of activities in, and around, school facilities.
27. Confer with School Safety Division Field Intelligence Unit regularly to develop command strategies to address school-related conditions and to coordinate command resources.
28. Coordinate daily activities of school crossing guards and school crossing guard Level IIs assigned to command as per *A.G. 326-01, 'Crossing Guards – General Regulations.'*
29. Evaluate and coordinate Safe Passage and Safe Corridor programs.

NYPD

OPERATIONS COORDINATOR

1. Make entry in Command Log when reporting on or off-duty.
   a. Comply with *A.G. 322-20, "Attendance Application Guidelines"* when reporting for tour of duty and at completion of tour.
2. Perform duty in uniform as staff officer assisting the commanding officer in administrative matters.
3. Do not perform patrol duty, or be assigned to desk duty.
4. Review and supervise the maintenance of records and files of command.
5. Ensure that all members of the service assigned to the command are working within the correct and authorized chart relative to their assignment.
6. Coordinate all overtime programs within the command.
7. Coordinate the command's safety programs, i.e., OSHA, etc.
8. Supervise the command's staff and ensure that they are in proper uniform and performing a necessary police function.
9. Supervise the principal administrative associate assigned to the command.
10. Enter in Command Log whenever leaving or returning to command during tour, and reason.
11. Supervise arrest processing officer.
12. Perform tours as designated by the commanding officer.
13. Represent the commanding officer at civic and fraternal meetings within command, when designated.
14. Coordinate the human relations program of the command by maintaining close liaison with the Borough Community Affairs Coordinator and the Chief, Community Affairs.
15. Supervise the maintenance of the command library.
16. Act as the assistant recycling and sustainability coordinator for the command.
    a. Confer with the Department's Lead Recycling and Sustainability Coordinator from the Facilities Management Division in the implementation of an effective recycling program.
    b. Ensure training sergeant provides members of the service with information on what and how to recycle, as well as procedures and best practices for recycling, waste prevention, and reuse.
    c. Complete the applicable portions of the NYPD Recycling Report and Plan and submit via email at RecycleProgram@NYPD.org by June 1st, annually.
17. Supervise command custodial personnel and coordinate with the Facility Maintenance Section (FMS) to ensure the following:
    a. Appropriate custodial staffing levels are maintained at the command (i.e., vacancies are filled in a timely manner); AND
    b. Deficiencies in command cleanliness are identified for correction; AND
    c. FMS is apprised of matters of importance regarding command cleanliness, so that issues can be expeditiously mitigated.

OPERATIONS COORDINATOR (continued)

18. Supervise the election details.
19. Apportion communications equally among sergeants for investigation.
20. Check property invoice books and property on hand.
    a. Review Command Log entries regarding invoiced property daily and take immediate steps to remedy conditions that impair the transfer of any invoiced property stored within the command in excess of thirty days to the appropriate storage location and notify the executive officer/commanding officer.
    b. Designate a uniformed member to perform the duties of the evidence/property control specialist when they are unavailable due to vacation, sick, etc.
21. Conduct survey of command's snow removal equipment (e.g., snow blowers, snow shovels, de-icing rock salt, etc.) by September 15th to ensure its availability and adequacy.
22. Make Command Log entry of daily inspection of command for cleanliness, security, safety hazards, condition of equipment, and the display of offensive material.
    a. Ensure the Department sign entitled, "**Free Interpretation Service Available (SP 487)**" is visibly displayed in the command reception area and the dual handset telephonic interpretation service equipped telephone is present and functional.
    b. Comply with *P.G. 219-20, "Loss/Theft of Department Property"* if the dual handset telephonic interpretation service equipped telephone is missing. In addition, immediately notify the Telecommunications Unit, Monday through Friday from 0600 to 1800 hours, or the Information Technology Bureau (ITB) Service Desk at other times, if the dual handset telephone is missing or defective.
    c. Ensure the two Department signs entitled, "**Reporting Corruption and Misconduct (SP 7)**" and "**Corruption Tears Us All Apart (SP 7-1)**" are conspicuously posted in a non-public area of the command.
    d. Personally inspect youth room and note the results of the inspection in the Command Log entry of the daily command inspection.
23. Notify commanding officer of any structural defects, that would permit visual access by persons located outside the private areas of all restrooms and locker rooms.
    a. If such a condition is identified, immediate corrective action must be taken.
24. Supervise semi-annual (during January and July) inspection of command fire extinguishers.
    a. Have inspecting member of the service date and initial the tag attached to the fire extinguisher.
    b. Make Command Log entry indicating that the inspection was performed.

OPERATIONS COORDINATOR (continued)

25. Notify Borough or Bureau Safety Coordinator of hazards which are not readily corrected by command personnel.
26. Review **COMPLAINT REPORTS (PD313-152)** and consult with crime analysis personnel to determine priority locations relative to crime conditions within command.
27. Recommend redeployment of personnel, if necessary, to commanding officer, executive officer, lieutenant platoon commander, or desk officer.
28. Notify members of command, through desk officer, of scheduled court and other agency appearances and other related notifications.
29. Ascertain that a current list of restaurants willing to accept monthly payments for meals provided for prisoners is maintained at the desk including time restaurant is open and cost of meals.
30. Supervise or designate a supervisor to supervise the command's evidence/ property control specialist.
31. Ensure security of lead seals, Narcotic Evidence Envelopes (Misc. 1-71), Property Clerk Division Security Envelopes, Property Clerk Division Jewelry Security Envelopes and peddler seals prior to issuance.
32. Ensure firearms safety station is present and appropriately located.
    a. Consider safety factors such as a place free from distractions, persons present in the vicinity, etc., for location of firearms safety station.
    b. Ensure the loading/unloading port is free of debris and obstructions.
    c. Ensure **GUN SAFETY (PD420-110)** sticker is affixed to all firearms safety stations.
33. Establish and maintain liaison with District Attorney's Office in order to:
    a. Assist in providing District Attorney's office with any discoverable material (i.e., all records, evidence, test results, notes, videos, photos, etc.) required for all arrests, in a timely manner.
    b. Ascertain the necessity for all regular day off (RDO) court appearances and, where possible, reschedule such appearance for a date other than the member's RDO.
34. Supervise and monitor performance of:
    a. Training sergeant, and
    b. Crime analysis sergeant.
35. Query NYPD 360 Civilian Complaint Review Board (CCRB) Dashboard regularly to identify and review complaints pertaining to subordinate members of the command.
    a. Confer with commanding officer and integrity control officer, as appropriate.
35. Oversee and supervise the command Community Guide Program.

NOTE *An online user guide is available after logging onto the Leave of Absence management system. Operations coordinators must ensure that all command timekeepers follow the instructions as directed in the guide to make entries in the Leave of Absence – Location During Absence database.*

OPERATIONS COORDINATOR (continued)

36. Liaise with Disability Service Facilitator/ADA Coordinator, Office of Equal Employment Opportunity.

37. Conduct monthly inspections regarding accessibility barriers (inspections will include but are not limited to, surveying entrances, ramps, internal paths of travel to areas accessible to the public, bathrooms, elevators, etc.) in the command.
    - a Note results of inspection and any corrective action taken in Command Log.
    - b. Notify Commanding Officer if corrective measures can not be immediately made and comply with *A.G. 327-03, "Request for Repairs, Renovations, or Custodial Assistance within Department Facilities."*

NYPD

COMMAND INTEGRITY CONTROL OFFICER

1. Perform NO DUTIES other than integrity control.
2. Provide commanding officer with work schedule/roll call by Thursday for the upcoming week (next week).
   a. Upon approval, provide copy to Commanding Officer, Borough/Bureau Investigations Unit.

NOTE *Assistant integrity control officers will also comply with the above step.*

3. Develop and Maintain:
   a. An Integrity Control Program suitable and responsive to command conditions and
   b. A comprehensive overtime control plan which includes an audit and review process.
4. Make recommendations to commanding officer concerning integrity control.
5. Observe command conditions and visit corruption prone locations frequently, at irregular hours. Keep commanding officer advised of conditions and possible corruption hazards.
6. Visit command holding cells, detective holding cells, emergency rooms and hospitalized prisoner rooms.
7. Assist commanding officer in developing sources of information regarding integrity and corruption by maintaining rapport with members of the service (uniformed and civilian) and private citizens.
8. Instruct uniformed members of the service, during roll call training, on the proper methods of identifying, reporting and combating corruption.
   a. Inspect the non-public areas of the command to ensure the two Department signs entitled, "**Reporting Corruption and Misconduct (SP 7)**" and "**Corruption Tears Us All Apart (SP 7-1)**" are conspicuously posted.
9. Comply with Department disciplinary matrix.
   a. Advise commanding officers/unit commanders concerning appropriate penalties for violations of Department regulations.
10. Conduct investigations and submit reports in response to official communications received from the Internal Affairs Bureau and patrol borough investigations units when so assigned by commanding officer.
11. Compile, maintain and update "Confidential Performance Profile" of subordinate members. Verify the "Profile" annually with the Central Personnel Index of the Personnel Bureau, and forward all necessary "Profile" information to member's commanding officer when member is transferred.
12. Confer with all sergeants upon their assignment to the command and annually thereafter, apprising them of those members of the command who have significant negative information in their "Confidential Performance Profile."
13. Conduct CPI check when new members are assigned to command.

COMMAND INTEGRITY CONTROL OFFICER (continued)

14. Inspect time cards, overtime records, property records, **SUPERVISOR FEEDBACK FORMS**, vending machine ledgers, etc.
15. Maintain records concerning the Integrity Control Program including a "Integrity Monitoring File" (see *A.G. 318-19*).
16. Review records relating to court appearances resulting in overtime.
17. Inspect and sign digital **Activity Logs** of sergeants.
18. Inform local businessmen of Departmental policy and provisions of the Penal Law, concerning corruption and gratuities.
19. Develop liaison with Internal Affairs Bureau and patrol borough investigations units to exchange information for self initiated anti-corruption programs.
20. Review Command Log entries regarding invoiced property daily and if any property is stored in the command in excess of thirty days, consult with the operations coordinator, desk officer etc., to determine if an integrity or corruption hazard exists. If so, brief the executive officer/commanding officer and take appropriate action to correct the situation.
21. Notify patrol borough investigations unit concerned regarding self initiated cases.
22. Verify Identification Unit's printout of Criminal History Record Inquiries (name checks).
23. Ensure the annual issuance and collection of the NYPD Restricted Parking Permits (Misc. 23-N) is in compliance with *P.G. 219-29,* "*Distribution and Use of NYPD Restricted Parking Permits.*"
24. Check equipment and supplies regarding misuse or misappropriation.
25. Ascertain that computer security and integrity is maintained, including all official Department recorded media or recorded media coming into possession of the Department as evidence or for investigative purposes (e.g., video tape, photographic images or pictures, audio recordings, electronic or internet files, etc.).
26. Conduct investigations when member of the service in the military fails to provide appropriate military contract and drill schedule to precinct timekeepers.
27. Physically inspect all Department radios assigned to command monthly to ensure accountability.
28. Identify all radios assigned outside of command on a permanent basis and confer with the commanding officer regarding the necessity for its continuance.
29. Debrief prisoners concerning corruption/serious misconduct, when possible.
30. Ensure accuracy of the license plates recorded on **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)** by performing random checks of summonses in accordance with established command self-inspection procedures.
31. Use Finest Online Records Management System (FORMS) to regularly review Police Accident Reports (PARs) for the following corruption indicators:
    a. An inordinate amount of PARs submitted by the same UMOS,

COMMAND INTEGRITY CONTROL OFFICER (continued)

b. Discrepancies between the dates and times of submitted PARs and those of UMOS scheduled tours,
c. Any PAR submitted by a command clerk, and
d. Any PAR submitted by a UMOS assigned to an outside command, i.e. Strategic Response Group, bordering precinct, etc."

32. Conduct investigation when warranted and contact the Fraudulent Collision Investigation Squad for assistance, if necessary.
33. Access the Department's intranet webpage each month to ascertain Paid Detail activities of individual members assigned to command, including times and locations.
    a. Select an appropriate representative sampling and compare against command roll call and overtime records to ensure there are no discrepancies.
    b. Include in command overtime self-inspection program.
34. Inspect all male and female lockers annually, during the month of November, for proper display of Department stickers **POLICE DON'T MOVE (PD672-133)** and **PROPER TACTICS SAVE LIVES (PD642-110)**.
    a. Ensure that the **POLICE DON'T MOVE** sticker contains the member's rank, name, shield and squad number information
    b. Enter results of inspection of Department locker stickers in Command Log.

NOTE *Borough Investigations Units and the Borough Training Coordinator will conduct random inspections of Command Level Training Program to ensure all members are receiving required training.*

35. Conduct monthly audit of Domain Awareness System (DAS) to ensure desk officers (or counterpart in non-patrol commands) are updating the Automatic Vehicle Location (AVL) system each tour.
    a. Investigate damage caused to any AVL device.
    b. Ensure all notifications concerning any issues with AVL devices have been made to Information Technology Bureau (ITB) by the desk officer/counterpart.
36. Query NYPD-360 Civilian Complaint Review Board (CCRB) Dashboard regularly to identify command trends requiring attention.
37. Confer regularly with members of command on Performance Monitoring or Dismissal Probation.

EXECUTIVE OFFICER

1. Assume command and perform functions of the commanding officer during absence.
   a. Sign routine communications and reports, during absence of twenty-four hours or more.
2. Respond to major radio runs and unusual occurrences within command, when available, and perform prescribed functions.
   a. Request assistance of the duty captain, as necessary.
3. Make entry in Command Log when reporting on or off-duty.
4. Supervise performance of administrative functions in the command.
5. Study deployment of resources of command and recommend more effective deployment to commanding officer, where appropriate.
6. Assign command police officer to cover traffic posts when traffic conditions require such assignments.
7. Assist the commanding officer in managing quality of life operations.
8. Utilize Salesforce Application to assist in supervising and conducting quality of life operations, as applicable.
9. Coordinate all specialized units.
10. Evaluate training, planning and personnel functions and needs of the command and make recommendations to the commanding officer.
11. Inspect uniforms, equipment, and general appearance of members of the command frequently.
12. Inspect and sign digital **Activity Log** of platoon commanders, special operations lieutenants and patrol supervisors at least once a month.
13. Supervise the investigation of communications and preparation and forwarding of written reports.
14. Perform duty under the chart, or as directed by the borough commander and perform functions of "duty captain" when directed.
15. Perform tours, on "open days," which best meet the day to day needs of the command.
16. Do not perform the same duty as commanding officer, if both working the same tour. (One will perform patrol duty and conduct field inspections, etc.).
17. Conduct investigations as directed by commanding officer or other competent authority.
18. Ensure that command is clean, all equipment is accounted for and in good condition, and personnel are performing a necessary police duty.
19. Represent the commanding officer at community meetings of concern to command when designated.
20. Perform duty in uniform, when practical.
21. Inspect and sign Interrupted Patrol Log once each tour.
22. Adjudicate command discipline as directed by commanding officer.

EXECUTIVE OFFICER (continued)

23. Review Command Log entries regarding invoiced property daily and if any property is stored in the command in excess of thirty days, consult with the operations coordinator, desk officer, evidence/property control specialist etc., to determine the appropriate course of action to expedite the transfer of the property to the final storage location.
    a. Brief the commanding officer on actions taken.
24. Personally conduct, in conformance with the Quality Assurance Section self-inspection program, the command self-inspection of **STOP REPORT (PD383-151)**.
25. Manage the Field Training Program within the precinct, police service area, or transit district.

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SUPERVISOR OF PATROL

1. Conduct tours in either uniform of the day or business attire, in an unmarked Department vehicle.
2. Visit precincts, police service areas, transit districts and borough court section facilities located within borough of assignment at irregular intervals.
   a. During the course of facility visits, review site security with the desk officer.
3. Randomly visit fixed and/or sensitive posts (e.g., missions, embassies, bridge posts, etc.) within the confines of the assigned borough.
4. Attend roll calls and conduct inspections of uniformed members of the service to ensure the appearance of the members are in compliance with all current uniform, appearance and equipment guidelines.
5. Respond to radio runs at irregular intervals to assess performance of police officers and supervisors, paying special attention to radio runs dispatched at the beginning and end of tours.
6. Visit any operational incident command posts within assigned borough.
7. Keep a record of discipline issued personally, or by direction to subordinates, including the use of **SUPERVISOR FEEDBACK FORMS**.
8. Conduct inspections of locations listed in commands' Integrity Monitoring File.
9. Inspect prisoner holding areas at stationhouses.
10. Inspect precinct lounges/dorms to ascertain if any uniformed members are engaged in unauthorized interrupted patrol.
    a. Inspect and sign the Interrupted Patrol Log.
11. Confer with integrity control officers about any conditions/hazards affecting commands.
12. Randomly visit cabaret establishments throughout the borough of assignment to ensure uniformed members are properly performing their duties.
13. Confer with commanding officers about uniformed members' performance.
14. Visit uniformed members guarding hospitalized prisoners.
15. Review Command Log entries regarding invoiced property.
    a. If any property is stored in the command in excess of thirty days, assign a supervisor to conduct an immediate investigation and determine the appropriate course of action to expedite the transfer of the property to the final storage location.
16. Review Command Log regarding invoiced narcotics and ensure all procedures regarding narcotics are being followed.
17. Inspect the digital **Activity Log** of sergeants and lieutenants to ensure they are conducting frequent and irregular visits of their subordinates throughout the tour.
18. Confer with the commanding officer of the borough's investigations unit about matters of importance.

DUTY CAPTAIN

1. Perform duty, in uniform, in patrol borough-based Department Duty Captain Response Vehicle (DCRV).
2. Supervise all personnel performing duty within borough command.
3. Respond to major radio runs and unusual occurrences.

NOTE *If available, the commanding/executive officer, precinct of occurrence, will respond and perform prescribed functions. The duty captain will assist the commanding/executive officer, precinct of occurrence, as requested.*

4. Visit precincts, police service areas, transit districts and borough court section facilities located within patrol borough of assignment.
   a. Inspect and sign Interrupted Patrol Log of commands visited.
   b. Visit command detention cells, holding cells, detective holding cells, emergency rooms and hospitalized prisoner rooms, and make appropriate Command Log entries to document such visits.
   c. Personally prepare reports on all prisoner escapes in the absence of commanding officer/executive officer of the precinct, police service area, transit district or borough court section facility of occurrence.
5. Confer with the Traffic Management Center supervisor, when notified by the Operations Unit of a traffic congestion problem or condition.
   a. Evaluate the situation and assign patrol borough and/or other resources as necessary, to address the condition.
   b. Direct the Traffic Management Center supervisor to record conditions in the TMC Command Log, and on the Daily Significant Incident Report.
6. Submit report at end of each tour and include:
   a. Observations and disciplinary action taken
   b. Visits to stationhouses, police service areas and transit districts
   c. Unusual occurrences
   d. Radio backlogs and action taken
   e. Radio runs to which responded
   f. Recommendations to improve police services.
7. Make a background inquiry, if necessary, through the Internal Affairs Bureau Command Center during the initial stages of an official investigation involving a member of the service and prior to suspending, modifying or temporarily removing firearms from the member concerned in non-disciplinary cases.

NOTE *This conferral is to obtain background information that may assist in the investigation. All decisions regarding the investigation, as well as any resulting determination regarding the member's duty status, remain the responsibility of the commanding officer/duty captain concerned.*

DUTY CAPTAIN (continued)

8. Upon completion of an official investigation for which an Internal Affairs Bureau log number has been generated, prepare and submit to the Internal Affairs Bureau Command Center a detailed report on **Typed Letterhead** regarding the investigation, including the disposition of all allegations and findings, and a determination as to the necessity for further investigation of the incident.
   a. Make a recommendation to close an investigation if deemed complete.

NYPD

COMMANDING OFFICER

1. Command a precinct, police service area, transit district or similar unit.
2. Be responsible for:
   a. Proper performance of functions designated for command
   b. Efficiency and discipline of personnel assigned to command
   c. Informing members of command of current directives and orders
   d. Serviceability, proper care and use of facility and equipment assigned to command
   e. Patrol, administrative, and crime reporting functions of the command.
3. Ensure that the neighborhood policing philosophy informs decision making and advances the Department goals of reducing crime, promoting safety and respect, and solving problems collaboratively.
4. Review **CENTRAL PERSONNEL INDEX BACKGROUND REQUEST (PD449-160)** for personnel assigned to critical positions within the command, upon assignment to a command.
   a. Review the disciplinary history of members in Performance Monitoring Programs assigned to command.
5. Instruct and frequently test the knowledge of members of command regarding their duties and responsibilities.
6. Respond to major radio runs and unusual occurrences within command, when available, and perform prescribed functions.
   a. Request assistance of the duty captain, if necessary.
7. Ensure supervisors make frequent personal inspections of the uniforms, equipment and general appearance of members of the service at outgoing roll calls and while on duty.
8. Delegate administrative tasks as follows:
   a. Assign ranking officers within command to perform tasks normally reserved specifically for commanding officers (e.g., the preparation, signing and forwarding of required reports, forms, **PERFORMANCE EVALUATIONS**, communications, etc.).
   b. Assign members of command to read, analyze and report on, verbally or in writing, any voluminous communications directed to the commanding officer.
   c. Assign ranking officer to inspect command facility daily to ensure security, cleanliness and orderly condition.
9. Manage quality of life operations within precinct or police service area.
10. Utilize Salesforce Application to assist in supervising and conducting quality of life operations, as applicable.
11. Assign members proportionately to squads according to the needs of command. Members having special qualifications are to be assigned to permit greatest use of abilities.

COMMANDING OFFICER (continued)

12. Select uniformed members of the service for:
    a. Quality of life officers and quality of life sergeants.
    b. Command youth coordination officer, after conferral with borough operations commander.
    c. Digital communications officers (2), in any rank, in addition to their regularly assigned duties (e.g., crime prevention officer, community affairs officer, etc.).
13. Closely monitor the performance of uniformed members of the service assigned to specialized units.
    a. Ensure they are properly supervised, trained and equipped.
    b. Deploy based on command crime analysis trends and patterns, with emphasis on violent street crime and burglaries.
    c. Long term assignments are to be carefully reviewed, i.e., uniformed members assigned to specialized units for a period of five years will be recommended for career path assignments to the Detective Bureau.
14. Maintain record of members who volunteer for specialized units and make assignments accordingly.
    a. If the member is currently in a Level II or Level III Monitoring Program, contact the Bureau/Borough Commander.
15. Consult with immediate supervisor of member before recommending or granting change of precinct assignment, etc.
16. Review activity of members of command each month.
    a. Personally review and sign monitoring profiles of members in Level II or Level III Monitoring Programs. Performance profiles (original copies only) are due by the fifth day of each month (quarterly for Level II and monthly for Level III), as appropriate.
17. Notify borough command if at least two supervisors are not available to perform duty on each tour.
    a. Notify Transit Bureau Wheel for commands within the Transit Bureau.
18. Supervise and monitor performance of the integrity control officer.
19. Supervise and direct community affairs officer, where appropriate.
20. Provide formal orientation program for newly assigned lieutenants, sergeants and police officers on two consecutive day tours including interviews, introductions, and various command conditions, problems, boundaries, crime statistics, etc.
21. Be thoroughly familiar with "Confidential Performance Profile" of subordinate members.

NOTE *The "Confidential Performance Profile" is an up-to-date and confidential profile of uniformed members who are "personnel concerns" to assist in the supervision, training and development needs of such uniformed members. Included in the profile would be such matters as all past administrative transfers, transfers made by the borough commander at the request of member's previous commanding officer, sick record, disciplinary record and all other Central Personnel Index indicators as well as appropriate command data.*

COMMANDING OFFICER (continued)

22. Make entry in Command Log when reporting on or off-duty.
    a. When leaving for patrol, emergencies, etc., indicate manner of patrol, Department auto number, if applicable, and whether in uniform or civilian clothes.
    b. Perform duty in uniform whenever practical.
    c. Use a Department auto when on patrol, when presence is required at the scene of an emergency or when traveling within the city on official business.
23. Maintain as much personal contact as possible with business, civic, fraternal, religious, political, recreational, charitable, youth and poverty corporation groups, local radio stations, local newspapers and other groups or media with community influence and interests to keep abreast of community tensions and trends.
24. Assign competent member to attend scheduled local meetings of the planning board, school board, poverty corporation, or any other community group, to obtain information which will be used to facilitate planning of procedures and/or programs to minimize community tensions and negative trends.
25. Act as the senior problem-solving coordinator for the command. As such be responsible to:
    a. Identify major crime and quality of life problems affecting the command
    b. Perform an analysis of the identified crime and quality of life problems in order to separate them into their essential components
    c. Design a response utilizing command, Department and community resources, and where possible the resources of other agencies
    d. Implement the designed response
    e. Evaluate the effectiveness of the response and modify it, if necessary.
26. Notify the borough adjutant or borough executive officer within respective Bureau (Patrol Services, Housing, Transit), upon discovery or notification that there is invoiced property stored in the command in excess of thirty days and:
    a. Conduct investigation
    b. Expedite transfer of property to final storage location.
27. Confer with Commanding Officer, Performance Analysis Unit regarding removal proceedings when member of the service fails to perform assigned duties in a satisfactory manner.

COMMANDING OFFICER (continued)

28. Visit upon assignment to command and semi-annually thereafter, for briefing, the following:
    a. Civilian Complaint Review Board
    b. Internal Affairs Bureau
    c. Community Affairs Bureau
    d. Quality Assurance Section.
29. Review and evaluate upon initial assignment to command, all Clergy Liaisons.
30. Visit Office of Equal Employment Opportunity for briefing upon assignment to command and annually thereafter, and:
    a. Meet annually with ranking officers/supervisors within command to discuss their responsibilities under the New York City Police Department's Equal Employment Opportunity (EEO) policy,
    b. Assign two non-supervisory members of the service who are willing to voluntarily serve as EEO liaisons,
    c. Ensure that EEO liaison applications and **COMMANDING OFFICER'S RECOMMENDATIONS (PD406-180)** are submitted to the Office of Equal Employment Opportunity,
    d. Ensure that all members assigned to command are aware of EEO guidelines and active EEO liaisons,
    e. Meet with EEO liaisons quarterly regarding new EEO policies and laws and,
    f. Ensure that EEO liaisons are scheduled to attend all mandatory trainings, unless EEO liaison is on scheduled annual vacation or sick leave.
31. Develop and review precinct School Security Plan, Summer Youth Security Plan and Safe Corridor Plan and Safe Passage Plan for Transit Bureau commands.
32. Ensure all members of command comply with *A.G. 332-01, "Employment Discrimination*" and *A.G. 332-02, "Sexual, Ethnic, Racial, Religious, or other Discriminatory Slurs through Display of Offensive Material."*
33. Review and analyze reports received from a staff inspection unit.
    a. Respond to report as requested and institute actions to correct any deficiencies identified.
34. Query NYPD-360 Civilian Complaint Review Board (CCRB) Dashboard at least once per month.
    a. Review all new CCRB complaints received in command.
35. Confer with subject member of command prior to all CCRB appearances.
    a. Review all associated complaint documentation (e.g., Body-Worn Camera footage, digital **Activity Log**, etc.) with subject member of command.
        (1) Prepare a report on **Typed Letterhead** detailing conferral with subject member of command and forward to borough adjutant.
    b. Confer with Professional Standards Division, if early intervention measures are appropriate.

COMMANDING OFFICER (continued)

36. Regularly review performance of quality of life teams with team supervisors and special operations lieutenant to identify areas in need of improvement.
    a. Designate one quality of life team sergeant to oversee all administrative traffic functions and attend Traffic Stat meetings.
37. Prepare monthly report on **Typed Letterhead** and submit copies to Chief of Department, Chief of Housing, Chief of Patrol and Deputy Commissioner, Strategic Initiatives.
    a. Include observations as to effectiveness of quality of life teams and impact on command's overall efforts to respond to community complaints, considering community feedback and community council feedback.
    b. Include information that cannot be quantified (e.g., success stories).

NYPD

DUTY INSPECTOR

1. Notify Borough Wheel at start of tour and be briefed as to current conditions, special events, or details in assigned borough(s).
2. Perform duty in uniform.
3. Perform unannounced visits to precincts, police service areas and transit districts located within patrol borough of assignment.
4. Supervise and confer with duty captain regularly throughout tour.
5. Act as a representative of the borough commander during tour.
6. Respond to serious incidents, including:
   a. Uniformed member of the service involved shootings,
   b. Deaths in police custody,
   c. Level II, III and IV mobilizations (not drills) involving two or more Strategic Response Groups,
   d. Major disruptions of traffic and transportation within the borough,
   e. Suspensions involving members of the service, and/or
   f. Any other incident which is (or appears likely to become) newsworthy/noteworthy for any reason.
7. Assume command of incident, if highest ranking member of the service on scene.
8. Confer frequently with Operations Unit patrol borough representative throughout tour.
9. Notify Operations Unit patrol borough representative and duty chief of serious incidents and duty status changes of members of the service immediately.

DUTY CHIEF

DUTY CHIEF

1. Notify Operations Unit at start of tour and be briefed as to current conditions.
2. Perform duty in uniform.
3. Act as a representative of the Chief of Department during tour of duty.
4. Respond to serious incidents, including:
   a. Uniformed member of the service involved shootings
   b. Deaths in police custody
   c. Level III and IV Mobilizations (not drills) involving three or more Strategic Response Groups
   d. Major disruptions of transportation
   e. Any other incident which is (or appears likely to become) newsworthy/noteworthy for any reason.
      (1) Consider whether response will be beneficial to the investigation of the incident.
5. Assume command of incident if highest ranking member of the service on the scene.
6. Keep Operations Unit informed of all facts concerning major incidents.
7. Confer frequently with Operations Unit throughout tour.

NYPD

COMMUNITY RESPONSE TEAM SUPERVISOR

1. Do not perform duty as a member of a Community Response Team prior to attending requisite training.
2. Perform duty in specifically prescribed uniform as described in *A.G. 305-19, "Community Response Team Uniforms."*
   a. Be equipped with all required equipment as described in *A.G. 305-08, "Required Equipment."*
3. Perform no duties other than Community Response Team (CRT) patrol, when assigned as CRT supervisor.
   a. CRTs may not be deployed if a supervisor in the rank of sergeant or above is not assigned solely to their supervision.
   b. Ensure all CRT members have attended requisite training prior to being deployed.
4. Inspect members daily for proper uniforms and equipment as detailed in *A.G. 305-08, "Required Equipment."* and *A.G. 305-19, "Community Response Team Uniforms."*
5. Inform desk officer, precinct of deployment, of CRT assignment in confines of precinct and times of anticipated patrol.
6. Supervise all police operations of assigned CRT.
   a. Be cognizant of location of CRT members, and be able to contact personnel at all times.
   b. Ensure that CRT members do not perform duty in plainclothes or conduct decoy operations.
7. Inspect and sign digital **Activity Logs** of CRT members daily.
8. Coordinate with commanding officers/executive officers of precincts of concern to address patterns and problematic areas within that command.
9. Monitor and regularly evaluate uniformed members of the service assigned to CRT for effectiveness by determining success of crime reduction, problem solving strategies, case preparation, and engagement with other Department units and community residents.
10. Attend community events (e.g., precinct community council meetings, etc.), within commands in which CRT deploys.
11. Systematically review body-worn camera video, including all videos regarding arrests and use of force incidents, to provide positive feedback and address any performance or tactical deficiencies observed.
12. Use **SUPERVISOR FEEDBACK FORM** on Cops Rapid Assessment and Feedback Tool (CRAFT) application to highlight commendable actions by CRT members (e.g., an arrest that closes a precinct pattern, arrests involving a firearm, an exceptional community interaction, etc.), when warranted.
13. Confer regularly with Legal Bureau regarding developments in applicable case law.

SCOPE

Community Response Teams operate directly under the control of the Office of the Chief of Patrol. No more than three Community Response Team members, including a supervisor, may be assigned to a Department vehicle per tour.

UNIFORMED MEMBER OF THE SERVICE

1. Do not perform duty as a member of a Community Response Team prior to attending requisite training.
2. Perform duty in specifically prescribed uniform as described in *A.G. 305-19, "Community Response Team Uniforms."*
   a. Be equipped with all required equipment as described in *A.G. 305-08, "Required Equipment."*
3. Maintain daily record of activity in digital **Activity Log**.
4. Inform radio dispatcher when responding to, or present at the scene of a police incident.
5. Address a variety of conditions within a geographic area at the direction of Patrol Services Bureau and consult patrol borough concerned on needs of community and analysis of crime data.
6. Monitor 311 calls for service in area of assignment for chronic conditions, locations, or matters of community concern.
7. Reduce violent street crime by identifying, investigating, and apprehending individuals who possess illegal firearms and jeopardize public safety.
8. Engage and interact with community members to build thoughtful and productive relationships that foster positive sentiment.
9. Conduct coordinated operations with appropriate units to address chronic complaints (e.g., car meets, unlicensed vending, illegally operated mopeds, etc.).
10. Confer with field intelligence officer/field intelligence team, precinct of deployment, to be knowledgeable of criminal groups, recidivists, open patterns, current crime trends, problematic locations, and any other relevant intelligence.
11. Do not perform duty in plainclothes or conduct decoy operations.

DEFINITIONS

COMPLAINT - An allegation of an unlawful or improper act or omission, or other condition that necessitates investigation to determine if any unlawful act or omission occurred.

PICK-UP ARREST - An arrest for an offense or juvenile delinquency not previously reported.

CONTINUOUS EVENT - occurs when an offense or multiple offenses were committed against a complainant, during an ongoing situation, that occurs in different precincts and/or boroughs.

INCIDENT – For the purposes of crime reporting, an event where one or more criminal offenses were committed against one or more victims by one or more offenders.

OFFENSE – For the purposes of crime reporting, a single criminal act occurring within a single incident. There may be up to ten offenses recorded within a single incident. In cases where more than ten offenses have occurred within a single incident, only the ten most serious offenses will be recorded.

SCOPE

Proper complaint reporting is essential for statistical analysis, discovery of crime patterns and trends, efficient deployment of resources, and uniform crime reporting. Every member of the service involved in this process has a responsibility and obligation to ensure the integrity of this vital, strategic resource.

WHERE RECORDED

Complaints shall be recorded in the precinct of occurrence except as follows:

a. Complaints received from a member or members of the community regarding Vice, Narcotics, or Organized Crime related offenses (see *P.G. 207-08, "Preliminary Investigation Of Vice Related, Narcotics, Or Organized Crime Related Complaints"*) shall be recorded at the Specialty Enforcement Division, Detective Bureau, EXCEPT:
   (1) Pick-up arrests for such offenses will be recorded at the precinct of arrest;
   (2) Found controlled substances or drug paraphernalia IN A BUILDING shall be recorded in the precinct of occurrence;
   (3) Found controlled substances two ounces or less (NOT IN A BUILDING), requiring investigation will be recorded in the precinct of occurrence.

b. Complaints of missing New York City residents shall be recorded at the missing person's resident precinct.

c. Complaints occurring on piers, bulkheads, or dead human bodies found in navigable waters will be recorded at the precincts in which such piers or bulkheads are located or bordering the navigable waters where such bodies were found.

d. Complaints occurring on waterways or islands inaccessible to patrol precinct personnel will be recorded in the precincts of record after investigation by Harbor Unit personnel.

SCOPE (continued)

e. Complaints of lost property will be recorded in the precinct where complainant first discovered loss, if actual place of occurrence is unknown.

f. Overdue leased/rented vehicle will be recorded either in the precinct where the vehicle was leased/rented or at the precinct where the vehicle is expected to be returned.

g. A complaint involving multiple offenses occurring from a continuous ongoing event, in which the initial offense occurred in one precinct, and one or more of the additional offenses occurred in another precinct, will be recorded in the precinct in which the initial offense was committed EXCEPT:

h. For a continuous event, the complaint will be recorded in the precinct in which the initial offense was committed unless the continuous event includes a homicide or Rape 1st Degree.

(1) If the continuous event includes a homicide, the complaint will be recorded in the precinct where the homicide occurred, if known. If the location of occurrence is unknown, the homicide will be recorded in the precinct where the victim was discovered.

(2) If the continuous event involves a Rape 1st Degree the complaint will be recorded as follows:

[a] If the location of the rape is KNOWN, the complaint will be recorded in the precinct where the rape occurred.

NOTE *If the rape occurred in more than one precinct, the incident will be recorded in the precinct where the initial rape occurred.*

[b] If the location of the rape is UNKNOWN, but the location of the initial offense is KNOWN, e.g., abduction prior to rape, the complaint will be recorded in the precinct where the initial offense occurred.

[c] If the location of the rape is UNKNOWN, and the location(s) of all other associated offenses are UNKNOWN, the complaint will be recorded in the precinct where the complainant reports the incident..

NOTE *The guidelines above will also apply in determining the appropriate jurisdiction code to be assigned to the* ***COMPLAINT REPORT*** *(i.e. NYPD -"00", Transit -"01", Housing -"02").*

<u>HOUSING BUREAU INCIDENTS</u>:

In a continuous event that begins on-development but ends off-development, or vice versa, the jurisdictional determinant will be the location where the incident originally started. For example, a continuous event that starts on a housing development but ends off-development, will be recorded as being under the jurisdiction of the NYPD Housing Bureau.

SCOPE (continued)

TRANSIT BUREAU INCIDENTS**:**
Complaints under the jurisdiction of the Transit Bureau, that occur on a moving train, will be recorded as occurring at the next (very first) station where the train stops, regardless of precinct or borough boundaries. In a continuous event that begins on-transit system but ends off-transit system, or vice versa, the jurisdictional determinant will be the location where the incident originally started. For example, a continuous event that starts on a subway train but ends in the street, will be recorded as being under the jurisdiction of the NYPD Transit Bureau.

COMPLAINT REPORTING FORMS

- **COMPLAINT REPORT WORKSHEET (PD313-152A) -** Used by reporting members to report all complaints. The "Crime Incident Data" captions on the reverse side of the form will be utilized when reporting ALL crimes and violations.
- **COMPLAINT REPORT (PD313-152) -** A report generated by the OMNIFORM System and prepared from the information recorded on the **COMPLAINT REPORT WORKSHEET** submitted by the reporting member.
- **COMPLAINT INDEX REPORT -** A report generated by the OMNIFORM System used to chronologically record and catalog complaints received.
- **OMNIFORM COMPLAINT REVISION -** Used by reporting/investigating officers to report additional information as per *P.G. 207-09, "Follow-Up Investigation of Complaints Already Recorded."*

PROCEDURE

Members of the service will record the following complaints on **COMPLAINT REPORTS**:

1. All pick up arrests for crimes and violations.
2. Complaints for crimes and violations except those outlined in *P.G. 207-02, "Complaints Not Recorded On Complaint Report."*
3. Complaints and pick-up arrests for juveniles charged as Juvenile Offenders (see *P.G. 215-04, "Family Court Warrant For Child Abuse/Neglect Cases").*
4. Pick-up arrests of juveniles taken into custody and charged with juvenile delinquency (see *P.G. 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender").*
5. Complaints of juvenile delinquency for selected offenses as follows:
   a. Felonies
   b. Unlawful Assembly - Section 240.10, Penal Law
   c. Unlawful Possession of Weapons by person under sixteen years of age - Section 265.05, Penal Law
   d. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances - Section 265.10, Penal Law
   e. Prohibited Use of Weapons - Section 265.35, Penal Law
   f. Possession of Burglar's Tools - Section 140.35, Penal Law
   g. Jostling - Section 165.25, Penal Law
   h. Fraudulent Accosting - Section 165.30, Penal Law

PROCEDURE (continued)

i. Criminal Possession of Stolen Property, 5th Degree - Section 165.40, Penal Law
j. Escape, 3rd Degree - Section 205.05, Penal Law
k. Endangering the Welfare of a Child - Section 260.10, Penal Law
l. Obscenity and related offenses - Article 235, Penal Law
m. Permitting Prostitution - Section 230.40, Penal Law
n. Promoting Prostitution - Section 230.20, Penal Law
o. Sex Offenses - Article 130, Penal Law
p. Controlled Substances Offenses - Article 220, Penal Law.

6. Complaints of lost property.
7. Found controlled substances and/or drug paraphernalia under certain circumstances as per *P.G. 207-08, "Preliminary Investigation Of Vice, Narcotics Or Organized Crime Related Complaints."*
8. Pistols, revolvers, or other dangerous weapons possessed by a person or found under circumstances requiring investigation.
9. Motor vehicle/bicycle collisions which result in death, serious injury and likely to die, or critical injury to an individual.
10. Motor vehicle/bicycle collisions to which Highway District units respond and conduct an investigation.
11. A deceased person for which this Department must notify the Medical Examiner (see *P.G. 216-04, "Dead Human Body"*).
12. ALL verified incidents of work disruptions at city construction sites.
13. Any act which would not ordinarily constitute an offense but is a violation of the conditions of an Order of Protection (see *P.G. 208-36, "Family Offenses/Domestic Violence"*) or an incident of suspected child abuse (see *P.G. 215-03, "Emergency Removals Or Investigation And Reporting Of Abused, Neglected Or Maltreated Children*").
14. A complaint of a missing person will be recorded on a **COMPLAINT REPORT WORKSHEET** and a **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** using the same complaint number for both reports.
15. All instances where an individual is suffering from, or has died from, a suspected drug overdose.
    a. Classify **COMPLAINT REPORT** as "Investigate Aided – Drug Overdose" or "Investigate DOA – Possible Drug Overdose," as appropriate.

ADDITIONAL DATA

*When multiple offenses have occurred within the same incident, the top ten offenses will be recorded on the **COMPLAINT REPORT**. The order of those offenses will be classified based on the "top," or most serious offense under the hierarchy generally known as the "Seven Major Felony Rule." The order of offenses under that rule, beginning with the most serious, is as follows:*

a. Murder and Non-Negligent Manslaughter
b. Forcible Rape/Rape 1st
c. Robbery
d. Felonious Assault
e. Burglary

ADDITIONAL DATA (continued)

f. Grand Larceny

g. Grand Larceny, Motor Vehicle (a grand larceny motor vehicle coupled with a grand larceny from the vehicle will be classified as a Grand Larceny, Motor Vehicle).

The attempt to commit any of the above offenses will be counted as the completed offense, except Attempted Murder, which will be counted as a Felonious Assault.

*To satisfy the requirements of National Incident Based Reporting System (NIBRS) reporting, whenever multiple seven major felonies occur as part of the same incident, the **COMPLAINT REPORT** will list each of the seven major felonies and will be classified consistent with the "Seven Major Felony Rule" hierarchy of offenses. For example, if an incident involves both a Murder/Robbery it will be classified as Murder and the Robbery will be recorded as an additional offense. If an incident involves both Rape 1st/Burglary, it will be classified as Rape 1st and the Burglary will be recorded as an additional offense on the **COMPLAINT REPORT**.*

*In the event of multiple offenses within a single incident, and none of the reported offenses is a seven major felony, the crime classification and recording of those offenses (**up to ten**) will be determined in the following order:*

a. Sort by CATEGORY - Felony before misdemeanor before violation;
b. Sort by CLASSIFICATION - If all felonies: Select "A" before "B" before "C", etc. If all misdemeanors: Select "A" before "B" before "Unclassified";
c. Sort by DEGREE - If all offenses are "B" felonies, select "1st degree" before "2nd degree" before "3rd degree", etc.
d. Sort by PENAL LAW ARTICLE AND SECTION - If all offenses are 2nd degree "B" felonies, select Article 140, before Article 150, etc.

*When space is insufficient to complete entries (e.g., property, details, etc.), on the **COMPLAINT REPORT WORKSHEET**, additional pages of the **COMPLAINT REPORT WORKSHEET** will be used for the remaining information.*

*For **COMPLAINT REPORT WORKSHEETS** only, when required to record additional victims, witnesses, vehicles, property, and/or perpetrators that do not fit in the captions on the worksheet, use another worksheet and not the 'Details' section. DO NOT enter basic information in 'Details' section but utilize appropriate captions on form(s). Use as many worksheets as is necessary for additional victims, witnesses, vehicles, property, and/or perpetrators.*

A SEPARATE COMPLAINT REPORT WILL BE PREPARED FOR:

a. EACH homicide victim (victim is complainant)
b. EACH perpetrator of a crime who is killed
c. EACH individual killed, seriously injured and likely to die, or critically injured as a result of a motor vehicle/bicycle collision
d. EACH victim of a sex offense
e. EACH victim of an assault EXCEPT if incidental to a sex offense or robbery
f. EACH additional person injured in an arson (assault by fire/explosive)

*A new **COMPLAINT REPORT** will be prepared and a separate serial number assigned to record Criminal Possession of Stolen Property or Fostering the Sale of Stolen Goods, as appropriate, when the person arrested is not charged with the original crime (e.g., burglary, larceny, grand larceny-auto, etc.).*

ADDITIONAL DATA (continued)

Certain time limits are necessary to maintain the integrity of the crime reporting system. Therefore, ***COMPLAINT REPORTS*** *must be reviewed and finalized within 24 hours of taking the report. Desk officers must transmit complaints by the conclusion of each tour. Commanding Officers will ensure that desk officers/counterparts are reviewing and transmitting all complaints entered into the Omniform System as per these guidelines.*

Regarding taxicab robberies or attempts, enter in caption "OFFENSES, if any," Robbery/medallion or non-medallion taxicabs, as appropriate. Make a notation under "DETAILS" whether or not taxi was equipped with a partition or had any other safety devices installed and location from where passenger was picked up.

In order to comply with discovery obligation, all ***COMPLAINT REPORT WORKSHETT(S)*** *and any forms or reports associated with the complaint will be filed as per P.G. 207-34, "Complaint File."*

When using the OMNIFORM System for any reason, the member of the service utilizing the system must use their own authorization.

NYPD

COMPLAINT	HOW RECORDED OR REFERRED
1. Complaints of Juvenile Delinquency (Except selected offenses listed in *P.G. 207-01, "Complaint Reporting System*").	➢ **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** see *P.G. 215-08, "On-Line Juvenile Report System."*
2. Truancy	➢ **YOUTH REFERRAL (PD377-153)** see *P.G. 215-07, "Truants."*
3. Person in need of supervision (PINS) that is less than eighteen years of age.	➢ **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** see *P.G. 215-08, "On-Line Juvenile Report System"*.
4. Persons wanted for crimes in or by other jurisdictions.	➢ Referred to detective squads concerned for appropriate follow-up.
5. Civilian Complaints made against uniformed members of the service under the jurisdiction of the Civilian Complaint Review Board.	➢ **CIVILIAN COMPLAINT REPORT (PD313-154)**, **CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)**, inform Civilian Complaint Review Board and make Command Log entry, (if no Command Log then prepare **Typed Letterhead**) *see P.G. 207-28, "Processing Civilian Complaints*."
6. Civilian Complaints made against civilian members of the service, including Traffic Enforcement Agents.	➢ **CIVILIAN COMPLAINT REPORT (PD313-154)**, **CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)**, inform Internal Affairs Bureau and make Command Log entry (if no Command Log then prepare **Typed Letterhead**) *see P.G. 207-28, "Processing Civilian Complaints."*
7. Allegation of corruption and/or serious misconduct and/or misconduct involving another member of the service.	➢ Internal Affairs Bureau, see *P.G. 207-21, "Allegations Of Corruption And Other Misconduct Against Members of The Service."*
8. Allegation of corruption and/or serious misconduct and/or misconduct against self.	➢ Call supervising officer to scene, see *P.G. 207-21, "Allegations Of Corruption And Other Misconduct Against Members Of The Service."*
9. Allegation of corruption and/or serious misconduct and/or misconduct against any federal, state, or city employee other than a member of the service.	➢ Commanding Officer (if absent, highest ranking supervisor) **and** Internal Affairs Bureau, see *P.G. 207-22,* "*Allegations Of Corruption Against City Employees (Other Than Members Of The New York City Police Department)."*

10.	Unnecessary noise violations.	➢ Referred to uniformed members of the service on patrol (see *P.G. 214-23, "Unreasonable Noise Violations")*.
11.	Found Property	➢ Command Log entry and forward **REPORT OF UNCLAIMED PROPERTY (PD542-122**) to Stolen Property Inquiry Unit. See *P.G. 218-26, "Processing Found Property."*
12.	Arrest by and/or for other authorities.	➢ **OLBS ARREST WORKSHEET (PD244-159**) detained for authority concerned.
13.	Arrest on a warrant for which a **COMPLAINT REPORT** was previously prepared or for which a parking or personal summons was previously issued.	➢ **OLBS ARREST WORKSHEET (PD244-159)**
14.	Arrest of a civil nature - material witness, paternity warrant, etc.	➢ **OLBS ARREST WORKSHEET (PD244-159)**

NYPD

PURPOSE To eliminate complaints which were improperly recorded.

PROCEDURE To VOID **COMPLAINT REPORT (PD313-152)** after assignment of a precinct serial number:

DESK OFFICER

1. Determine if complaint should be voided. A complaint should be voided if:
   a. The complaint is a duplicate of a previously reported incident, or
   b. The incident occurred within the confines of another precinct, or
   c. The incident occurred outside the confines of New York City, or
   d. A **COMPLAINT REPORT** was prepared for a complaint which should have been recorded in another manner (e.g., an allegation of corruption against a member of the service, a precinct complaint number was used for a complaint which should receive a Detective Bureau number, a precinct complaint number was used for an incident/condition which should have been recorded via *P.G. 212-12, "Citywide Intelligence Reporting System,"* etc.).
2. Determine if **COMPLAINT REPORT** has been finalized (i.e., signed-off) in the OMNIFORM System.

IF COMPLAINT REPORT HAS NOT BEEN FINALIZED:

DESK OFFICER

3. Enter reason(s) for voiding complaint under "Details" on **COMPLAINT REPORT WORKSHEET**.
4. Have **COMPLAINT REPORT WORKSHEET** filed chronologically in rear of precinct complaint file.
5. Utilize VOID function on the OMNIFORM System to properly document the VOIDED complaint.

IF COMPLAINT REPORT HAS BEEN FINALIZED:

DESK OFFICER

6. Have command clerk prepare **Omniform Complaint Revision**.

MEMBER OF THE SERVICE

7. Reclassify original offense to "VOIDED."
8. Enter under "Details" on **Omniform Complaint Revision**:
   a. The specific reason for voiding the original complaint.
      (1) If complaint referred to another command indicate the new command and new OLCS serial number from that command.
      (2) If the complaint is a duplicate of a previously reported complaint, indicate the reason for voiding as "Duplicate Report" and the original complaint serial number.
9. Attach precinct of record copy of **Omniform Complaint Revision** to precinct file copy of voided **COMPLAINT REPORT**.

DESK OFFICER 10. Ensure that **Omniform Complaint Revision** is distributed in same manner as voided **COMPLAINT REPORT**.

NOTE *After a **COMPLAINT REPORT** has been finalized, a complaint serial number (voided or not) cannot be changed in the OMNIFORM System.*

*Any notifications made prior to voiding complaint will be amended after the **COMPLAINT REPORT** is voided.*

ADDITIONAL DATA *There is a distinction between voided complaints and unfounded complaints. A voided complaint is one in which the **COMPLAINT REPORT** should not have been prepared. An unfounded case is one in which the report should have been prepared but subsequent information leads to the determination that the case should be classified as unfounded (e.g., a voided case is one in which a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** rather than a **COMPLAINT REPORT** should have been prepared; an unfounded case is one in which a vehicle is reported stolen by a complainant and later a tow company informs the precinct that the vehicle was legally towed).*

NYPD

Section: Complaints		Procedure No: 207-04
REPORTING OF COMPLAINTS OCCURRING IN ANOTHER COMMAND		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 28	PAGE: 1 of 2

PURPOSE To refer certain complaints occurring in another command.

SCOPE Complaint data entered into the OMNIFORM System will automatically be made available to a transit district covered by that precinct. Conversely, complaint data entered into the OMNIFORM System from a transit district will be available to a precinct covered by that district. This will NOT occur if the precinct and transit district boundaries do not overlap. Therefore, when a member of the service in a precinct takes a complaint pertaining to an incident that occurred within a transit district covering that precinct, the complaint will be entered into the OMNIFORM System by that precinct's personnel and will be finalized by the transit district desk officer. Similarly, when a member of the service in a transit district takes a complaint pertaining to an incident that occurred within a precinct covering that district, the complaint will be entered into the OMNIFORM System by that district's personnel and will be finalized by the precinct desk officer. Transit desk officers will be responsible for finalizing ALL complaints under their jurisdiction (i.e., code 01). In any event, the procedure below MUST be followed for ALL complaints occurring in another command even where the automated transfer of data takes place in order to allow the precinct/district concerned to review **COMPLAINT REPORT WORKSHEET (PD313-152A)** prior to finalization.

PROCEDURE When informed of a complaint which occurred in another command:

MEMBER OF THE SERVICE

1. Thoroughly interview complainant and obtain facts.
2. Prepare **COMPLAINT REPORT WORKSHEET**.
3. Give **COMPLAINT REPORT WORKSHEET** to desk officer.

DESK OFFICER (PRECINCT TAKING REPORT)

4. Ensure applicable complaint reporting guidelines have been followed (see especially *P.G. 207-07, "Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotics Complaints")*.
5. Sign **COMPLAINT REPORT WORKSHEET** and give to stationhouse clerk.

COMMAND CLERK (PRECINCT TAKING REPORT)

6. Notify precinct of record that **COMPLAINT REPORT WORKSHEET** has been prepared and will be forwarded to precinct of record.
7. Forward **COMPLAINT REPORT WORKSHEET** to precinct/ transit district of record via email.
8. Enter precinct and/or transit district of record and title/rank, name of member of the service receiving complaint at precinct/transit district of record under "Details" on **COMPLAINT REPORT WORKSHEET**.
9. Retain **COMPLAINT REPORT WORKSHEET** in command file.

COMMAND CLERK, PRECINCT/ TRANSIT DISTRICT OF RECORD

10. Record and process complaint as if received directly from complainant and comply with provisions of *P.G. 207-07, "Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotics Complaints")*.
    a. Retain copy of received **COMPLAINT REPORT WORKSHEET** in command file.

NYPD

PURPOSE To have the reporting command forward finalized duplicate copies of **COMPLAINT REPORTS (PD313-152)** to outside agencies.

PROCEDURE When outside agencies require duplicate copies of the **COMPLAINT REPORT**.

DESK OFFICER 1. Upon finalization, direct the command clerk to send a duplicate copy of the **COMPLAINT REPORT** to an agency as follows:

COMPLAINT	DUPLICATE COPY FOR
1. Involving pharmacist, drug wholesaler, manufacturer or associated person re: manufacture, sale or distribution of drugs	✓ State Board of Pharmacy
2. Involving actual bombing or threat of bombing	✓ Internal Revenue Service-Assistant Regional Commissioner, Alcohol, Tobacco and Firearms Division
3. Involving food stamps	✓ U.S. Department of Agriculture
4. Involving licensed tow car owner/operator	✓ Department of Consumer and Worker Protection
5. Involving arson, attempted arson, or related criminal mischief	✓ New York City Fire Department, Division of Fire Investigation
6. Occurring in a New York City municipal garage or municipal parking lot	✓ New York City Department of Transportation, Bureau of Traffic Operations
7. Occurring on Federal facility	✓ Federal Protective Service
8. Occurring on LIRR facility/Metro-North facility	✓ MTA Police
9. Occurring on bridges/tunnels	✓ MTA/Triborough Bridge and Tunnel Authority Police
10. Occurring on CSX Transportation Company facility	✓ CSX Police
11. Occurring on property under jurisdiction of NYC Health and Hospital Corporation	✓ Health and Hospitals Corporation
12. Occurring on Port Authority facility	✓ Port Authority Police
13. Occurring on property under jurisdiction of NYC Department of Parks & Recreation	✓ NYC Department of Parks & Recreation
14. Department of Health employees or persons impersonating Department of Health employees	✓ Inspector General, Department of Health
15. Involving suicide/suspicious deaths of U.S. Army members or their immediate family dependents	✓ U.S. Army Criminal Investigation Division

16. Any incident involving licensed yellow medallion taxis, for-hire vehicles (liveries/limousines) or their owner/drivers
    - ✓ NYC Taxi and Limousine Commission

NYPD

PURPOSE To make special notifications for certain complaints.

PROCEDURE Special notifications will be made upon receipt of the following complaints:

DESK OFFICER 1. Notify the Operations Unit direct for:

COMPLAINT	OPERATIONS UNIT TO NOTIFY
• Counterfeit/forged U.S. Government obligations	➢ U.S. Treasury Department, Secret Service Bureau
• Employee, Department of Health, or person impersonating such employee	➢ Inspector General, Dept. of Health AND Command Center, IAB
• Criminal impersonation of tax official, extortion/bribery involving employee, Department of Finance	➢ Inspector General, Dept. of Finance AND Command Center, IAB
• Involving property of U.S. Postal Service or postal employees performing official duty	➢ Postal Inspector-in-Charge, N.Y.C. AND Command Center, IAB
• Contraband weapons	➢ Alcohol, Tobacco and Firearms Division of Internal Revenue Service
• Actual/suspected tampering, consumer products	➢ New York State Police
• Home invasion robbery	➢ Detective Bureau Wheel

2. Notify units/agencies DIRECTLY for the following:
   a. Child under eighteen years of age: ABUSED, NEGLECTED OR MALTREATED - notify New York State Child Abuse and Maltreated Register.
   b. IMPERSONATION OF A POLICE OFFICER - notify Command Center, Internal Affairs Bureau at [redacted].

NOTE *Do not refer complaint to the Internal Affairs Bureau for investigation unless otherwise instructed by the IAB Command Center supervisor. Forward a copy of* ***COMPLAINT REPORT (PD313-152)*** *to Command Center in a sealed envelope*

   c. INVOLVING PRIVATE CARTING INDUSTRY, CITY OWNED WHOLESALE MARKETS, OR BOATS INVOLVED IN OFFSHORE SHIPBOARD GAMBLING EMANATING FROM NEW YORK CITY LOCATIONS – notify Business Integrity Commission, via Detective Bureau Wheel.

NOTE *The Business Integrity Commission is responsible for the following City owned Wholesale Markets: • Gansevoort Meat Market, 556-89 West Street, Manhattan (6 Pct.) • The New Fulton Fish Market Cooperative at Hunts Point Inc, 800 Food Center Drive, Bronx (41 Pct.) • Hunts Point Cooperative Market Inc, 355 Food Center Drive, Bronx (41 Pct.) • NYC Terminal Produce Cooperative Market, Halleck and Spofford Streets, Bronx (41 Pct.) • Brooklyn Terminal Market, 8925 Foster Avenue, Brooklyn (69 Pct.) • Brooklyn Terminal Meat Market, 5600 First Avenue, Brooklyn (72 Pct.).*

DESK OFFICER (continued)

d. Any complaint involving an ATM related larceny or attempt - notify the Detective Bureau's MS, MN, BX, BS, BN, QS, QN or SI Grand Larceny Squad concerned via email at [redacted] or [redacted] and provide details.

e. Any complaint involving:
   (1) A skimmer device, or
   (2) The recording of personal financial information – notify the Financial Crimes Task Force by phone and via email at [redacted] and provide details.

f. Any complaint of sexual assault or sexual harassment of a prisoner while the prisoner is in custody of this Department – notify Criminal Justice Bureau of details via email at [redacted].

PUBLIC WELFARE AND PUBLIC ASSISTANCE FRAUDS:

UNIFORMED MEMBER OF THE SERVICE

3. Provide commanding officer with any information received regarding Public Welfare and Public Assistance Frauds.

COMMANDING OFFICER

4. Submit a report of the details of the information received directly to the Police Commissioner to be forwarded to the Human Resources Administration Administrator/Commissioner of the Department of Social Services for investigation and appropriate action.
   a. Forward a duplicate copy of the report through channels.

ADDITIONAL DATA *Ordinarily a summary arrest will NOT be made on complaints of Public Welfare and Public Assistance Frauds unless other elements are present, i.e., safety of the officer or other persons.*

Allegations of corruption and/or serious misconduct involving any federal, state or city employee, other than a member of the service, will be processed in accordance with P.G. 207-02, "Complaints Not Recorded on Complaint Report." The Chief of Internal Affairs, will be responsible for notification and disbursement of information pertaining to such allegation, to the appropriate agency.

ADDITIONAL DATA (continued)

Whenever a member of this Department (other than a member assigned to Internal Affairs Bureau or Detective Bureau) requires the assistance of the Immigration and Customs Enforcement solely in connection with a criminal investigation, a notification will be made to the Intelligence Division twenty-four hours a day, seven days a week. The Intelligence Division will process the request and the member requesting assistance will provide the Intelligence Division with all pertinent details and advise whether the request is of a routine or emergency nature. The Intelligence Division will maintain a log of any such requests for assistance in connection with a law enforcement investigation. Routine requests for assistance in connection with a law enforcement investigation will be telephoned to Immigration and Customs Enforcement at 0800 hours each weekday morning by members assigned to the Intelligence Division. The Immigration and Customs Enforcement will be requested to contact the requesting member of this Department. Emergency requests for assistance in connection with a law enforcement investigation will be made by the Intelligence Division to the designated after-hours Immigration and Customs Enforcement supervisor or selected agent. The requesting member of the service will be notified by the Intelligence Division of the response that was provided by Immigration and Customs Enforcement. Their response may include opening their file rooms on an after-hours basis and/or to have an agent respond to a particular location. It will be the responsibility of the requesting member of the service to notify the Intelligence Division if Immigration and Customs Enforcement fails to respond to the initial request for assistance. Members of the service are reminded that pursuant to P.G. 212-126, "Requests to Provide City Resources for Immigration Enforcement," members of the service while on duty may not use their time, Department equipment or Department property to support or assist in immigration enforcement.

NYPD

PURPOSE To investigate, record and refer complaints (other than vice, narcotics or organized crime related complaints).

DEFINITIONS ACTIVE CASE - Investigation has not been exhausted or complaint has not been classified as closed.

CLOSED CASE - A complaint which has been investigated and:
a. Results have been obtained in full, or
b. Results have been obtained in part and no further results can be obtained, or
c. No results can be obtained, or
d. Complaint referred to court for process, or
e. Complaint is unfounded.

UNFOUNDED CASE - One in which:
a. An offense is reported and, as a result of subsequent information, it is determined that no offense occurred (this includes complaints determined to be of a civil nature only), or
b. A report of lost property is made by a complainant who later reports having misplaced the property and found it.

PROCEDURE When assigned to investigate a complaint:

UNIFORMED MEMBER OF THE SERVICE

1. Interview complainant and any witnesses, obtain facts and safeguard evidence.
   a. DO NOT DISTURB POSSIBLE EVIDENCE AT A CRIME SCENE (see *P.G. 212-04, "Crime Scene"*).
   b. Comply with *P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons,"* if complainant or witness appears to have difficulty understanding/communicating in English.
   c. Comply with *P.G. 212-104, "Interaction with Persons who are Deaf or Hard of hearing,"* if complainant or witness appears to be Deaf or hard of hearing.
2. Conduct thorough field investigation.
   a. Transmit alarm, if necessary.
   b. Where necessary, attempt to have witnesses remain and immediately record their names, addresses, telephone numbers, dates of birth, any relevant statements whether casually or formally made, and any other pertinent information.
   c. Determine all offenses that occurred during incident.
      (1) The most serious offenses (up to ten) will be recorded on a **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

3. Notify the patrol supervisor of any serious or unusual complaints.

PATROL SUPERVISOR

4. Promptly report all cases listed directly below to the appropriate units:
   a. MAJOR CASE UNIT
      (1) Burglary or attempt of a bank or bank safe
      (2) Larceny by extortion or attempt, from a bank
      (3) Robbery or attempt of a bank and perpetrator not armed (simulated gun, threatening note, etc.)
      (4) Burglary of a truck contents over $100,000.00
      (5) Larceny of a truck contents over $100,000.00
      (6) Robbery of truck and contents by hijacking
      (7) All robberies in warehouse depots or similar locations where the object of the crime is a truck or its contents
      (8) All commercial burglaries in which the value of property stolen exceeds $100,000.00
      (9) Art theft.
   b. JOINT VIOLENT CRIMES TASK FORCE
      (1) All armed bank robberies.
   c. HIGHWAY DISTRICT
      (1) All motor vehicle/bicycle collisions which result in death, serious injury and likely to die, or critical injury to an individual.
   d. SPECIAL VICTIMS UNIT
      (1) All sex crimes or attempts against any person of any age (see *P.G. 207-33, "Complaints Involving Sex Crimes"*)
      (2) 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 (see *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."*
      (3) Any offense related to, or suspected of relating to human trafficking.

NOTE *When a uniformed member of the service encounters a victim of, or a suspected victim of human trafficking, the uniform member of the service must also:*
(a) Advise the person of the availability of social and legal services available.
(b) Offer to contact provider of social or legal services and connect the provider with the complainant/victim.
(c) Inform person that a list of social and legal services providers may be found on the nyc.gov website at: http:/www1.nyc.gov/site/nypd/services/victim-services/resource_service_websites.page.
(d) In instances when Special Victims Unit is not available, or if immediate assistance is needed, or victim is still present, call the Human Trafficking Hotline at [redacted].

5. Notify the desk officer, police service area (PSA)/transit district when incident occurs on housing/transit jurisdiction, as appropriate.

UNIFORMED MEMBER OF THE SERVICE

6. Prepare **COMPLAINT REPORT WORKSHEET**.
   a. Comply with the Crime Complaint Reporting System Reference Guide.
   b. Indicate preliminary 'Classification Type.'
   c. Record all offenses (up to ten) occurring within incident.
   d. Record sufficient facts that caused determination of preliminary classification of incident and all associated offenses.
   e. Indicate in the appropriate box on **COMPLAINT REPORT WORKSHEET** above the 'Details' section whether an interpreter was used during the preliminary investigation and list the name, address and telephone number of the interpreter, as appropriate.
   f. Indicate 'yes' and the appropriate language under the caption 'Is this person not proficient in English' in the 'victim' and 'reporter/witness' sections of the **COMPLAINT REPORT WORKSHEE**T, if the listed person has apparent difficulty understanding/communicating in English, regardless of whether or not further investigation is required.
   g. Indicate 'Yes' or 'No,' as appropriate, in the 'Victim of Similar Incident' caption located within the 'Victim' section.
   h. Notify complainant that they may receive a text message from the Department asking them to participate in a customer service survey.
      (1) Do not notify member of the public who record a complaint for matters involving sex crimes, domestic violence/family offense, juveniles (defined as being 17 years old or younger), homicides, or any other incident deemed inappropriate, about being contacted via text message.
      (2) Make note in 'Details' section of **COMPLAINT REPORT WORKSHEET**, if notification was made.

NOTE *If complainant is age sixty-five years or older and was the victim of a similar crime while sixty-five years or older, enter statement "victim of a similar crime," including the time frame between the crimes, in the "Details" section (e.g., Victim of a similar crime approximately two years ago).*

7. Determine if complaint should be closed or referred for further investigation.
   a. Refer complaint if it is determined through the field investigation that there is a need for a specialist or other investigative unit to conduct a further investigation.
   b. Consult with patrol supervisor or desk officer, if doubt exists as to whether a complaint should be closed or referred for investigation.
8. Notify and refer the case to the detective squad when further investigation is required for the following:
   a. Any offense and victim suffers a serious physical injury including assault
   b. Robbery, where a firearm or dangerous instrument was used or the victim is a sixty years of age or older

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Burglary and person present or property valued over $5,000.00 ($10,000.00 in Manhattan) was taken or firearm or safe involved
d. Crime was committed with unique/unusual modus operandi
e. Complainant was the victim of the same or similar crime within the last six months
f. Perpetrator may be identified or is known
g. Similar crimes have been committed in the vicinity
h. Complainant, or offense committed, may create unusual community or police interest
i. Impersonation of a police officer or other law enforcement officer
   (1) Precinct detective squad will notify:
      (i) Police Impersonation Investigation Unit in cases of non-member of the service involved police impersonation,
      (ii) Internal Affairs Bureau Command Center, if member of the service is involved in police impersonation incident,
      (iii) Special Victims Unit, if robbery committed by police impersonator(s) involves any sexual assault.
j. Identity theft
   (1) The Financial Crimes Task Force will be responsible for the investigation of all cases involving identity theft related larcenies where loss is valued at $5,000 or more, or there is a pattern involving more than one NYPD precinct, or for any case where the expertise, equipment and resources of the Financial Crimes Task Force are most appropriate to the investigation
k. Felonious assaults on retail workers in performance of duty
l. Other complaints as deemed necessary by competent authority.

9. Notify the innocent victim of a crime or surviving relative, if such victim has sustained a personal injury, death or loss of essential personal property, that compensation may be available as per the Crime Victim's Compensation Law.
   a. Provide victim or relative with a Crime Victims Board Information Card.
   b. Check box under victim information on **COMPLAINT REPORT WORKSHEET** that victim or relative was notified.

ASSIGNED DETECTIVE

10. Perform step "9" while conducting follow-up investigation if circumstances prevented uniformed member of the service from making the personal notification.
   a. Document notification on in Enterprise Case Management System (ECMS).

UNIFORMED MEMBER OF THE SERVICE

11. Notify desk officer upon completion of investigation and deliver **COMPLAINT REPORT WORKSHEET** and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)** (see *P.G. 207-12, "Lost or Stolen Property/Identity Theft"*) if prepared, as soon as possible.
    a. Make entry in digital **Activity Log** of details of complaint.

DESK OFFICER

12. Carefully examine **COMPLAINT REPORT WORKSHEET** for accuracy and completeness.
13. The following list, while not exclusive, should be closely scrutinized when examining **COMPLAINT REPORT WORKSHEET**
    a. Verify that required notifications and proper referral of active cases have been made
    b. Ensure proper jurisdiction code is indicated
    c. Ensure the offense is classified properly.
    d. Review all associated offenses and ensure that the most serious offenses (up to ten) are recorded.
14. Comply with **Crime Complaint Reporting System Reference Guide** to ensure proper crime classification and recording of multiple offenses.
15. Sign **COMPLAINT REPORT WORKSHEET** and have command clerk enter complaint into the OMNIFORM System.
    a. The OMNIFORM System will automatically assign next complaint number.

MEMBER OF SERVICE

16. Enter information into OMNIFORM System from **COMPLAINT REPORT WORKSHEET**.
    a. Attach a digital scanned copy of **COMPLAINT REPORT WORKSHEET** and any corresponding Department forms (e.g., **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT, VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION [PD371-084]**, etc.) into corresponding **COMPLAINT REPORT**.

DESK OFFICER

17. Carefully examine **COMPLAINT REPORT** prior to finalizing and ensure necessary captions have been completed, accurately transposed, and that documentation accurately reflects the crime classification and all associated offenses (up to ten).
    a. Ensure a digital scanned copy of **COMPLAINT REPORT WORKSHEET** and any associated Department forms are attached to **COMPLAINT REPORT**.
    b. Take corrective action, as necessary.
18. Finalize (i.e., sign-off) the **COMPLAINT REPORT** utilizing the OMNIFORM System if **COMPLAINT REPORT** is accurate and complete.
19. Ensure that all members of the service are complying with current complaint reporting procedures.

DESK OFFICER (continued)

a. Instruct members of the service (especially those with recurrent or serious mistakes) in proper procedures for preparing worksheets and **COMPLAINT REPORTS**.
   (1) Monitor and follow-up as necessary.
   (2) Advise training sergeant of deficiencies.

PLATOON COMMANDER

20. Ensure that proper entries are made regarding **COMPLAINT REPORT(S)** during tour.
   a. Confer with the training sergeant pertaining to deficiencies in regard to accurate preparation of **COMPLAINT REPORT(S)**.

COMMANDING OFFICER

21. Review **COMPLAINT REPORTS**, especially those cases closed by members of the service assigned to patrol, and have corrections made, if necessary.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

If during the course of an official investigation information is required from the Parking Violations Bureau, the uniformed member of the service concerned will prepare two copies of ***OFFICIAL LETTERHEAD (PD158-151)*** *addressed to the Commanding Officer, Investigation Review Section, requesting the information required. The commanding officer of the requesting member will endorse and forward both copies of the request to the Investigation Review Section, Office of the Chief of Department, in a sealed envelope marked "CONFIDENTIAL." Investigation Review Section personnel will send a copy of the request to the Parking Violations Bureau and file the other copy. When a reply is received, it will be forwarded to the requesting member in a sealed envelope. The file copy of the request will be removed from the file and destroyed. In an extreme emergency, the Commanding Officer, Investigation Review Section may establish personal liaison with the Parking Violations Bureau to expedite an investigation.*

When appropriate, after consultation with the patrol borough commander, the detective borough commander may take charge of an investigation not ordinarily referred to a Detective Bureau command.

An automated teller machine (ATM) related crime may be defined as, but is not limited to, criminal activity against a bank patron who is about to use, is currently using or has just completed using an automated teller machine for any type of transaction, and is in the vicinity of the machine or has been followed from the automated teller machine to another location.

Members of the service preparing ***COMPLAINT REPORTS*** *for automated teller machine (ATM) related crimes will specify that the crime is automated teller machine (ATM) related by entering such in the caption titled, "Actions of Victim Prior to Incident." In addition, supporting information will be articulated under the "Details" section of the* ***COMPLAINT REPORT****.*

The Central Records Division, Identification Unit has an Intranet application that provides immediate access to Orders of Protection issued by ALL New York City based courts, permitting users to search the Department's Order of Protection Database and

ADDITIONAL DATA (continued)

display or print a copy of the actual court order. This includes not only Orders of Protection involving persons defined under the family/household – expanded definition, but also all individuals who are either the defendant or petitioner of an Order of Protection from any New York City based court. This database is designed to verify that an Order of Protection was issued and to provide a copy of the actual order directly at the command level. This application will also provide access to expired Orders of Protection. Questions or assistance should be directed to the Identification Unit's Order of Protection Unit or the Information Technology Bureau (ITB) Service Desk.

If during the course of a preliminary investigation the identity of a person, present or not, is disclosed and there is insufficient evidence to make an arrest, a warrant check will be conducted as per P.G. 208-22, "Performing Local, State and Federal Warrant Checks" prior to closing the case.

The Special Victims Unit will investigate robberies committed by police impersonators which include any sexual assault, and the Police Impersonation Investigation Unit will assist in the investigation.

Complaints of robbery/attempted robbery and homicide/attempted homicide of drivers of medallion taxicabs, non-medallion for-hire vehicles, and delivery trucks require a notification to the Crimes Against Persons Unit.

PURPOSE To report additional information concerning a previously recorded complaint.

PROCEDURE Upon receiving additional information concerning a reported complaint after the **COMPLAINT REPORT (PD313-152)** has been **FINALIZED** in the OMNIFORM System:

MEMBER OF THE SERVICE

1. Prepare **Omniform Complaint Revision** only when additional information falls into any of the following categories:
   a. Crime classification change (e.g., assault to homicide),
   b. Addition or removal of any offenses,
   c. Addition or removal of any victims or offenders,
   d. Information which will amend a previously recorded P.D. code (crime sub-classification e.g., time of day for a burglary),
   e. Case clearance (e.g., initial arrest only, exceptional clearances, unfounded),
   f. Voiding a complaint after finalization in OMNIFORM System,
   g. Recovered property not previously reported,
   h. Additional stolen property not previously reported,
   i. Serial numbers obtained for property previously reported, Dead human is identified and property has been invoiced to the Property Clerk or Public Administrator.

NOTE *There is a distinction between voided complaints and unfounded complaints. A voided complaint is one in which the **COMPLAINT REPORT** should not have been prepared. An unfounded case is one in which the report should have been prepared but subsequent information leads to the determination that the case should be classified as unfounded (e.g., a voided case is one in which a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** rather than a **COMPLAINT REPORT** should have been prepared; an unfounded case is one in which a vehicle is reported stolen by a complainant and later a tow company informs the precinct that the vehicle was legally towed).*

*As with **COMPLAINT REPORTS**, proper recording of property values on an **Omniform Complaint Revision** is essential for accurate entry into the FBI Uniform Crime Reporting (UCR) System. Values must be properly consolidated in the "Value Stolen" and "Value Recovered" columns of the Property Summary Section. In addition, the person preparing the report must examine previous reports related to the complaint (i.e., **COMPLAINT REPORT**, previously prepared **Omniform Complaint Revisions** to ensure that property values are not being reported more than once. Only additional information with respect to property values are to be recorded.*

*Arrests or other information concerning a complaint received BEFORE the original **COMPLAINT REPORT** is finalized will be entered on the original **COMPLAINT REPORT**.*

***NOTE* (continued)**

*Prior to finalizing an **Omniform Complaint Revision** and "Voiding" an already existing **COMPLAINT REPORT**, the voiding command must contact the command of jurisdiction for finalization (i.e., sign-off) of the new **COMPLAINT REPORT** generated, if the **COMPLAINT REPORT** is being voided and transferred to another command due to jurisdiction. In addition, the new complaint report number must be documented in the "Details" section of the **Omniform Complaint Revision** generated prior to finalization of the "Voided" **COMPLAINT REPORT** (i.e., sign-off). Other reasons for voiding a complaint not related to a change in jurisdiction between commands within the Department must also be noted in the "Details" section of the **Omniform Complaint Revision** (i.e., **COMPLAINT REPORT** should have been recorded in other manner, offense occurred outside New York City, complaint should have never been prepared, and include a descriptive reason for the determination).*

MEMBER OF THE SERVICE

2. Document information of any other type (e.g., case progress, results of interviews, canvass, etc.) in Enterprise Case Management System (ECMS).
3. Notify detective squad concerned, if necessary.
4. Submit **Omniform Complaint Revision** the desk officer or detective supervisor, as appropriate.

NOTE

*Second sheets will be used when space is insufficient for required entries on **COMPLAINT FOLLOW-UP INFORMATIONAL** (see P.G. 207-01, "Complaint Reporting System").*

DESK OFFICER/ DETECTIVE SUPERVISOR

5. Review for accuracy and sign.

ADDITIONAL DATA

*These reports must be forwarded to the appropriate units within **24 hours** of preparation.*

Desk officers will ensure that the following areas of these reports are appropriately completed:

- *"Jurisdiction" and "Reporting Agency" codes are properly recorded*
- *"Complaint Report Number," "Precinct of Report" and "Date of Original Report" are properly recorded*
- *"Previous Classification" and "Classification Changed To" captions are properly completed (for **Omniform Complaint Revisions** only)*
- *"Precinct of Arrest" and "Arrest Number" captions on an **Omniform Complaint Revision** are completed if an arrest clearance is requested.*
- *Property Section is fully completed in lost or stolen property cases. Ensure property values are itemized and consolidated in the "Value Stolen' and the "Value Recovered" columns, as appropriate, in the Property Summary Section (for **Omniform Complaint Revisions** only).*
- *Ensure that the "Details" supplied on the report provides adequate grounds to change the original offense listed in the "Previous Classification" caption (for **Omniform Complaint Revisions** offense reclassification requests).*

ADDITIONAL DATA (continued)

*The following agencies or commands are required to receive a duplicate copy of an **Omniform Complaint Revision** when reporting additional or recovered property, classification changes, and clearances, when these changes are initiated by this Department. The member of the service preparing the form will enter the name of the agency or command receiving the duplicate copy under "Additional copy for" and also send the duplicate copy of the report as follows:*

OMNIFORM COMPLAINT REVISION FOR CASES OCCURRING ON THE JURISDICTION OF:	***DUPLICATE COPY FOR:***
• *Port Authority Police Department*	➢ *Port Authority Police*
• *Tri-Borough Bridge and Tunnel Police Department*	➢ *TBTA Police*
• *MTA Police Department*	➢ *MTA Police*
• *Amtrak Police Department*	➢ *Amtrak Police*
• *CSX Police Department*	➢ *CSX Police*
• *New York State Police Department*	➢ *New York State Police*
• *New York State Park Police Department*	➢ *New York State Park Police*
• *NYC Housing Authority*	➢ *Housing Bureau, NYPD*
• *NYC Transit*	➢ *Transit Bureau, NYPD*
• *ANY police agency operating within New York City for arson and arson related incidents*	➢ *Arson and Explosion Squad and NYC Fire Department, Division of Fire Investigation*

OMNIFORM COMPLAINT REVISION FOR THE FOLLOWING CASES WHEN PROPERTY HAS BEEN INVOICED TO THE PROPERTY CLERK:	***DUPLICATE COPY FOR:***
Identification of previously unidentified dead body	*Property Clerk, borough office concerned* *Public Administrator, county of residence*

*In cases where information used to prepare an **Omniform Complaint Revision** is based on a **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)**, the desk officer will ensure that the listing of stolen property and reported values on the **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** is recorded in the property section of the **Omniform Complaint Revision**. MEMBERS OF THE SERVICE WILL NOT, UNDER ANY CIRCUMSTANCES, SIMPLY ATTACH **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** (or a copy of it) to **Omniform Complaint Revision** and forward to the Data Integrity Unit. The **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** must be attached to the command's file copy of the **Omniform Complaint Revision**.*

PURPOSE To ensure a coordinated police response and a thorough investigation and analysis of all bias motivated incidents.

DEFINITIONS BIAS INCIDENT - Any offense or unlawful act that is motivated in whole or in substantial part by a person's, a group's, or a place's identification with a particular race, religion, ethnicity, gender, age, disability, or sexual orientation (including lesbian, gay, bisexual, transgender, queer, intersex, asexual +) as determined by the Commanding Officer, Hate Crime Unit.

DISABILITY – Any physical, medical, mental, or psychological impairment, or a history or record of such impairment.

1. Physical, medical, mental, or psychological impairment refers to:
   a. An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or
   b. A mental or psychological impairment.
2. In the case of alcoholism, drug addiction or other substance abuse, the term 'disability' only applies to a person who:
   a. Is recovering or has recovered, and
   b. Is currently free of such abuse.

COMMANDING OFFICER - For the purpose of this procedure will be the precinct, police service area or transit district commanding officer within whose jurisdiction the incident occurs.

PROCEDURE When a uniformed member of the service is dispatched to the scene of an incident that may be a bias incident:

UNIFORMED MEMBER OF THE SERVICE

1. Evaluate condition and take police action appropriate for stabilization of the area, if necessary.
2. Determine if possibility exists that offense or unlawful act is motivated by bias or prejudice as contained in the definition of a "Bias Incident."
3. Request patrol supervisor to respond, if bias incident is suspected.

PATROL SUPERVISOR

4. Determine if additional personnel are required to stabilize the situation.
5. Request commanding officer/duty captain to respond, if occurrence is a possible bias incident.
6. Notify desk officer of incident.

COMMANDING OFFICER/ DUTY CAPTAIN

7. Determine if occurrence is a possible bias incident that should be referred to the Hate Crime Unit for further investigation.

NOTE *When considering incidents involving public officials, confer with the Intelligence Division prior to classifying the occurrence as a possible bias incident.*

PATROL SUPERVISOR

8. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared and include whether occurrence was determined to be a possible bias incident.

UNIFORMED MEMBER OF THE SERVICE

9. Take digital photographs on Department issued smartphone for the following, if it is determined to be a possible bias incident:
   a. Criminal Mischief, 3rd Degree (Section 145.05, Penal Law),
   b. Criminal Mischief, 4th Degree (Section 145.00, Penal Law),
   c. Aggravated Harassment, 1st Degree (Section 240.31, Penal Law), and/or
   d. Aggravated Harassment, 2nd Degree (Section 240.30, Penal Law).
10. Prepare and enter **COMPLAINT REPORT WORKSHEET** into OMNIFORM System.
    a. Upload digital photographs via the OMNIFORM Complaints menu and electronically attach to **COMPLAINT REPORT (PD313-152)**.

DESK OFFICER

11. Ensure digital photographs are uploaded into OMNIFORM System and sign-off **COMPLAINT REPORT**.

<u>IF THE OCCURRENCE IS REFERRED TO HATE CRIME UNIT AS A POSSIBLE BIAS INCIDENT</u>:

COMMANDING OFFICER/ DUTY CAPTAIN

12. Request additional resources, if required, to stabilize the location or defuse the incident (i.e., community affairs, crime prevention officers, additional command personnel, training unit, Strategic Response Group, if available, or others, as appropriate).
13. Request detective squad personnel to respond.
14. Request Evidence Collection Team (ECT) to respond and process scene for evidence.
15. Notify Operations Unit and obtain possible bias incident log number.
16. Prepare **UNUSUAL OCCURRENCE REPORT (PD370-152)** after conferral with precinct detective commander.
    a. Subject of Report will be "POSSIBLE BIAS INCIDENT-LOG NO. ___."
17. Forward **UNUSUAL OCCURRENCE REPORT** to Chief of Detectives and Commanding Officer, Hate Crime Unit direct, and forward additional copies through channels.

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

18. Forward duplicate copies of **UNUSUAL OCCURRENCE REPORT** through channels to:
    a. Deputy Commissioner, Community Affairs Bureau,
    b. Precinct commanding officer, and
    c. Police service area/transit district commanding officer, as applicable.
19. Direct crime prevention officer, where appropriate, to personally contact and advise complainant concerning actions to take to prevent reoccurrence.

NOTE *Operations Unit personnel will notify patrol borough command, Patrol Services Bureau Duty Chief, Housing Bureau or Transit Bureau, as applicable, detective borough commander, Intelligence Division, Commanding Officer, Hate Crime Unit, Deputy Commissioner, Community Affairs Bureau, and Police Commissioner.*

DETECTIVE SQUAD MEMBER

20. Conduct an immediate investigation and confer with Hate Crime Unit personnel.
21. Forward additional copies of **COMPLAINT REPORT** and **OmniForm Complaint Revision** (if applicable) to Commanding Officer, Hate Crime Unit direct within ten days of incident.

NOTE *The detective squad member is responsible for conducting the investigation, unless relieved by Hate Crime Unit personnel. The Hate Crime Unit is responsible for the determination as to whether the occurrence is, or is not, biased. In addition, the Commanding Officer, Hate Crime Unit, may retain sufficient Detective Bureau personnel to conduct a comprehensive preliminary investigation and canvass of the area.*

ECT PERSONNEL

22. Respond to scene as directed.
23. Process scene for evidence and generate ECT run number.
24. Inform initial responding unit to invoice evidence as "Investigatory Evidence."

COMMANDING OFFICER/HATE CRIME UNIT

25. Evaluate situation and make determination after conferral with Chief of Detectives to:
    a. Assume complete control of investigation, or
    b. Participate jointly with precinct detective squad personnel, or
    c. Have precinct detective personnel assume full responsibility for the investigation.

COMMANDING OFFICER, COMMAND CONCERNED

26. Visit and personally interview victims of possible bias incident.
27. Prepare and forward comprehensive follow-up report on **Typed Letterhead** within ten days of incident, including post-incident actions of all Department units, and the current status of investigation to Chief of Detectives and Commanding Officer, Hate Crime Unit, through channels.

CRIME PREVENTION OFFICER

28. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, indicating action taken concerning incident and whether a security survey was conducted.

NOTE

*The special operations lieutenant will prepare and forward a report on **Typed Letterhead** as per step "28" above, in those commands where a crime prevention officer is not assigned.*

COMMANDING OFFICER/HATE CRIME UNIT

29. Make determination of whether an occurrence is a bias incident or a non-bias incident based upon all factors obtained during investigation, after conferral with the Chief of Detectives.
30. Visit and personally interview victims of confirmed bias incidents upon completion of investigation.
    a. In appropriate cases, a Hate Crime Unit supervisor may be designated to interview victims.
31. Prepare report on **Typed Letterhead** indicating determination, and forward through channels to:
    a. Chief of Patrol,
    b. Chief of Detectives,
    c. Chief of Housing/Chief of Transit, if appropriate,
    d. Patrol borough concerned,
    e. Housing/transit borough, as applicable,
    f. Precinct of occurrence, and
    g. Police service area/transit district, as applicable.

NOTE

In the case of a confirmed bias incident, when a complainant/victim requests that an identified offender not be arrested, and there is appropriate legal justification for the arrest, the Commanding Officer, Hate Crime Unit, may direct that the arrest be made. The primary considerations when a complainant/victim does not want an arrest effected, are the prevention of further violence and the safety of all parties concerned.

<u>WHEN COMMANDING OFFICER/DUTY CAPTAIN DETERMINES INCIDENT IS NOT BIAS MOTIVATED</u>:

COMMANDING OFFICER/ DUTY CAPTAIN

32. Notify detective squad.
33. Notify Operations Unit that offense is not a bias incident.
    a. Contact Hate Crime Unit, between 0800 hours and 2400 hours, seven days a week, for log number on all non-bias incidents.
34. Direct crime prevention officer to personally contact and advise complainant concerning actions to take to prevent reoccurrence, if offense was committed at a religious institution or a sensitive location.
35. Prepare an **UNUSUAL OCCURRENCE REPORT** and forward to Chief of Detectives and Commanding Officer, Hate Crime Unit direct.
    a. Forward one additional copy of **UNUSUAL OCCURRENCE REPORT** through channels.

PRECINCT DETECTIVE

36. Conduct appropriate investigation.
37. Forward copies of **COMPLAINT REPORT Omniform Complaint Revision** (if applicable) to Chief of Detectives and Hate Crime Unit, through channels, within ten days of incident.

CRIME PREVENTION OFFICER

38. Prepare and forward a report on **Typed Letterhead** within ten days of incident to Commanding Officer, Hate Crime Unit, if offense was committed at a religious institution or sensitive location indicating action taken and whether security survey was conducted.

ADDITIONAL DATA

When notification of a possible bias incident is received from any other police agency, the New York City Police Department patrol supervisor shall respond. At the request of a patrol supervisor, captain, or above from another law enforcement agency, the commanding officer/duty captain will respond and determine whether the occurrence should be designated as non-bias or referred to the Hate Crime Unit as a possible bias incident.

If, during the course of an on-going investigation, information is ascertained that may indicate that the original incident may have been a possible bias incident, the Commanding Officer, Hate Crime Unit, will investigate and confer with the Chief of Detectives to make a determination whether the incident is a possible bias incident. The Commanding Officer, Hate Crime Unit, will then conduct a preliminary investigation and make all appropriate notifications.

PURPOSE To investigate, record and transmit alarms for stolen vehicles.

SCOPE A complainant, present at a precinct station house, police service area (PSA), transit district or other Department facility to report a stolen vehicle, will be transported by Department vehicle to the place of occurrence, or be requested to await the arrival of uniformed member(s) of the service at the location where the crime occurred. The assigned uniformed member of the service will then conduct a preliminary investigation at the scene and enter the results under the *"DETAILS"* section of the **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

PROCEDURE When a complaint of a stolen vehicle is received:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to scene and conduct preliminary investigation.

NOTE *NO REPORTS OF GRAND LARCENY AUTO WILL BE TAKEN OR ACCEPTED OVER THE TELEPHONE. Any complainants who come into a command to report their vehicle stolen will either be asked to go to the place of occurrence, if feasible, or be transported to the location of reported theft/loss by an available RMP team in order to conduct a preliminary canvass/investigation at the scene. In addition, owner/complainants will be informed that if they recover their own vehicle, they must immediately notify the nearest Police Department facility, so the stolen vehicle alarm(s) can be canceled.*

Crime classification will be Grand Larceny Auto unless owner/complainant or other evidence indicates auto (as defined in Section 125, Vehicle and Traffic Law) is valued at $100.00 or less, or if motorcycle (as defined in Section 123, Vehicle and Traffic Law) is valued at $1,000 or less.

2. Ascertain through available Department resources:
   a. If vehicle has been impounded or repossessed
   b. If vehicle is wanted in connection with a crime
   c. If vehicle has been previously reported stolen
   d. Verification of Vehicle Identification Number (VIN) or ownership, if necessary
   e. Expiration date of registration plates, when necessary
   f. If vehicle was towed by rotation tow.
   g. If vehicle was relocated due to a special event by utilizing the Citywide Towing Operations System (CTOPS) application.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Instruct and assist the complainant in preparing **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** in Finest Online Records Management System (FORMS).
   a. Comply with *P.G. 212-90, 'Guidelines for Interaction with Limited English Proficient (LEP) Persons,'* if services of an interpreter are necessary.
4. Prepare **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION**, if complainant has a language barrier or other handicap, and have complainant sign.
   a. If complainant refuses to prepare or sign **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION**, note fact on face of report and sign.
5. Prepare **COMPLAINT REPORT WORKSHEET**, when required.

NOTE *A refusal by the complainant to prepare a **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** does not preclude the requirement to prepare a **COMPLAINT REPORT WORKSHEET** and **COMPLAINT REPORT (PD313-152)** and to get an OMNIFORM System complaint number for such report. Under no circumstances will the complainant be given a copy of the **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION**.*

6. Record FORMS generated **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** serial number onto narrative section of **COMPLAINT REPORT WORKSHEET**.
7. Have alarm transmitted through the FINEST System, completing all appropriate captions.

NOTE *DO NOT sign off from FINEST System until acknowledgment is received from NYSPIN. Printed (hard) copy of NYSPIN acknowledgment will be attached to **COMPLAINT REPORT**.*

8. Refer complaint to the Precinct Detective Squad for investigation if any one of the following exists:
   a. Cameras are found at the location of theft.
   b. The complainant has an application that connects to the vehicle as indicated on the **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT /SUPPORTING DEPOSITION**.
   c. Traceable property (i.e., EZ-Pass, credit card, laptop, tablet, cellular phone, computers, etc.) was left inside the vehicle.
   d. Information from the complainant, reporter, and/or witness that requires further investigation.
9. Notify Stolen Property Inquiry Unit for all felony vehicle alarms.

DESK OFFICER

10. Direct a standard NYSPIN inquiry be made via FINEST, by plate or VIN number, to verify that an alarm has been transmitted.
    a. Ensure that printed (hard) copy of NYSPIN alarm is accurate and attached to **COMPLAINT REPORT**.
11. Review **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** in FORMS for accuracy and completeness.
12. Direct **COMPLAINT REPORT** be entered into OMNIFORM System and assigned a complaint report number.
    a. Ensure FORMS generated **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** serial number is recorded on **COMPLAINT REPORT**.

UNIFORMED MEMBER OF THE SERVICE

13. Check FINEST System for accuracy of alarm transmitted.
    a. Report any discrepancy to desk officer.
    b. Have alarm modified to correct discrepancy.
    c. Make entry under "Details" on **COMPLAINT REPORT** that alarm transmission was verified and include date, time and signature.

NOTE *If command FINEST System is temporarily inoperative, verification may be delayed until FINEST System is operative or verification can be requested through an adjoining command.*

DESK OFFICER

14. Ensure copies of all **COMPLAINT REPORTS** for Grand Larceny Auto and **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** are forwarded to the precinct detective squad for their review and further investigation, as necessary.

FOLLOW-UP INVESTIGATION OF GRAND LARCENY AUTO COMPLAINTS:

ASSIGNED DETECTIVE

15. Interview complainant, either in person or by telephone.
16. Use the **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION** to aid in interviewing and ascertaining the last known location of the vehicle.
17. Ascertain if there are any traceable property left inside vehicle at time of theft (i.e., electronics, credit cards, EZ-Pass, etc.).
18. Use Domain Awareness System (DAS) to search License Plate Readers (LPR).
19. Conduct video canvass at both place of occurrence and place of recovery, if recovered.
20. Document investigative steps taken in Enterprise Case Management System (ECMS).
21. Prepare wanted flyer, as necessary.

ADDITIONAL DATA

If immediate action is indicated on a stolen vehicle complaint, the desk officer will direct the telephone switchboard operator to alert uniformed members of the service on patrol in advance of the alarm being transmitted by the precinct.

IF AN ARREST IS EFFECTED WHICH INVOLVES A VEHICLE THAT WAS REPORTED STOLEN WITHIN NEW YORK CITY:

The arresting officer will be required, for affidavit preparation, to make two complainant notification attempts at reasonable intervals. If the arresting officer is unable to notify the complainant, the desk officer concerned will attempt to make a third notification. All notification attempts, dates and times are to be recorded in the narrative section of the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)****. If unable to notify the complainant, the arresting officer will access FORMS and provide the generated* ***VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT/SUPPORTING DEPOSITION*** *to the assigned assistant district attorney for affidavit preparation.*

In situations where it is not feasible to either transport or meet a complainant at the location of a reported vehicle theft (e.g., when the date of theft and the reporting date may be days or weeks apart) the need for an RMP canvass will be left to the discretion of the desk officer.

A stolen vehicle complaint made in a precinct, which is not the precinct of occurrence, will be accepted and processed as outlined in P.G. 207-04, "Reporting of Complaints Occurring in Another Command." In this instance, the canvass will be completed by personnel assigned to the precinct of record (i.e., the precinct assigning the complaint number).

The commitment to perform a preliminary canvass/investigation in regards to a past larceny of an auto should not be allowed to negatively impact on patrol strength. The desk officer has the discretion to utilize other precinct personnel to complete the canvass/investigation.

PURPOSE To investigate complaints of lost or stolen property/identity theft.

PROCEDURE When a complaint of lost or stolen property/identity theft is received:

COMPLAINTS OF LOST/STOLEN PROPERTY:

MEMBER OF THE SERVICE

1. Telephone Stolen Property Inquiry Unit (SPIU) to ascertain if property has been recovered.
2. Prepare **COMPLAINT REPORT (PD313-152)** if property is not located.
   a. If complainant does not know where the loss or theft occurred, the place of occurrence will be the place where the complainant first discovered the loss.
3. Instruct and assist complainant in preparing page 1 of **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY /IDENTITY THEFT (PD313-1516)**.

NOTE *If the complaint involves lost or stolen property ONLY and does not involve Identity Theft, instruct complainant to prepare only page 1 of* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *and direct complainant to sign false statement waiver at the bottom of page 1. The complainant shall be advised to prepare the* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *in the event any additional property is discovered lost or stolen or any additional information regarding property previously reported lost or stolen is discovered. (see ADDITIONAL DATA)*

4. Prepare a **COMPLAINT REPORT** or an **Omniform Complaint Revision** as appropriate, for all lost or stolen articles, including firearms.
   a. Record any serial numbers if known by complainant.
5. Request via telephone notification, to the Stolen Property Inquiry Unit, that an alarm be transmitted for all lost or stolen articles containing serial numbers, including firearms, equipment, securities, currency and other documents.
   a. Do not forward hard copies of the **COMPLAINT REPORT** or **Omniform Complaint Revision** to SPIU when the serial numbers of articles are known.
6. Provide the following information on lost or stolen firearms, via telephone, to SPIU:
   a. Make
   b. Model
   c. Caliber
   d. Type
   e. Serial Number
   f. Precinct
   g. Complaint number from OMNIFORM System
   h. Complainant's name and address
   i. Whether or not UMOS owns firearm.

MEMBER OF THE SERVICE (continued)

7. Provide the following information on lost or stolen articles, with serial numbers, via telephone, to SPIU:
   a. Brand
   b. Model number
   c. Type
   d. Precinct
   e. Complaint number from OMNIFORM System.

NOTE *In no instances will tax registry or model numbers be used in lieu of serial numbers. Alarms CANNOT be transmitted without serial numbers.*

8. Make entry in the 'Notifications To' caption of the **COMPLAINT REPORT WORKSHEET (PD 313-152A)** to reflect who at SPIU was notified.

NOTE *The desk officer concerned will ensure that a telephone notification to SPIU was made and entered in the notification portion of the **COMPLAINT REPORT WORKSHEET.***

9. Send hard copy (no telephone notification) of **COMPLAINT REPORT** or **Omniform Complaint Revision** to SPIU via Department Mail or Department email, in the following instances ONLY:
   a. Jewelry containing initials, inscriptions or other identifying marks OR individual pieces of jewelry, if value exceeds $5,000 OR an item of jewelry contains ten stones or carats
   b. Other articles that contain initials, inscriptions, or other identifiable markings
   c. All coin or stamp collections valued at more than $5,000
   d. Silverware if value exceeds $5,000
   e. All paintings or art objects
   f. Any fur coat valued at more than $5,000
   g. Any property taken in a hijacking.

COMPLAINTS OF LOST/STOLEN PROPERTY INVOLVING IDENTITY THEFT:

MEMBER OF THE SERVICE

10. Instruct complainant to prepare pages 1 and 2 of **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** in their own handwriting.
    a. Furnish assistance or allow other person to assist in preparing the form, if necessary.
    b. Ensure complainant signs BOTH waivers on pages 1 and 2.
11. Comply with *P.G. 207-30, "Complaints Involving Identity Theft."*

ADDITIONAL DATA

When a communication from an OUT-OF-TOWN complainant alleges loss or theft of property and does not include the place of occurrence, refer complaint to the Stolen Property Inquiry Unit. If the property has not been recovered, the Stolen Property Inquiry Unit shall contact the complainant through the Inter-City Correspondence Unit and request further information concerning the place of loss.

The desk officer/counterpart will provide the complainant or a properly identified representative with a copy of ***VERIFICATION OF INCIDENT (PD542-061)****, upon request, and will inform such person of the complaint number and precinct of record and direct said complainant to comply with instructions on the form.*

Whenever a rifle/shotgun permit holder reports the loss of a permit or document relating to rifles/shotguns, a duplicate copy of the ***COMPLAINT REPORT*** *will be forwarded to the Rifle and Shotgun Section. The complainant will be advised to contact the Rifle and Shotgun Section in person or by telephone.*

In cases of lost or stolen property, the member of the service preparing the ***COMPLAINT REPORT WORKSHEET*** *shall deliver a copy of* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *to the complainant. The complainant shall be advised to prepare the* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *in the event any additional property is discovered lost or stolen or any additional information regarding property previously reported lost or stolen is discovered. The* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *should then be delivered by the complainant to the desk officer, precinct of occurrence. The desk officer will ensure that the listing of stolen property and reported values on the* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *is recorded in the property section of the* ***Omniform Complaint Revision*** *and that a member of the Stolen Property Inquiry Unit is notified by telephone regarding any property with serial numbers. MEMBERS OF THE SERVICE WILL NOT, UNDER ANY CIRCUMSTANCES, SIMPLY ATTACH* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *(or a copy of it) TO AN* ***OMNIFORM COMPLAINT REVISION****. The* ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *must be attached to the command's file copy of the* ***Omniform Complaint Revision****.*

The ***COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT*** *must be attached to the command's file copy of the* ***COMPLAINT REPORT****.*

***WHEN A COMPLAINANT REPORTS A LOST OR STOLEN PASSPORT, ALIEN REGISTRATION CARD OR NATURALIZATION PAPERS*:**

Members of the service will request and carefully examine the official photo identification of complainant. If complainant has lost or has had stolen all of their photo identification (e.g., if the complainant's purse or wallet is stolen), it may not be possible for the complainant to produce photo identification. In such instances, the member of service will use all other methods available to verify the complainant's identification. Once satisfaction of identification is obtained, the member will request the precinct detective squad to conduct an interview and prepare ***COMPLAINT REPORT WORKSHEET (PD313-152A)****.*

ADDITIONAL DATA (continued)

The precinct detective squad member assigned will conduct inquiry and prepare ***COMPLAINT REPORT WORKSHEET****, AFTER obtaining verified identification of complainant. The precinct detective assigned will then notify the Intelligence Division's 24 hour Criminal Intelligence Section with particulars and pedigree of complainant and request an Intelligence Division log number. Members of the Intelligence Division will conduct internal inquiries and advise the detective assigned of any further necessity to hold the complainant for response by either the Joint Terrorist Task Force or the Intelligence Division. If no further action is necessary, then the Intelligence Division's Criminal Intelligence Section will issue the precinct detective assigned an Intelligence Division log number, which will be recorded on the* ***COMPLAINT REPORT WORKSHEET****, under the "Details" section along with the name, rank, and tax registry number of the member issuing the log number.*

Between 0100 and 0800 hours, when the precinct detective squad is not available, the precinct desk officer will designate a uniformed member of the service to prepare a ***COMPLAINT REPORT WORKSHEET*** *and contact the Intelligence Division's 24 hour Criminal Intelligence Section. If the Intelligence Division determines that further investigation is warranted, the desk officer or designee will hold the complainant for response by the Intelligence Division's Midnight Response Team. If no further action is necessary, then the Intelligence Division's Criminal Intelligence Section will issue the designated uniformed member of the service an Intelligence Division log number, which will be recorded on the* ***COMPLAINT REPORT WORKSHEET****, under the "Details" section along with the name, rank, and tax registry number of the member issuing the log number.*

Stolen Property Inquiry Unit will follow up on lost/stolen passports, alien registration cards and naturalization papers with notification to United States Bureau of Immigration and Customs Enforcement for alien registration cards and naturalization papers, and the United States Department of State for passports.

All members of the service are reminded to remain vigilant on patrol, reporting all related terrorist information to the Intelligence Division's 24 hour Criminal Intelligence Section.

LOST/STOLEN VEHICLE PLATES, LICENSES AND OTHER DEPARTMENT OF MOTOR VEHICLES DOCUMENTS

PURPOSE To record complaints of lost/stolen license plates, driver's licenses, learner's permits, vehicle registrations or stickers.

PROCEDURE When a complainant reports license plates/driver's license or other registration documents have been lost or stolen:

MEMBER OF THE SERVICE

1. Inquire through the FINEST System to ascertain if license plates have been recovered.
   a. Contact Stolen Property Inquiry Unit's Manual File Unit to ascertain if driver's license or other registration documents have been recovered.

VEHICLE LICENSE PLATES:

MEMBER OF THE SERVICE

2. Ascertain that complainant is registered owner or a true representative of the owner of the plate(s).
3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   a. IF ONE PLATE IS MISSING and there is no other evidence to suggest a larceny or other crime, classify the complaint as lost property and close complaint immediately as referred to Department of Motor Vehicles.
   b. Whether the complaint is classified as a crime (e.g., larceny) or lost property, direct the owner/representative to turn in the remaining plate to the Department of Motor Vehicles.
   c. Advise complainant to contact the precinct after the plate is turned in for transmission of an alarm.
      (i) A person subsequently found to be in possession of a lost license plate can be charged with larceny by *acquiring lost property* (Penal Law 155.05 subd. 2b).
   d. A license plate missing from an out of state registered vehicle and only required to have one plate will *not* be classified as a larceny or other crime unless there is additional evidence to support the crime. An alarm, however, will be transmitted in all cases.
4. Prepare and sign **Report of Lost or Stolen License or Registration Items (MV-78B [6/19])** and give to complainant.
   a. Make certain box on form captioned "Was the Loss the Result of a Crime?" is checked "Yes" or "No", as appropriate.

NOTE *If **Report of Lost or Stolen License or Registration Items** is not available to member on patrol, instruct the complainant to obtain form from precinct of occurrence at the earliest convenience. Precinct personnel concerned will verify that a **COMPLAINT REPORT** has been recorded before preparing **Report of Lost or Stolen License or Registration Items** form.*"

MEMBER OF THE SERVICE (continued)

5. Instruct complainant to deliver **Report of Lost or Stolen License or Registration Items** and registration certificate for lost plates to Department of Motor Vehicles to obtain new plates.
   a. If one plate is reported lost/stolen, the remaining plate, vehicle registration and **Report of Lost or Stolen License or Registration Items** will be surrendered to Department of Motor Vehicles personnel to obtain new plates.
   b. The complainant must then notify the precinct of record for transmission of an alarm on the missing plate.

<u>DRIVER'S LICENSE, LEARNER'S PERMIT, VEHICLE REGISTRATION/ STICKER</u>:

MEMBER OF THE SERVICE

6. Prepare **COMPLAINT REPORT WORKSHEET**.
   a. Send additional copy of **COMPLAINT REPORT** or **Omniform Complaint Revision** to Stolen Property Inquiry Unit in cases where a vehicle's inspection sticker has been reported lost or stolen.

NOTE *Lost or stolen driver's license, learner's permits, and vehicle registration items (exclusive of plates) do not meet the criteria for entry into the NYSPIN System.*

7. Prepare and sign **Report of Lost or Stolen License or Registration Items** and give to complainant.
   a. Make certain box on form captioned "Was the Loss the Result of a Crime?" is checked "Yes" or "No," as appropriate.
8. Instruct complainant to deliver **Report of Lost or Stolen License or Registration Items** to Department of Motor Vehicles to obtain new documents.

ADDITIONAL DATA *If complainant does not know where the loss or theft occurred, the place of occurrence will be the place where the complainant first discovered the loss.*

ARCHIVED

PURPOSE To assist uniformed members of the service who become aware of a robbery involving the impersonation of any law enforcement personnel.

DEFINITION POLICE IMPERSONATION - For the purpose of this procedure, a police impersonation occurs when during the commission of a crime, the perpetrator:

a. Pretends to be a police officer or wears or displays any uniform, badge, insignia or facsimile thereof by which a police officer of any jurisdiction is generally identified; OR
b. Expresses by words or actions that they are a police officer or acting with the approval or authority of any police department; OR
c. Displays, wears or uses police equipment in a manner likely to create the impression that they are a police officer.

PROCEDURE Whenever a robbery is committed and it is alleged to have been committed by an individual(s) purporting to be law enforcement personnel:

UNIFORMED MEMBER OF THE SERVICE

1. Determine whether a robbery in fact has been committed involving an impersonation of any law enforcement personnel.
2. Request response of patrol supervisor.
3. Detain complainant/witnesses, if possible.
4. Notify the Internal Affairs Bureau Command Center (212) 741-8401, for notification to Police Impersonation Investigation Unit (P.I.I.U.)
   a. Obtain name of member notified and log number.

NOTE *The Police Impersonation Unit will investigate all robbery police impersonation complaints and other serious crimes involving police impersonations. The precinct Detective Squad will be responsible for other criminal impersonation complaints. In ALL cases of suspected police impersonation, a notification to Internal Affairs Bureau Command Center is required and a log number will be assigned.*

MEMBER CONCERNED, COMMAND CENTER

5. Record information and issue log number.
6. Notify Police Impersonation Investigation Unit (P.I.I.U.).

PATROL SUPERVISOR

7. Notify desk officer.
8. Ensure that a thorough preliminary investigation is conducted.
9. Verify arrest(s), if made.
10. Have **COMPLAINT REPORT WORKSHEET (PD313-152A)** prepared including:
    a. Detailed description of the impersonation and robbery.
    b. Internal Affairs Bureau Command Center log number and member notified.

DESK OFFICER

11. Finalize **COMPLAINT REPORT WORKSHEET** and provide Internal Affairs Bureau Command Center with **COMPLAINT REPORT (PD313-152)** number.

SUPERVISOR, P.I.I.U.

12. Dispatch member(s) to interview complainant/witnesses, if circumstances warrant.
    a. Dispatch member(s) from Internal Affairs Bureau Police Impersonation, or Internal Affairs Bureau Nightwatch, if a response to interview a complainant/witness is required during the 1st Platoon.

P.I.I.U./ NIGHTWATCH MEMBER CONCERNED

13. Interview complainant and obtain facts.
14. Safeguard evidence.
15. Have complainant view Police Impersonation Photo Albums and Criminal Investigation Unit photos, if necessary.
16. Maintain a case file.
17. Effect arrests of identified subject(s).

SUPERVISOR, P.I.I.U.

18. Review all robbery impersonation complaints received at the Command Center to determine case status.
19. Maintain statistics regarding trends and arrests.
20. Supply and maintain Police Impersonation Photo Albums for each borough Criminal Investigation Unit.

ADDITIONAL DATA

Police Impersonation Photo Albums that are maintained by the Police Impersonation Investigation Unit are available for use by all investigative units within the Department. The Police Impersonation Investigation Unit is available to assist in any open investigation involving police impersonations and will provide assistance, as appropriate, whenever serious criminal conduct involves impersonation of law enforcement personnel.

Whenever the Police Impersonation Investigation Unit develops a "pattern," a notification will be made to the appropriate borough robbery squad. Additionally, if the Police Impersonation Investigation Unit rejects a case, a telephone notification will be made to the precinct detective squad concerned.

The Special Victims Squad concerned will investigate robberies committed by police impersonators, which include sexual assault, and the Police Impersonation Investigation Unit will assist in the investigation.

If in the course of an investigation it is determined that a possible "narcotics trade" element is involved, the Police Impersonation Investigation Unit member concerned will make the necessary notifications to the Detective Bureau.

PURPOSE To record and investigate complaints of overdue rental vehicles.

DEFINITION PRECINCT OF OCCURRENCE - For the purpose of this procedure only, shall be the precinct where the vehicle was leased/rented, or the location where the vehicle was scheduled to be returned to at the expiration of the lease or rental agreement.

PROCEDURE When a rental agency reports an overdue rental vehicle:

UNIFORMED MEMBER OF THE SERVICE

1. Interview complainant and conduct preliminary investigation.
2. Ascertain if fraudulent means were used to obtain vehicle.

NOTE *Fraudulent means may consist of giving false information on the rental agreement relative to identification, residence or place of employment, etc.*

3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and:
   a. Classify complaint as "AUTO LARCENY" if fraudulent means were used to rent the auto, OR
   b. Classify complaint as "INVESTIGATION - UNAUTHORIZED USE OF MOTOR VEHICLE", when no apparent fraud is involved.

DESK OFFICER

4. Direct command clerk to prepare **COMPLAINT REPORT (PD313-152)** from **COMPLAINT REPORT WORKSHEET** and:
   a. If complaint is classified as AUTO LARCENY, direct the reporting officer to comply with *P.G. 207-11, "Preliminary Investigation, Recording and Transmission of Alarms for Stolen Vehicles,"* OR
   b. If complaint is classified as INVESTIGATION - UNAUTHORIZED USE OF MOTOR VEHICLE, refer to precinct detective squad to determine if the facts will support a criminal action.

PRECINCT DETECTIVE

5. Ascertain from the rental agency if all of the following steps were taken to contact the lessee:
   a. Efforts made to locate lessee at residence or place of employment
   b. Certified letter mailed to lessee demanding the return of the vehicle
   c. Internal check to ensure clerical errors are not present
   d. Written investigation report that tends to support criminal action (most rental agencies have a form for this purpose)
   e. Other appropriate steps.
6. Reclassify complaint from INVESTIGATION to UNAUTHORIZED USE OF MOTOR VEHICLE, when facts support a criminal action.
7. Mark complaint "UNFOUNDED," if the facts do not support a criminal action, and:
   a. Inform rental agency that the complaint is a civil matter.

NOTE *If additional information substantiating a criminal action is brought to the attention of this Department, a CLOSED CASE may be reopened and further investigation conducted.*

PRECINCT DETECTIVE (continued)

8. Record action taken on an **Omniform Complaint Revision** unless such information is contained on original **COMPLAINT REPORT**.

ADDITIONAL DATA

In complaints of overdue rental vehicles, all the facts must be examined to determine if a criminal action can be supported. In many instances, the retention of a rental vehicle amounts to a breach of a civil contract ONLY, and the rental agency can seek redress in civil court.

A criminal action involving overdue rental vehicles can be supported ONLY if there is a "GROSS DEVIATION" from the rental agreement and the rental agency concerned has served or attempted service of a "NOTICE," in person or by certified mail, at the address indicated in the rental agreement, stating the time and date the vehicle was to be returned; that the agency does not consent to continued retention of the vehicle by the lessee; and that further retention of the vehicle may constitute a Class "A" Misdemeanor.

A "GROSS DEVIATION" may occur when, but is not limited to, a lessee who has legal custody of a vehicle for fifteen days or less, pursuant to a written rental agreement, intentionally retains such vehicle for at least seven days beyond the expiration date of the rental agreement and continues such possession for more than two days after service or attempted service of the above mentioned "NOTICE" from the rental agency.

NYPD

Section: Complaints		Procedure No: 207-17
CONTRABAND WEAPONS		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 34	PAGE: 1 of 1

PURPOSE To record seizures of contraband weapons.

DEFINITION CONTRABAND WEAPON - As used in this section includes any weapons possessed unlawfully.

PROCEDURE When a uniformed member of the service comes into possession of a contraband weapon:

UNIFORMED MEMBER OF THE SERVICE

1. Follow normal complaint and/or arrest procedures.
2. Charge appropriate offense(s) from the New York State Penal Law, if arrest made.

DESK OFFICER

3. Notify Joint Terrorist Task Force of details.
4. Notify the Bureau of Alcohol, Tobacco and Firearms through Operations Unit if any of the following weapons are involved:
   a. Fully automatic firearms such as machine guns and machine pistols
   b. Shotguns with barrels less than 18 inches long
   c. Rifles with barrels less than 16 inches long
   d. Altered shotgun or rifle with overall length of less than 26 inches
   e. Any weapon, other than conventional handgun, capable of firing a shot, if such weapon can be concealed on the person
   f. Destructive device - any explosive, incendiary, poison gas, bomb, grenade, rocket, missile, mine or similar device; or any parts designed to create a destructive device
   g. Pistols with shoulder stocks
   h. Any muffling or silencing device designed for use with a firearm.

NYPD

Section: Complaints		Procedure No: 207-18
COMPLAINTS INVOLVING CREDIT CARDS		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 34	PAGE: 1 of 1

PURPOSE To investigate complaints involving credit cards.

PROCEDURE When a credit card comes into possession of a member of the service and its status is in doubt and requires investigation:

MEMBER OF THE SERVICE

1. Report information to desk officer.

DESK OFFICER

2. Notify the Special Frauds Squad between 0900 and 1800 hours, Monday through Friday, by telephone.

NOTE *Special Frauds Squad member will check records and telephone credit card company for status inquiry of credit cards. The credit card company representative will telephone results of inquiry to the desk officer.*

3. Have **COMPLAINT REPORT (PD313-152)** prepared when required:
   a. Have additional copy sent to Special Frauds Squad
   b. Enter, under "Details," name of Special Frauds Squad member notified
   c. Enter results of inquiry under "Details."

UNIFORMED MEMBER OF THE SERVICE

4. Comply with *P.G. 207-07, "Preliminary Investigation of Complaints (Other than Vice Related or Narcotics Complaints)."*
5. For investigations concerning identity theft, comply with *P.G. 207-30, "Complaints Involving Identity Theft*."

ADDITIONAL DATA *If an arrest is effected involving the credit card, the credit card company involved will provide a representative in court as a complainant when required.*

The Special Frauds Squad maintains twenty-four hour telephone hot line verification numbers for various credit card companies. If the Special Frauds Squad office is closed, the current list of hot line numbers is maintained at the Missing Persons Desk.

Section: Complaints		Procedure No: 207-20
INVESTIGATION OF CRIMES INVOLVING COMPUTERS OR COMPUTER TECHNOLOGY		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 34	PAGE: 1 of 1

PURPOSE To protect computer evidence obtained by this Department during the course of investigations or arrests, and to enhance the prosecution of defendants.

PROCEDURE Whenever computer related evidence is to be seized, subject of an investigation or connected with an arrest:

UNIFORMED MEMBER OF THE SERVICE CONCERNED

1. Notify Computer Crimes Squad (0600 to 2000 hours, Monday through Friday) or Office of the Chief of Detectives (all other times) whenever:
   a. Computer-related evidence is seized or expected to be seized, i.e., evidence consisting of a computer that has been used to commit a crime or is suspected of being a device that stores evidence.
   b. An arrest involving a computer is made.

NOTE *Computer Crimes Squad will determine if a response to debrief the prisoner(s) is necessary.*

2. Confer with Computer Crimes Squad whenever:
   a. A criminal investigation by a unit of this Department is conducted where computers or computer evidence may be involved.
   b. A warrant to seize computers or computer-related evidence is being sought, prior to the preparation of the warrant.
3. For investigations concerning identity theft, comply with *P.G. 207-30, "Complaints Involving Identity Theft*."

NOTE *Notification to the Computer Crimes Squad concerning search warrants will be of a limited nature pertaining only to computers and computer-related equipment to be seized.*

ADDITIONAL DATA *When requested, the Computer Crimes Squad will provide technical assistance in properly securing computer evidence, conducting computer forensic examinations and preparing warrants. The Computer Crimes Squad will make the determination whether a response to the scene is required, based on the totality of the circumstances presented in each case.*

PURPOSE To process allegations of corruption and other misconduct against members of the service.

SCOPE All members of the service must be incorruptible. An honest member of the service will not tolerate members of the service who engage in corruption or other misconduct. All members of the service have an absolute duty to report any corruption or other misconduct, or allegation of corruption or other misconduct, of which they become aware.

DEFINITION CORRUPTION/OTHER MISCONDUCT: Criminal activity or other misconduct of any kind including the use of excessive force or perjury that is committed by a member of the service whether on or off duty.

PROCEDURE Upon observing, or becoming aware of corruption or other misconduct or upon receiving an allegation of corruption or other misconduct involving a member of the service:

NOTE *To prevent interruption or delay in vital services, a telephone switchboard operator will refer any allegation of corruption or other misconduct to the desk officer, who will record the details of the allegation(s).*

MEMBER OF THE SERVICE CONCERNED

1. Telephone Internal Affairs Bureau, Command Center [redacted] (24 hours) or [redacted] (24 hours) or [redacted] (24 hours).
   a. Give preliminary facts.
   b. Identify self or, if opting to remain anonymous, obtain Confidential Identification Number from the Command Center investigator.
   c. Furnish details of corruption or other misconduct.

NOTE *In certain cases, supervisory personnel assigned to the Command Center of the Internal Affairs Bureau may direct on duty members not reporting anonymously to prepare a detailed written report in addition to a telephone notification or request the member(s) concerned to await the arrival of an investigator.*

OR

2. Prepare a detailed written report addressed to the Chief of Internal Affairs.
   a. Forward DIRECT, or via FAX [redacted], to the Command Center, 315 Hudson Street, within twenty-four hours.

MEMBERS MAY OPT TO REPORT ALLEGATIONS OF CORRUPTION/ OTHER MISCONDUCT IN WRITING ANONYMOUSLY

MEMBER OF THE SERVICE CONCERNED (continued)

3. Prepare a detailed written report, upon becoming aware of misconduct, and forward to:
   a. Chief of Internal Affairs, or
   b. Box 1001, New York, N.Y. 10014.

NOTE

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information reported is accurate and complete. Subsequent or ongoing reporting is encouraged to insure the information is timely and complete and may be made by referencing the Confidential Identification Number.

ADDITIONAL DATA

A member of the service having or receiving information relative to corruption or other misconduct, or an allegation of corruption or other misconduct, has the responsibility to report such information directly to the Internal Affairs Bureau, Command Center. Additionally, a notification to the Internal Affairs Bureau will satisfy the member's affirmative duty to report corruption or misconduct to the New York State Attorney General's Law Enforcement Misconduct Investigative Office, as required by New York State law. A notification to the Internal Affairs Bureau satisfies a member's responsibility to report, thereby eliminating a direct notification to the Law Enforcement Misconduct Investigative Office.

Failure to report corruption, other misconduct, or allegations of such act is, in itself, an offense of serious misconduct and will be charged as such when uncovered during an investigation. Conduct designed to cover up acts of corruption, prevent or discourage its report, or intimidate those who would report it, will be charged as an obstruction of justice or other criminal act with the consent of the prosecutor who has criminal jurisdiction.

A member of the service receiving an allegation of corruption against oneself will request a supervising officer to respond to the scene. The supervising officer will interview the complainant and confer with the Internal Affairs Bureau, Command Center, BEFORE interviewing the member concerning the allegation.

The Internal Affairs Bureau will determine whether complaints of misconduct meet the reporting requirements of Executive Law § 75 (5) (a) and (b). In addition, the Internal Affairs Bureau will be responsible to submit all qualifying incidents or cases of misconduct to the New York State Attorney General's Law Enforcement Misconduct Investigative Office. The Legal Bureau will advise the appropriate agency (e.g., Division of Criminal Justice Services, etc.) or legislative body (e.g., New York State Senate, New York State Assembly, etc.) of remedial actions taken in accordance with Executive Law § 75 (5) (c).

PATROL GUIDE

Section: Complaints		Procedure No: 207-22
ALLEGATIONS OF CORRUPTION AGAINST CITY EMPLOYEES (OTHER THAN MEMBERS OF THE NEW YORK CITY POLICE DEPARTMENT)		
DATE EFFECTIVE: 09/06/22	LAST REVISION: I.O. 93	PAGE: 1 of 1

PURPOSE To record allegations of corruption and/or serious misconduct and/or misconduct against federal, state or city employees, other than members of this Department, and provide for notifications to the appropriate agency.

PROCEDURE Upon receiving, or becoming aware of, an allegation of corruption and/or serious misconduct and/or misconduct against a federal, state or city employee, other than a member of this Department:

MEMBER OF THE SERVICE

1. Report the facts immediately to commanding officer, or if absent, the highest-ranking supervisor in the command.
2. Telephone Internal Affairs Bureau, Command Center [redacted] (24 hours) and:
   a. Identify self
   b. Give telephone number where you can be reached
   c. Give preliminary facts
   d. Comply with instructions of ranking officer, Internal Affairs Bureau.

SUPERVISORY MEMBER

3. Prepare report on **Typed Letterhead**, addressed to the Chief of Internal Affairs with all details.
   a. Forward original and copy in sealed white envelope addressed to:
      Internal Affairs Bureau, Command Center
      315 Hudson Street, 3rd Floor
      New York, New York 10013

NOTE *A complaint against a federal, state or city employee other than a member of this Department, that does not involve an allegation of corruption and/or serious misconduct and/or misconduct (for example, Driving While Intoxicated or Domestic Violence) will be processed in accordance with the provisions of P.G. 207-01, "Complaint Reporting System."*

A notification to the Internal Affairs Bureau will satisfy the member's affirmative duty to report corruption or misconduct by a person having business dealings with a city agency to the New York State Attorney General's Law Enforcement Misconduct Investigative Office, as required by New York State law. A notification to the Internal Affairs Bureau satisfies a member's duty to report, thereby eliminating a direct notification to the Law Enforcement Misconduct Investigative Office.

PURPOSE To investigate, search for, refer and record complaints of missing persons.

DEFINITIONS MISSING PERSON - Person missing from a New York residence and:

a. Seventeen years of age or younger; or
b. Cognitively impaired/developmentally disabled or disabled to the extent that hospitalization may be required or not capable of self-care or clear communication; or
c. Sixty-five years of age or older; or
d. Possible victim of drowning; or
e. Unique/unusual case; or
f. Indicated an intention of committing suicide; or
g. Missing under circumstances indicating unaccountable or involuntary disappearance.

COMPLAINANT – For the purpose of this procedure, the complainant is not limited to a member of the family, but could be another person (such as a legal or temporary guardian, a representative of the Department of Education, a hospital administrator, a roommate, a home care attendant, etc.) who may be reasonably expected to know whether or not the person is actually missing.

SCOPE There are no minimum time limits that must be observed before accepting a report of a missing person.

Complaints of missing New York City residents shall be recorded at the missing person's resident precinct and the commanding officer of the precinct/PSA of residence is ultimately responsible for directing the overall effort to locate the missing person.

Missing person complaints will be accepted for persons missing from temporary residences within New York City (hotels, rooming houses, etc.). However, complainants will also be instructed to report such cases to the local police agency covering the permanent residence of the missing person. Under no circumstances will complainants be referred directly to the missing persons squad.

A report of a person missing from a residence OUTSIDE New York City WILL NOT BE ACCEPTED. The complainant will be directed to report the case to the local police agency covering the residence of the missing person. The local police may request this Department to assist in the investigation. Assigned NYPD personnel will ascertain if any known locations of the missing person within New York City require a search given the facts of the initial investigation.

When a person reported missing or unidentified is found to be the victim of a crime, the investigating member will notify the desk officer, command of residence and command of occurrence (if different) and the Missing Persons

SCOPE (continued)

Squad. The member will also prepare an **Omniform Complaint Revision** to close the missing person case. The member will then prepare another **COMPLAINT REPORT** and have a new complaint number assigned to the new case.

Furthermore, missing persons ordinarily do not include the following:

a. Persons wanted for crimes; or
b. Persons wanted on warrants; or
c. Persons eighteen years of age or older who have left home voluntarily because of domestic, financial or similar reasons.

These exclusions are intended for persons who are likely to have fled voluntarily as a direct result of their status (e.g., a person wanted for a crime fleeing to avoid prosecution). However, the exclusions listed above shall not be used as a justification for failing to accept a missing persons report when the totality of the circumstances indicate that a person may in fact be missing.

PROCEDURE

Upon receiving a complaint of a missing person:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene, interview complainant and obtain as much of the following background information as possible:
   a. An accurate description of the missing person, including clothing worn,
   b. If person has gone missing before and, if so, location(s) where person was found,
   c. An accurate digital and/or hard copy photo of the missing person, (if available digital photo is preferred),
   d. School information, if applicable,
   e. Names and contact information of the missing person's friends,
   f. Any dispute that the missing person may be or may have been involved in which may have a connection to the disappearance,
   g. Locations where the missing person frequents,
   h. Location where last seen,
      (1) If missing person is believed to be using public transportation, obtain information on the type of transportation, route and possible destination(s),
   i. Missing person's cellular telephone number,
      (1) Ascertain if missing person's mobile device has tracking capabilities. If so, attempt to access the device and obtain the last known location,
   j. Missing person's email address(es) and password(s), if known,
   k. Missing person's social media usernames and passwords, if known,
   l. Administration for Children's Services caseworker's name and telephone number, if applicable,
   m. Biological parents' name, address and telephone number, as appropriate,

UNIFORMED MEMBER OF THE SERVICE (continued)

n. Closest relative or guardian's name, address and telephone number, as appropriate,

o. Whether missing person has Alzheimer's disease or a related dementia, or is taking medication for Alzheimer's disease or a related dementia, and is enrolled with the MedicAlert + Alzheimer's Association Safe Return program, as appropriate,

(1) If so, determine whether the missing person was wearing a MedicAlert + Safe Return bracelet or necklace and request that complainant provide the Safe Return identification number,

(a) If the identification number is unknown, contact the MedicAlert + Alzheimer's Association Safe Return program at 1-800-625-3780 to obtain the number and any other information the Association has on the missing person (e.g., medical condition(s), list of medication(s), emergency contact information, recent photograph),

p. The location where missing person grew up and if missing person has been known to return to that location in the past,

q. Whether missing person has been known to communicate matters of personal importance with friends, relatives, coworkers or others,

(1) Record names and contact information of these individuals, as appropriate,

r. Missing person's preferred language, and the level of their ability to communicate in English,

s. Whether missing person is registered with Operation Safe Child,

(1) If so, obtain missing person's information from the Safe Child Card when available.

2. Conduct an immediate search of the building or structure and immediate area to verify that such person is missing.

3. Request radio dispatcher to broadcast description of missing person to members on patrol.

a. If missing person is believed to be using public transportation:

(1) Request broadcast of description to precincts, PSAs and transit districts along travel route, and

(2) Confer with a supervisor assigned to the Transit Bureau (subways) and/or Traffic Management Center (buses), as appropriate.

4. Conduct name and address check of missing person on Department smartphone or tablet.

5. Request patrol supervisor to respond.

6. Notify desk officer of details.

PATROL SUPERVISOR, COMMAND OF OCCURRENCE

7. Ensure initial search was conducted.

8. Consult with commanding officer/executive officer/duty captain.

a. Activate Level 1 mobilization if circumstances warrant and commanding officer/executive officer/duty captain approves.

NOTE *If there are exigent circumstances and an immediate need for additional personnel (e.g., possible kidnapping-in-progress, etc.), the patrol supervisor may activate a Level 1 mobilization without prior approval, and consult with the commanding officer/executive officer/duty captain as soon as possible.*

PATROL SUPERVISOR, COMMAND OF OCCURRENCE (continued)

9. Deploy additional personnel from command (e.g., administrative personnel, specialized personnel, etc.), as required.
10. Request additional specialized units (e.g., Emergency Service Unit, Aviation Unit, etc.), as required.
11. Transmit message via Domain Awareness System (DAS) Messenger application regarding missing person to include:
    a. Digital photograph,
    b. Full name,
    c. Date of birth,
    d. Age,
    e. Gender,
    f. Physical description (i.e., height, weight, eye/hair color, hairstyle, clothing worn, distinguishing characteristics, etc.,),
    g. Physical/mental condition,
    h. Location last seen,
    i. Location of residence.
    j. Frequented means of transportation,
    k. Safe Return information, if available, and
    l. Brief description of the circumstances by which the individual went missing.
12. Request immediate search where missing person was last observed and of missing person's residence prior to the arrival of the commanding/executive officer or duty captain.
    a. Include travel route, if any, in search pattern.
    b. Maintain records of area, routes and premises searched and identities of persons questioned.
13. Coordinate search with the following:
    a. Precinct/PSA/transit district commanding/executive officer/duty captain, when applicable,
    b. Desk officers of precinct/PSA/transit district of occurrence and precinct/PSA of residence, if different,
    c. Operations Unit,
    d. Additional units, as appropriate.

COMMANDING /EXECUTIVE OFFICER/ DUTY CAPTAIN, COMMAND OF RESIDENCE

14. Respond to scene when necessary and direct, coordinate and control the search, as appropriate.
    a. Common sense standards should be used to determine areas of search.
    b. If child nine years of age or younger is missing, the commanding/executive officer/duty captain, precinct/PSA/transit district of occurrence shall perform duties of the patrol supervisor.

DESK OFFICER, COMMAND OF OCCURRENCE

15. Check Department records to determine if missing person has been the subject of police action.
    a. Query Department databases to obtain prior law enforcement contacts with the missing person, as necessary.
16. Make the following additional notifications:
    a. Detective squad, precinct of occurrence, to respond and assist in search,
        (1) If no detective is available, notify the detective borough dispatcher,
    b. Desk officer of missing person's resident precinct/PSA, if different from occurrence.
    c. Operations Unit,
    d. Missing Persons Squad, if Missing Person Squad is unavailable, contact Real Time Crime Center,
        (1) Request a records search,
        (2) Inform Missing Persons Squad of identity of member assigned to conduct the immediate investigation and/or search (i.e., name and rank of patrol supervisor, commanding/executive officer or duty captain).
    e. Juvenile Strategies Unit, if missing is a juvenile.

DESK OFFICER, COMMAND OF RESIDENCE

17. Notify commanding officer/executive officer.
18. Direct a search of missing person's residence, if different from place of occurrence.
    a. In these instances, the desk officer, precinct/PSA/transit district of occurrence, shall be notified of the search results.

UNIFORMED MEMBER OF THE SERVICE

19. Comply with *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* if circumstances indicate that youth may be missing due to abuse, neglect or maltreatment.
20. Prepare a **MISSING/UNIDENTIFIED PERSON REPORT WORKSHEET (PD336-151)**.
    a. Ensure that any information relating to a missing person registered with the MedicAlert + Alzheimer's Association Safe Return program is included,"
    b. Contact Missing Persons Squad or Nightwatch for assistance if any information is unknown or not available.
21. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
    a. Use same complaint number for both **MISSING/ UNIDENTIFIED PERSON REPORT WORKSHEET** and **COMPLAINT REPORT**.
22. Enter information from **COMPLAINT REPORT WORKSHEET** and **MISSING/UNIDENTIFIED PERSON REPORT WORKSHEET** into the Omniform system.
    a. Use same complaint number for both **MISSING/ UNIDENTIFIED PERSON REPORT** and **COMPLAINT REPORT**.

UNIFORMED MEMBER OF THE SERVICE (continued)

23. Prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**, if missing person is at least seven, but less than sixteen years of age.

NOTE

*In all cases of reported missing persons, a **COMPLAINT REPORT** and a **MISSING/UNIDENTIFIED PERSON REPORT** MUST be generated regardless if the missing person is located prior to preparing and/or entering the reports into Omniform/ECMS system. In the event that the missing person is located prior to the preparation and electronic transmission of the **COMPLAINT REPORT**, **MISSING/UNIDENTIFIED PERSON REPORT** and **JUVENILE REPORT SYSTEM WORKSHEET**, the assigned precinct detective will close the case in ECMS indicating how and where the missing person was located. The prepared reports will be filed at the precinct/PSA concerned.*

ASSIGNED DETECTIVE, COMMAND OF RESIDENCE

24. Use the missing person's phone, email, social media and other information obtained to attempt to contact the missing.
    a. If contact is made with the missing person, determine the missing person's location, condition or intentions.
    b. If contact is unable to be made with the missing person, confer with persons who could assist in providing information about the missing person's location, condition or intentions and request that they assist in locating the missing person.
25. Contact New York State Division of Criminal Justice Services (DCJS) if missing person has been registered with Operation Safe Child and request that the missing person's fingerprints be compared against all incoming fingerprints submitted to DCJS.
26. Widely distribute copies of any photos obtained of the missing person among personnel involved in the search utilizing:
    a. Operations Unit
    b. Enterprise Case Management System Wanted Flyer
    c. Patrol Services Bureau Wheel
    d. Transit Bureau Wheel.
27. Request the dissemination of photograph(s) and facts as follows:
    a. News media, via the Deputy Commissioner, Public Information, and
    b. Social media, via the Deputy Commissioner, Public Information and/or digital communications officers, as appropriate.
28. Request Real Time Crime Center "Alert" for missing person.

DESK OFFICER, COMMAND OF OCCURRENCE

29. Review and sign **MISSING/UNIDENTIFIED PERSON REPORT, COMPLAINT REPORT** and **JUVENILE REPORT SYSTEM WORKSHEET**.
    a. Enter precinct/PSA serial number on **JUVENILE REPORT SYSTEM WORKSHEET** prior to forwarding.
    b. Ensure Missing Persons Squad case number and assigned Missing Persons Squad case detective are noted on the **MISSING/UNIDENTIFIED PERSON REPORT**.

DESK OFFICER, COMMAND OF OCCURRENCE (continued)

30. Notify Missing Persons Squad and desk officer, command of residence that reports have been completed.

DESK OFFICER, COMMAND OF RESIDENCE

31. Immediately review **COMPLAINT REPORT** and finalize within two hours of report.

ASSIGNED DETECTIVE, COMMAND OF RESIDENCE

32. Prepare **Omniform Complaint Revision** within seven working days detailing the steps taken in the preliminary investigation, unless the investigation was closed on the **MISSING/UNIDENTIFIED PERSON REPORT**.
33. Ensure that Deputy Commissioner, Public Information, and digital communications officers are notified when missing person is located.
    a. Request the removal of social media posts in regard to case.

MISSING PERSONS SQUAD

34. Notify the New York City Department for the Aging (DFTA) daily of persons sixty years of age and older who were reported missing for any reason during the previous calendar day.
    a. Include the name, address and contact numbers of a family member and/or caretaker of the missing person, a brief synopsis of the details, along with the missing person's medical situation.
        (1) DFTA operates Monday thru Friday from 0900 to 1700 hours.
        (2) Notify DFTA the next business day for missing persons reported on weekends or holidays.
35. Prepare a report, through NYSPIN, to the Central Registry, as soon as possible, upon receiving a notification of a missing child under eighteen years of age.

ADDITIONAL DATA

In the event that a missing person is not found prior to the change of tour, the outgoing desk officers of both the precinct/PSA/transit district of occurrence and precinct/PSA of residence must confer with the incoming desk officer regarding the facts and details surrounding the case. The incoming desk officer will ensure the missing person's pedigree and important details pertaining to the case are disseminated during roll call for the outgoing platoon. The patrol boroughs of both the locations of occurrence and residence will inform the incoming duty captains of the status of all missing person investigations. The incoming precinct/PSA commanding officers, executive officers and/or duty captains concerned, in coordination with the assigned detective, will direct additional searches as necessary and will determine their scopes and durations.

PURPOSE To provide a comprehensive mechanism for receiving and responding to reports of crimes committed against clients and prospective clients of Adult Protective Services (APS) and the Department for the Aging (DFTA).

SCOPE This procedure establishes the manner in which the Department will receive, record, and, in appropriate circumstances, commence an investigation in those cases where caseworkers employed by Adult Protective Services and/or the Department for the Aging are presented with facts and circumstances giving the caseworker reason to believe that a crime has been committed against a client or any person being evaluated to become a client.

DEFINITIONS IMPAIRED ADULT ABUSE - Physical, sexual, emotional or financial abuse and/or neglect of a physically or mentally impaired adult, eighteen years of age or older, who is unable to provide for their own health, welfare or safety.

ELDER ABUSE - Physical, sexual, emotional or financial abuse and/or neglect of an individual sixty years of age or older.

PROCEDURE Upon receiving a report from a caseworker, employed by either Adult Protective Services or the Department for the Aging, alleging that a client of the agency or a person being evaluated to become a client has been the victim of a crime:

MEMBER OF THE SERVICE RECEIVING REPORT

1. Ascertain immediately if report relates to an ongoing condition that threatens health or safety of victim.

IF HEALTH OR SAFETY OF VICTIM APPEARS TO BE IN IMMEDIATE DANGER:

MEMBER OF THE SERVICE RECEIVING REPORT

2. Request medical assistance to the scene of occurrence.
   a. Ensure response of police personnel and resources, including Emergency Service Unit and patrol supervisor, as necessary.

IF HEALTH OR SAFETY OF VICTIM DOES NOT APPEAR TO BE IN IMMEDIATE DANGER:

MEMBER OF THE SERVICE RECEIVING REPORT

3. Notify radio dispatcher and request appropriate unit to be dispatched to scene.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

4. Respond to scene, and:
   a. Interview complainant/victim, witnesses and caseworker
   b. Comply with *P.G. 216-01, "Aided Cases General Procedure,"* if necessary
   c. Conduct thorough field investigation, obtain facts and safeguard evidence.
5. Comply with *P.G. 207-07, "Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints)"* and *P.G. 208-36, "Family Offenses/Domestic Violence,"* if applicable.
   a. Canvass area for witnesses, if appropriate.
6. Notify special operations lieutenant, in addition to any other required notifications.
7. Notify precinct detective squad or domestic violence investigator, if appropriate, in all cases requiring further investigation.
   a. Notify the Detective Bureau's Financial Crimes Task Force in cases where elderly persons are victims of financial exploitation, con games and home repair scams.

ADDITIONAL DATA

The special operations lieutenant, who is designated to act as the liaison between this Department and caseworkers for Adult Protective Services and the Department for the Aging, will be notified in all cases when a caseworker employed by either agency makes a report of an elderly/impaired victim.

Cases involving incidents of domestic violence will continue to be the responsibility of the domestic violence investigator, who will be notified directly.

Whenever possible, Adult Protective Services and Department for the Aging caseworkers requiring police assistance in any given situation will contact the liaison at the precinct concerned to make advance arrangements for such assistance. When advance arrangement is not possible, caseworkers concerned will contact the desk officer, precinct concerned, to request such assistance. When the situation constitutes an emergency, caseworkers will contact 911 and request response.

Adult Protective Services and the Department for the Aging are valuable resources whose services may be utilized by members of the service (uniformed and civilian) to secure additional assistance when dealing with cases involving long-term investigation or those requiring access to financial or other records. The assigned investigator should attempt to obtain assistance from the Adult Protective Services or Department for the Aging caseworker through the precinct special operations lieutenant.

If questions exist as to what information or documents may be shared with the above agencies, members of the service may refer to Operations Order 3, series 2015, entitled, "Guidelines Regarding Release of Victim Information to Victim Advocacy Agencies" or contact the Legal Bureau for assistance.

Adult Protective Services caseworkers are experienced in arranging for the provision of food, shelter, medical care and financial assistance to physically or mentally impaired adults. In addition, Adult Protective Services personnel are authorized by law to intervene to prevent evictions, assist clients in obtaining public assistance, and assist in

ADDITIONAL DATA (continued)

arranging for heat, electric and cleaning services for clients in need of these services when no other family member is willing and/or able to do so on the client's behalf. The most typical client is a person sixty years of age or older, physically or mentally impaired without family ties.

The Department for the Aging provides emergency financial assistance and supportive services to elderly crime victims and elder abuse victims. Services include providing crime prevention and supportive counseling, home security repairs, e.g., windows and door locks for victims of forced entries, help in replacing stolen documents, assistance in filing Crime Victim Compensation Board claims, and securing other services such as Home Energy Assistance Program (HEAP) and Meals on Wheels.

The operational hours for both the Adult Protective Services and the Department for the Aging are Monday through Friday, 0900 to 1700 hours.

Each District Attorney's Office within the City of New York has special units or assigned assistants to specialize in cases involving the elderly. In the event that such assistance is required, the member of the service concerned should contact the appropriate District Attorney's Office during business hours and confer with the unit or assistant assigned to handle these cases.

PURPOSE To encourage and record the voluntary surrender of dangerous weapons.

PROCEDURE When a person asks how to surrender a dangerous weapon or appears at a Department facility to surrender a dangerous weapon without giving prior notice:

SCOPE This procedure does not apply to Department programs that provide monetary rewards for the surrendering of firearms (i.e., gun buybacks, "Cash for Guns," etc.).

PERSON ASKS HOW TO SURRENDER A DANGEROUS WEAPON

UNIFORMED MEMBER OF THE SERVICE

1. Direct person requesting such information to write a "notice of intent to surrender weapon" to the commanding officer of resident precinct including:
   a. Name and address
   b. Description of weapon
   c. Present location of weapon, and
   d. Time, date and place where weapon will be surrendered.
2. Remove weapon and escort person to appropriate command if person physically possesses the weapon, and comply with the remainder of this procedure.
   a. Request Emergency Service Unit to make a weapon safe, if firearm.

UNIFORMED MEMBER OF THE SERVICE

3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, **PROPERTY CLERK INVOICE (PD521-141)** and other appropriate forms.
   a. If weapon is a firearm, also prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**.
4. Attach copy of written "notice of intent to surrender weapon" to file copy of the **COMPLAINT REPORT (PD313-152)**.

DESK OFFICER

5. Forward copy of **COMPLAINT REPORT** with the original "notice of intent" attached to precinct detective squad.

PERSON APPEARS AT A DEPARTMENT FACILITY TO SURRENDER A DANGEROUS WEAPON WITHOUT GIVING PRIOR NOTICE

UNIFORMED MEMBER OF THE SERVICE

6. Remove weapon from person.
   a. Request Emergency Service Unit to make a weapon safe, if firearm.

DESK OFFICER

7. Make Command Log entry, including person's name and address, description of the weapon and other circumstances.

UNIFORMED MEMBER OF THE SERVICE

8. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, **PROPERTY CLERK INVOICE (PD521-141)** and other appropriate forms.
   a. If weapon is a firearm, also prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**.

DESK OFFICER

9. Summon precinct detective squad member to take charge of the weapon and the person surrendering.

NYPD

PATROL GUIDE

Section: Complaints		Procedure No: 207-26
FIELD REPORTS		
DATE EFFECTIVE: 03/16/22	LAST REVISION: I.O. 34	PAGE: 1 of 1

PURPOSE To investigate, take corrective action and record non-criminal conditions occurring on, and/or within, New York City Housing Authority locations.

SCOPE **FIELD REPORT** will be used to record the following non-criminal conditions occurring on New York City Housing Authority locations:

a. Playing in prohibited areas,
b. Noise complaints,
c. Other breaches of Housing Authority Rules and Regulations,
d. Follow-up dispositions,
e. Repairs,
f. Damage, accidental,
g. Damage, non-criminal,
h. Damage, cause unknown,
i. Lingering,
j. Complaint unclassified,
k. Abandoned and derelict vehicles,
l. Resident disputes,
m. Fire, non-suspicious, and/or
n. Other conditions, as appropriate.

PROCEDURE When becoming aware of any of the above non-criminal conditions occurring on, and/or within, New York City Housing Authority locations:

UNIFORMED MEMBER OF THE SERVICE

1. Take appropriate police action.
2. Make complete and accurate digital **Activity Log** entries.
3. Prepare **FIELD REPORT** using the Finest Online Records Management System (FORMS).

DESK OFFICER

4. Review **FIELD REPORT** using FORMS for completeness and accuracy, and ensure appropriate action was taken.
5. Approve **FIELD REPORT** using FORMS.
6. Distribute copy of **FIELD REPORT** to Housing Authority Development Manager, during second platoon, next business day.

ADDITIONAL DATA *When FORMS becomes disabled, uniformed members of the service will prepare a **FIELD REPORT (PD313-1511)**, obtain a serial number from the telephone switchboard operator and be guided by desk officer, police service area concerned, regarding input into FORMS.*

*In addition, uniformed members of the service not assigned to police service areas may prepare a **FIELD REPORT** via FORMS. In the event that FORMS is disabled, uniformed members of the service will prepare a hard copy of **FIELD REPORT** and forward direct to the police service area of occurrence, via Department mail.*

PURPOSE To record and process statements of witnesses to incidents from which a civilian complaint arises.

PROCEDURE When a person is present in a Department facility and wishes to make a statement as a witness to an incident involving a civilian complaint:

MEMBER OF THE SERVICE

1. Interview witness.

NOTE *If the witness appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." Due to the sensitive nature of corruption/misconduct complaints, the use of the Language Line Service is the preferred interpretation method in these types of cases. If the complainant appears to be Deaf or hard of hearing, the member of the service receiving the complaint should comply with P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing."*

2. Provide witness with first copy of **CIVILIAN COMPLAINT REPORT (PD313-154**) to be prepared in witness's own handwriting.
3. Prepare **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)** and include the following under caption "Additional Comments:"
   a. If witness is apparently under the influence of an intoxicant or drug.
   b. If witness is apparently suffering from a mental disorder or evidences any condition bearing on their credibility.
   c. Physical condition of witness, noting any visible marks or injuries relative to the complaint.
4. Prepare **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.
   a. Enter same serial number on witness statement as is assigned to the related civilian complaint.
5. Have witness sign copies of **CIVILIAN COMPLAINT REPORT**, under caption "Complainant's Signature" (cross out "Complainant" and insert "Witness").

NOTE *The witness is NOT to sign the **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.*

6. Review and sign all copies of the **CIVILIAN COMPLAINT REPORT** and the **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.
7. Give one copy of **CIVILIAN COMPLAINT REPORT**, marked "Complainant Copy," to the witness as a receipt.

NOTE *DO NOT GIVE WITNESS A COPY OF THE* ***CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)****.*

MEMBER OF THE SERVICE (continued)

8. Attach one copy of witness's statement to each related copy of **CIVILIAN COMPLAINT REPORT**.
9. Process in accordance with *P.G. 207-28, "Processing Civilian Complaints."*

ADDITIONAL DATA *If witness appears at command* <u>*after*</u> ***CIVILIAN COMPLAINT REPORT*** *has been forwarded or at a command, other than where the original complaint was lodged, the desk officer/supervisor will comply with all procedures listed above. In addition, the desk officer/supervisor will telephone the Civilian Complaint Review Board, Intake Unit, to obtain the assigned Civilian Complaint Review Board or Chief of Department serial number. The assigned serial number must be entered on both the* ***CIVILIAN COMPLAINT REPORT*** *and the* ***CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)****.*

NYPD

PURPOSE To record and initiate investigation of complaints from civilians alleging misconduct by uniformed members of the service.

SCOPE Complaints against uniformed members of the service may be made at any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner.

DEFINITIONS INVESTIGATING SUPERVISOR - for the purpose of this procedure will be:

a. In a patrol command - the Platoon Commander, Special Operations Lieutenant, or Integrity Control Officer of the command receiving the complaint will conduct investigation.
   (1) If the Platoon Commander, Special Operations Lieutenant, or the Integrity Control Officer is unavailable, the commanding officer/duty captain will assume charge of the preliminary investigation.

b. In other than a patrol command - a supervisor or duty captain from the next higher command will perform the investigation.

SUPERVISOR REVIEWING CIVILIAN COMPLAINT - Supervising member of the service who reviews a **CIVILIAN COMPLAINT REPORT (PD313-154)** prepared by a subordinate member. The reviewer must be at least one rank higher than the member receiving the **CIVILIAN COMPLAINT REPORT**.

PROCEDURE Upon receipt of a complaint from a civilian alleging misconduct by a uniformed member of the service:

MEMBER OF THE SERVICE RECEIVING COMPLAINT

1. Report all misconduct complaints (see exceptions in following "*NOTE*") including unnecessary use of force, abuse of authority, discourtesy, offensive language, etc., to Civilian Complaint Review Board, Intake Unit at [redacted] (24 hours).

NOTE *Complaints of corruption or other misconduct not within the jurisdiction of the Civilian Complaint Review Board will be referred to the Internal Affairs Bureau Command Center (see P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service").*

2. Process complaints as follows:
   a. MADE IN PERSON
      (1) Interview complainant.
      (2) Give complainant first copy of **CIVILIAN COMPLAINT REPORT (PD313-154)** to be prepared in complainant's own handwriting.

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

(3) Furnish assistance or allow other person to assist in preparing the form. Enter under "Details" reason assistance was given.

(4) Have complainant sign form under appropriate caption and have representative or person assisting, if any, sign form under caption "Details."

b. RECEIVED BY MAIL

(1) Attach original letter of complaint to first copy of **CIVILIAN COMPLAINT REPORT** ordinarily prepared by civilian complainant.

(2) Make photocopy of original letter of complaint and attach to file copy of **CIVILIAN COMPLAINT REPORT**.

(3) Enter Civilian Complaint Review Board or Chief of Department serial number, as appropriate, in a conspicuous location at the top of original letter of complaint.

c. RECEIVED BY TELEPHONE

(1) Prepare first copy of **CIVILIAN COMPLAINT REPORT** in own handwriting and treat as if prepared by complainant. All captions are to be completed. If requested information is not given, indicate such in appropriate captions on **REPORT**.

(2) Advise complainant that they will receive a written acknowledgement from the Civilian Complaint Review Board.

d. IN PERSON (DOES NOT WANT TO IMMEDIATELY MAKE COMPLAINT) - When a complainant is present in any police facility and does not want to immediately make a complaint or furnish the member of the service receiving the complaint with details of the incident:

(1) PROVIDE the complainant with the first copy of **CIVILIAN COMPLAINT REPORT**.

(2) Advise complainant that the complaint may be delivered in person, taken over the telephone, or sent by mail to any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner. IN ADDITION, provide the complainant with the telephone number of the Civilian Complaint Review Board, Intake Unit at [redacted] (24 hours).

(3) When a member of the service receives a request for a **CIVILIAN COMPLAINT REPORT**, the desk officer/ supervisor will be advised and a Command Log entry will immediately be made and shall include the name of the complainant, if provided, physical description, e.g., sex, race, age and any other pertinent information.

NOTE *If the complainant appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." Due to the sensitive nature of corruption/misconduct complaints, the use of the Language Line Service is the preferred interpretation method in these types of cases. If the complainant appears to be Deaf or hard of hearing, the member of the service receiving the complaint should comply with P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing."*

To prevent an interruption or delay in vital services, the telephone switchboard operator will refer an allegation of misconduct to the desk officer who will record pertinent details of the allegation.

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

3. Prepare **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)** and include the following under the caption "Additional Comments:"
   a. If complainant is apparently under the influence of an intoxicant or drug.
   b. If complainant is apparently suffering from a mental disorder or evidences any condition bearing on their credibility.
   c. Physical condition of complainant, noting any visible marks or injuries relative to the complaint.
      (1) Take photograph of area of body that was reportedly injured, when possible, with complainant's consent.
4. Inform Civilian Complaint Review Board, Intake Unit, immediately by telephone [redacted] (24 hours) of:
   a. Summary of alleged misconduct
   b. Time complainant arrived, or letter or call received
   c. Name and address of complainant. Indicate if anonymous, transient or homeless
   d. Rank, name, shield number and command of member complained of, if known
   e. Reporting command
   f. Name, rank, and command of member transmitting information.

NOTE *A follow-up notification to the Internal Affairs Bureau Command Center at [redacted], will also be made to obtain an Internal Affairs Bureau log number. Indicate that number on the top of the **CIVILIAN COMPLAINT REPORT**, under the caption I.A.B. LOG #.*

5. Obtain Civilian Complaint Review Board or Chief of Department serial number and time recorded from Civilian Complaint Review Board, Intake Unit, and enter on **CIVILIAN COMPLAINT REPORT**.
6. Request complainant and/or witnesses to remain if:
   a. Requested by Civilian Complaint Review Board, Intake Unit, pending telephone and/or in person interview by investigator to clarify complaint allegation(s), etc.
   b. Complaint has been assigned a Chief of Department serial number and the complainant is a transient or homeless.

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

7. Notify Investigating Supervisor to initiate investigation of alleged complaint(s) if:
   a. Doubt exists as to the identity of the member of the service against whom the complaint is being lodged, OR
   b. Complaint has been assigned a Chief of Department serial number and the complainant is a transient or homeless.
8. Prepare **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.
9. Review and sign all copies of **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)**.
10. Give one copy of **CIVILIAN COMPLAINT REPORT**, marked "Complainant Copy," to the complainant as a receipt.

NOTE ***DO NOT GIVE COMPLAINANT A COPY OF THE CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)***.

11. Have a Command Log entry made consisting of the following information:
    a. Name and address of complainant
    b. Time of complainant's arrival and departure or time of receipt of letter or telephone call
    c. Physical condition of complainant, noting any visible marks or injuries relative to the complaint
    d. Identity of member complained of, if known
    e. Civilian Complaint Review Board or Chief of Department serial number assigned.
12. Have two copies of **Typed Letterhead** prepared in a command not maintaining a Command Log, addressed to the commanding officer, and containing the information described in step 11.

INVESTIGATING SUPERVISOR

13. Initiate investigation as indicated in step 7 above.
14. Notify the Civilian Complaint Review Board, Intake Unit at [redacted] (24 hours) of the results of the investigation.
15. Record the results of the investigation on the **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY WORKSHEET)** under the caption "Additional Comments" and return to the member of the service receiving complaint for distribution.
16. Record results of investigation in Command Log.
    a. Commands not maintaining a Command Log will record the results of the investigation as per step 12 above.
17. Notify the commanding officer/duty captain if unable to ascertain the identity of the member against whom the complaint is being lodged.

SUPERVISOR REVIEWING CIVILIAN COMPLAINT REPORT

18. Review **CIVILIAN COMPLAINT REPORT** prepared by member of the service receiving complaint.
    a. If a civilian complaint is made in person or by telephone and it involves member(s) of the reporting command, ensure that all related Department documents are included with the **REPORT** (See *NOTE* following step 20).
    b. Complete following captions: "Title, Tax Registry Number and Signature of Reviewing Supervisor, Name Printed, and Date".
    c. Submit entire package to commanding officer.

COMMANDING OFFICER OF MEMBER RECEIVING COMPLAINT

19. Endorse and forward original **Typed Letterhead** to next higher command maintaining a Command Log.
    a. Have duplicate filed.
20. Distribute copies of **CIVILIAN COMPLAINT REPORT** and **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET)** as follows:
    a. Complaints within Civilian Complaint Review Board jurisdiction:
        (1) Forward original typewritten **CIVILIAN COMPLAINT REPORT**, handwritten complaint and "Investigating Entity" copy of the **STATISTICAL SUMMARY SHEET**, with photograph, if taken, to Civilian Complaint Review Board Liaison, in a sealed envelope, DIRECT
        (2) Distribute remaining copies of **CIVILIAN COMPLAINT REPORT** and **STATISTICAL SUMMARY SHEET** as indicated at bottom of each form.
    b. Complaints within the Chief of Department jurisdiction:
        (1) Forward original typewritten **CIVILIAN COMPLAINT REPORT**, handwritten complaint and "Investigating Entity" copy of the **STATISTICAL SUMMARY SHEET**, to Investigation Review Section, Office of the Chief of Department, in a sealed envelope, DIRECT.
        (2) Distribute remaining copies of **CIVILIAN COMPLAINT REPORT** and **STATISTICAL SUMMARY SHEET** as indicated at bottom of each form.

NOTE *When a complaint is made in person or by telephone and involves a member of the service assigned to the reporting command, attach to the* ***CIVILIAN COMPLAINT REPORT****:*

a. All Department related documents (e.g., ***COMPLAINT REPORT WORKSHEET (PD313-152A)****,* ***C****ommand Log entries, printout of digital* ***Activity Log*** *entries, ICAD Event Information,* ***ROLL CALL****, etc.).*

The completed package will then be forwarded to the Civilian Complaint Review Board Liaison Unit in Department mail. Department records will not be forwarded direct to the Civilian Complaint Review Board.

ADDITIONAL DATA

Complaints made against uniformed members of the service involving unnecessary use of force, abuse of authority, discourtesy or offensive language will be directed to the Civilian Complaint Review Board, Intake Unit, and be assigned a Civilian Complaint Review Board serial number. Additionally, complaints against uniformed members alleging other acts of misconduct, i.e., fail to properly perform duty, unwarranted traffic summons, etc., will be directed to the Civilian Complaint Review Board, Intake Unit, and be assigned a Chief of Department serial number.

Complaints made against civilian members of the service, including traffic enforcement agents, which would normally be within the jurisdiction of the Civilian Complaint Review Board (i.e., unnecessary use of force, abuse of authority, discourtesy, or offensive language), will be directed to the Internal Affairs Bureau for screening at [redacted], [redacted], [redacted] *or* [redacted]. *One typewritten copy of the* ***CIVILIAN COMPLAINT REPORT*** *will be given to the complainant as a receipt. The handwritten copy and the "Investigating Entity" copy of the* ***CIVILIAN COMPLAINT REPORT*** *and the "Investigating Entity" copy of the* ***STATISTICAL SUMMARY SHEET*** *will be forwarded to the Internal Affairs Bureau direct in a sealed envelope. The remaining copies of the* ***CIVILIAN COMPLAINT REPORT*** *and* ***STATISTICAL SUMMARY SHEET*** *will be distributed as indicated at the bottom of each form. It should be noted that NO portion of either the* ***CIVILIAN COMPLAINT REPORT*** *or the* ***STATISTICAL SUMMARY SHEET*** *is to be forwarded to the Civilian Complaint Review Board for complaints made against civilian members of the service. Steps 1, 4, 5 and 19 of this procedure do not apply to complaints involving civilian members of the service.*

Complaints alleging corruption or other misconduct against any uniformed or civilian member of the service, including traffic enforcement agents, will be directed to the Internal Affairs Bureau Command Center (see P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service").

If a civilian complaint originates at a precinct stationhouse, transit district or PSA and is the result of a radio run within the last twenty-four hours, the member of the service receiving the complaint will attach a copy of the ICAD Event Information to the ***CIVILIAN COMPLAINT REPORT*** *prior to forwarding the paperwork to the Internal Affairs Bureau or the Investigation Review Section, Office of the Chief of Department.*

Any request for Department records made by representatives of the Civilian Complaint Review Board will be referred to the Civilian Complaint Review Board Liaison, for necessary attention. Department records will not be forwarded direct to the Civilian Complaint Review Board.

Complaints against federal, state, or city employees, other than members of the New York City Police Department, involving allegations of corruption or serious misconduct, will be processed in accordance with P.G. 207-22, "Allegations of Corruption Against City Employees (Other than Members of the New York City Police Department)." Any other complaint will be processed in accordance with P.G. 207-01, "Complaint Reporting System."

ADDITIONAL DATA (continued)

A complainant seeking to register a complaint, which does not affect this Department or a federal, state, or city agency as described above, will be referred to the non-governmental entity concerned. The desk officer will explain the reason for the referral to the complainant, and will assist the complainant in lodging the complaint in any way possible with the proper agency.

A member of the service may prefer a civilian complaint against another member of the service. Investigation of such complaint will be conducted by the commanding officer(s) assigned by the Commanding Officer, Investigation Review Section, Office of the Chief of Department.

Whenever a member of the service is a victim of disparaging remarks relative to their ethnicity, race, religion, gender, or sexual orientation, made by another member of the service, the member of the service may register a complaint with the Civilian Complaint Review Board. The Civilian Complaint Review Board will record the complaint and forward a summary of the allegation to the Equal Employment Opportunity Division for investigation. The commanding officer of the member complained of will receive a copy of the ***CIVILIAN COMPLAINT REPORT*** *from the Equal Employment Opportunity Division.*

NYPD

PURPOSE To investigate, refer, and analyze complaints of robberies involving or including the larceny of an automobile.

PROCEDURE When assigned to investigate a complaint of any crime which involves or includes the forcible theft of an automobile:

UNIFORMED MEMBER OF THE SERVICE

1. Interview complainant and witnesses, obtain facts, and safeguard evidence.
2. Conduct field investigation.
   a. Transmit alarm
   b. Detain witnesses, where necessary.
3. Take immediate summary action, if possible.
4. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
5. Notify the precinct detective squad/Burglary/Robbery Apprehension Module (BRAM).
6. Refer complaint requiring further investigation, except cases closed by arrest, to:
   a. Precinct Detective Squad (PDS), OR
   b. Precinct Burglary/Robbery Apprehension Module (BRAM) OR
   c. Special Victims Squad (SVS).
7. Notify desk officer upon completion of investigation and deliver **COMPLAINT REPORT WORKSHEET** as soon as possible.

DESK OFFICER

8. Direct member of the service to enter **COMPLAINT REPORT WORKSHEET** into the OMNIFORM System.
9. Verify that alarm has been transmitted and that required notifications and proper referral of complaint have been made.
10. Review the complaint in OMNIFORM System and compare to **COMPLAINT REPORT WORKSHEET**.
11. Ensure that a copy of the **COMPLAINT REPORT (PD313-152)** is forwarded to the Precinct Detective Squad, Precinct Burglary/Robbery Apprehension Module or Special Victims Squad, as appropriate.

ASSIGNED BRAM/PDS/SVS INVESTIGATOR

12. Conduct initial interview of complainant and witnesses.
    a. Canvass vicinity of crime scene, if necessary, to locate witnesses
    b. Evaluate available evidence
    c. Document results of interview(s) and other investigative steps taken in Enterprise Case Management System (ECMS).
13. Identify and arrest perpetrator(s).
14. Analyze complaint information and compare to other available complaint and recovery data from Computer Assisted Robbery System (CARS) Unit and Alarm Board.
    a. Determine if case is part of a pattern of organized robberies
    b. Determine if autos are being exported, tagged or resold for parts, if part of a pattern.

ASSIGNED BRAM/PDS/SVS SUPERVISOR/ BOROUGH ROBBERY SQUAD INVESTIGATOR

15. Refer case, if determined to be part of a pattern, to appropriate borough robbery squad for further investigation and notify patrol and detective borough command of pattern information.
16. Investigate assigned case and pattern and:
    a. Identify and arrest perpetrator(s)
    b. Conduct lineups

NOTE

If a minor (under eighteen years of age) is to be used as a non-suspect participant in a lineup, ensure that ***CONSENT FORM - NON-SUSPECT MINOR (PD377-030)*** *is/has been prepared and signed by the parent/legal guardian of the minor prior to lineup.*

    c. Execute search warrant(s)
    d. Examine and identify recovered vehicle(s).

ADDITIONAL DATA

Whenever the offense of robbery of an automobile occurs in connection with another more serious offense (e.g., homicide, sex offenses, kidnapping) the complaint will be referred to the investigatory unit normally responsible for conducting the investigation of that more serious offense (e.g., borough Special Victims Squad, Major Case Unit).

PURPOSE To outline the duties and responsibilities of a member of the service when made aware of a complaint involving Identity Theft.

DEFINITION A person is guilty of Identity Theft when the person knowingly and with intent to defraud assumes the identity of another person by presenting themselves as that other person, or by acting as that other person or by using personal identifying information of that other person and thereby: obtains goods, money, property or services or uses credit in the name of such other person or causes financial loss to such person or to another person (NYS Penal Law 190.77-190.80).

SCOPE Complaints involving Identity Theft can be complex in nature stemming from a myriad of variables and permutations. The member of the service encountering such a complaint must realize the possibility that such a complaint can potentially encompass numerous crimes. As a result, the **Crime Complaint Reporting System Reference Guide** will be used to classify Identity Theft related crimes. Significant clarifications and changes have been made to the **Crime Complaint Reporting System Reference Guide** to instruct the member of the service in the proper classification of Identity Theft related crimes. It must be noted that the "Seven Major Felony Rule" as described in *P.G. 207-01, "Complaint Reporting System"* will still be applicable."

PROCEDURE When a member of the service is made aware of a complaint involving Identity Theft:

MEMBER OF THE SERVICE

1. Determine whether the complainant is a victim of Identity Theft.
2. Ascertain where the complainant/victim resides (i.e. inside or outside NYC).
3. Instruct and assist the complainant/victim in preparing pages 1 and 2 of the **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)** if the complaint meets the criteria outlined in the **Crime Complaint Reporting System Reference Guide**.
   a. Ensure complainant signs **BOTH** waivers on pages 1 and 2.
   b. If necessary, assist complainant in contacting credit card issuer for required information (e.g. address where card was sent etc.)

NOTE *A refusal by the complainant/victim to prepare or sign the **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** form does not preclude the requirement to prepare a **COMPLAINT REPORT**. Any refusal by the complainant to prepare or sign a **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** form will be noted in the details section of the **COMPLAINT REPORT**.*

MEMBER OF THE SERVICE (continued)

4. Prepare **COMPLAINT REPORT (PD313-152)**.
   a. Utilize the **Crime Complaint Reporting System Reference Guide** as well as the charts on the cover sheet of the **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** to classify **COMPLAINT REPORT**.
5. Forward completed **COMPLAINT REPORT** and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** to Desk Officer for review.

DESK OFFICER

6. Review **COMPLAINT REPORT** and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** for accuracy and completeness.
7. Ensure **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** is attached to precinct file copy of **COMPLAINT REPORT**.
   a. Ensure that copies of the **COMPLAINT REPORT** and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** are forwarded to the precinct detective squad.
8. Refer complainant/victim to the precinct detective squad for further investigation and preparation of **IDENTITY THEFT PRELIMINARY INVESTIGATION REPORT (PD313-0847)**, if detective squad member is available.
9. Ensure notification is made to the Financial Crimes Task Force for complaints involving Identity Theft related larcenies and loss is valued at $5,000 or more.
   a. Ensure time, date, and name of member notified are included in the "Details" section of the **COMPLAINT REPORT**.

DETECTIVE SQUAD MEMBER

10. Interview complainant and prepare **IDENTITY THEFT PRELIMINARY INVESTIGATION REPORT**.
11. Review **COMPLAINT REPORTS** daily for Identity Theft cases and conduct follow-up investigations on all cases not previously referred for investigation.

ADDITIONAL DATA

*If a **COMPLAINT REPORT** was initially taken for lost/stolen property or related offenses (Robbery, Burglary, etc.) and the complainant/victim subsequently becomes a victim of Identity Theft resulting from the initial complaint, the member of the service will prepare an **Omniform Complaint Revision**, as appropriate, and instruct and assist the complainant/victim in preparing pages 1 and 2 of **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT**. The above will be adhered to only after a thorough investigation reveals a nexus between the initial **COMPLAINT REPORT** and the complainant consequently becoming a victim of Identity Theft. If these criteria are not met, then a new **COMPLAINT REPORT** will be generated for the appropriate crime. If the reporting command is not the command of incident, the Desk Officer will ensure the **Omniform Complaint Revision** and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** are forwarded to the originating command of incident.*

ADDITIONAL DATA (continued)

The Financial Crimes Task Force will be responsible for the investigation of all cases involving Identity Theft related larcenies where loss is valued at $5,000 or more, or there is a pattern involving more than one NYPD precinct, or for any case where the expertise, equipment and resources of the Financial Crimes Task Force are most appropriate to the investigation.

Any questions not specifically answered in the ***Crime Complaint Reporting System Reference Guide*** *may be directed to the Quality Assurance Division's Data Integrity Unit.*

NYPD

PURPOSE To provide information to the public in the event a person who is:

a. Sixty-five years of age or older, and
b. Meets the additional qualifying criteria of a "vulnerable senior," (i.e. a person sixty-five years of age or older with dementia, as a result of Alzheimer's disease or a similar condition) and,
c. Is reported missing under circumstances indicating the person is in imminent danger of serious bodily harm or death.

DEFINITIONS

SILVER ALERT - A communication to the public of identifying information concerning a "vulnerable senior" who is reported missing to the Department or other law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The determination to activate a Silver Alert shall be made by a captain or above assigned to the Detective Bureau.

VULNERABLE SENIOR - A person sixty-five years of age or older with dementia, as a result of Alzheimer's disease or a similar condition.

PROCEDURE When responding to a report of a missing person and information received indicates that the case may qualify for a Silver Alert:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 207-23, "Missing Persons"* and request the response of the patrol supervisor.
2. Notify desk officer of details.

NOTE *The patrol supervisor will implement missing person/special category procedure as necessary, consistent with all available information.*

DESK OFFICER

3. Comply with the duties described in *P.G. 207-23, "Missing Persons"* and ascertain if incident may fit criteria for activation of a Silver Alert.
4. Request Precinct Detective Squad supervisor and commanding officer/duty captain to respond to the scene.

PRECINCT DETECTIVE SQUAD INVESTIGATOR /SUPERVISOR

5. Conduct a preliminary investigation and ascertain if missing person fits the definition of a "vulnerable senior" and is missing under circumstances indicating that they are in imminent danger of serious bodily harm or death.
   a. Notify Detective Zone Commanding Officer/Detective Bureau Duty Captain, if missing person meets the criteria for the activation of a Silver Alert.
   b. Request Detective Zone Commanding Officer/Detective Bureau Duty Captain respond to the scene.

NOTE *Only a captain or above from the Detective Bureau may activate a Silver Alert. A Silver Alert will NOT be activated unless the "vulnerable senior" is missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. A person's status as a vulnerable senior alone is normally insufficient to justify a Silver Alert without additional factors that constitute imminent danger (e.g., severe weather, need for immediate medical attention, history of violent or reckless behavior, etc.).*

The Detective Zone Commanding Officer/Detective Bureau Duty Captain may activate a Silver Alert for a person <u>under</u> the age of sixty-five who is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death and where such missing person has dementia as a result of Alzheimer's disease, or similar condition, if the Detective Zone Commanding Officer/Detective Bureau Duty Captain reasonably believes a Silver Alert will be beneficial in locating the missing person.

DETECTIVE ZONE COMMANDING OFFICER/ DETECTIVE BUREAU DUTY CAPTAIN

6. Confer with Precinct Detective Squad investigator/supervisor, patrol supervisor, commanding officer/duty captain, and other personnel on scene regarding the circumstances of the incident and determine if missing person is a "vulnerable senior" and missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death.
7. Notify Operations Unit and request the activation of a Silver Alert, if appropriate and provide the following information:
   a. Name, age, and detailed physical description (including clothing worn) of the missing person
   b. Location and time last seen
   c. Description of motor vehicle, if applicable
   d. Any type of prescribed medication missing requires, if applicable
   e. Probable destination of the missing, if known
   f. Probable method of transportation and route used, if known
   g. The action the public should take if they have information regarding the missing person (e.g., call 911, etc.).
8. Direct Precinct Detective Squad member to:
   a. Notify Missing Persons Squad
   b. Prepare and submit a "Request for Media Attention" form to the Deputy Commissioner, Public Information along with a recent photograph, if available.

NOTE *There are no minimum time limits that must be observed before requesting the activation of a Silver Alert; however, local law requires a Silver Alert be issued within twenty-four hours of the determination that a "vulnerable senior" has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. In most cases, barring exceptional circumstances, the most prudent approach would be to activate a Silver Alert AFTER patrol/field resources have been exhausted and the preliminary search and investigation have yielded negative results. The decision to activate a Silver Alert rests solely with the Detective Zone Commanding Officer/Detective Bureau Duty Captain.*

OPERATIONS UNIT

9. Notify Communications Section and have description of missing person disseminated over each Department radio division.
10. Notify Transit Bureau Wheel (subways) and/or Traffic Management Center (buses), as appropriate, if missing may be traveling via public transportation.
11. Notify Deputy Commissioner, Public Information that a Silver Alert has been activated.
12. Notify Traffic Management Center and request a message regarding the Silver Alert be transmitted via Variable Message Signs if a vehicle description and plate number are available regarding the Silver Alert.
13. Prepare and forward Alert Data based on information received from Detective Zone Commanding Officer/Detective Bureau Duty Captain to New York City Emergency Management (NYCEM) Watch Command.
    a. NYCEM Watch Command will draft a Public Alert and transmit the draft Public Alert to the Operations Unit for approval.
14. Review and approve Public Alert prepared by NYCEM Watch Command.
    a. If a Public Alert is not approved, notify NYCEM Watch Command to modify alert and provide correct Alert Data.
15. Notify and forward appropriate Public Alert information to Deputy Commissioner, Public Information, as appropriate.

NOTE

Once the Operations Unit approves the Public Alert, it is the responsibility of the NYCEM Watch Command to transmit the Public Alert to responding Department Operations Centers, 311, and NYC.gov for informational purposes. The Watch Command will then transmit the Public Alert to the public via Short Messaging System (SMS), email, and recorded phone message.

<u>WHEN A MISSING PERSON WHO IS THE SUBJECT OF A SILVER ALERT IS LOCATED:</u>

UNIFORMED MEMBER OF THE SERVICE

16. Verify that person is the subject of a Silver Alert.
17. Render reasonable aid to missing person and request ambulance or doctor, if necessary, as per *P.G. 216-01, "Aided Cases – General Procedure."*
18. Request patrol supervisor to respond.

PATROL SUPERVISOR

19. Respond to location and verify individual is in fact the subject of a Silver Alert.
20. Notify desk officer and request appropriate Precinct Detective Squad and Missing Persons Squad be notified.
21. Notify Operations Unit and request the cancellation of the Silver Alert.

OPERATIONS UNIT

22. Notify the following that the subject of the Silver Alert has been located:
    a. NYCEM Watch Command
    b. Notify Deputy Commissioner, Public Information
    c. Traffic Management Center, if appropriate.

ADDITIONAL DATA

The Office of the Deputy Commissioner, Public Information is available twenty-four hours a day, seven days per week concerning cases NOT ELIGIBLE for Silver Alert or as needed by members of the service. The Office of the Deputy Commissioner, Public Information has the ability to simultaneously notify a variety of local and national media outlets in cases where the immediate assistance of or notification to the public is deemed necessary. Nothing in this procedure is meant to limit the use of the news media to broadcast information pertaining to appropriate missing persons cases that do not qualify for Silver Alert.

OPERATIONAL GUIDELINES FOR PROCESSING COMPLAINTS/ARRESTS FOR GRAFFITI

PURPOSE To establish guidelines for processing complaints and arrests for graffiti and possession of graffiti instruments.

DEFINITIONS GRAFFITI OR TAGGING – The etching, painting, covering, or otherwise placing a mark upon public or private property, with the intent to damage such property, without permission to do so.

TAG – A personal signature typically made with a unique style that can be utilized to identify the graffiti vandal; a tag can be the graffiti vandal's initials, name, nickname, alias, or any word, and/or any combination of letters, numbers and symbols. A tag can be part of the graffiti, or appear adjacent to graffiti, or be graffiti by itself.

POSSESSION OF GRAFFITI INSTRUMENTS – The possession of any tool, instrument, article, substance, solution or other compound designed or commonly used to etch, paint, cover, draw upon or otherwise place a mark upon a piece of property which the subject has no permission or authority to etch, paint, cover, draw upon or otherwise mark, under the circumstances evincing an intent to use the same in order to damage such property.

SCOPE In order to maximize the Department's enforcement efforts in combating graffiti crimes, it is essential that all graffiti related information is properly recorded and documented. It is essential to notify the Transit Bureau, Citywide Vandals Task Force immediately, whenever an arrest is effected for making graffiti, possession of graffiti instruments and/or shoplifting that involves the theft of spray paint or paint markers. Additionally, whenever a complaint or arrest report is prepared for a graffiti related incident, it is imperative that the graffiti "tag" information is entered in the "Details" caption and the "Nickname/Alias/Maiden Name" caption of the **COMPLAINT REPORT WORKSHEET (PD313-152A)** and/or **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**. This information is crucial for the monitoring and tracking graffiti recidivists.

PROCEDURE When processing complaints, arrests on open complaint, summary arrests for graffiti, and/or possession of graffiti instruments:

UNIFORMED MEMBER OF THE SERVICE

1. Photograph graffiti vandalism utilizing a Department issued digital camera or Department issued smartphone.
2. Query Enterprise Case Management System (ECMS) Graffiti database via the OMNIFORM Graffiti search function to ascertain if the subject has prior graffiti arrests/convictions or is the subject of an open investigation, currently being conducted by Citywide Vandals Task Force (CVTF).

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   a. List all discernible details of the tag, including size, color, description, etc., (e.g., complainant observed the graffiti tag "ABC" written in blue and yellow spray paint on a space approximately three feet by five feet on a roll-down gate at the above location).
   b. Enter tag into the "Nickname/Alias/Maiden Name" caption of **COMPLAINT REPORT WORKSHEET** and/or **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
   c. Do not attempt to decipher an illegible tag.
      (1) An illegible tag must be recorded as "TAG UNDER INVESTIGATION" in the "Details" caption and the "Nickname/Alias/Maiden Name" caption of the **COMPLAINT REPORT WORKSHEET** and/or **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.
4. Prepare **COMPLAINT REPORT** and upload digital photograph using the "Graffiti Photo Upload" option found in the OMNIFORM Complaints menu.

IN ALL GRAFFITI ARREST SITUATIONS:

UNIFORMED MEMBER OF THE SERVICE

5. Immediately notify the Citywide Vandals Task Force and provide tag information.
   a. Obtain Citywide Vandals Task Force log number and enter log number into "Details" caption of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.
   b. Notify and confer with a Citywide Vandals Task Force supervisor prior to issuing a **DESK APPEARANCE TICKET** for a graffiti-related arrest.

NOTE

Citywide Vandals Task Force must be notified for all graffiti-related arrests. This notification should be made early during the arrest processing. This will give Citywide Vandals Task Force personnel enough time to respond to the command, assist with an arrest enhancement, and conduct a debriefing, if necessary. When an investigation during arrest processing reveals that a graffiti offender has prior arrests/convictions, or is a recidivist for any graffiti-related offense, ensure the District Attorney is apprised of the subject's prior record.

Contact the Citywide Vandals Task Force regarding any graffiti related questions, (e.g., identifying a tag, interpreting a tag's meaning, etc.).

IN ALL GRAFFITI CASES:

COMMAND CLERK

6. Input information into the OMNIFORM System.

DESK OFFICER

7. Ensure that graffiti photographs are properly uploaded and attached to the **COMPLAINT REPORT**.
   a. Ensure any graffiti-related complaint contains a digital photograph or it will NOT be available for finalization in the OMNIFORM System.

SPECIAL OPERATIONS LIEUTENANT, PRECINCT OF OCCURRENCE

8. Ensure graffiti recidivists are listed in the Recidivist Tracking and Reporting Database and are updated periodically.
9. Review graffiti recidivists listed in the Recidivist Tracking and Reporting Database routinely as a means of discovering and apprehending graffiti recidivists with active warrants who reside within the precinct of occurrence.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS:

In order to further enhance prosecution, apprehension and identification of graffiti vandals, all uniformed members of the service must confer with Citywide Vandals Task Force prior to conducting any graffiti investigations, to avoid compromising any investigations that may already be underway. This may assist the Citywide Vandals Task Force in identifying and apprehending graffiti vandals that are not currently under investigation by the Citywide Vandals Task Force.

Digital photographs may be utilized by commands to demonstrate progress in correcting graffiti conditions at Community Board meetings, etc. (i.e., before and after pictures).

LEGAL CONSIDERATIONS:

Uniformed members of the service are reminded to use the appropriate subdivisions of the New York City Administrative Code 10-117, "Defacement of Property, Possession, Sale and Display of Aerosol Spray Paint Cans, Broad Tipped Markers and Etching Acid Prohibited in Certain Instances" or the New York State Penal Law in Article 145, "Criminal Mischief and Related Offenses" for graffiti-related arrests. In circumstances where a Penal Law charge or NYC Administrative Code charge are both applicable, the uniformed member will charge the appropriate NYS Penal Law offense.

Members of the service responsible for inputting and maintaining data in the "Recidivist Tracking and Reporting Database" must remove the name and any other identifying information of individuals whose underlying case was dismissed and whose record was sealed.

PURPOSE To properly investigate complaints involving a sex crime.

PROCEDURE When a uniformed member of the service responds to a complaint of a sex crime:

DEFINITION For purposes of this procedure, the term 'sex crime' shall include those offenses enumerated in Article 130 of the New York State Penal Law, as well as offenses in Article 230 and 255 as enumerated below.

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid and prepare **AIDED REPORT**, if applicable.
   a. Take victim to hospital, if necessary.
   b. Encourage necessary medical attention when victim is reluctant to be taken to hospital.
   c. Inform the victim that under New York State Law they are entitled to have a sexual assault advocate present with them during the interview.
2. Attempt to apprehend perpetrator(s), if present.
3. Establish a crime scene, if necessary.
   a. Ensure any potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.
   b. Comply with *P.G. 218-33, "Processing Sexual Offense Collection Kits in Sex Offense Cases,"* if applicable.
4. Request response of patrol supervisor.
5. Notify desk officer, precinct of occurrence.

PATROL SUPERVISOR

6. Respond to location and coordinate patrol response.
7. Promptly report all cases involving a sex crime to Special Victims Unit and provide preliminary details.
   a. Notify desk officer, police service area (PSA)/transit district when sex crime incident occurs on housing/transit jurisdiction, as appropriate.
8. Supervise crime scene, if established, pending the arrival of Detective Bureau personnel.
   a. Ensure crime scene is safeguarded.
   b. Ensure potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.
9. Have **COMPLAINT REPORT WORKSHEET (PD313-152A)** prepared, if Special Victim Unit is not responding.

SPECIAL VICTIMS UNIT

10. Notify patrol supervisor, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.
11. Notify desk officer, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.

ASSIGNED INVESTIGATOR, SPECIAL VICTIMS UNIT/ UNIFORMED MEMBER OF THE SERVICE

12. Provide victim of sex offense with a written notice detailing the name, address and telephone number(s) of the nearest Rape Crisis Center.
    a. Document referral in the "Details" section of **COMPLAINT REPORT WORKSHEET**.
13. Advise victim of sexual offense(s) as defined in Article 130 and Sections 230.34, 255.25, 255.26 and 255.27 of the New York State Penal Law who has relocated, or is planning to relocate, due to safety concerns that they may be eligible to participate in the New York State Address Confidentiality Program to shield their addresses.
    a. Refer victim who wishes to participate in the New York State Address Confidentiality Program to the New York State Department of State's website for additional information.
14. Advise victim of sexual offense(s) as defined in Article 130 and Sections 230.34, 230.34-a, 255.25, 255.26 and 255.27 of the New York State Penal Law that they will be provided with the New York State Sexual Assault Survivor Bill of Rights and referrals for supportive services when they meet with a member of the Special Victims Division.
15. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Unit, the Special Victims 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.).

<u>WHEN A WALK-IN COMPLAINT OF A SEX CRIME WITH NO PRIOR POLICE CONTACT IS RECEIVED AT A HOSPITAL</u>:

COMMANDING OFFICER, COMMUNICATIONS SECTION

16. Ensure all calls received at 911 involving a hospital walk-in complaint of a sex crime are referred by the 911 dispatcher directly to the Special Victims Unit.
    a. Uniformed members assigned to patrol will <u>not</u> be directed to respond to the location and interview the complainant/victim.

SPECIAL VICTIMS UNIT

17. Coordinate the response of Special Victims Unit investigative squad concerned.

ASSIGNED INVESTIGATOR, SPECIAL VICTIMS UNIT

18. Respond to location, interview victim and initiate investigation.
    a. Advise victim of sexual offense(s) as defined in Article 130 and Sections 230.34, 255.25, 255.26 and 255.27 of the New York State Penal Law who has relocated, or is planning to relocate, due to safety concerns that they may be eligible to participate in the New York State Address Confidentiality Program to shield their addresses.
        (1) Refer victim who wishes to participate in the New York State Address Confidentiality Program to the New York State Department of State's website for additional information.
19. Confer and coordinate with other members of the service at the scene.
20. Comply with all applicable Patrol Guide procedures, including *P.G. 218-33, "Processing Sexual Offense Collection Kits in Sex Offense Cases,"* if applicable.
    a. Ensure any potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.
21. Prepare **COMPLAINT REPORT WORKSHEET** and **AIDED REPORT**.
22. Notify desk officer, precinct of occurrence and provide details.

DESK OFFICER

23. Obtain information and notify desk officer, police service area (PSA)/transit district if sex crime incident occurred on housing/transit jurisdiction.

<u>IF AN ARREST IS EFFECTED BY A UNIFORMED MEMBER OF THE SERVICE ON PATROL FOR ANY SEX CRIME</u>:

ARRESTING OFFICER

24. Promptly report details of arrest directly from the scene to the desk officer, precinct of occurrence, in all circumstances, to facilitate immediate notification to the Special Victims Unit.

DESK OFFICER

25. Promptly report effected arrest for any sex crime to Special Victims Unit.
    a. Notify desk officer, police service area (PSA)/transit district when sex crime incident occurs on housing/transit jurisdiction, as appropriate.

SPECIAL VICTIMS UNIT

26. Notify Special Victims Unit investigative squad concerned, provide details and coordinate response to incident.

ASSIGNED INVESTIGATOR

27. Advise arresting officer, and determine if case enhancement is needed.

ARRESTING OFFICER

28. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:

ARRESTING OFFICER (continued)

a. Name of member of the service notified at Special Victims Unit, the Special Victims 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.).

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The Special Victims Unit is responsible for investigating sexual offense patterns and the tracking of all sex crimes. In addition, the Special Victims Unit will be the central repository of information and intelligence regarding complaints involving sex crimes.

Members of the service must contact the Special Victims Unit if assistance is required regarding the proper classification of complaints involving a sex crime. The member shall request to speak to a Special Victims Unit supervisor. The name of the Special Victims Unit member who assisted must be placed in the "Details" section of the ***COMPLAINT REPORT (PD313-152)****.*

Any complaint involving sex related offenses, including secondary offenses that are sex related, requires a notification the Special Victims Unit.

The precinct detective squad will notify the Special Victims Unit and Police Impersonation Investigation Unit (PIIU) for complaints involving sex crimes and the impersonation of a law enforcement officer.

The Special Victims Unit will investigate robberies committed by police impersonators, which include any sexual assault, and PIIU will assist in the investigation.

LEGAL ISSUES

Many hospital emergency rooms, as part of their Sexual Assault Treatment Protocol, will provide a sexual assault advocate for victims of sexual assault. The victim should be made aware that it is their right to have an advocate present if they so choose. The sexual assault advocate's role is to provide support for the sexual assault victim and is authorized by New York State Law to be present in a support capacity when uniformed members of the service are interacting with the sexual assault victim.

DEPARTMENT POLICY

Under no circumstances will the Department's long standing policy of "refer the complaint, not the complainant" be violated. A sex crime complainant will never be referred or directed to report to another Department unit or facility.

All members of the service will have a compassionate and non-judgmental attitude and demeanor towards all complainants of sex crimes. It is the duty of the responding member of the service to acquire the basic facts and refer those facts as appropriate, and to make no personal judgment of those facts.

PURPOSE To maintain the complaint file properly.

COMMAND CLERK

1. Maintain complaint file in precinct, precinct detective squad concerned, and Criminal Records Unit. The complaints will be filed chronologically by category as specified below.

NOTE *Detective squads will maintain file copies of "open" cases by patrol. They will not be required to maintain files of "closed" cases by patrol. Detective squads will file investigated cases by crime category and "open" cases will be filed in each detective's "open" case folder.*

2. File **COMPLAINT INDEX REPORT** numerically in special binder in front of complaint file.
3. File finalized copy of OMNIFORM System generated **COMPLAINT REPORT (PD313-152)** numerically.

NOTE *"Finalized" means that the name of the supervisor approving the **COMPLAINT REPORT** is printed on the copy generated from the OMNIFORM System.*

4. Attach scratch copy of **COMPLAINT REPORT WORKSHEET (PD313-152A)** to OMNIFORM System generated **COMPLAINT REPORT** in file.
5. Maintain all associated forms and reports in complaint file attached to corresponding **COMPLAINT REPORT**.
6. Mount typed index on cardboard showing each file number and classification and place in front of file.
7. File active and closed cases together.
   a. Investigative units and detective squads will file active cases by investigator or detective assigned, and closed cases by classification.
8. File attempts to commit a crime under "crime attempted" and acts by juveniles under "crime classification."
9. Attach **Omniform Complaint Revision** to the corresponding **COMPLAINT REPORT**.
10. File **COMPLAINT REPORTS** affecting other commands chronologically in the rear of the file.

ADDITIONAL DATA *Commanding officers concerned will ensure that the format and content of the typed cardboard mounted complaint file index maintained in the command, is as follows:*

ADDITIONAL DATA (continued)

FELONIES

FILE NO.	*COMPLAINT FILE CATEGORY*
1	*Murder*
2	*Manslaughter*
3	*Criminally Negligent Homicide*
4	*Rape and Attempted Rape*
5	*Robbery*
6	*Felonious Assault*
7	*Burglary*
8	*Grand Larceny*
9	*Grand Larceny - Auto*
10	*Criminal Possession - Stolen Property*
11	*Fraud*
12	*Forgery and Counterfeiting*
13	*Arson*
14	*Other Felony Sex Offenses*
15	*Controlled Substances - Felonies*
16	*Dangerous Weapons - Felonies*
17	*Driving While Intoxicated or Impaired by Drugs - Felony*
18	*Abandonment of a Child*
19	*Criminal Mischief*
20	*Reckless Endangerment - 1st Degree*
21	*Other Felonies*

MISDEMEANORS, VIOLATIONS, AND OTHER INVESTIGATIONS

FILE NO.	*COMPLAINT FILE CATEGORY*
22	*Dangerous Weapons - Misdemeanor*
23	*Burglar's Tools*
24	*Criminal Possession - Stolen Property - Misdemeanor*
25	*Escape 3rd Degree*
26	*Jostling*
27	*Fraudulent Accosting*
28	*Endangering the Welfare of a Child*
29	*Sexual Misconduct (Section 130.20 P.L.)*
30	*(Reserved)*
31	*Sexual Abuse - Misdemeanor*
32	*Controlled Substances - Misdemeanors*
33	*Hypodermic Instruments*
34	*Public Lewdness*
35	*Petit Larceny*
36	*Fraud*
37	*Assault - 3rd Degree*
38	*Driving While Intoxicated or Impaired by Drugs*
39	*Vehicle and Traffic Law - Misdemeanor*
40	*Criminal Mischief - Misdemeanor*
41	*Criminal Trespass*
42	*Administrative Code - Misdemeanor*
43	*Offenses Against Families and Children*
44	*Other Misdemeanors and Violations*

ADDITIONAL DATA (continued)	*45*	*Lost Property*
	46	*Investigations*
	47	*Missing and Unidentified Persons*
	48	*Unidentified Dead*
	49	*Reckless Endangerment 2nd Degree*
	50	*Harassment (misdemeanor and violation)*
	51	*Domestic Violence*

A domestic violence-related complaint will be included in this file as well as in appropriate file relating to the crime classification, e.g., file #6 - Felonious Assault.

NYPD

PURPOSE To ensure prompt response to communications received from the Mayor's Office.

PROCEDURE When communications are received from the Mayor's Office.

OFFICE OF THE POLICE COMMISSIONER

1. Assign a tracking number.
2. Review communications received.
3. Route to the appropriate bureau/command for investigation and/or necessary action.

DEPUTY COMMISSIONER/ BUREAU COMMANDER CONCERNED

4. Route communication to command concerned upon receipt.

DESIGNATED COMMANDER

5. Following directions contained in the Police Commissioner's endorsement, take appropriate action and/or initiate complete investigation as necessary.
6. Confer with commanders of other units affected, request written report when circumstances warrant, including findings of other commanders in final report, if one is requested.
7. Coordinate efforts and ascertain that all phases of communications are thoroughly and properly investigated.
8. Complete investigation and forward final report through channels if required by Police Commissioner's endorsement.

OFFICE OF THE POLICE COMMISSIONER

9. Review final report, forwarding response to Mayor's Office as necessary.

PURPOSE To process and resolve all public complaints of discrimination under Title II of the Americans with Disabilities Act (ADA).

PROCEDURE When a member of the public states that they have been subjected to discrimination by this Department, (i.e., denial of services, programs or activities) due to their disability:

MEMBER OF THE SERVICE

1. Attempt to accommodate grievant and provide requested service.

<u>IF GRIEVANT IS NOT SATISFIED WITH MEMBER'S ACTIONS OR IF ACTION BEYOND THE MEMBER'S CAPABILITIES IS NECESSARY TO ADDRESS THE COMPLAINT</u>:

MEMBER OF THE SERVICE

2. Advise complainant to forward grievance in writing to:
   Office of Equal Employment Opportunity
   One Police Plaza, Room 1204
   New York, N.Y. 10038

NOTE *The Office of Equal Employment Opportunity has been designated to coordinate Americans with Disabilities Act (ADA) compliance efforts for the New York City Police Department.*

3. Assist in filing complaint for any person who needs a reasonable accommodation due to disability or any other reason.
   a. Complaint must include the name and address of the person filing it, and a brief description of the alleged violation.

NOTE *A complaint must be in writing and filed within thirty days after the complainant becomes aware of the alleged violation. Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case by case basis.*

4. Deliver original to desk officer.
   a. Provide photocopy to grievant.

DESK OFFICER

5. Make a Command Log entry regarding complainant and grievance.
6. Forward grievance to Office of Equal Employment Opportunity - ADA Coordinator, via Department mail.

AMERICANS WITH DISABILITIES ACT COORDINATOR

7. Attempt, in appropriate cases, to resolve the complaint on an informal basis with the goal of reaching a solution that is satisfactory to both the complainant and the Department.
   a. Where necessary, conduct or supervise an investigation of the complaint.
   b. Such resolution shall be consistent with the procedures of the Office of Equal Employment Opportunity.

IF THE COMPLAINT HAS NOT BEEN RESOLVED INFORMALLY:

AMERICANS WITH DISABILITIES ACT COORDINATOR

8. Submit a confidential written report to the Police Commissioner with proposed findings as to whether Department policy or action which is the subject of the complaint is consistent with the Americans with Disabilities Act (ADA).
   a. If the ADA Coordinator believes that the Department's policy or action is not consistent with the Act, the report shall also recommend corrective action.

POLICE COMMISSIONER

9. Review the ADA Coordinator's report and:
   a. Determine any appropriate corrective action.
   b. Advise ADA Coordinator regarding decision via endorsement of report.

AMERICANS WITH DISABILITIES ACT COORDINATOR

10. Institute corrective action at direction of Police Commissioner, if necessary.
11. Advise the complaining party of any action taken with respect to the grievance.
12. Maintain files and records of the Department relating to the complaints filed.

ADDITIONAL DATA

The complainant's right to a prompt and equitable resolution of the complaint filed in accordance with this grievance procedure shall not be impaired by that person's pursuit of other remedies, such as the filing of an Americans with Disabilities Act complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies available under the Americans with Disabilities Act.

PURPOSE To describe the process for reviewing requests for U visa certifications (USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification**).

DEFINITIONS

USCIS – United States Citizenship and Immigration Services (USCIS) is the federal component of the Department of Homeland Security (DHS) that has the sole authority to approve or deny (adjudicate) petitions for U nonimmigrant status (U visa).

APPLICANT – A victim of a qualifying crime who requests a U certification, or a person or organization who requests a U certification on behalf of a victim of a qualifying crime.

CERTIFYING OFFICIAL – Certifying officials are the only persons with authority to sign certifications for the Department. The Police Commissioner, as head of the Department, is a de facto certifying official. Under federal law, the Police Commissioner, in writing, may designate additional members of the Department, who are in a supervisory capacity, to sign certifications on behalf of the Department.

QUALIFYING CRIMINAL ACTIVITY – A qualifying criminal activity refers to the list of criminal activities that, under federal statute, are part of the criteria for U status.

U VISA CERTIFICATION – USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification**, a document that the Department may, at its discretion, complete free of charge for an eligible victim of a qualifying crime who is petitioning USCIS for U nonimmigrant status.

U NONIMMIGRANT STATUS (U VISA) – Temporary, four-year nonimmigrant status granted to victims of certain qualifying criminal activities, as designated by U.S. Citizenship and Immigration Services (USCIS).

PROCEDURE Upon receipt of a U visa certification (USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification**):

DOMESTIC VIOLENCE U-VISA UNIT

1. Review all requests for U visa certification.
2. Review all available Department records within forty-five days of receiving request, to verify and make a determination on each of the following:

NOTE *The Department may, when possible, make additional effort to review the request within the initial forty-five day period when the request names specific circumstances, including but not limited to, whether the victim is in immigration proceedings, as indicated in Title 38, Chapter 22 of the Rules of the City of New York, titled, "Requesting Certifications for U Nonimmigrant Status (U Certifications)." These specific circumstances are not used as factors to determine whether to issue or deny a certification.*

DOMESTIC VIOLENCE U-VISA UNIT (continued)

a. Identity of the Victim: Determine whether the victim named in the U visa certification request is a direct or indirect victim of a crime or criminal activity that the Department investigated. According to federal regulations, investigation refers to the detection or investigation of a qualifying crime or criminal activity. The victim must possess information about the criminal activity. This information is necessary to complete Part 1 of the U visa certification

b. Qualifying Criminal Activity: Determine whether the crime or criminal activity is a qualifying criminal activity under federal law. Include date(s) and location(s) of occurrence(s), citation for the state or federal statute implicated, and a description of the incident. This information is necessary to complete Part 3 of the U visa certification

c. Helpfulness of the Victim: Determine whether the victim was, is, or is likely to be helpful to the Department's investigation of the qualifying criminal activity. This information is necessary to complete Part 4 of the U visa certification

d. Family Members Culpable in Criminal Activity: Identify whether any of the victim's family members are, or are believed to be, culpable in the criminal activity that is the basis of the certification request. This information is necessary to complete Part 5 of the U visa certification.

NOTE *The certification has seven parts. Agency information (Part 2) does not require verification or determination and the statements in certification (Part 6) depend on the verifications and determinations made in the four sections described in step "2" subdivisions "a through d." Use Additional Information (Part 7) if you need additional space to answer any part of the certification. For further information, see ADDITIONAL DATA statement.*

3. Maintain and update a list of U visa certification requests received by the Department in the U Visa Application Tracker. Include the following, if applicable:
   a. Victim's full name
   b. Date request received
   c. Complaint number
   d. Command where qualifying crime was reported
   e. Applicant name (note if applicant is the victim)

DOMESTIC VIOLENCE U-VISA UNIT (continued)

f. Status of the request, and the final disposition (approved, denied, reason for denial, or referred to another agency)
g. Date of final disposition.

4. Prepare recommendation on whether to complete the form and submit to a certifying official for review.

DESIGNATED CERTIFYING OFFICIAL

5. Review recommendations and make final decision on the U visa certification:
   a. Approved
   b. Denied
   c. Deferred (Awaiting further documentation from applicant)
   d. Referred.

APPROVED CERTIFICATIONS

DOMESTIC VIOLENCE U-VISA UNIT

6. Notify applicant on **OFFICIAL LETTERHEAD (PD158-151)** of approval of U visa certification.
   a. Provide instructions for retrieving certification. Additional notification via phone or other means is permissible.

DENIED CERTIFICATIONS

DOMESTIC VIOLENCE U-VISA UNIT

7. Notify applicant on **OFFICIAL LETTERHEAD** of denial of U visa certification, include:
   a. Basis for denial
   b. Instructions for appealing denial.

DEFERRED CERTIFICATIONS/CERTIFICATION DETERMINATIONS LONGER THAN FORTY-FIVE DAYS

DOMESTIC VIOLENCE U-VISA UNIT

8. Inform applicant on **OFFICIAL LETTERHEAD** that their request requires further documentation for a final determination.

REFERRED CERTIFICATIONS

DOMESTIC VIOLENCE U-VISA UNIT

9. Notify applicant on **OFFICIAL LETTERHEAD** of referral of U visa certification and include:
   a. Basis for referral;
   b. The agency who has jurisdiction to certify their request.
10. Make an entry in the U Visa Application Tracker.

NOTE *Every effort will be made to make determinations within forty-five days from when the Domestic Violence U-Visa Unit received the request, and others requiring more research should be determined within ninety days. In exceptional cases, where a*

NOTE (continued) *request requires additional time, the applicant will be notified of the circumstances and every effort will be made to resolve the delay and expedite the determination.*

IF A DENIAL IS APPEALED

DEPARTMENT ATTORNEY, LEGAL BUREAU

11. Review all written requests for appeal.
12. Review all submitted materials, as well as, all available Department records within ninety days of receiving the request for appeal, to make a determination on each of the criteria referred to in step "2" subdivisions "a through d" of this procedure.

NOTE *When the request names specific circumstances, which might include whether the victim is in immigration proceedings, as indicated in Title 38, Chapter 22 of the Rules of the City of New York, titled, "Requesting Certifications for U Nonimmigrant Status (U Certifications)," the Department may, when possible, make additional effort to review the request within the initial 90 day appeal period. These specific circumstances are not used as factors to determine whether to issue or deny a certification.*

13. Maintain and update a list of appeal requests received for U visa certification in the U Visa Certification Appeals Tracker. Include at minimum, the following:
    a. Victim's full name
    b. Date appeal request received
    c. Complaint number
    d. Command where qualifying crime occurred
    e. Applicant name (note if applicant is the victim)
    f. Status of the request, and the final disposition (approved, denied, reason for denial, or referred to another agency)
    g. Date of final disposition.
14. Prepare legal opinion on whether to complete the form and submit to a certifying official for review.

DESIGNATED CERTIFYING OFFICIAL, LEGAL BUREAU

15. Review appeal recommendations and make final decision on the U visa certification appeals request:
    a. Rejected and the initial denial upheld, OR
    b Granted and the Department will issue a U visa certification, OR
    c. Request requires more than ninety days to review.

DEPARTMENT ATTORNEY, LEGAL BUREAU

16. Notify applicant on **OFFICIAL LETTERHEAD** of appeal approval or denial.

APPEALS DETERMINATIONS REQUIRING MORE THAN NINETY DAYS

DEPARTMENT ATTORNEY, LEGAL BUREAU

17. Send applicant a written response on **OFFICIAL LETTERHEAD** stating that the request requires more time for a complete review.
    a. Provide a reasonable estimate of when the determination will be made.
18. Make an entry in U Visa Certification Appeals Tracker.
    a. Indicate date response was sent and estimated completion date.

NOTE

Every effort will be made to make final appeals determinations within ninety days from when the Legal Bureau received the request. In exceptional cases, where a request requires additional time, the applicant will be notified of the circumstances and every effort will be made to resolve the delay and expedite the determination.

ADDITIONAL DATA

Domestic Violence U-Visa Unit is the Department's designated U Visa Certification Office and therefore, it is the only entity with the authority to receive and review requests for certification, including any documents related to the request. The office reviews each request and makes a determination on a case-by-case basis. Requesting a certification from the Department does not guarantee that the applicant will receive it. A completed U visa certification does not assign legal immigration status. The Department does not have authority to assign or give any immigration status.

USCIS considers certifications as primary, though not exclusive, evidence that an individual: 1) was a victim of a qualifying crime; 2) has knowledge of that crime; and 3) was, is, or is likely to be helpful in the law enforcement investigation or prosecution of the qualifying crime.

A certification is one of several eligibility requirements for a victim who is petitioning USCIS for U status. Therefore, a victim has to provide USCIS more information and provide more evidence than what the Department would need to review the certification request. For example, a victim pursuing U nonimmigrant status (U visa) will have to demonstrate to USCIS that he/she experienced substantial harm physical or mental abuse because of the qualifying criminal activity. When reviewing certifications, the Department does not require evidence of substantial harm, nor does it assess whether substantial harm occurred.

The Department's review of certifications focuses on completing the six parts of the certification (Victim Information, Agency Information, Criminal Acts, Helpfulness of the Victim, Family Members Culpable in Criminal Activity, and Certification). To determine whether the Department can complete all six parts of the form, the U Visa Certification Office must review Department records and the written request. The office may review any supplemental documentation provided by the applicant. Supplemental documents may include medical records or copies of Department records, but are not required.

CRITERIA FOR REVIEWING CERTIFICATION REQUESTS:

Identity of the Victim (Victim Information)

Direct or Indirect Victim: Direct victim is the individual who was the target of the criminal activity. Under federal law, certain indirect victims may apply for U nonimmigrant status (U visa), and therefore must request a U certification.

ADDITIONAL DATA (continued)

Indirect victims typically are in the following categories:

a. In the case of murder, manslaughter, incompetent or incapacitated victims (which include children under 21 years of age), indirect victims include spouses and children under 21 years of age at the time of filing

b. If the victim of the criminal activity is under 21 years of age at the time the qualifying criminal activity occurred, indirect victims include parents and unmarried siblings under 18 years of age at the time of the qualifying criminal activity.

Possess Information: Under federal law, the victim must possess information about the criminal activity. If the victim was under 16 years of age or incompetent or incapacitated at the time the qualifying crime occurred, a parent, guardian, or "next friend" may possess the information and provide the required assistance (help) on behalf of the victim. Federal law defines "next friend" as a person who acts in the best interests of a foreign national who is under sixteen or incompetent or incapacitated. The "next friend" may appear in court on behalf of the victim, but cannot be either a party to a legal proceeding involving the victim nor a court appointed guardian. A "next friend" also does not qualify for U nonimmigrant status (U visa) or any immigration benefit simply by acting as a "next friend" for the victim.

Qualifying Criminal Activity (Criminal Acts): The criminal activity must be one of, or similar to, the listed activities on the certification form that was investigated by the Department. The criminal activity does not have to be the crime that was ultimately charged. For example, if a victim was trafficked and raped but ultimately the rape alone was charged, the Department's Certification Office could select trafficking and rape as a qualifying criminal activity. In the case of robbery, since the crime is not listed as a qualifying criminal activity, the Certification Office would consider whether the facts and circumstances of the robbery are similar to any of the listed criminal activities such as felonious assault. If the facts and circumstances are not similar to any of the listed criminal activities, then do not select any of the listed qualifying crimes. The revised form no longer has an "Other" box for certifying agencies to select when the crime is not one of the listed criminal activities. As of October 17, 2024, victims of PL 120.19 - Assault on a Retail Worker qualify to apply for a U Visa Certification. Investigators will ensure that the crime is verifiable and not orchestrated to circumvent Visa restrictions prior to certification.

The criminal activity must be one of, or similar to, the listed activities on the certification form that was investigated by the Department. The criminal activity does not have to be the crime that was ultimately charged. For example, if a victim was trafficked and raped but ultimately the rape alone was charged, the Department's Certification Office could select trafficking and rape as the qualifying criminal activities. In the case of robbery, since the crime is not listed as a qualifying criminal activity, the Certification Office would consider whether the facts and circumstances of the robbery are similar to any of the listed criminal activities such as felonious assault. If the facts and circumstances are not similar to any of the listed criminal activities, then do not select any of the listed qualifying crimes. The revised form no longer has an "Other" box for certifying agencies to select when the crime is not one of the listed criminal activities.

ADDITIONAL DATA (continued)

The Department has the discretion to provide certifications regardless of whether the perpetrator of the crime is no longer in the jurisdiction or prosecution is unlikely, provided the victim meets all criteria for the certification. For example, a victim of a felonious assault who is attacked from behind and cannot identify the perpetrator could be eligible for a certification as long as the other criteria are met.

Helpfulness: Under federal law, once the victim begins to be helpful there is an ongoing responsibility to continue to be helpful when the Department asks and may not unreasonably refuse to be helpful. While there may be specific factual circumstances where a victim reasonably refuses to be helpful, that determination is made on a case-by-case basis.

The Department of Homeland Security (DHS) has created a U and T Visa Law Enforcement Resource Guide that has information on U visa certifications, including frequently asked questions that is available on their website

NYPD

AVAILABLE TRANSPORTATION SERVICES FOR COMPLAINANTS, VICTIMS AND WITNESSES WHO ARE DISABLED

PURPOSE To provide transportation services for complainants, victims and witnesses who are disabled, and who are in need of accessible transportation (e.g., ramps, wheelchair lifts, etc.) and may have difficulty with public transportation.

PROCEDURE When a complainant, victim or witness who is disabled is in need of accessible transportation and may have difficulty with public transportation:

UNIFORMED MEMBER OF THE SERVICE

1. Interview individual and determine the need for accessible transportation based on:
   a. Disability,
      (1) An individual with a disability is not required to submit proof of disability, or to demonstrate or otherwise prove that they are disabled.
   b. Time of day,
   c. Post-incident fearfulness,
   d. Weather conditions,
   e. Location of destination, and/or
   f. Other factors, as necessary.
2. Notify patrol supervisor and desk officer.
3. Notify Operations Unit.

OPERATIONS UNIT

4. Notify Access-A-Ride dispatcher supervisor and give the following details:
   a. Name/home address/phone number of individual,
   b. Address/cross streets/zip code of pick-up location,
   c. Address of drop-off location, and
   d. Reason.

UNIFORMED MEMBER OF THE SERVICE

5. Make digital **Activity Log** entry of the following:
   a. Name/address/phone number of individual,
   b. Address of pick-up/drop-off location, and
   c. Vehicle number/company name/driver of transporting vehicle.

DESK OFFICER

6. Make Command Log entry of the following:
   a. Member of service who made notification to Operations requesting Access-A-Ride.
   b. Name/address/phone number of individual,
   c. Address of pick-up/drop-off location, and
   d. Vehicle number/company name/driver of transporting vehicle.

WHEN TRANSPORTATION OF A MOTORIZED WHEELCHAIR/SCOOTER IS REQUIRED (WITHOUT A COMPLAINANT, VICTIM, OR WITNESS) :

UNIFORMED MEMBER OF THE SERVICE

7. Request Emergency Service Unit (ESU) to respond with a motorized wheelchair/scooter carrier for transportation of the motorized wheelchair/scooter and await their response.
8. Make digital **Activity Log** entry and resume patrol once Emergency Service Unit has removed the motorized wheelchair/scooter from an unsecured public location.

EMERGENCY SERVICE UNIT MEMBER

9. Respond to location and load the wheelchair/scooter on the carrier ensuring the use of straps to properly secure it.
   a. Place tarp over the wheelchair/scooter during inclement weather.
10. Transport wheelchair/scooter within area of assignment only (i.e., hospital or residence).
   a. If a request is made to transport the wheelchair/scooter outside the area of assignment, transport the wheelchair/scooter to the precinct of occurrence for safeguarding by precinct personnel, and
   b. Make digital **Activity Log** entry and include name, address, phone number, title, etc. of person receiving wheelchair/scooter.

NYPD

PURPOSE To specify the conditions under which a uniformed member of the service may make an arrest.

PROCEDURE Arrest with warrant:

1. When the warrant is addressed to a uniformed member of the service or to the Department of which he is a member, and,
   a. Warrant issued by:
      (1) New York City Criminal Court, or
      (2) District court, or
      (3) Superior court judge sitting on lower criminal court.

   Arrest at anytime, and anywhere within the State, or

   b. Warrant issued by:
      (1) City court, or
      (2) Town court, or
      (3) Village court.

   Arrest at anytime within the county of court of issuance, or within adjoining county.

2. When delegated by a police officer to whom warrant is addressed and:
   a. Warrant may be legally executed as indicated above, and within arresting officer's territorial jurisdiction, or
   b. The defendant is in a county other than one in which warrant is returnable.

3. Arrest without a warrant:
   a. For an offense when reasonable cause to believe offense committed in his presence, or
   b. For a crime (within presence or not) and reasonable cause exists that arrested person committed the crime.
   c. For a petty offense in his presence (violations and traffic infractions) and:
      (1) It is believed to have been committed within arresting officer's geographical area of employment, and
      (2) The arrest is made in the county of occurrence or an adjoining county.

ADDITIONAL DATA

In close pursuit cases relating to petty offenses or traffic infractions, a police officer may pursue to any part of the State and make an arrest or issue a summons, if authorized by law to do so in his own geographical area of employment.

In close pursuit cases relating to crimes, police officer may pursue outside State to effect the arrest.

In pursuit situations, a suspect may flee on foot into a private residence. If the pursuit involves a felony suspect, uniformed members of service may pursue the suspect into the private residence. If the pursuit involves a misdemeanor suspect, uniformed members of service may make immediate entry into a private residence to prevent imminent injury, destruction of evidence, escape by the suspect, or if the totality of the circumstances demonstrates an emergency. One or more of these considerations will be present in many misdemeanor flight situations. If none of these considerations are present, the officers must obtain a warrant or consent to enter the residence.

NYPD

PURPOSE To process arrests.

SCOPE Uniformed members of the service who have effected an arrest will have the arrest verified by their supervisor, if available, prior to removing the prisoner to the appropriate authorized command/designated arrest facility which has jurisdiction over the arrest. The desk officer will be requested to verify any arrests which were not verified at the scene of arrest.

DEFINITIONS ARREST - Taking a person into custody to answer for an offense.

PICK-UP ARREST - An arrest for an offense or juvenile delinquency not previously reported.

PREFERRED NAME - The name an arrestee prefers to be called based on their gender identity. This name may be different from the name on identification documents in the arrestee's possession.

PROCEDURE When a uniformed member of the service effects an arrest:

ARRESTING OFFICER

1. Effect arrest in a tactically safe manner, and inform prisoner of authority and cause, unless physical resistance, flight, or other factors render such procedure impractical.
   a. Ascertain if a child is present using all available information, including information received from radio dispatcher and indicators at the scene that a child may be present, and if so, effect arrest of parent/guardian outside of child's sight and hearing, if possible.

NOTE *Uniformed members of the service are only to display a firearm or other weapon (e.g., Conducted Electrical Weapon [CEW], etc.) within sight of a child when necessary and consistent with Department policy, and officer safety. The display of a firearm or other weapon in front of a child may be traumatic and as such, efforts to reassure the child should be made as soon as possible.*

2. Immediately inquire if medical and/or psychological treatment is necessary. Ensure that body-worn camera (BWC) is activated when asking if medical and/or psychological treatment is necessary and request Emergency Medical Service (EMS), as appropriate.
3. Handcuff prisoner with hands behind back.
   a. Rear cuff pregnant prisoners, absent exceptional circumstances (e.g., medical emergencies, or visibly pregnant prisoner who may be difficult to rear cuff and poses no immediate threat), and notify immediate supervisor (see *P.G. 210-01, "Prisoners General Procedure").*
4. Notify immediate supervisor of arrest and provide pertinent details.

IMMEDIATE SUPERVISOR

5. 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.
   b. Direct all uniformed members of the service on scene to forward their digital **Activity Log** entries to the arresting officer.

ARRESTING OFFICER

6. Remove prisoner to precinct of arrest/designated arrest facility and inform desk officer of charge(s).
   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. Refer to the Command Reference Library for a list of locations approved for the interrogation of juveniles.
7. Notify desk officer if force was used to effect the arrest.
8. Immediately complete all captions on **PRISONER PEDIGREE CARD (PD244-092)** upon arrival at command and present to desk officer.
   a. Consistent with *A.G. 304-06, "Prohibited Conduct,"* indicate preferred name, if any, on the **PRISONER PEDIGREE CARD**.
9. Remain with prisoner at all times unless relieved by arrest processing officer.

DESK OFFICER

10. Have arresting officer complete all captions on **PRISONER PEDIGREE CARD** and immediately transpose the information from the **CARD** into the Command Log to initiate arrest process.
    a. Ensure prisoner is afforded a reasonable opportunity to acquire identification.
    b. File each **CARD** for EVERY prisoner by date and time of arrival at command.
11. Enter in Command Log, Interrupted Patrol Log, and on Centralized Personnel Resource (CPR) Roll Call System, if appropriate, the rank, name, shield number, and command of the arresting officer, assisting officer, if any, and the time of arrival at the stationhouse.
12. Determine validity of the arrest.
    a. Comply with the provisions of *P.G. 210-13, "Release of Prisoners"* if arrest is NOT valid.
13. Direct arresting officer to make a thorough search of the prisoner in your presence, in accordance with *P.G. 208-05, "Arrests – General Search Guidelines."*
14. Verify prisoner's identity by satisfactory documentary proof, preferably government issued identification.

DESK OFFICER (continued)

15. Count prisoner's funds, record the amount in the Command Log, and return funds to prisoner.
    a. Direct arresting officer to voucher currency in excess of $100 for safekeeping if prisoner is not eligible for a **DESK APPEARANCE TICKET**.
    b. Enter amount retained by prisoner and the **PROPERTY CLERK INVOICE (PD521-141)** number in Command Log.
16. Direct arresting officer to remove prisoner to arrest processing area, or location in the stationhouse SPECIFICALLY DESIGNATED as suitable for the interrogation of juveniles.
17. Direct arrest processing officer to assist arresting officer.

ARRESTING OFFICER

18. Comply with the provisions of *P.G. 208-15, "Arrest Report Preparation at Stationhouse."*

DESK OFFICER

19. Direct arresting officer to remain with prisoner at all times unless relieved by arrest processing officer.
20. Ensure that arresting officer signs affidavit/supporting deposition, as appropriate, before resuming assignment or completing tour.

ADDITIONAL DATA

ARREST OF PARENT/GUARDIAN OF CHILD

It is the policy of the Department to reduce the traumatic impact that the arrest of a parent/guardian may have on a child. Accordingly, the following actions will be complied with:

a. Uniformed members of the service will make every reasonable effort to avoid the use of force to separate a child from their parent/guardian,

b. The arrested parent/guardian will be permitted to speak to the child prior to being transported to a police facility. If not practicable, the uniformed member of the service shall explain to the child, using age appropriate language, that the parent/guardian will be safe and that the child did nothing wrong, and will be safe and cared for,

c. The child should be permitted to take a familiar object (e.g., a toy, blanket, book, photograph, clothing, food etc.) or such other items that provide comfort or assist in their emotional well-being,

d. Uniformed members of the service will ascertain if the child has any medical, behavioral, or psychological conditions and secure any required medication,

e. The arrested parent/guardian will be permitted to choose appropriate placement for their child (whether or not the child is present at the scene of arrest) with exceptions, including but not limited to, a caregiver with apparent active drug or alcohol misuse, or other evidence of an unsafe environment, etc.,

f. Uniformed members of the service will assist the arrested parent/guardian with accessing telephone numbers that may be stored in a mobile telephone or other location, to make alternate arrangements for the care of the child, and

g. If an alternative caregiver for the child cannot be identified or cannot respond in a reasonable amount of time, comply with P.G. 215-01, "Children or Minors Requiring Care and/or Shelter."

ADDITIONAL DATA (continued)

*h. Uniformed members of the service will offer to the arrested parent/guardian, after arrest and prior to arraignment in criminal court, to make a referral to a partner organization that could provide appropriate services to the child and, with the arrested parent/guardian's consent, make such a referral. Members will make a digital **Activity Log** entry to document the offer and the parent/guardian's response.*

PRISONER SUPERVISION

Desk officers will be held STRICTLY ACCOUNTABLE for prisoners while in the command and will ensure that the prisoner is guarded AT ALL TIMES by a uniformed member of the service.

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

IRRATIONAL/VIOLENT ARRESTEE

Whenever a person who is about to be arrested is acting irrationally or violently resists arrest, AND poses no immediate physical threat to himself or others, AND is in a confined area (e.g., detention cell, automobile, etc.), the uniformed member of the service on the scene will immediately request the response of the patrol supervisor and the Emergency Service Unit. The member will attempt to isolate and contain the suspect and will institute emotionally disturbed person procedures contained in P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons." If the confined area is an automobile, it will be rendered immobile by blocking it in with one or more RMPs. Once in police custody, the subject will be removed to a hospital for examination. This procedure will not apply in situations where the uniformed members of the service on the scene believe the subject to be armed.

A prisoner, initially being processed for a Desk Appearance Ticket, who exhibits signs of distress and would face harm without immediate medical care will be given immediate medical attention. In this scenario, a DAT will not be issued and arrest processing will be continued online.

PRISONER SUSPECTED OF INGESTING A NARCOTIC OR OTHER DANGEROUS SUBSTANCE

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

ADDITIONAL DATA (continued)

FALSE PERSONATION

When attempting to ascertain a prisoner's identity, the uniformed member of the service concerned should inform the prisoner that knowingly misrepresenting his or her actual name, date of birth, or address to a police officer, with intent to prevent a police officer from ascertaining such information, is punishable as a crime. Prisoners who knowingly misrepresent their pedigree information should be charged under Penal Law section 190.23 (False Personation, B Misdemeanor).

ARREST REPORT PEDIGREE

For booking purposes, a member of the service shall write an arrestee's name and gender at it appears on a driver's license, permit, or non-driver photo identification. If the arrestee uses a Preferred Name, that name shall be listed in the:

a. "Preferred name" section of the ***PRISONER PEDIGREE CARD***
b. Defendant's name section of the Prisoner Movement Slip, prefaced by "Preferred Name:"
c. "Nickname/Alias/Maiden Name" section of the ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)****, prefaced by "P-"*

Consistent with A.G. 304-06, "Prohibited Conduct," regardless of whether the name on the arrestee's identification coincides with the arrestee's gender identity, the member of the service shall refer to the arrestee by the preferred name, if any, as requested. The member shall use the pronouns consistent with that name in addressing or referring to the arrestee.

RELATED PROCEDURES

Arrests - General Processing (P.G. 208-03)
Arrests - General Search Guidelines (P.G. 208-05)
Arrest Report Preparation at Stationhouse (P.G. 208-15)
Desk Appearance Ticket – Disqualifying Factors (P.G. 208-81)
Hospitalized Prisoners - Arrests by Members of Other Police Agencies (P.G. 210-03)
Release of Prisoners (P.G. 210-13)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

DESK APPEARANCE TICKET (COMPUTER FORM)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE (PD521-141)
PRISONER PEDIGREE CARD (PD244-092)

DEFINITION PREFERRED NAME - The name an arrestee prefers to be called based on their gender identity. This name may be different from the name on identification documents in the arrestee's possession.

PROCEDURE After arrest has been effected and prisoner has been handcuffed:

ARRESTING OFFICER

1. Immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence, and/or contraband.
2. Advise prisoners of rights before questioning in accordance with *P.G. 208-09, "Rights of Persons Taken into Custody."*
   a. If a juvenile is taken into custody, notify the Juvenile Strategies Unit (twenty-four hours a day/seven days a week), and parent/guardian immediately.
   b. Before questioning a juvenile:
      (1) 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 of Juveniles,"* as applicable, and
      (2) Read Miranda warnings to the juvenile utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)**.

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

   c. Juveniles will not normally be arrested for truancy.
      (1) Truancy (Educational Law section 3213) may be added as a second charge, if juvenile is initially arrested on another charge.
      (2) Truants may be frisked or scanned with a metal detector, in all cases.
      (3) Truants may be handcuffed, if safety dictates.
   d. Comply with *P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons,"* or *P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing,"* if the prisoner and/or the parents/guardians of a juvenile in custody appear to have difficulty understanding/communicating in English, or appear to be Deaf or hard of hearing.

DESK OFFICER 3. Immediately determine if prisoner presents a high risk of escape through interview and a comprehensive background investigation.

a. Make determination as to whether a particular prisoner presents a potential escape risk on a case-by-case basis. Factors that can be considered in making this determination include:

(1) Seriousness of the offense charged,

(2) Prisoner's unwillingness to identify himself /herself,

(3) Forcible resistance to arrest,

(4) Threats of violence and/or escape threats directed at uniformed members of the service,

(5) Known history of violence, weapons possession, or escape/attempted escape,

(6) Results of warrant and criminal history computer checks, particularly the utilization of the Domain Awareness System (DAS) to obtain information on previous police contacts.

b. Prisoners designated "high risk" will have two uniformed members of the service assigned to escort at all times.

c. Ensure a criminal history check is completed for every prisoner arrested for Resisting Arrest (Section 205.30, Penal Law), Assault 2nd degree (Section 120.05, Penal Law, sub. 3), or Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law).

(1) If prisoner has been arrested for Resisting Arrest (Section 205.30, Penal Law), Assault 2nd degree (Section 120.05, Penal Law, sub. 3), or Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law), two or more times within the past five years, the prisoner shall be deemed a 'Resisting Recidivist.'

(2) Ensure all arrests involving a Resisting Recidivist are enhanced by the precinct detective squad and that the District Attorney's Office puts forth all efforts towards a successful prosecution.

d. If the prisoner appears to have a disability, which may affect mobility, speech, hearing, or mental ability, appropriate auxiliary aids to facilitate communication shall be used.

(1) A reasonable attempt shall be made to notify a relative or friend.

(a) All such attempts will be documented by the arresting or investigating uniformed member of the service.

4. Have vehicle or other conveyance **not required as evidence** safeguarded, if appropriate.

DESK OFFICER (continued)

5. Question the arresting officer regarding:
   a. Use of force, if applicable
6. Observe physical and mental condition of all prisoners entering command and include results in Command Log.
   a. Ensure that prisoners who appear to be ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention. (See *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*)
   b. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital, whenever a prisoner is brought to their facility for medical treatment.
   c. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital immediately, if a prisoner escapes from custody at the hospital.
   d. Have arresting officer request a secured location that can be used for treatment of prisoner, when available, from emergency room staff.
7. Notify commanding officer/duty captain to verify the arrest, if the arrest is effected by an off-duty uniformed member of the service.
   a. If arrest is effected by a member of another police agency, that agency will be notified.

COMMANDING OFFICER / DUTY CAPTAIN

8. Respond to stationhouse and verify arrest made by off-duty uniformed member of the service.
9. Have **UNUSUAL OCCURRENCE REPORT (PD370-152)** prepared with details of arrest made by off-duty uniformed member of the service.

DESK OFFICER

10. Direct arresting officer to make a thorough search of the prisoner in your presence.
    a. Conduct all searches in accordance with *P.G. 208-05, "Arrests – General Search Guidelines."*
    b. Once a strip search is authorized, (see *P.G. 208-05, "Arrests – General Search Guidelines,"* step "1", subdivision "C"), the desk officer, precinct of occurrence/central booking supervisor will ensure that the following entries are made in Department records:
       (1) Command Log entry – including the basis for the strip search; rank, name, and command of supervisor authorizing the search; rank, name, and command of member of the service performing the search; name of prisoner(s); and, the results of the search, including negative results.
       (2) The supervisor authorizing such a search will ensure the command and Command Log page number of the entry will be documented in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-149)** or the **ARREST REPORT - SUPPLEMENT (PD244-157)**.

DESK OFFICER (continued)

(3) Direct the arresting officer to prepare a digital **Activity Log** entry of the above information. Also, include on the Prisoner Movement Slip if prepared, the statement, "Strip Searched," with the command and Command Log page number of the entry in the "Detention Alert" section of the form under the sub-caption, "Other." Consistent with *A.G. 304-06, "Prohibited Conduct,"* indicate preferred name, if any, on Prisoner Movement Slip.

11. Direct arresting officer to inquire of prisoner whether a dependent adult/child is uncared for at prisoner's residence.
    a. Enter results of inquiry in Command Log.
    b. Comply with *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter,"* if it is determined that dependent adult/child is alone in prisoner's residence.
12. Have the following property removed from prisoner:
    a. Unlawfully carried
    b. Required as evidence
    c. Lawfully carried, but dangerous to life, would facilitate escape, could be used to attempt/commit suicide, or assault another (e.g., articles containing glass or having sharp edges, belts, neckties, shoelaces, drawstrings, etc.)
    d. Can be used to deface or damage property
    e. Personal (identification card, debit/credit cards, etc.), except clothing, ONLY if prisoner is intoxicated or unconscious
    f. Auxiliary Police Shield, Civil Defense Shield/Identification Card
        (1) Forward to Auxiliary Police Section, with report of facts.
    g. Legally possessed prescription drugs (including methadone)
        (1) Invoice prescription drugs for safekeeping and place in Plastic Security Envelope in prisoner's presence. Issue "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE (PD521-141)** as a receipt to prisoner.
        (2) Prepare **MEDICAL TREATMENT OF PRISONER (PD244-150)** to alert detention facility personnel that prisoner may require a prescription drug.
        (3) Return prescription drugs to prisoner upon release, if prisoner is to be released on Desk Appearance Ticket, voided arrest, etc. If not, deliver to borough Property Clerk in normal manner.
    h. Handgun License
        (1) Forward license to the Commanding Officer, License Division and comply with *P.G. 212-118, "Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits"* in regards to reporting the arrest of a handgun licensee to the License Division and the removal of firearms listed on the handgun license.

DESK OFFICER (continued)

i. Rifle/Shotgun Permit
   (1) Forward permit to the Commanding Officer, License Division and comply with *P.G. 212-118, "Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits"* in regards to reporting the arrest of a rifle/shotgun permit holder to the License Division and the removal of firearms registered under the permit.

j. New York City Police Department retiree identification card or identification card of retired uniformed members of the service of the former New York City Housing Police Department or the New York City Transit Police Department.
   (1) Forward card to Human Resources Division, with report of facts.

13. Give itemized receipt for property temporarily removed from the prisoner which is not to be held in police custody.

14. Ask prisoner(s) if they want any personal property they possess to be vouchered for safekeeping, other than property removed under steps "12" and "13".
   a. A Command Log entry **must** be made indicating either the prisoner refused or the **PROPERTY CLERK INVOICE** number for property safeguarded.

ARRESTING OFFICER

15. Request the assistance of the detective squad if the prisoner is arrested for homicide, serious assault, robbery, burglary, grand larceny, or other serious or unusual crime.

16. Prepare arrest related documents, as necessary.
   a. Comply with any applicable provisions of *P.G. 208-15, "Arrest Report Preparation at Stationhouse."*

17. Provide complainant with prisoner's name, charges, arresting officer's name, precinct of occurrence, **PROPERTY CLERK INVOICE** number, if any, and the location of the appropriate court.

18. Advise prisoner, 18 years of age or older, of right to make three telephone calls without charge.
   a. One of the calls may be placed anywhere within the United States or Puerto Rico. The remaining calls may be placed anywhere within New York City.
   b. Phone calls will not be allowed or may be terminated at any time if the calls would compromise an ongoing investigation or prosecution, if the ends of justice may be otherwise defeated, or a dangerous condition may be created.
   c. Permit prisoner adequate opportunity to make telephone calls to check on the status and well-being of their child.
   d. Make telephone calls for the prisoner if the prisoner is incapacitated by alcohol and/or drugs.

ARRESTING OFFICER (continued)

e. Make telephone calls, or request other appropriate auxiliary aids (including the use of a qualified sign language interpreter or a Telecommunication Relay Service [TRS]) to assist the prisoner in making phone calls, if the prisoner is unable to use a telephone due to speech impairment or being Deaf or hard of hearing. Should the prisoner request to telephone an individual with a speech disability or who is Deaf or hard of hearing, dial "711" for the TRS operator and be instructed accordingly.

f. Inform prisoner that phone number(s) and associated addresses stored on a cellular phone that is not being invoiced as "Arrest" or "Investigatory" evidence may be accessed and recorded for the benefit of the prisoner in order to assist during pre-arraignment processing at the borough Court Section.

(1) Have prisoner sign **CELLULAR PHONE INFORMATION CONSENT FORM (PD389-051)**, and provide passcode. Retrieve up to three phone numbers, associated addresses (if available), and contact names from the cellular phone.

(2) If consent is obtained and **CONSENT FORM** is signed, retrieve only phone numbers, associated addresses (if available) and contact names as listed in the cellular phone, and contact name/relationship requested by prisoner, and record on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET, CONSENT FORM**, and in Omniform system.

(3) If consent is obtained and prisoner refuses to sign **CONSENT FORM**, write "REFUSED" on "Signature of Person Consenting" line, witnessed by another uniformed member of the service, and make an entry in digital **Activity Log** documenting refusal and comply with subdivision "(2)" above.

(4) If prisoner refuses to consent and sign **CONSENT FORM**, write "REFUSED" on "Signature of Person Consenting" line and make an entry in digital **Activity Log** documenting refusal. Cellular phone will not be accessed.

(5) Include photocopy of **CONSENT FORM** in arrest package, and provide original copy to the prisoner prior to being removed to the borough Court Section.

(a) Instruct the prisoner to provide original copy of the form to the Criminal Justice Agency (CJA) representative, as this will assist in processing, etc.

NOTE *The **CONSENT FORM** will be used to document contact information for three individuals on behalf of CJA, and under no circumstances is any other information, conversation, or image (e.g., photos, messages, emails, applications, etc.), to be obtained or recorded without separately obtaining a consent to search for that purpose or a warrant. Refer to P.G. 212-75, "Search Warrant Applications."*

NOTE (continued)

If circumstances or conditions arise, requiring the retrieval of additional numbers from the prisoner's phone, the preparation of an additional ***CONSENT FORM*** *will be required. The arresting officer will note the preparation of a second* ***CONSENT FORM*** *at the top of the first* ***CONSENT FORM****.*

To ensure officer safety and to prevent escape of a prisoner or the destruction of evidence while phone numbers are being retrieved, a prisoner must be either secured in a holding cell, or by handcuffs.

In certain arrest situations, the prisoner may be granted possession of his/her phone to retrieve contact numbers, provided the arresting officer can articulate there are no safety and/or escape concerns, or risk of destruction of evidence, witness tampering, or victim/witness intimidation.

ARRESTING OFFICER (continued)

19. Notify relatives or friends if the prisoner is under nineteen years of age, or is admitted to a hospital, or is apparently emotionally disturbed.
20. Prepare a **MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)** and notify the precinct detective squad and the Missing Person Squad, if unable to make the above notification.
    a. If the notification is made after preparation of the **MISSING - UNIDENTIFIED PERSON REPORT**, notify the detective squad and the Missing Person Squad.
21. Comply with *P.G. 214-07, "Cases for Legal Action Program,"* if applicable, which ensures that all New York City Public Housing residents who are arrested pursuant to the execution of a search warrant where contraband is recovered or arrested for a designated crime committed on the grounds of any New York City Public Housing Development are targeted for possible eviction proceedings.
22. Perform license check through FINEST, using the "DALL" format, on all defendants arrested for the following:
    a. Driving a stolen vehicle, or,
    b. Driving an auto with an altered vehicle identification number (VIN), or,
    c. Driving an auto with stolen plates.
23. Comply with *P.G. 208-72, "Obtaining Prisoner DNA Sample,"* if discovered that prisoner owes DNA for inclusion in the New York State DNA Databank.
24. Deliver the following completed forms to the desk officer:
    a. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
        (1) Ensure that any graffiti tag and/or gang-related nickname is entered in the appropriate box, if applicable.
        (2) Indicate any preferred name used by prisoner in "Nickname/Alias/Maiden Name" section, prefaced by "P-".
    b. **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
        (1) If the arrest is for a crime previously reported and recorded on a **COMPLAINT REPORT**, use the serial number assigned to the original **COMPLAINT REPORT**.

ARRESTING OFFICER (continued)

(2) Follow *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting"* immediately upon desk officer's review and approval of **COMPLAINT REPORT WORKSHEET**.

c. **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for evidence or other property taken into police custody.

(1) A separate **WORKSHEET** will be prepared for firearms, narcotics, or other property requiring analysis at the Police Laboratory.

d. **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, if required.

e. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151A)**, if appropriate.

(1) One copy of typed report will be forwarded with the arrest documents and distribute the remaining copies to the precinct youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained.

f. **MEDICAL TREATMENT OF PRISONER**, if prepared.

(1) Prepare the form if the prisoner receives medical/psychiatric treatment, refuses treatment after claiming an injury or illness, already has previously treated prior injuries, is in apparent need of treatment, or may require prescribed medication.

(2) If the prisoner is issued a **DESK APPEARANCE TICKET**, deliver the "Buff" copy of **MEDICAL TREATMENT OF PRISONER** to desk officer for file, as appropriate, and email remaining copies to borough Court Section.

g. **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)**, if appropriate.

(1) Prepare form if arrest includes a charge for trespass or criminal trespass in a New York City Housing Authority building.

25. Prepare **ARREST CHECKLIST (PD244-041)**.

a. Check appropriate box for each document/form delineated on the checklist.

b. List individually all other documents/forms prepared.

c. Complete **VEHICLE REPORT** in Finest Online Records Management System (FORMS), if arrest is the result of a vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop.

26. Deliver **ARREST CHECKLIST** with the following items to the desk officer:

a. Photocopies/snap-out copies of the documents and forms delineated on the **ARREST CHECKLIST** in every case in which they are prepared

b. Photocopies of all other documents/forms prepared

ARRESTING OFFICER (continued)

c. Photographs of evidence motor vehicles returned to owner (see *P.G. 218-18, "Photographing Stolen Evidence Vehicles When an Arrest is Made"*).

DESK OFFICER

27. Examine all documents/forms to ensure completeness and accuracy and sign all documents/forms as required.
    a. Review **ARREST CHECKLIST** to ensure all documents and forms prepared in connection with the arrest are listed on the **ARREST CHECKLIST** and are available.
    b. Return **ARREST CHECKLIST** to arresting officer for delivery to the District Attorney or Corporation Counsel in the Complaint Room or deliver in accordance with borough guidelines.
28. Ensure the arresting officer has complied with *P.G. 214-07, "Cases for Legal Action Program,"* if applicable.
29. Ascertain that the following entries are made:
    a. Statement that a prisoner, charged with criminal possession of a controlled substance with intent to sell or unlawful sale of a controlled substance, is a seller, and indicate reasons for that conclusion in the narrative block of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.
    b. Contact information of arrestee (i.e., residence address, preferred mailing address, cell phone/home/work number, e-mail address, etc.) is entered on all appropriate forms.
    c. Names, addresses, and telephone numbers of witnesses are entered on the **COMPLAINT REPORT** or the **Omniform Complaint Revision**, if prepared.
    d. Statement on **PROPERTY CLERK INVOICE** that property (other than vehicle) is valuable, contains identifying marks, and that the Stolen Property Inquiry Unit (SPIU) was notified, including the name and rank/title of the person at SPIU notified.
    e. Information concerning alarms transmitted or cancelled, with operator's name entered on **COMPLAINT REPORT** and **PROPERTY CLERK INVOICE**, as required. State and police agency must be included if alarm is transmitted by other than a New York State agency. If no alarm is transmitted, state so.
    f. A hard copy of the FINEST screen containing the notification to S.P.I.U. is attached to the **COMPLAINT REPORT**, **Omniform Complaint Revision** or **PROPERTY CLERK INVOICE**, whichever most accurately reflects the current status of a motor vehicle/boat/plate being reported stolen, recovered, etc.
    g. Enter details of notification in Command Log (name, address, relationship) when prisoner is of unsound mind, or under nineteen years of age, or is admitted to a hospital.
    h. Enter in Command Log information concerning release of prisoner to member of Highway District to conduct required tests.

DESK OFFICER (continued)

i. Enter chemical test results on **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** under caption, "Narrative."

j. Enter any change in the custody of the prisoner in the Command Log and notify borough Court Section for computer entry of new prisoner location.

k. Document any other pertinent facts in the Command Log, including serial numbers of any forms prepared regarding arrest.

l. Notify Court Section supervisor for computer entry when prisoner is admitted to a hospital (see *P.G. 210-02, "Hospitalized Prisoner")*.

(1) Record notification in Telephone Record.

m. Ensure that all phone calls, up to a maximum of three, or refusal to make phone calls, are recorded on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** and properly entered into Omniform.

30. Refer "FOA" cases (offenses not triable in New York City courts or violation of parole or probation) to detective squad.

31. Direct that "Have Arrested Message" is transmitted, if required.

32. Make notifications as required by *P.G. 208-69, "Notifications in Certain Arrest Situations."*

33. Request borough Court Section concerned to provide transportation **only** when large numbers of prisoners must be transported or unusual circumstances dictate use of a patrolwagon.

34. Confer with borough Court Section supervisor prior to transporting a prisoner who has a mobility disability (e.g., wheelchair, cane, crutch, etc) and be guided by their direction regarding lodging and further processing.

a. Comply with *P.G. 210-19, "Department Transportation Services for Arrestees Who Have a Mobility Disability,"* when necessary.

NOTE *Assistive devices should remain in the proximity of prisoners from arrest through arraignment, (i.e., during arrest, arrest processing, transports, arraignment, etc.) and returned to them upon remand or release, but do not need to remain with them in the holding cell. The Department may provide temporary assistive devices to a prisoner, if necessary or available.*

35. Return the following forms to the arresting officer for delivery to the assistant district attorney in the Complaint Room or deliver in accordance with borough procedures.

a. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**

b. Fingerprint forms, if prepared

c. "ADA" copy of the **PROPERTY CLERK INVOICE**, if evidence has been invoiced

d. **SUPPORTING DEPOSITION (PD244-060)**, if prepared

e. **MEDICAL TREATMENT OF PRISONER** form, if prepared

f. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET**, if prepared.

DESK OFFICER (continued)

36. Make necessary entries in Command Log, Interrupted Patrol Log, and **ROLL CALL**, when required, indicating arresting officer's time of departure to borough Court Section.
37. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines*," as necessary, if prisoner is wearing a religious head covering.

ARRESTING OFFICER/ ESCORTING OFFICER

38. Deliver prisoner to borough Court Section or lodging location designated by borough Court Section concerned.
    a. Inform borough Court Section supervisor if prisoner(s) was strip-searched, including reason for and results of the search.
39. Present all forms relating to arrest to the borough Court Section supervisor.
40. Comply with all directions of the borough Court Section supervisor.

BOROUGH COURT SECTION SUPERVISOR

41. Examine all forms to verify completeness and accuracy.
42. Forward a complete set of **MEDICAL TREATMENT OF PRISONER** form, if prepared, with arresting/escorting officer to Department of Corrections (see *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*).
    a. Arresting/escorting officer will obtain receipted pink copy of the form and return it to the borough Court Section facility.
43. Ensure that the computer-generated Prisoner Movement Slip has a notation in the Detention Alert section when a prisoner is violent, resists arrests, is emotionally disturbed, threatens, or attempts suicide. When a prisoner has been strip-searched, enter that fact under "Other," in the Detention Alert section. Include the command and Command Log page number for reference. A notation indicating that the prisoner has been strip-searched will also be made on the **PRISONER TRANSPORT DISPATCH (PD171-132)** for notification to the desk officer, precinct of detention.
44. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines*," as necessary, if prisoner is wearing a religious head covering.
45. Return the following arrest-related documents to command for filing in arrest folder:
    a. Arresting officer's copy of the Court Complaint
    b. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**
    c. "Arresting Officer" copy of the **PROPERTY CLERK INVOICE**, if prepared.

ARRESTING OFFICER

46. Notify assistant district attorney drawing up the court complaint of all verbal and written statements made by the defendant, and any procedures used to assist a witness or complainant to identify the defendant.
    a. Record this notification in digital **Activity Log**.
47. Provide prosecutorial agencies (e.g., District Attorney's offices, New York City Law Department Family Court, Special Narcotics Prosecutor, etc.) with all arrest related material, including exculpatory evidence (if applicable), immediately after any arrest is made, or whenever discovered.

ARRESTING OFFICER (continued)

a. Use appropriate Department system (e.g., OMNIFORM, Enterprise Case Management System [ECMS], etc.) to provide prosecutorial agencies with all discovery material.

NOTE

Exculpatory evidence is evidence that suggests a suspect's innocence, excuses, justifies, or absolves the alleged fault or guilt of a defendant. Exculpatory evidence must be provided to the prosecutor agency whenever discovered.

48. Bring all related papers to each subsequent court appearances.

YOUTH COORDINATION OFFICER

49. Follow up on arrests of youths under 18 years of age.

ADDITIONAL DATA

ARRESTEE SURRENDERS AT LAW ENFORCEMENT FACILITY

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

a. Potential threat to the officer, prisoner, and other persons
b. Possibility of prisoner escaping.

UNDER NO CIRCUMSTANCES WILL ARREST PROCESSING BE UNNECESSARILY DELAYED TO OBTAIN THE DOCUMENTS REQUIRED UNDER STEP "25".

ARREST REPORT PEDIGREE

For booking purposes, a member of the service shall write an arrestee's name and gender at it appears on a driver's license, permit, or non-driver photo identification. If the arrestee uses a Preferred Name, that name shall be listed in the:

*a. "Preferred Name" section of the **PRISONER PEDIGREE CARD (PD244-092)***
b. Next to defendant's name on the Prisoner Movement Slip, prefaced by "Preferred Name:"
*c. "Nickname/Alias/Maiden Name" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, prefaced by "P-."*

Consistent with A.G. 304-06, "Prohibited Conduct", regardless of whether the name on the arrestee's identification coincides with the arrestee's gender identity, the member of the service shall refer to the arrestee by the preferred name, if any, as requested. The member shall use the pronouns consistent with that name in addressing or referring to the arrestee.

ARRESTS BY DEPARTMENT OF ENVIRONMENTAL PROTECTION POLICE

When assisting a Department of Environmental Protection (DEP) police officer during arrest processing, arrest processing officers and desk officers will continue to be guided by the following Patrol Guide provisions: P.G. 208-02, "Arrests - Removal to Department Facility for Processing", P.G. 208-03, "Arrests - General Processing", P.G. 208-15, "Arrest Report Preparation at Stationhouse" and P.G. 210-03, "Hospitalized Prisoners - Arrests by Members of Other Police Agencies."

ADDITIONAL DATA (continued)

DEP police personnel will normally be responsible for transporting their own officers and prisoners to the borough Court Section. However, when circumstances permit, the desk officer may direct precinct personnel responding to the borough Court Section facility to also transport the DEP police officer and his/her prisoner. In all other cases, the DEP arresting officer will report to the Complaint Room for affidavit preparation.

NYPD

PATROL GUIDE

Section: Arrests		Procedure No: 208-04	
ARREST BY A CIVILIAN			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist a citizen in making a lawful arrest.

PROCEDURE On being informed by a civilian that he has made an arrest:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if there is reasonable cause to believe that person arrested committed the offense in question or any related offense and if civilian has authority to make arrest.
2. Accompany civilian and prisoner to stationhouse.

DESK OFFICER

3. Determine validity of arrest.
   a. If arrest not lawful, follow "Release of Prisoners" procedure.
4. Assign a uniformed member of the service to process the arrest and comply with appropriate arrest procedures.
5. Direct that civilian be recorded as having made arrest.
6. Ascertain if member can complete arrest process within scheduled tour.
   a. Direct member to continue processing arrest and request relief prior to end of tour, if member cannot complete arrest processing.

UNIFORMED MEMBER OF THE SERVICE

7. Prepare all necessary arrest documents and forward to relieving officer.
8. Inform relieving officer of details concerning arrest.

RELIEVING OFFICER

9. Enter information received concerning details of arrest in digital **Activity Log**.

NOTE *Information should be sufficiently detailed to enable the relieving officer to apprise the Assistant District Attorney assigned to the Complaint Room of the facts of the case.*

10. Ensure that civilian complainant appears in court, if required.

ADDITIONAL DATA *All pertinent provisions of Department orders applicable to arresting officers shall apply to assigned members.*

When a uniformed member of the service believes that an arrest effected by a civilian member of the Traffic Enforcement Division is unwarranted, the member will request the patrol supervisor to respond to the scene. If that is not possible, escort all parties to stationhouse for final determination.

RELATED PROCEDURES
Arrest Report Preparation At Stationhouse (P.G. 208-15)
Release Of Prisoners-General Procedure (P.G. 210-13)
Arraignment Without Complainant (P.G. 211-03)

ARRESTING OFFICER

1. Comply with the provisions of *P.G. 208-02, "Arrests-Removal to Department Facility for Processing," P.G. 208-03, "Arrests-General Processing," P.G. 208-15, "Arrest Report Preparation at Stationhouse"* and the following:

SEARCH OF ARRESTED PERSONS

To maximize security and minimize potential hazards to the arresting officer, the arrested person, and other Department personnel, the following guidelines are published for the information of all members of the service:

A. FRISK/FIELD SEARCH

(1) A frisk, performed primarily to ensure the personal safety of the arresting officer, is a methodical external body examination of the arrested person conducted immediately after apprehension to find weapons, evidence, or contraband. The frisk should be conducted before or immediately after the subject is rear handcuffed, depending upon particular circumstances, temperament of the subject, and escape potential. A thorough external body examination is made by sliding the hand over the subject's body, feeling for weapons or other objects, with special attention to the waistband, armpit, collar, and groin areas. If an unusual object is detected, the officer will reach into or under the clothing to remove it.

NOTE *If the arrestee has a mobility disability and requires the use of a wheelchair, scooter, etc., the arrestee should be rear cuffed while remaining seated. The frisk shall be performed on the lower body by sliding hands up each leg and under the buttocks, palms facing upwards. For the device (i.e., wheelchair, scooter, etc.), the uniformed member of the service should slide hands, palms facing down, over accessible areas of the device. The seat should be checked by sliding hands under the buttocks, palms facing down, to cover the entire seat. The arrestee should then be transported to an Americans with Disabilities Act (ADA) compliant precinct.*

B. SEARCH AT POLICE FACILITY

(1) Upon arrival at precinct of arrest or other Department facility, the arresting officer (if he/she is of the same gender as prisoner) or another designated member of the same gender as the prisoner, shall conduct a thorough search of the prisoner's person and clothing to ensure the safety of all persons within the facility and to remove weapons, contraband, and evidence not discovered by the frisk. Other items lawfully carried but that are dangerous to life, may facilitate escape, or may be used to damage Department property will also be removed from the subject.

(2) A search at a police facility, which is not the same as a "strip search," includes the removal of outer garments (e.g., overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoelaces, drawstrings, shoes,

ARRESTING OFFICER (continued)

socks, handbags, wallets, etc.). All pockets are to be emptied and all clothing not removed will be examined by grabbing, crushing and squeezing the garments and by sliding the hands across the body to detect articles that may be underneath or sewn to the clothing.

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

NOTE *In cases where there is a disagreement between the desk officer and an arresting officer's immediate supervisor from an outside command as to whether or not to remove a religious head covering for safety/security concerns, the desk officer will make the final determination.*

(4) If the arrestee has a mobility disability:

a. If arrestee uses an assistive device (e.g., wheelchair, scooter, prosthetic limb, crutches, cane, etc.), ask arrestee if it is safe for them to remove, and/or be removed from, the assistive device, and for consent to do so

(1) If consent is given, and arrestee is able to safely remove, and/or be removed from, the assistive device, the uniformed member of the service should identify an appropriate seating area to move arrestee to, and perform a thorough search

b. A thorough search of the assistive device must be completed, ensuring all attachments and compartments are searched

(1) Once thorough searches of the arrestee and assistive device are completed, the assistive device should be returned to the arrestee as long as it is safe to do so. A handheld metal detector can be used to assist with the search

(2) Comply with *P.G. 210-08, "Guidelines for Prisoner Holding Pens,"* if it is determined that it is not safe to return assistive device to arrestee

c. The arrestee should be lodged in an Americans with Disabilities Act (ADA) compliant lodging cell

(1) If arrestee gives consent, but is unable to lift themselves out of, or remove, an assistive device, Emergency Medical Service (EMS) should be dispatched to location to assess the situation

(a) EMS will assist with the search or remove the arrestee to a hospital, as necessary

d. Contact the Legal Bureau, if arrestee refuses to be searched in accordance with subdivisions "a" through "c" above.

ARRESTING OFFICER (continued)

(5) In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a search at a police facility shall assign a uniformed member to conduct the search as follows:

a. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability. Consistent with the privacy concerns of the arrestee, only those officers reasonably necessary to conduct the search should be present for the search

b. Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to *A.G. 304-06, "Prohibited Conduct."*

NOTE *In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.*

C. STRIP SEARCH

(1) A strip search is any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to expose undergarments or private areas. A strip search of a prisoner may not be conducted routinely in connection with an arrest. Strip searches may only be conducted with the knowledge and approval of the arresting officer's immediate supervisor or the borough Court Section supervisor. A strip search may only be conducted when the arresting officer reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods.

NOTE *If a strip search is conducted, such information will be entered in the Command Log, arresting officer's digital* ***Activity Log****, and also documented on the* ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*** *or the* ***ARREST REPORT - SUPPLEMENT (PD244-157)****. A subsequent strip search will not be conducted unless there is reasonable belief that the subject has acquired a weapon or contraband.*

ARRESTING OFFICER (continued)

(2) The arresting officer requesting authorization to conduct a strip search must describe the factual basis for the request to the officer's immediate supervisor/borough Court Section supervisor. A supervisor will authorize a strip search only when an arresting officer has articulated a reasonable suspicion that the individual is concealing evidence, contraband, or a weapon. Note, this is a different standard than the probable cause required for the arrest. The immediate supervisor of the arresting officer/borough Court Section supervisor, based on the facts presented, will determine if a strip search should be conducted. The supervisor authorizing the strip search is responsible for ensuring the search is conducted properly.

(3) Other factors that should be considered in determining whether an appropriate basis exists for a strip search include the nature of the crime (i.e., serious violent felony), arrest circumstances, subject's reputation (i.e., extremely violent person), acts of violence, unaccounted "hits" on magnetometers or walk-through metal detectors, and any discoveries or information from previous searches of the same individual or others arrested with him/her.

NOTE *In cases where there is a disagreement between the desk officer and an arresting officer's immediate supervisor from an outside command as to whether or not to conduct the strip search, the desk officer will notify the precinct/police service area/transit district commanding officer or duty captain. The precinct/police service area/transit district commanding officer or duty captain will make the final decision whether or not to conduct the strip search.*

(4) A strip search shall be conducted only by a member of the same gender as the arrested person, in a secure area, in utmost privacy, and in the presence of only those members of the service reasonably necessary to conduct the search. In order to achieve a balance between the privacy and personal dignity concerns of arrestees, the desk officer or supervisor supervising a strip search shall assign a uniformed member to conduct the search as follows:

a. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the member assigned to perform the search, the desk officer or supervisor supervising the search will assign a uniformed member of the gender requested by the arrestee, consistent with officer safety and resource availability.

b. Under no circumstances shall members of the service conduct searches for the purpose of determining gender. Additionally, officers shall not ask questions about an arrestee's anatomy without a reasonable basis for doing so. Refer to *A.G. 304-06, "Prohibited Conduct."*

NOTE *In the event the gender of the officer assigned to conduct the search differs from the gender requested by the arrestee, the desk officer or supervisor supervising the search shall make a detailed entry in the Command Log regarding the factors considered in assigning member(s) to conduct the search and identities of the uniformed member(s) who actually conducts the search.*

ARRESTING OFFICER (continued)

It should not be necessary to touch the subject's body, except for the examination of the hair. UNDER NO CONDITIONS SHALL A BODY CAVITY SEARCH BE CONDUCTED BY ANY MEMBER OF THE SERVICE. If pursuant to a strip search, any object or foreign material is visually detected within any body cavity of the suspect, the desk officer will be notified immediately. The object WILL NOT be removed without first obtaining a search warrant. Once the search warrant is obtained, members of the service must seek the assistance of a medical professional in order to remove the object.

(5) A strip search will not be conducted after a decision is made to void an arrest or to release the prisoner immediately upon issuance of a summons.

RELATED PROCEDURE

Arrests - Removal to Department Facility for Processing (P.G. 208-02)
Arrests - General Processing (P.G. 208-03)
Arrests - Security Measures (P.G. 208-06)
Arrest Report Preparation at Stationhouse (P.G. 208-15)
Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)
Guidelines for Prisoner Holding Pens (P.G. 210-08)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

NYPD

PURPOSE To obtain official Department photographs of persons arrested for felonies, certain misdemeanors, or certain other offenses.

PROCEDURE Follow normal arrest procedure and:

UNIFORMED MEMBER OF THE SERVICE

1. Photograph person arrested as indicated below:
   a. Adult prisoners if charged with:
      (1) Felony
      (2) Misdemeanor as defined in Penal Law
      (3) Misdemeanor defined outside the Penal Law which would constitute a felony if such person was previously convicted of a crime.
   b. Adolescent Offender – A person 16 or 17 years of age taken into custody for any felony.
   c. Juvenile Offender - A person less than 16 years of age taken into custody and charged with any of the felonies as indicated below:
      (1) 13, 14 and 15 years of age charged with Murder 2nd Degree (Section 125.25, subdivisions 1 and 2)
      (2) 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 3, items (a) through (k) below
      (3) 14 or 15 years of age and charged with:
         (a) Assault 1st Degree - Section 120.10, subdivisions 1 and 2
         (b) Manslaughter 1st Degree - Section 125.20
         (c) Rape 1st Degree - Section 130.35, subdivisions 1 and 2
         (d) Kidnapping 1st Degree - Section 135.25
         (e) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
         (f) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
         (g) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
         (h) Aggravated Sexual Abuse 1st Degree - Section 130.70
         (i) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25
         (j) Criminal Possession of a Weapon 2nd Degree - Section 265.03, and the offense takes place on school grounds (i.e., any building or property

UNIFORMED MEMBER OF THE SERVICE (continued)

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]).

d. Other Juvenile (not classified Juvenile Offenders):
   (1) 11 years of age or older - charged with an A or B felony
   (2) 13 years of age or older - charged with any felony.

ADDITIONAL DATA

An official Department photograph is taken by a member of the Photo Unit for any of the offenses listed above.

Photos may be taken if the arresting/assisting officer is unable to ascertain prisoner's identity, if officer reasonably suspects that the identity given by the prisoner is not accurate or if the officer reasonably suspects that the person is wanted by another law enforcement officer or agency for the commission of another offense.

A hospitalized prisoner who is charged with a photographable misdemeanor may be issued a Desk Appearance Ticket, if eligible, and photographs will NOT be taken.

NYPD

PURPOSE To establish positive identification of persons arrested and provide arraignment court with prior criminal record.

PROCEDURE Follow normal arrest procedure and:

ARRESTING OFFICER/ ARREST PROCESSING OFFICER

1. Fingerprint and palmprint person arrested utilizing Livescan as indicated below:
   a. Adult prisoners if charged with:
      (1) Felony
      (2) Misdemeanor as defined in Penal Law
      (3) Misdemeanor defined outside the Penal Law which would constitute a felony if such person was previously convicted of a crime.
   b. Adolescent Offender – A person 16 or 17 years of age taken into custody for any felony.
   c. Juvenile Offender - A person less than 16 years of age taken into custody and charged with any of the felonies as indicated below:
      (1) 13, 14 and 15 years of age charged with Murder 2nd Degree (Section 125.25, subdivisions 1 and 2)
      (2) 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 3, items (a) through (k) below
      (3) 14 or 15 years of age and charged with:
         (a) Assault 1st Degree - Section 120.10, subdivisions 1 and 2
         (b) Manslaughter 1st Degree - Section 125.20
         (c) Rape 1st Degree - Section 130.35, subdivisions 1 and 2
         (d) Kidnapping 1st Degree - Section 135.25
         (e) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
         (f) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
         (g) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
         (h) Aggravated Sexual Abuse 1st Degree - Section 130.70
         (i) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25
         (j) Criminal Possession of a Weapon 2nd Degree - Section 265.03, and the offense takes place on

ARRESTING OFFICER/ ARREST PROCESSING OFFICER (continued)

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])."

d. Other Juvenile (not classified Adolescent Offenders or Juvenile Offenders)
   (1) 12 years of age or older - charged with an "A" or "B" felony
   (2) 13 years of age or older - charged with any felony.

NOTE *Fingerprints and palmprints may be taken if the arresting/assisting officer is unable to ascertain prisoner's identity, if officer reasonably suspects that the identity given by the prisoner is not accurate or if the officer reasonably suspects that the person is wanted by another law enforcement officer or agency for the commission of another offense.*

2. Take one clear front view photo of juvenile and on the reverse side enter the following information:
   a. Name of juvenile
   b. Date of birth
   c. Mother's full name, include maiden name
   d. Date and precinct of arrest
   e. **COMPLAINT REPORT (PD313-152)** and arrest number and crime(s) charged.
3. Forward photograph promptly in sealed envelope to the Identification Section, Youth Records Unit.

NOTE *If juvenile is taken directly to Family Court, a member of the borough Court Section or arresting/assigned officer will take fingerprints and photograph for the charges included in Section 1(c) and forward as above.*

ADDITIONAL DATA *Whenever prisoners must be fingerprinted and palmprinted as a result of being charged with one or more of the above-listed offenses or may be fingerprinted and palmprinted for identification purposes, a photograph may also be taken.*

PURPOSE To advise persons taken into custody of their constitutional rights.

PROCEDURE Prior to questioning a person taken into custody:

UNIFORMED MEMBER OF THE SERVICE

1. Inform such person of the following constitutional rights (Miranda Warnings):
   a. You have the right to remain silent and refuse to answer any questions. Do you understand?
   b. Anything you say may be used against you in a court of law. Do you understand?
   c. You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future. Do you understand?
   d. If you cannot afford an attorney, one will be provided for you without cost. Do you understand?
   e. If you do not have an attorney available, you have the right to remain silent until you have an opportunity to consult one. Do you understand?
   f. Now that I have advised you of your rights, are you willing to answer questions?
2. Explain any portion of the rights that the person in custody does not understand.
   a. If the person in custody and/or the parents/guardians of a juvenile in custody appear to have difficulty understanding/communicating in English, the member of the service concerned should comply with *P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons."* If the prisoner and/or the parents/guardians of a juvenile in custody appear to be Deaf or hard of hearing, the member of the service concerned should comply with *P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing."* The use of a bilingual employee or the Language Initiative Program is the preferential method for interpretation when interacting with a prisoner. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. Appropriate command log entries will be made when interpretation services are utilized.
3. Cease interrogation if subject wants an attorney or wishes to remain silent.
4. Contact attorney for person in custody.

NOTE *Before questioning juveniles, both juvenile and parent/guardian must be read Miranda warnings by utilizing* ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413).*** *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.*

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

DESK OFFICER/ SUPERVISOR CONCERNED

5. Inform prisoner of presence of attorney and ask if he wants to see the attorney.

NOTE *If an attorney states that he represents a prisoner but does not know the identity of the prisoner, he will not be permitted to interview him.*

6. Permit interview to be conducted in muster room for a reasonable time.
7. Assign uniformed member of the service to keep prisoner and attorney under continuous observation at all times. Ensure that no objects are passed between the prisoner and the attorney.
8. Enter under "Details" of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET(PD244-159):**
   a. Name, address and phone number of attorney and identity of person who retained him
   b. If interview was conducted
   c. Time of attorney's arrival and departure.

<u>IF INTERVIEW WAS CONDUCTED AT BOROUGH COURT SECTION FACILITY OR AT A PRECINCT OTHER THAN THE PRECINCT OF ARREST</u>

DESK OFFICER/ SUPERVISOR CONCERNED

9. Notify the desk officer of precinct of arrest giving required information.
10. Make a Command Log entry of interview and notification.
11. Record information in the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** or **ARREST REPORT - SUPPLEMENT (PD244-157)**.

<u>IF A REQUEST IS RECEIVED FROM AN ATTORNEY SEEKING THE LOCATION OF A CLIENT WHO HAS BEEN ARRESTED AND IS IN CUSTODY OF THIS DEPARTMENT</u>

MEMBER OF THE SERVICE CONCERNED

12. Record contents of message in Telephone Record including:
    a. Time, name, address and phone number of attorney, name of person arrested, and any other facts which may assist in locating prisoner.

NOTE *If Telephone Record is not maintained in command, entry will be made as directed by commanding officer.*

DESK OFFICER/ SUPERVISOR CONCERNED

13. Request Communications Section to transmit FINEST message to all commands advising that the particular defendant is represented by counsel.

DESK OFFICER/ SUPERVISOR CONCERNED (continued)

14. Determine if prisoner is detained in stationhouse/Department facility.
15. Direct interrogating officers concerned to cease interrogation and permit prisoner to contact attorney, if prisoner is located in precinct/ Department facility.

NOTE

A uniformed member of the service who has information concerning the whereabouts of the prisoner will communicate with the desk officer (or counterpart) of his command. The desk officer will notify the originator of the FINEST Message.

Guidelines listed in steps 12 through 15 apply only in those situations where an attorney initiated an inquiry seeking to locate a client who was arrested and with whom he has had no prior contact in this arrest situation.

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
ARREST REPORT SUPPLEMENT (PD244-157)

NYPD

PURPOSE To set guidelines for arrest number generation when computer system (On Line Booking System) becomes disabled.

PROCEDURE When the On Line Booking System becomes disabled, uniformed members of the service assigned to commands participating in "local arrest processing" that require an arrest number will:

NOTE *Commands that currently issue arrest numbers for **DESK APPEARANCE TICKETS (PD260-121)** will **not** follow this procedure. Instead, arrest numbers for **DESK APPEARANCE TICKETS** will be issued by commands concerned when On Line Booking System becomes **operational**.*

DESK OFFICER/ SUPERVISOR

1. Direct member of the service assigned to input arrest data entries (PF1/PF3), if the On Line Booking System becomes disabled in a command's computer **at any time**, to:
   a. **Immediately** notify the Information Technology Bureau (ITB) Service Desk to attempt to correct problem.
2. Ascertain from member assigned to Information Technology Bureau Service Desk, when problem is **not** correctable:
   a. If problem is limited to the command or is citywide, AND
   b. Anticipated period of time that the On Line Booking System will be disabled.

IF ON LINE BOOKING SYSTEM IS DOWN IN COMMAND OF ARREST ONLY:

DESK OFFICER/ SUPERVISOR

3. Instruct member assigned to input arrest data to have arrest number generated, via landline, by an adjoining precinct whose system is operational.
   a. Continue to follow command's current "local arrest processing" procedures.

IF ON LINE BOOKING SYSTEM IS DOWN CITYWIDE:

DESK OFFICER/ SUPERVISOR

4. Contact supervisor at borough central booking facility concerned.

IF INFORMATION TECHNOLOGY SERVICES DIVISION INDICATES THAT THE ON LINE BOOKING SYSTEM IS DOWN CITYWIDE AND RESTORATION OF THE SYSTEM IS NOT IMMINENT:

BOROUGH COURT SECTION SUPERVISOR

5. Institute manual arrest processing mode, which includes:
   a. Issuance of arrest numbers from an "arrest log" book to arresting/assigned uniformed members of the service **via landline**.

NOTE *These arrest numbers are identified as a two hundred thousand series, i.e.,* ***M97200001****.*

BOROUGH COURT SECTION SUPERVISOR (continued)

b. Have notifications made to Division of Criminal Justice Services (DCJS) in Albany to determine next sequential Fax number.

NOTE *Completed Fingerprint Charts are to be issued sequential Fax control numbers indicated by DCJS and sent to Albany for processing.*

DESK OFFICER/ SUPERVISOR

6. Have information requested on required Fingerprint Charts neatly printed by arresting/assigned uniformed member of the service.
7. Have copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** (complete with issued manual arrest number), all completed Fingerprint Charts, Prisoner Movement Slip (Misc. 2011A) and prisoner delivered, **without delay**, **by other than arresting officer**, to appropriate facility (e.g., Midtown Community Justice Center, 25th Precinct Hub-Site, etc.,) as indicated in current local arrest processing procedures.

NOTE *Arresting/assigned uniformed members will remain at command and continue to process arrest for affidavit preparation as set forth by existing local arrest processing procedures. Fingerprint charts* ***must*** *be delivered within* ***three hours of arrest****.*

ADDITIONAL DATA ***Precincts of arrest are responsible for back data entry*** *once On Line Booking System comes back on-line. Therefore, a copy of the* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *will be retained and kept available at the desk for entry of arrest data (PF9/PF3), when On Line Booking System becomes operational.*

"PF9" data entry is identical to "PF1" but forces On Line Booking System to accept previously issued manual arrest number in lieu of computer generated arrest number.

PURPOSE To set forth guidelines for the utilization of the "LIVESCAN" computer fingerprinting and palmprinting system.

PROCEDURE In all arrest situations whenever a prisoner is required to be fingerprinted and palmprinted, except bedside arraignment of a hospitalized prisoner, or a hospitalized prisoner who may be eligible for a Desk Appearance Ticket, utilize the "LIVESCAN" computerized fingerprinting and palmprinting system and:

UNIFORMED MEMBER OF THE SERVICE

1. Generate arrest number through the On Line Booking System (OLBS).
   a. Ensure proper "ARREST PROCESSING TYPE" code is entered during On Line Booking System data entry.
2. Record the **check digit** that appears on the On Line Booking System terminal screen at the completion of the PF-3 data entries, onto the top right corner of the **ON LINE BOOKING SYSTEM ARREST WORK SHEET (PD244-159)**.
   a. Retrieve the arrest's **check digit** through the "BADS" computer system if the **check digit** was not recorded.

NOTE *The **check digit** is necessary for operation of the "LIVESCAN" computerized fingerprinting system and subsequent transmission of fingerprints/palmprints.*

3. **Immediately** proceed to begin fingerprinting and palmprinting upon completion of On Line Booking System data entries (PF1/PF3), utilizing "LIVESCAN" machine as follows:
   a. Ensure **both** the prisoner's hands and the scanner platens of the "LIVESCAN" machine are clean and dry.
      (1) Use "Pre-Scan Pad" to moisten prisoner's fingers and palms, if excessively dry.
   b. Enter arrest number with **check digit** into "LIVESCAN" computer.

NOTE *Once arrest number (with **check digit**) is entered into the "LIVESCAN" computer, **all** pertinent arrest information is automatically downloaded to the "LIVESCAN" computer from original On Line Booking System data entries. If this information is **not** transferred to "LIVESCAN," information must be re-sent through "BADS" as follows:*

- *Select #1, "**ARREST REPORT PRINTOUTS**," from "BADS" main menu.*
- *Enter arrest number, when prompted.*
- *Move cursor to caption, "**LIVESCAN RESEND**," and mark field with an "**X**" and enter. (Message at bottom of screen will read, "**RECORD HAS BEEN TRANSFERRED FOR LIVESCAN**.")*
- *Return to "LIVESCAN" machine and restart process.*

   c. Fingerprint plain (flat) impressions of the four fingers minus the thumb on large scanner platen and the thumbs on the small scanner platen and press "**SCAN**."

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) The four fingers of each hand must be placed on an angle on scanner platen, with special attention to the pinky finger.

(2) Press "**SAVE**," after plain impression has been completed and hand is removed from scanner platen.

d. Fingerprint individual fingers on small scanner platen centering the core of each finger on the cross lines indicated on the left screen of the "LIVESCAN" machine.

(1) Ensure proper sequence as indicated by left screen prompts.

(2) Roll each finger to one side as indicated by direction arrows on "LIVESCAN" machine and press "**SCAN**."

(a) **INDIVIDUAL FINGERS MUST BE ROLLED**.

(3) Press "**SAVE**," after roll has been completed and finger is removed from scanner platen, if image is acceptable.

(a) Press "**SCAN**" which erases former image, if image is unacceptable, **and** print finger again.

e. Palmprint palms (2) and writer's palms on large platen and press "**SCAN**".

NOTE *Appropriate notations must be entered in "LIVESCAN" computer when fingers or palms are unable to be adequately printed for any reason, (i.e., "MISS," "AMP," "INJ," "SCAR," etc.). This information is to be entered in designated fingerprint box.* ***UNDER NO CIRCUMSTANCES IS A FINGERPRINT BOX TO BE LEFT BLANK****.*

4. Check transmit queue of "LIVESCAN" computer to ascertain if prints are being transmitted, when completed.

a. The "**ACTIVITY LOG**" function displays a list of records transmitted for the previous seventy-two hours.

NOTE *Complete "LIVESCAN" processing of a prisoner should not exceed three hours from the time of arrest, unless exigent circumstances exist.*

DESK OFFICER/ SUPERVISOR, ARREST PROCESSING SITE

5. Authorize any "override" of "LIVESCAN" prints taken.

a. Make appropriate Command Log entries detailing the reasons for the override.

NOTE *Overrides will only be done AFTER four attempts have been made to roll an acceptable print. When supervisor concurs that the rejected print is the best that can be taken (i.e., finger burnt, disfigured, etc.), the "LIVESCAN" operator will "ANNOTATE" the rejection (ADD NOTE), into the "LIVESCAN" computer system.*

WHEN PRISONER REFUSES TO BE FINGERPRINTED/PALMPRINTED OR IS REMOVED TO THE HOSPITAL:

DESK OFFICER/ SUPERVISOR, ARREST PROCESSING SITE

6. Notify the Borough Court Section supervisor concerned immediately if the prisoner refuses to be fingerprinted/palmprinted or is removed to the hospital.
   a. Be guided by the instructions of the Borough Court Section supervisor.
7. Provide the Borough Court Section supervisor with the following information:
   a. Prisoner's name
   b. Prisoner's arrest number
   c. Prisoner's fax control number (if available).
   d. Date/time of prisoner's refusal to be fingerprinted/palmprinted.
   e. Date/time that the prisoner was removed to the hospital.
   f. Name of hospital and admission number (where warranted).
8. Note the prisoner's refusal to be fingerprinted/palmprinted as follows:
   a. Make entry on the computer generated prisoner movement slip.
   b. Prepare **REFUSED PRINTS REPORT (PD223-122)**.
   c. Make a command log entry detailing the prisoner's refusal to be fingerprinted/palmprinted.

BOROUGH COURT SECTION SUPERVISOR

9. Instruct the desk officer/supervisor making the notification to:
   a. Proceed with the arrest processing.
   b. Complete all other arrest related procedures and paperwork.
   c. Request prisoner's cooperation to be fingerprinted/palmprinted upon completion of all other arrest related procedures.

IF PRISONER COMPLIES:

DESK OFFICER/ SUPERVISOR, ARREST PROCESSING SITE

10. Have prisoner fingerprinted/palmprinted at the command via LIVESCAN.
    a. Complete **REFUSED PRINTS REPORT** and verify.
    b. Make additional entries on movement slip and in Command Log indicating prisoner's decision.
    c. Enclose **REFUSED PRINTS REPORT** with arrest package.

IF PRISONER STILL REFUSES:

DESK OFFICER/ SUPERVISOR, ARREST PROCESSING SITE

11. Proceed as in steps "10a-10c" above.
    a. Place leg restraints on prisoner and direct that prisoner be brought directly to the Borough Court Section.

NOTE *Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted and palmprinted. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted and palmprinted, a Command Log entry will be made detailing the reason why. The use of leg restraints does not replace the requirement to rear handcuff the prisoner. All procedures detailing the use of handcuffs remain in effect. When using leg restraints on a prisoner, the escorting officer is to exercise caution to prevent the prisoner from falling.*

WHEN PRISONER THAT REFUSES TO BE FINGERPRINTED/ PALMPRINTED ARRIVES AT THE BOROUGH COURT SECTION:

BOROUGH COURT SECTION SUPERVISOR

12. Question the prisoner and verify that he/she refuses to be fingerprinted/ palmprinted.

IF PRISONER COMPLIES:

BOROUGH COURT SECTION SUPERVISOR

13. Direct that prisoner be fingerprinted/palmprinted via LIVESCAN.
14. Make an entry indicating compliance:
    a. In the Command Log.
    b. On the prisoner movement slip.
    c. On the **REFUSED PRINTS REPORT** and verify.

IF PRISONER CONTINUES TO REFUSE TO BE FINGERPRINTED/ PALMPRINTED:

BOROUGH COURT SECTION SUPERVISOR

15. Lodge prisoner at the Borough Court Section throughout the arraignment process.
16. Make Command Log entry noting the refusal.
17. Complete the **REFUSED PRINTS REPORT** and verify.
18. Have appropriate **"NOTEPAD"** data entries and corresponding **"UNARRAIGNED DISPOSITION"** field entered into **"OLPA"** computer system immediately.

NOTE *A prisoner who refuses to be fingerprinted and palmprinted will not leave the court section facility and be sent to another command for lodging. However, if such a prisoner is in need of medical attention, he/she may be brought to a health care facility for treatment.*

ADDITIONAL DATA *Appropriately trained investigators of the New York State Attorney General's Office will be permitted to use the LIVESCAN machine.*

*The **"LIVESCAN"** machine should remain **"ON"** and the scanner covers of the machine **"CLOSED,"** when not in use. If "LIVESCAN" becomes inoperable, immediately notify the Information Technology Bureau (ITB) Service Desk and if necessary be guided by P.G. 208-12, "Alternate Procedure for Fingerprint and Palmprint Processing Due to Computer System Failure."*

ADDITIONAL DATA (continued)

The "LIVESCAN" machine must be "recalibrated" at least once per tour to ensure that prints transmitted are acceptable to the Identification Unit and the Division of Criminal Justice Services (i.e., not too dark or too light, etc.). Busy commands must "recalibrate" more frequently.

The "LIVESCAN" machine scanner platens ***must*** *be cleaned after each prisoner is fingerprinted and palmprinted. The "LIVESCAN" machine is to be cleaned only with authorized cleaning materials, (i.e., "Windex with Ammonia D," "Lithopads"). These materials, in addition to "Pre-Scan Pads," may be requisitioned from the Quartermaster Section.*

If the "LIVESCAN" computer becomes inoperable because of damage to the machine, particularly to the scanner platen, the vendor will replace the damaged scanner platen and deliver it to the Information Technology Services Division. In circumstances in which there is suspicion of intentional damage, the desk officer will make an entry in the Command Log and initiate an investigation. Any evidence of intentional damage to any machine will result in an immediate investigation and appropriate action.

Routine operational inquiries concerning "LIVESCAN" and the On Line Booking System should be directed to the borough Court Section concerned, twenty-four hours, seven days a week, OR the Criminal Justice Bureau during business hours.

Technical problems and "LIVESCAN" outages are to be referred to the Information Technology Bureau Service Desk.

ARRESTS PROCESSED AS "FOR OTHER AUTHORITY (FOA)"

When a uniformed member of the service effects an arrest that will be processed FOA it is incumbent upon that member to prepare an ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET*** *with the appropriate FOA code listed as the top charge. Additionally, the member of the service must ensure that a fingerprint record is generated and a NYSID number is assigned for each arrestee in one of the following ways:*

a. The member of the service may fingerprint the subject on a Department "LIVESCAN" machine, OR;

b. Upon being fingerprinted by the respective federal agency, a duplicate record will be generated and immediately delivered to the NYPD Identification Unit along with a copy of the ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET*** *for processing and verification.*

RELATED PROCEDURES

Fingerprintable and Palmprintable Offenses (P.G. 208-08)
Alternate Procedure for Fingerprint and Palmprint Processing Due to Computer System Failure (P.G. 208-12)
Hospitalized Prisoners (P.G. 210-02)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
REFUSED PRINTS REPORTS (PD223-122)

Section: Arrests		Procedure No: 208-12
ALTERNATE PROCEDURE FOR FINGERPRINT AND PALMPRINT PROCESSING DUE TO COMPUTER SYSTEM FAILURE		
DATE EFFECTIVE: 01/23/23	LAST REVISION: R.O. 3	PAGE: 1 of 2

PURPOSE To set guidelines for fingerprint and palmprint processing should the "LIVESCAN" System become disabled.

DEFINITION "LIVESCAN" System - the electronic transmitting of fingerprints and palmprints via computer.

NOTE *Since "LIVESCAN's" operation is fully dependent on the On Line Booking System (OLBS), if the On Line Booking System becomes disabled, "LIVESCAN" becomes inoperable. Additionally, if the On Line Booking System becomes disabled, uniformed members of the service concerned will comply with the guidelines for arrest number generation (see P.G. 208-10, "Alternate Procedure for Arrest Number Generation As A Result Of Computer Failure.")*

PROCEDURE When the "LIVESCAN" System becomes disabled:

DESK OFFICER/ SUPERVISOR

1. Have arresting/assigned officer **immediately** notify the Information Technology Bureau (ITB) Service Desk, if "LIVESCAN" becomes disabled at any time, to attempt to correct problem.
2. Ascertain from member assigned to Information Technology Bureau Service Desk, when member concerned indicates that problem is **not** correctable:
   a. If problem is limited to the command or is borough/citywide, AND
   b. Anticipated period of time that the "LIVESCAN" System will be disabled.

IF "LIVESCAN" SYSTEM IS DISABLED COMMAND OF ARREST ONLY:

DESK OFFICER/ SUPERVISOR

3. Have uniformed members of the service, other than arresting officer, transport defendant to an adjoining precinct where "LIVESCAN" System is operational and fingerprint/palmprint defendant.

IF "LIVESCAN" SYSTEM IS DISABLED BOROUGH/CITYWIDE:

DESK OFFICER/ SUPERVISOR

4. Contact borough Court Section supervisor concerned and be guided by supervisor's instructions.

IF THE DECISION IS MADE TO REVERT TO USING INK TO FINGERPRINT AND PALMPRINT PRISONERS:

NOTE *Decisions to ink print prisoners will be made on a case by case basis by the borough Court Section supervisor concerned in the event that LIVESCAN is disabled borough/citywide for an extended period of time and restoration of the system is not imminent. The supervisor at the Information Technology Bureau Service Desk and the supervisor at the Criminal Justice Bureau will be conferred with prior to instructing personnel to ink print prisoners. It should be noted that the preferred course of action is to wait until the LIVESCAN System once again becomes operational and then fingerprint and palmprint the prisoner using LIVESCAN.*

BOROUGH COURT SECTION SUPERVISOR

5. Instruct desk officer/supervisor, command concerned, to ink print defendant(s) on appropriate fingerprint and palmprint charts.
   a. Have fingerprints and palmprints forwarded expeditiously to the borough Court Section concerned for processing.

NOTE *If the On Line Booking System is disabled, instruct desk officer/supervisor concerned to have arresting/assigned officer neatly print required information on the fingerprint and palmprint charts before they are delivered to the borough Court Section concerned for processing.*

6. Have Court Section personnel available and ready to process ink fingerprints and palmprints, including:
   a. Backing up of fingerprint and palmprint charts, and
   b. Transmission of those fingerprints and palmprints to Albany via the court site "Fax-4" machine.
   c. Transmission of those fingerprints and palmprints to the Identification Unit via the court site "Fax-4" machine.

DESK OFFICER/ SUPERVISOR

7. Instruct arresting/assigned officer to ink print defendant(s) on appropriate fingerprint and palmprint charts.
8. Have fingerprint and palmprint charts delivered, by other than arresting/ assigned officer, with a copy of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, to Borough Court Section concerned, NO LATER THAN THREE HOURS AFTER THE TIME OF ARREST.

ADDITIONAL DATA

*Commanding officers of arresting commands **and** borough Court Sections **must** ensure that an adequate supply of materials needed to ink print defendants is readily available, including:*
FBI Fingerprint Charts (FD 249)
New York State Fingerprint Charts (DCJS-2)
CRIMINAL FINGERPRINT RECORDS (PD223-141)
CRIMINAL PALMPRINT RECORDS (PD223-141a)
Inquiry Charts (DCJS-6)
Juvenile Charts (DCJS-4)
Ink and ink rollers
Ink Fingerprint Station.

RELATED PROCEDURES

Alternate Procedure For Arrest Number Generation As A Result Of Computer Failure (P.G. 208-10)
Arrest Processing-Livescan Fingerprinting and Palmprinting (P.G. 208-11)

FORMS AND REPORTS

CRIMINAL FINGERPRINT RECORD (PD223-141)
CRIMINAL PALMPRINT RECORD (PD223-141a)
FBI Fingerprint Chart (FD249)
Inquiry Chart (DCJS-6)
Juvenile Chart (DCJS-4)
New York State Fingerprint Chart (DCJS-2)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Arrests		Procedure No: 208-13	
ARREST REPORT SUPPLEMENT			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To outline those instances that require a uniformed member of the service to complete an **ARREST REPORT SUPPLEMENT (PD244-157)**.

PROCEDURE This form will be prepared by uniformed members of the service to:

1. Record additional information when there is insufficient space under "Details" on an **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
2. Report additional details after an **ON LINE BOOKING SYSTEM ARREST WORKSHEET** has been prepared such as:
   a. Change in offense charged
   b. Identity of previously unidentified prisoner
   c. Re-arrest on a bench warrant
   d. Prisoner released on reasonable belief he did not commit the crime
   e. Attorney visits prisoner
   f. Hospitalized prisoner visited by an authorized person, (see *P.G. 210-02, "Hospitalized Prisoner"*). The **SUPPLEMENT** containing the list of all visits will be distributed when the prisoner is released from the hospital.
   g. Prisoner released from hospital. (If the prisoner is under eighteen include notifications to prisoner's parent or guardian and the arresting officer.)
   h. Hospitalized prisoner issued a **DESK APPEARANCE TICKET**.
   i. Prisoner is released to the custody of a member of the Collision Investigation Squad to permit examination of a vehicle involved in a collision which resulted in death, serious injury and likely to die, or critical injury to an individual.
   j. Child released from a place of detention
   k. Clothing removed from a homicide victim for examination at the Forensic Investigation Division
   l. Delineating the circumstances surrounding the additional charge of bribery, in situations where the arresting officer is not the uniformed member offered the bribe in arrest situations

NOTE *In those instances when a detective squad member will add charges for offenses previously recorded on a **COMPLAINT REPORT** to a prisoner arrested by a member of the Patrol Services Bureau, or has effected an arrest and is going to add additional charges for offenses previously recorded on a **COMPLAINT REPORT** (i.e.: robbery pattern, burglary pattern etc.), the detective squad member will follow the arrest procedure in Patrol Guide 208-74, "Arrest Processing of Persons Wanted for Multiple Incidents."*

When a detective squad member effects the arrest of a person with more than one outstanding indictment warrant, the detective squad member will follow the arrest procedure in Patrol Guide 208-74, "Arrest Processing of Persons Wanted for Multiple Incidents."

ADDITIONAL DATA

*Do not prepare an **ARREST REPORT SUPPLEMENT** in a case in which a prisoner's original and additional arrest charge(s) occur in different geographical boroughs prior to arraignment, OR, when the initial arrest charge is for a non-fingerprintable offense, OR, when the prisoner has been arraigned and an additional arrest charge(s) is forthcoming. In both of these cases, the member of the service filing the additional arrest charge(s) must issue a new arrest number, re-print the prisoner via LIVESCAN, and make an immediate notification to the borough Court Section supervisor concerned.*

RELATED PROCEDURES

Hospitalized Prisoners (P.G. 210-02)
Arrest Processing of Persons Wanted for Multiple Incidents (P.G. 208-74)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)

NYPD

PURPOSE To report an arrest effected by a uniformed member of the service outside New York City but within New York State.

PROCEDURE When a uniformed member of the service effects an arrest outside New York City when not specifically assigned or ordered:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with arrest procedures of police agency having jurisdiction.
2. Notify Operations Unit immediately of all facts including:
   a. Time and date of occurrence
   b. Place of occurrence
   c. Location of uniformed member concerned at time of notification
   d. Manner in which member became involved
   e. Identity of all parties involved in incident, including local police authorities
   f. Complete details
   g. Injury to uniformed member concerned or any other person
   h. Identity and statements of witnesses.

OPERATIONS UNIT MEMBER

3. Notify commanding officer of uniformed member concerned.
4. Direct duty captain assigned to Patrol Borough Queens North/South or Bronx, as appropriate, to respond to place of occurrence, if within residence counties, conduct investigation and have **UNUSUAL OCCURRENCE REPORT (PD370-152)** prepared.

DUTY CAPTAIN

5. Respond to location within residence counties and conduct investigation.
6. Prepare **UNUSUAL OCCURRENCE REPORT**, **Line of Duty Injury Report** and **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** if required.

NOTE *The Operations Unit will, based upon circumstances, determine if a duty captain will respond to an incident involving an arrest effected by a uniformed member of the service outside the residence counties.*

ARRESTING OFFICER'S C.O.

7. Direct desk officer to make entry in Telephone Record concerning notification of incident from Operations Unit.

ARRESTING OFFICER

8. Prepare report with all pertinent information and submit to commanding officer as soon as possible.

COMMANDING OFFICER CONCERNED

9. Prepare detailed report of incident for Chief of Department.
10. Notify Internal Affairs Bureau if investigation, other than in relation to sickness or injury, is required.
11. Forward detailed report with copy of arresting officer's report attached to:
    a. Chief of Department - **direct** (two copies)
    b. Chief of Personnel - (one copy)
    c. Each intermediate command - (one copy) and
    d. File - (one copy).

FORMS AND REPORTS

ACCIDENT REPORT - CITY INVOLVED (PD301-155)
UNUSUAL OCCURRENCE REPORT (PD370-152)

RELATED PROCEDURES

Line Of Duty Injury Or Death (A.G. 330-03)
Accidents and Collisions – City Involved (P.G. 217-04)

NYPD

PURPOSE To process an arrest at a stationhouse.

PROCEDURE When a uniformed member of the service is ready to process an arrest after completing the initial appearance before the desk officer:

DESK OFFICER

1. Direct arresting officer to remove prisoner to arrest processing area, or location in the stationhouse SPECIFICALLY DESIGNATED as suitable for interrogation of juveniles, as appropriate.
2. Direct arrest processing officer, if available, to assist arresting officer.

ARRESTING OFFICER

3. Comply with *Patrol Guide 208-27, "Desk Appearance Ticket – General Procedure,"* if applicable.
4. IMMEDIATELY prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
   a. Ensure that **COMPLAINT REPORT (PD313-152)**, **PROPERTY CLERK INVOICE (PD521-141)**, etc., case numbers are indicated.
   b. Indicate "yes" and the appropriate language under the caption "Is interpreter needed for further investigation" on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if the prisoner has apparent difficulty understanding/communicating in English, regardless of whether or not further investigation is required.
   c. Document prisoner's telephone number and other contact information on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.

NOTE *If individual in custody is wanted for multiple incidents, comply with provisions of Patrol Guide 208-74, "Arrest Processing of Persons Wanted for Multiple Incidents."*

5. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141).**

NOTE *Members of the service at the scene of an arrest will endeavor to ascertain and provide the arresting officer/supervisor the names and tax numbers of all other members of the service on scene performing these key roles regardless of command of assignment.*

6. Comply with *P.G. 214-07*, "*Cases for Legal Action Program*," if applicable, which ensures that all New York City Public Housing residents who are arrested pursuant to the execution of a search warrant where contraband is recovered or arrested for a designated crime committed on the grounds of any New York City Public Housing Development are targeted for possible eviction proceedings.

DESK OFFICER

7. Review **ON LINE BOOKING SYSTEM ARREST WORKSHEET** for completeness and accuracy, and sign and return to arresting officer.
   a. Ensure prisoner's telephone number and other contact information are accurately documented on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.
8. Ensure **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST** is completed, as appropriate, by arresting officer.

ARRESTING OFFICER

9. Have arrest number generated using the **OMNIFORM** System.
   a. Notify borough court section supervisor concerned of all arrest numbers associated with the individual(s) in custody, if additional arrest numbers are generated.

NOTE

To correctly collate the different types of arrests that are processed, all arrests generated in the OMNIFORM System will use one of the following Arrest Processing Types from the OMNIFORM dropdown list:

- *Community Court Desk Appearance Ticket*
- *Community Court Online Arrest*
- *Desk Appearance Ticket*
- *Juvenile (Non Fingerprintable Offenses)*
- *Online Arrest*
- *Voided Arrest*

Additional arrest numbers are often not required for additional charges stemming from the same incident (e.g., false personation, additional evidence recovered during a subsequent search, etc.). In the event that the arresting officer believes an additional arrest number should be generated for the same incident, a prior conferral with the Borough Court Section supervisor concerned is required.

10. Have arrest processing officer fingerprint and palmprint prisoner utilizing LIVESCAN, and with the assistance of the arrest processing officer:
    a. Have digital photograph(s) of prisoner taken and generate Prisoner Movement Slip
    b. Prepare other necessary forms (e.g., **COMPLAINT REPORT**, **PROPERTY CLERK INVOICE**, etc.)
    c. Have any necessary warrant checks conducted.
11. Request the desk officer to have the prisoner removed to appropriate prisoner intake area based on local guidelines.
    a. Escorting officer must have Prisoner Movement Slip with photo and a copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** with arrest number and check digit indicated.
12. Complete any additional arrest paperwork, as necessary.
13. Have desk officer review documents for completeness and accuracy.
14. Forward to borough Court Section/Assistant District Attorney:
    a. **ARREST CHECKLIST (PD244-041)**,
    b. **ONLINE BOOKING SYSTEM ARREST WORKSHEET**,

ARRESTING OFFICER (continued)

c. **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**,

d. Digital **Activity Log** entries (arresting officer's and all other involved uniformed members of the service), and

e. All other arrest related paperwork, notes, etc.

15. Prepare affidavit based on the county District Attorney's method of preparation.

DESK OFFICER

16. Ensure the arresting officer has notified the borough court section supervisor concerned of all arrest numbers associated with the individual(s) in custody, if additional arrest numbers are generated.

17. Notify borough court section supervisor concerned if the generation of the arrest number is delayed beyond two (2) hours from the time of arrest.

ADDITIONAL DATA

TYPE OF ARREST BEING PROCESSED AND EXPLANATION:

DESK APPEARANCE TICKET (DAT) COMMUNITY COURT – used when a DAT is issued and returnable to Midtown Community Justice Center or Red Hook Community Justice Center.

COMMUNITY COURT ONLINE ARREST – used when a command processes an online arrest to be arraigned in the Midtown Community Justice Center or Red Hook Community Justice Center.

DESK APPEARANCE TICKET - used when a command processes a ***DESK APPEARANCE TICKET****.*

JUVENILE (NON FINGERPRINTABLE OFFENSES ONLY) - used to process juvenile delinquent arrests that are not fingerprintable offenses.

ONLINE ARREST - used to process on line arrests, as well as all juvenile arrests that are fingerprintable (including juvenile offenders, recogs, and juveniles not eligible for recognizance).

VOIDED ARREST - used when processing a voided arrest under P.G. 210-13, "Release of Prisoners."

Regardless of whether the arrest package has been previously forwarded, the prisoner must be delivered to the borough court section facility expeditiously. Delays of more than five hours from time of arrest for lineups, prisoner debriefing, prisoner medical attention, etc., will be reported by telephone to the appropriate borough court section.

Section: Arrests		Procedure No: 208-16	
ARREST PROCESSING INDICATORS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To standardize the obtaining of arrest processing time-stamps throughout the Department.

PROCEDURE When a uniformed member of the service effects an arrest that will be processed "on line," i.e., a court affidavit will be prepared and the prisoner is to be arraigned expeditiously:

ARRESTING OFFICER

1. Prepare **PRE-ARRAIGNMENT NOTIFICATION FORM (PD244-153)**.

DESK OFFICER/ COURT SUPERVISOR

2. Obtain the following time-stamps, depending on how the court affidavit is prepared:
   a. AT THE DISTRICT ATTORNEY'S COMPLAINT ROOM
      (1) Using the **PRE-ARRAIGNMENT NOTIFICATION FORM**, time-stamp:
         (a) Box 1, captioned "A/O sign in," when the arresting officer is present at the Complaint Room
         (b) Box 3, captioned "Complaint Sworn," when the court affidavit is signed by the arresting officer.
   b. USING VIDEO TELECONFERENCING OR USING LOCAL ARREST PROCESSING (LAP) TELEPHONE INTERVIEW
      (1) Using the **PRE-ARRAIGNMENT NOTIFICATION FORM** time-stamp:
         (a) Box 1, captioned "A/O sign in," when the arresting officer is ready to be interviewed by the Assistant District Attorney

NOTE *This will be done immediately before the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** is faxed to the Complaint Room.*

         (b) Box 3, captioned "Complaint Sworn," when the court affidavit is signed by the arresting officer.
   c. QUEENS COURT AFFIDAVIT PREPARATION SYSTEM (CAPS)
      (1) Using the **PRE-ARRAIGNMENT NOTIFICATION FORM** time-stamp:
         (a) Box 1, captioned "A/O sign in," when the arresting officer is ready to prepare the court affidavit at the CAPS room
         (b) Box 3, captioned "Complaint Sworn," when the court affidavit is signed by the arresting officer.

DESK OFFICER/ COURT SUPERVISOR (continued)

d. TRANSIT BUREAU FAX PROGRAM

(1) Using the **PRE-ARRAIGNMENT NOTIFICATION SUPERVISOR FORM**, time-stamp:

(a) Box 1, captioned "A/O sign in," when the arresting officer has completed the supporting deposition and other related paperwork

(b) Box 3, captioned "Complaint Sworn," will be time-stamped by the Transit Liaison Officer, when the court affidavit is signed by the arresting officer at the Complaint Room.

e. USING A SUPPORTING DEPOSITION (VENDOR, PROSTITUTION, ETC.)

(1) Using the **PRE-ARRAIGNMENT NOTIFICATION FORM**, time-stamp:

(a) Box 1, captioned "A/O sign in," when the arresting officer has completed the supporting deposition

(b) Box 3, captioned "Complaint Sworn," will be time-stamped by Court Section personnel, when either the supporting deposition, which acts as an affidavit is received, or an affidavit, which is typed from a supporting deposition, is signed by the Court Section supervisor.

3. In ALL arrest cases (EXCEPT Video Conferencing or Local Arrest Processing (LAP) Telephone Interview cases), have the **PRE-ARRAIGNMENT NOTIFICATION FORM** delivered to the borough Court Section with the arrest package for time-stamp entry into the On Line Prisoner Arraignment (OLPA) system by Court Section personnel.

a. In Video Conferencing or Local Arrest Processing (LAP) Telephone Interview cases, the **PRE-ARRAIGNMENT NOTIFICATION FORM** must be faxed, along with the signed affidavit, to the Complaint Room at completion of arrest processing.

NOTE *In the case where an arresting officer is rescheduled to the 2nd Platoon to complete the court affidavit, i.e., the District Attorney's Complaint Room is closed, the desk officer/command supervisor concerned must write "RESCHEDULED" on the* ***PRE-ARRAIGNMENT NOTIFICATION FORM*** *in the caption marked "ADDITIONAL COMMENTS."*

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PRE-ARRAIGNMENT NOTIFICATION FORM (PD244-153)

NYPD

Section: Arrests		Procedure No: 208-17	
CHANGE IN ARREST CHARGES			
DATE ISSUED: 12/31/15	DATE EFFECTIVE: 12/31/15	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To update Department records when the original charge is subsequently changed.

PROCEDURE When a change of charge on a prisoner previously arrested is indicated:

ARRESTING OFFICER

1. Notify desk/booking officer.

DESK/ BOOKING OFFICER

2. Correct original copy of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** if not yet forwarded.
3. Prepare **ARREST REPORT - SUPPLEMENT (PD244-157)** if **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** was forwarded.
4. Show the change in degree of the crime and the reason for the change.
5. Forward the original **ARREST REPORT - SUPPLEMENT** to Data Integrity Unit.
6. File the yellow copy with precinct copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.
7. Deliver pink copy to arresting officer.
8. Report the facts concerning the change in the degree of the crime on an **Omniform Complaint Revision**.
9. Instruct the arresting officer, if assigned to a precinct other than the precinct of arrest, to notify his immediate supervisor of the change.

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
Omniform Complaint Revision

PURPOSE To assign a uniformed member of the service to prepare arrest paperwork, criminal court complaints and process an arrest through the court system for an arrest made by another uniformed member of the service.

SCOPE An assigned officer may be designated in the following circumstances:

a. Injury to arresting officer
b. Arrest by an off-duty member
c. **DESK APPEARANCE TICKET (PD260-121)**
d. Arrest for other authorities
e. Delegated arrest on a warrant
f. Mass arrests at demonstrations, details or disorders
g. Arrest by a civilian, except as provided by *P.G. 208-04, "Arrest By A Civilian"*
h. Family Court Arrests
i. Order of Protection
j. Other circumstances, when directed by a uniformed supervisor.

PROCEDURE When an arrest is to be processed as a "turnover" arrest:

ARRESTING OFFICER

1. Follow appropriate arrest processing guidelines.

DESK OFFICER/ PATROL/ DETAIL SUPERVISOR

2. Determine if arrest is to be assigned to another uniformed member of the service.

NOTE *Supervisors should identify the arresting officer at the earliest opportunity and make an entry in their digital* ***Activity Log*** *after approving the arrest.*

3. Designate an assigned officer.

NOTE *An assigned officer may be designated by a patrol supervisor, desk officer or other ranking officer in charge of a detail. Under no circumstances may an arresting officer turn over an arrest to another officer without the knowledge and approval of a supervisor.*

DESK OFFICER

4. Ensure that arresting officer has provided assigned officer with all arrest related paperwork, evidence, information concerning the arrest and that the assigned officer has re-interviewed any complainant/witnesses, if applicable.
5. Make Command Log entry indicating:
   a. Identification of arresting officer
   b. Identification of assigned officer

DESK OFFICER (continued)

c. Details of arrest concerned

d. Whether or not the assigned officer has re-interviewed the civilian complainant, and any necessary civilian witnesses.

NOTE

When an arresting officer is authorized by a supervisor to turn over an arrest, the assigned officer must personally re-interview a civilian complainant and any necessary civilian witnesses, in order to prevent double "hearsay" and to prepare a criminal complaint.

6. Assign a uniformed member of the service to provide transportation to civilian(s) for re-interview, if possible.

ASSIGNED OFFICER

7. Re-interview civilian complainant and any necessary civilian witnesses.

8. Immediately notify a supervisor and comply with *P.G. 207-09, "Follow-Up Investigation of Complaints Already Recorded,"* if new information or a discrepancy arises concerning the offense(s) charged.

DESK OFFICER/ PATROL/COURT SECTION SUPERVISOR

9. Ensure that re-interview has been conducted prior to arresting officer being assigned to other duties.

ADDITIONAL DATA

*When completing the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** assigned officers should be directed to check "YES" on line 5 (Officer Assigned) caption, and print the arresting officer's information on lines 1, 2, and 31.*

Testimony in court must offer only the facts accurately presented under oath. The outcome of a criminal case may be determined by the thoroughness of the police investigation, the constitutionality of the arrest, and the accurate presentation of oral testimony and physical evidence by the arresting officer or assigned officer. All questions should be answered to the best of a member's recollection, without embellishment or volunteering personal opinions or conclusions. The Department's reputation for veracity is based upon each member's total adherence to the highest standards of truthfulness. Violations of this policy will be the subject of criminal prosecution and internal disciplinary procedures.

RELATED PROCEDURES

Follow-Up Investigation of Complaints Already Recorded (P.G. 207-09)
Arrest By A Civilian (P.G. 208-04)
Duties and Conduct In Court (P.G.211-01)

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD 260-121)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159)

PURPOSE To ensure fair and proper proceedings when lineup/showup identifications are conducted.

DEFINITIONS IDENTIFICATION LINEUP - Placing of criminal suspect in lineup with at least five other persons for purpose of identification by victim or witnesses.
IDENTIFICATION SHOWUP - Prompt, on-the-scene presentation of a suspect singly, in a one-to-one display, to an identifying witness, for expeditious identification and/or early release of an innocent suspect.

PROCEDURE When a criminal suspect in police custody is to be placed in an identification lineup at stationhouse or other place of confinement:

UNIFORMED MEMBER OF THE SERVICE

1. Resolve any doubt concerning need for, or legality of, conducting a lineup or showup by conferring with patrol supervisor/desk officer.

NOTE *Suspect must be arrested before being forced to appear in a lineup. However, an arrest is not necessary if the suspect voluntarily consents to appear in a lineup. Identification procedures ordinarily are not necessary where the witness/victim and the perpetrator are known to each other, including relatives or other close acquaintances OR the perpetrator is apprehended by a police officer in the act of committing the crime.*

2. Give suspect Miranda warnings, if he/she is to be interrogated before, during or after lineup.
3. Inform suspect that he/she will appear in lineup for purpose of identification in connection with a crime.
4. Do not advise suspect of the right to an attorney.
5. Inform suspect that he/she does not have a right to a lawyer if an attorney is requested for the lineup.

NOTE *Prior to conducting lineup, detective supervisor concerned or a qualified supervisor of an investigative unit will be consulted and will personally supervise the entire procedure and ensure that **LINEUP REPORT (PD373-141)** is completed.*

6. Permit an attorney who is present at the site of a lineup to observe manner in which lineup is conducted.
   a. Attorney may observe lineup from room where it is conducted or from any place where he/she cannot be observed.
7. Inform an attorney who contacts the police and states that he/she represents the suspect and that he/she wishes to be present when lineup is conducted, that the lineup will be delayed for a reasonable time to permit him/her to appear.

NOTE *When determining what is a reasonable delay, the uniformed member conducting the lineup should consider whether the delay would result in a significant inconvenience to the witness OR would undermine the substantial advantages of a prompt identification.*

UNIFORMED MEMBER OF THE SERVICE (continued)

8. Do not permit attorney to talk to witnesses participating in the identification of the suspects.
9. Inform attorney that suggestions concerning the lineup should be directed to the officer conducting the lineup.
10. Do not permit attorney to interfere when conducting a lineup.
    a. The uniformed member conducting the lineup may consider suggestions of the attorney to improve the fairness of the lineup if suggestions are reasonable and practical.

DETECTIVE SUPERVISOR

11. Ensure lineup is conducted properly.
12. Have witnesses interviewed separately, prior to lineup.
    a. Obtain and record description of suspect.
13. Take precautions to prevent persons participating in lineup from being seen by witnesses prior to lineup.
14. Record the following:
    a. Details of procedure utilized
    b. Specific utterances of any person, e.g., speaking words used at crime scene
    c. Actions of participants required to facilitate identification, e.g., trying on clothing, etc.
    d. Responses or statements made by witnesses
    e. Names, addresses/commands of all persons present including police and other officials.
15. Prepare diagram with circles to represent position of each person in lineup.
    a. Instruct witness not to comment on recognition but indicate circle which represents person recognized.
16. Mark and retain diagram after identification.
17. Have suspect viewed with at least five other persons who are unknown to witness.
18. Conduct separate lineup for each suspect apprehended.
    a. Use different fillers in each lineup.
19. Select lineup participants as follows:
    a. Same sex and race as suspect.
    b. Approximately same age, height and physical makeup as suspect:
        (1) If minors under eighteen years of age are recruited as non-suspect lineup participants:
            (a) Obtain written permission of parent or legal guardian on **CONSENT FORM - NON-SUSPECT MINOR (PD 377-030)**, using English or Spanish version, as appropriate, prior to lineup.
            (b) Institute measures to isolate minors from harmful influences in area of lineup.
            (c) Have precinct youth coordination officer present, if possible.
            (d) Prevent photographs of lineup from being used for purposes other than evidence.

DETECTIVE SUPERVISOR (continued)

c. Similarly clothed.
   (1) Prevent wearing of any distinctive part of police uniform by police participants.
   (2) Cover unusual or distinctive clothing worn by suspect.
d. Caution non-suspect participants against indicating position of suspect.
e. Permit suspect to select position in lineup or, if refused, place suspect in fair position.

20. Prevent interrogation of suspect while being viewed by witness.
21. Do not require lineup participants to say or do anything unless all participants are required to do the same.
22. Refrain from assisting witness to identify suspect.
23. Prevent witnesses from speaking to each other before, during or after viewing lineup.
    a. Separate witnesses after each viewing.
    b. Do not indicate to witnesses if identification was or was not made.
24. Have witnesses view lineup separately.
25. Permit witnesses to view lineup from another room or hidden location, if necessary.
    a. Consider distance in this type of identification.
26. Allow masking of viewers when necessary.
27. Take color photographs of lineups being viewed by witnesses, when possible. Under no circumstances will black and white photographs be used.
28. Consult Legal Bureau or District Attorney if difficulties are encountered during lineup.

ADDITIONAL DATA

Emergency identification showups may be conducted when a witness is ill or injured and may die before proper identification procedures can be complied with. However, every effort should be made to institute lineup procedures and safeguards at the hospital.

Criminal suspects may be returned to crime scene or held for viewing by a witness only if:

a. Seizure of a suspect is effected within a reasonable time after the commission of the crime. (Usually, one hour is considered reasonable but facts of case may permit increasing the time period) AND,

b. Seizure of a suspect is effected within an area reasonably near the crime scene. (Consider distance that could reasonably be covered within time period given and under circumstances present) AND,

c. Suspect is shown to witness in a fair and reasonable manner which is not unnecessarily suggestive.

RELATED PROCEDURES

Rights of Persons Taken into Custody (P.G. 208-09)

FORMS AND REPORTS

CONSENT FORM - NON-SUSPECT MINOR (PD377-030)
LINEUP REPORT (PD373-141)

PURPOSE To provide directions to uniformed members of the service required to work beyond normal expiration of tour of duty after making first or third platoon arrests.

PROCEDURE When a uniformed member of the service performing duty with the first or third platoon effects an arrest which results in working beyond the normal expiration of scheduled tour of duty and officer is scheduled to perform duty with the same platoon the following day:

FIRST PLATOON ARRESTS

UNIFORMED MEMBER OF THE SERVICE

1. Continue working beyond normal expiration of scheduled tour of duty, if required, to process arrest and comply with the following categories, as appropriate:

CATEGORY A If officer returns from court WITHIN SIX HOURS OF NEXT SCHEDULED 1ST PLATOON TOUR OF DUTY:

Option (1) Perform next scheduled tour of duty with 1st Platoon, or

Option (2) Request next scheduled 1st Platoon tour of duty be rescheduled to the 2nd Platoon tour of duty, or

Option (3) Submit a Digital Leave of Absence Request using the Centralized Personnel Resource (CPR) System for excusal from the next scheduled tour of duty with 1st Platoon.

CATEGORY B Returns from court AFTER COMMENCEMENT OF NEXT SCHEDULED 1st PLATOON TOUR OF DUTY:

Option (1) Perform balance of the 1st Platoon tour of duty or

Option (2) Submit a Digital Leave of Absence Request for excusal from the remainder of the 1st Platoon tour of duty.

NOTE *Whenever a uniformed member of the service elects to perform the next scheduled 1st Platoon tour of duty or to complete the balance of the 1st Platoon tour of duty (OPTION 1 in CATEGORIES A and B), such officer will be assigned to appropriate police duties of a non-patrol/non-enforcement nature.*

THIRD PLATOON ARRESTS

UNIFORMED MEMBER OF THE SERVICE

2. Continue working beyond normal expiration of scheduled tour of duty, if required, to process arrest and comply with the following categories, as appropriate.

CATEGORY A Reaches the District Attorney's Complaint Room or other location designated for preparation of the court affidavit by 0800 hours, officer will automatically be rescheduled to the 2nd Platoon, and overtime ends as of 0800 hours, or

CATEGORY B Does not reach the District Attorney's Complaint Room or other location designated for the preparation of the court affidavit by 0800 hours, officer continues on duty on overtime until Complaint Room processing is completed or until the start of his next scheduled tour of duty, whichever comes first. If arrest processing is completed prior to the start of next scheduled 3rd Platoon tour of duty, officer will be dismissed at that time. If arrest processing is not completed prior to the start of the next 3rd Platoon tour of duty, the officer will continue working that tour and upon return to command:

Option (1) Complete remainder of scheduled tour, or

Option (2) Request excusal for remainder of scheduled tour, needs of the service permitting.

NOTE *A uniformed member of the service who elects to continue and complete scheduled 3rd Platoon tour of duty will be assigned to non-patrol/non-enforcement duty.*

PURPOSE To issue a Desk Appearance Ticket (DAT) in lieu of detention for qualifying prisoners.

DEFINITIONS DESK APPEARANCE TICKET - An appearance ticket issued in lieu of detention for class E felonies, misdemeanors and violations that requires a defendant to appear in court at a later date.

SATISFACTORY FORM OF IDENTIFICATION - For the purposes of properly identifying a defendant prior to issuing a DAT, satisfactory forms of identification include, but are not limited to:

a. New York State Driver License, Permit, or Non-Driver Photo Identification,
b. Valid passport (United States or of foreign origin),
c. United States military photo identification,
d. Citizenship or naturalization papers,
e. Resident alien card,
f. Driver License (out of state/country),
g. Non-Driver Photo Identification (federal or out of state),
h. Municipal Identification Card (including those issued by a Canadian municipal government, or
i. Public Benefit Card (e.g., medical assistance cards, food stamp assistance [EBT card], etc.), or any other identification issued by a New York State or municipal social service agency which entitles a person to obtain public assistance benefits under a local, state, or federal program.

NOTE *The Department is required to accept these forms of identification if provided. Uniformed members of the service are reminded that other valid forms of identification may be acceptable. When a uniformed member of the service has reasonable suspicion regarding the veracity of the identification presented, the desk officer will make the final determination as to whether the defendant's identity has been ascertained.*

PROCEDURE When issuing a DAT to a qualified prisoner charged with a class E felony, misdemeanor or violation:

PRELIMINARY INVESTIGATION

ARRESTING OFFICER

1. Comply with appropriate arrest processing guidelines, remove prisoner to precinct of arrest/designated arrest facility, and advise desk officer of facts.
2. Inform prisoner they will be issued a DAT, if qualified.
   a. Refer to *P.G 208-81, "Desk Appearance Tickets - Disqualifying Factors"* and use appropriate Department computer systems to determine if any disqualifying factors are present.
3. Ascertain defendant's identity via satisfactory form of identification.
   a. Document identification made by personal knowledge in OMNIFORM, as appropriate.

ARRESTING OFFICER (continued)

b. Inform individual that knowingly misrepresenting their actual name, date of birth or address with intent to prevent a police officer from ascertaining such information constitutes the crime of False Personation (Penal Law 190.23).

NOTE *There is no requirement that a person present photographic identification in order to be issued a DAT in lieu of arrest where the person's identity is otherwise verifiable. An arrestee may be validly identified through the arresting officer's personal knowledge of the arrestee (e.g., previous arrest or summons of the arrestee by the officer, etc.).*

4. Allow defendant to contact third party to obtain appropriate identification, if satisfactory form of identification is not readily available.
   a. Delay arrest processing for a reasonable amount of time to allow for delivery of such document(s).
5. Conduct warrant checks as per *P.G. 208-22, "Performing Local, State and Federal Warrant Checks."*
   a. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if individual has an **INVESTIGATION CARD (PD373-163)**.
      (1) The presence of an **INVESTIGATION CARD** against a defendant does not preclude the issuance of a DAT.
6. Conduct Department of Motor Vehicle check through appropriate Department database (e.g., Domain Awareness System [DAS], FINEST, etc.).
7. Attempt to obtain additional contact information (i.e., residence address, preferred mailing address, cell phone/home/work number, e-mail address, etc.) from prisoner.
   a. Notify desk officer, if prisoner refuses to provide contact information.

b. Record contact information on appropriate Department forms.

<u>DAT PROCESSING</u>

ARRESTING OFFICER

8. Enter arrest data into OMNIFORM System
   a. Select arrest processing type "Desk Appearance Ticket," except for those DAT(S) returnable to Community Court (Midtown or Red Hook), in which case arrest processing type "Community Court Desk Appearance Ticket."
      (1) If there are multiple reasons for potential DAT ineligibility, check all fields that apply.
9. Fingerprint prisoner and generate a Prisoner Movement Slip.
10. Confer with Identification Unit to determine if prisoner has a previous conviction, which would raise the current charge to a class D felony:
    a. Documentation of a previous conviction must be obtained from the Identification Unit prior to changing the current charge entered on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ARRESTING OFFICER (continued)

11. Request uniformed member of the service from precinct detective squad or other appropriate investigative unit to debrief prisoner, if appropriate.
    a. Ensure prisoner is debriefed at the earliest possible time in the arrest process.
    b. Inform desk officer if prisoner has not been debriefed after a reasonable time.

DESK OFFICER

12. Debrief, or ensure any other available supervisor, detective squad or investigative unit debriefs prisoner, before completion of all DAT procedures.

NOTE *A defendant who is DAT eligible and whose processing has otherwise been completed should never be held for the sole purpose of being debriefed unless reasonable suspicion exists that the defendant was involved in another crime.*

ARRESTING OFFICER

13. Complete all DAT arrest and discovery related paperwork while awaiting results of fingerprint check.
14. Monitor "DAT Processing" within OMNIFORM system to determine if defendant is DAT eligible:
    a. If response does not produce a NYSID number, check back at reasonable intervals no longer than 30 minutes.
        (1) Contact the Division of Criminal Justice System (Albany) to expedite the fingerprint search.
    b. If response dictates that DNA is owed;
        (1) Notify Desk Officer,
        (2) Attempt to collect DNA from prisoner as per *P.G. 208-72, "Obtaining Prisoner DNA Sample,"* and
        (3) Continue processing DAT, as owing DNA is not a disqualifying factor.

<u>WHEN ALL DAT AND DISCOVERY PAPERWORK IS COMPLETE</u>

ARRESTING OFFICER

15. Deliver all paperwork to desk officer for review and signatures where required.

DESK OFFICER

16. Ensure prisoner has been debriefed in accordance with *P.G. 210-18,* "*Debriefing of Prisoners*," as appropriate.
17. Check all arrest and discovery related paperwork for completeness and accuracy.
    a. Confirm that contact information for defendant has been provided.
        (1) If prisoner has refused to provide contact information, explain that providing the information will allow the District Attorney's Office to contact them for possible participation in pre-arraignment diversion programs, and for the Office of Court Administration (OCA) to send reminders of upcoming court dates.
        (2) Ensure refusal is indicated as appropriate, if prisoner continues to refuse.

ARRESTING OFFICER

18. Upload all paperwork in the "online Arrest Folder" as 1 file in PDF format.
    (1) Ensure the file name contains the arrest number and prisoner's last name.
19. Click the "Send to CJB" icon on the "online Arrest Folder."
20. Call Borough Court Section to confirm receipt of arrest and discovery related paperwork and obtain:
    a. DAT serial number,
    b. Return date and time,
    c. Arraignment part and court.

BOROUGH COURT SECTION

21. Review and ensure all arrest and discovery related paperwork is complete and accurate.
    a. Advise arresting officer to remove file, if file is incomplete or if missing any discovery information, and to resubmit completed file.
22. Provide arresting officer with DAT return date and serial number.

ARRESTING OFFICER

23. Record information received from Borough Court Section personnel in OMNIFORM.

DESK OFFICER

24. Use the "Approve DAT" button in Ominform to review DAT information entered by arresting officer and approve DAT.
    a. If defendant has an active warrant, a "Remove DAT" button will appear.
        (1) Select decline reason from the list.
        (2) If a DAT override is required, remove DAT, then select corresponding arrest and provide reason from the DAT Override Menu.

ARRESTING OFFICER

25. Make DAT returnable to arraignment part of Criminal Court <u>except</u> if:
    a. Necessary to permit arraignment of all prisoners in same Court Part, or
    b. Returnable to Community Court.
26. Sign DAT.
27. Activate assigned body-worn camera and request prisoner to sign DAT.
    a. Comply with *P.G. 212-123, "Use of Body-Worn Cameras."*
    b. Indicate "refusal" on DAT if prisoner refuses and document in digital **Activity Log**.
    c. Deliver DAT to desk officer for signature.

DESK OFFICER

28. Sign DAT and return to arresting officer.

ARRESTING OFFICER

29. Distribute DAT as follows:
    a. Original to defendant,
    b. Copy to arresting officer,
    c. Copy to complainant, if applicable, and
    d. Copy to command file.
30. Upload copy of signed DAT into "Online Arrest Folder."

ARRESTING OFFICER (continued)

31. Contact Borough Court Section and:
    a. Verify receipt of signed DAT, and
    b. Obtain prisoner release time.

BOROUGH COURT SECTION

32. Verify DAT is accurately completed with correct return date, time and Court and provide arresting officer with release time.
    a. If DAT return date is entered incorrectly:
        (1) Instruct arresting officer to provide defendant with correct date and time
        (2) Notify District Attorney's office.
33. Forward arrest paperwork to the District Attorney's Office.
34. Advise arresting officer if case will be drafted on day of the arrest or on a later date.

DESK OFFICER

35. Issue DAT, and release prisoner.

WHEN DAT IS ISSUED AND DEFENDANT IS RELEASED

ARRESTING OFFICER

36. Await phone call from District Attorney's office, if instructed by Borough Court Section.
    a. Comply with *P.G. 208-82, "Desk Appearance Ticket – Conferral with District Attorney's Office,"* if necessary.

WHEN A HOSPITALIZED PRISONER WHO WAS INELIGIBLE FOR DAT AT TIME OF ARREST DUE TO PHYSICAL OR MENTAL CONDITION BECOMES ELIGIBLE FOR A DAT:

GUARDING MEMBER OF THE SERVICE

37. Notify desk officer and patrol supervisor that prisoner's condition permits issuance of DAT.

PATROL SUPERVISOR

38. Determine condition of prisoner and duration of confinement.
39. Notify desk officer of findings.
    a. Ensure prisoner is fingerprinted, if they have not been:
        (1) Direct fingerprints to be delivered to Identification Unit at 375 Pearl St, New York, NY 10038.

DESK OFFICER

40. Convert arrest into a DAT with OMNIFORM System.
    a. Select "DAT Override," within the "DAT Processing."
    b. Select the corresponding arrest and select "Force DAT."
    c. Follow the prompts until case converts from an online into the DAT.
41. Direct arresting/assigned member of the service to process prisoner for DAT, if eligible.

ARRESTING /ASSIGNED OFFICER

42. Process DAT.

IF A HOSPITALIZED PRISONER WHO WAS INELIGIBLE FOR A DAT AT TIME OF ARREST DUE TO PHYSICAL OR MENTAL CONDITION BECOMES ELIGIBLE FOR A DAT AFTER ARRESTING OFFICER HAS COMPLETED THE COMPLAINT AFFIDAVIT WITH THE DISTRICT ATTORNEY'S OFFICE:

DESK OFFICER 43. Comply with *P.G. 210-05, "Bedside Arraignment."*

NYPD

PURPOSE To assist a uniformed member of the service who effects an arrest for bribery from time of arrest to final disposition of case.

PROCEDURE When a bribe has been offered and circumstances do not permit prior consultation with a member of the Internal Affairs Bureau:

ARRESTING OFFICER

1. Make summary arrest and follow appropriate arrest processing guidelines.

NOTE *In situations where subsequent arrest for bribery is made **after** the original arrest charge has been processed, (i.e., arrest number has been generated), but prior to the prisoner being arraigned, an **ARREST REPORT SUPPLEMENT (PD244-157)** must be prepared describing the circumstances surrounding the additional charge of bribery.*

2. Notify desk officer/supervisor.

DESK OFFICER/ SUPERVISORY MEMBER

3. Confer with Legal Bureau if:
   a. Legality of charges are in doubt
   b. Immediate legal assistance is required.

NOTE *If Legal Bureau is closed, call Operations Unit to arrange a consultation with a Department Attorney.*

4. Notify Internal Affairs Bureau, Command Center [redacted].

I.A.B. COMMAND CENTER

5. Record information including:
   a. Internal Affairs Bureau log number
   b. Date of arrest
   c. Precinct of arrest
   d. Prisoner's name and address
   e. Charge
   f. Description of circumstances which led to arrest and any other violation of law.
6. Advise desk officer/supervisory member to contact appropriate Bureau/ Borough Investigations Unit for technical assistance.

DESK OFFICER/ SUPERVISORY MEMBER

7. Notify lieutenant platoon commander.

NOTE *The precinct commander/duty captain will be notified and perform the duties of the lieutenant platoon commander if the platoon commander is unavailable.*

LIEUTENANT PLATOON COMMANDER

8. Interview arresting officer.
9. Prepare seven copies of report of arrest on **Typed Letterhead** addressed to Chief of Department.
   a. Forward original copy of report direct to the Chief of Department via Department mail.
   b. FAX copy of the report of arrest to Internal Affairs Bureau, Command Center at [redacted].
   c. Retain remaining copies at precinct desk pending result of the initial arraignment.

NOTE *All copies of the report MUST include the Internal Affairs Bureau log number.*

10. Notify precinct commander/duty captain, who will review actions taken by the precinct platoon commander.

ARRESTING OFFICER

11. Confer with immediate supervisor and/or Integrity Control Officer concerned, prior to pre-arraignment.

ARRESTING OFFICER AND SUPERVISORY MEMBER/I.C.O.

12. Consult with Assistant District Attorney to insure that bribery or related offense is charged in complaint.

ARRESTING OFFICER

13. Notify desk officer/supervisor when affidavit has been completed of:
    a. Name of Assistant District Attorney
    b. Charge(s) entered on complaint.

I.C.O. OF MEMBER CONCERNED

14. Ascertain the following information through the borough Court Section after prisoner has been arraigned:
    a. Arraignment date
    b. Judge
    c. Court docket and NYSID numbers
    d. Disposition including adjournment date
    e. Grand Jury date, if any.
15. Enter additional information (steps 13 and 14 above) by endorsement on remaining copies of report of arrest held at desk (see step 9).
16. Forward copies of report as follows:
    a. First copy direct to the Chief of Department (Chief of Department reviews and forwards to Personnel Bureau)
    b. Second copy direct to Chief of Internal Affairs
    c. Third copy to the Chief of Department, through channels
    d. Fourth copy to commanding officer of arresting officer
    e. Fifth copy - file.

ARRESTING OFFICER

17. Maintain a record of all court appearances regarding bribery or related offenses/arrests including:
    a. Date of hearing
    b. Court docket number
    c. Name of Assistant District Attorney at each appearance
    d. Disposition.
18. Report information to commanding officer after each court appearance.

NOTE *Commanding officers of uniformed members of the service who effect bribery arrests will be responsible for the follow-up and final disposition reports.*

COURT SECTION CONCERNED

19. Render assistance to arresting officer and duty captain/supervisor, when necessary.

I.C.O. OF MEMBER CONCERNED

20. Record information as received and file in folder marked "Arrests by Uniformed Members of the Service Regarding Bribery and Related Offenses."
21. Forward copy of report to member's new commanding officer who assumes responsibility for:
    a. Maintaining file in folder
    b. Adding new information received
    c. Forwarding reports as required.

COMMANDING OFFICER OF MEMBER CONCERNED

22. Prepare a consolidated report on **Typed Letterhead** upon receipt of final disposition and include a complete history of case and court appearances for:
    a. Police Commissioner
    b. Chief of Department
    c. Chief of Internal Affairs.

<u>WHEN AN ASSISTANT DISTRICT ATTORNEY REFUSES TO CHARGE BRIBERY IN THE COMPLAINT</u>:

ARRESTING OFFICER

23. Notify the precinct commander/duty captain.

PRECINCT COMMANDER/ DUTY CAPTAIN

24. Respond to command of arrest/designated arrest processing facility and confer with Assistant District Attorney and arresting officer.
    a. Confer with supervising Assistant District Attorney if not in agreement with Assistant District Attorney.

ARRESTING OFFICER

25. Obtain signed copy of **Decline Prosecution Report** if bribery or related offense is only charge and Assistant District Attorney refuses to draw complaint.
    a. Make complete entry of facts in digital **Activity Log**.
    b. Comply with instructions of Assistant District Attorney and court personnel if a civilian complainant desires to appear before a judge.
    c. Secure release of prisoner from detention pen when ordered by Assistant District Attorney and **Decline Prosecution Report** is obtained.

ARRESTING OFFICER (continued)

d. Immediately notify Court Section supervisor concerned and be guided by his/her instructions, if prisoner has already been removed to courthouse.

COURT SECTION SUPERVISOR

26. If prisoner is being secured in courthouse detention areas:
    a. Request FAX copy of **Decline Prosecution Report** from arresting officer.
    b. Verify its contents with assigned Assistant District Attorney upon its receipt.
    c. Have prisoner released expeditiously.
    d. Make appropriate Command Log and OLPA "Notepad" entries.

ARRESTING OFFICER

27. Notify Internal Affairs Bureau, Command Center, of results.
28. Deliver **Decline Prosecution Report** to commanding officer.

COMMANDING OFFICER OF MEMBER CONCERNED

29. Review **Decline Prosecution Report**.
    a. Sign rear of **Decline Prosecution Report** signifying inspection
    b. Have **Decline Prosecution Report** filed with **OLBS ARREST WORKSHEET (PD244-159)** in member's command.
30. Prepare **DECLINE PROSECUTION ARREST CASE REPORT (PD244-1515)**, if necessary.

ADDITIONAL DATA

A commanding officer who believes a subordinate member of his/her command has participated in an act reflecting high integrity that deserves recognition will forward three copies of a report describing all the facts, including results, to the Integrity Review Board, through the Personnel Bureau.

RELATED PROCEDURES

Release Of Prisoners - General Procedures (P.G. 210-13)
Attempted Bribery Of Uniformed Member Of The Service (P.G. 208-35)
Release Of Prisoners At The Complaint Room At The Direction Of Assistant District Attorney (P.G. 210-16)
Boards And Committees (O.G. 101-23)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)
DECLINE PROSECUTION ARREST CASE REPORT (PD244-1515)
OLBS ARREST WORKSHEET (PD244-159)
Decline Prosecution Report
Typed Letterhead

PURPOSE To develop or secure corroborating evidence in attempted bribery cases.

PROCEDURE Upon being offered a bribe, particularly a future bribe and corroborating evidence may be developed:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/supervisor as soon as possible.
   a. If not possible, call the Internal Affairs Bureau, Command Center, [redacted] twenty-four hours a day, seven days a week.

DESK OFFICER/ SUPERVISOR NOTIFIED

2. Inform Internal Affairs Bureau, Command Center, of offer and any related arrangements

I.A.B. COMMAND CENTER

3. Record notification.
   a. Assign log number.

UNIFORMED MEMBER OF THE SERVICE

4. Record facts in digital **Activity Log**.

DESK OFFICER/ SUPERVISOR

5. Be guided by recommendations of the Internal Affairs Bureau, Command Center, regarding:
   a. Action to be taken
   b. Whether any technical and tactical assistance will be provided.
6. Notify bureau/borough Investigations Unit concerned and request necessary assistance.

RELATED PROCEDURES *Bribery Arrest by Uniformed Members of the Service (P.G. 208-34)*

PURPOSE To process family offenses and other offenses that occur between family/household members as per the Family/Household - Expanded Definition.

DEFINITIONS COMPLAINANT/VICTIM - For purposes of this procedure ONLY, is limited to a person described in subdivisions "a" through "h" below:

FAMILY/HOUSEHOLD (AS DEFINED IN FAMILY COURT ACT) - Includes persons who:

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

FAMILY/HOUSEHOLD (NYPD EXPANDED DEFINITION) - Includes subdivisions "a" through "f" above, AND persons who:

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

DEFINITIONS (continued)

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.

OFFENSE - Conduct for which a sentence to a term of imprisonment or to a fine is provided (felony, misdemeanor, or violation).

FAMILY OFFENSE - Any act which may constitute the following and is committed by one member of the same family/household, AS DEFINED IN THE FAMILY COURT ACT (subdivisions "a" through "f" above), against another:

a. Harassment 1st or 2nd degree
b. Assault 2nd degree or Attempt
c. Disorderly Conduct (including acts amounting to Disorderly Conduct NOT committed in a public place)
d. Aggravated Harassment 2nd degree
e. Assault 3rd degree or Attempt
f. Reckless Endangerment
g. Menacing 2nd or 3rd degree
h. Stalking (1st, 2nd, 3rd, and 4th degrees)

NOTE *The law also adds the crimes of Stalking in the first through fourth degrees to the list of criminal convictions which will subject an offender to automatic suspension or revocation of a pistol license by the Criminal or Family Court.*

i. Sexual Misconduct
j. Forcible Touching
k. Sexual Abuse 3rd degree
l. Sexual Abuse 2nd degree when committed against a victim incapable of consent due to a factor other than being less than seventeen years old
m. Criminal Mischief (all degrees)
n. Strangulation 1st or 2nd degree
o. Criminal Obstruction of Breathing or Blood Circulation
p. Identity Theft (1st, 2nd, and 3rd degrees)
q. Grand Larceny (3rd and 4th degrees)
r. Coercion 2nd degree (subdivisions 1, 2, 3)
s. Unlawful Dissemination or Publication of an Intimate Image (solely for Penal Law section 245.15 violations).

NOTE *A violation of Administrative Code 10-177 does not qualify as a family offense*.

ORDER OF PROTECTION - An order issued by the New York City Criminal Court, New York State Family Court, or the New York State Supreme Court, requiring compliance with specific conditions of behavior, hours of visitation and any other condition deemed appropriate by the court of issuance. An Order of Protection may also be issued by the Supreme Court as part of a separation decree, divorce judgment, annulment, or as part of a court order in a pending separation, divorce, or annulment action.

DEFINITIONS (continued)

PROBABLE CAUSE - A combination of facts, viewed through the eyes of a uniformed member of the service, which would lead a person of reasonable caution to believe that an offense is being or has been committed. The "probable cause" standard applied in family offense/domestic violence offenses IS NO DIFFERENT from the standard applied in other offenses and may be met by evidence other than the statement of the complainant/victim.

CONCURRENT JURISDICTION - Concurrent jurisdiction exists when different courts have jurisdiction over the same subject matter within the same territory. Both Criminal Court and Family Court have concurrent jurisdiction when:

a. A family offense (as defined above) has been committed; AND
b. A family/household relationship as defined in the Family Court Act "a" through "f" above (and NOT including the NYPD Expanded Definition) exists between the offender and the victim; AND
c. The offender is 18 years of age or older.
   (1) If the offender is 16 or 17 years of age, concurrent jurisdiction only exists if the offender is charged with a felony-level family offense.

NOTE

All three of the above elements must exist for both Family Court and Criminal Court to have jurisdiction at the same time. If either of the first two elements are not met, the complainant MUST go to Criminal Court. If the first two elements are met, but the offender is less than 18 years of age, the complainant must go to Family Court.

If the first two elements are met and offender is 16 or 17 years of age charged with a felony-level family offense, concurrent jurisdiction exists.

WHEN CONCURRENT JURISDICTION EXISTS:

Advise complainants/victim that:

a. There is concurrent jurisdiction with respect to family offenses in both Family Court and the Criminal Courts;
b. A Family Court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end the family disruption and obtain protection. Referrals for counseling or counseling services are available through probation for this purpose;
c. A proceeding in the Criminal Courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;
d. A proceeding or action subject to the provisions of Family Court Act, Section 812, is initiated at the time of filing of an accusatory instrument or Family Court petition, not at the time of arrest, or request for arrest, if any;
e. An arrest may precede the commencement of a Family Court or a Criminal Court proceeding, but an arrest is not a requirement for commencing either proceeding; however, that the arrest of an alleged offender shall be made under the circumstances described in subdivision four of Section 140.10 of the Criminal Procedure Law.

PROCEDURE When members of the service respond to, or are notified of, any incident involving members of the same Family/Household (NYPD EXPANDED DEFINITION):

UNIFORMED MEMBER OF THE SERVICE

1. Obtain medical assistance if requested or the need is apparent.
2. Ascertain all facts.
   a. Interview persons involved SEPARATELY.
   b. Interview and record names of any witnesses present at time of occurrence.
   c. Collect evidence and record statements of persons present (e.g., admission by offender during dispute).
   d. Take photographs using the Department issued smartphone via the Finest Online Records Management System (FORMS), in all cases where a victim has visible injuries and/or damaged property as a result of domestic violence. Photographs will be uploaded via FORMS as per *P.G. 208-39, "Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property)."* Other domestic violence evidence (i.e., weapons, clothing, etc.) must be vouchered in accordance with *P.G. 218-01, "Invoicing Property – General Procedure."*

NOTE *If the complainant/victim appears to have difficulty understanding/communicating in English, the member of the service concerned should comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons." If the complainant/victim appears to be Deaf or hard of hearing, the member of the service concerned should comply with P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing." During domestic violence incidents, members of the service should avoid using bystanders and family members to interpret in order to preserve privacy and minimize the risk of faulty interpretation due to fear of arrest of a family member or other personal biases. They may be* ***temporarily*** *used for interpretation to stabilize the scene and gather preliminary information. However, responding officers must use a certified member of the service or the Language Line Service to verify the details of the domestic violence incident before finalizing the job. As possible victims or witnesses to an incident, a child should be interviewed; however, whenever feasible, a child should not be used as an interpreter for any kind of police incident, including domestic violence. Some words and concepts are difficult for a child to understand and translate into another language. Interviewees are not likely to be forthcoming if a child is used to interpret and will be especially hesitant to reveal details of a sexual assault to a police officer through a child.*

3. Determine whether:
   a. Probable cause exists that <u>any</u> offense has been committed
   b. An Order of Protection has been obtained by complainant/victim
   c. The offense constitutes a FAMILY OFFENSE
   d. There are children present in the home who may be victims of neglect, abuse, or maltreatment

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) If a member REASONABLY SUSPECTS a child less than eighteen is abused, neglected or maltreated and continued presence in the household presents an imminent risk to the child's physical or mental health, request the patrol supervisor to respond, prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**, and notify the State Central Registry as outlined in *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, Or Maltreated Children"*

NOTE *Willful failure to make such notification is a Class "A" Misdemeanor. Further, civil liability may result for the damages caused by such failure.*

(2) If probable cause exists that a crime has been committed against a child, the perpetrator will be arrested, and no **DESK APPEARANCE TICKET (PD260-121)** will be issued.

WHEN OFFENDER HAS DEPARTED SCENE PRIOR TO ARRIVAL OF POLICE:

UNIFORMED MEMBER OF THE SERVICE

4. Conduct search of immediate vicinity for offender when:
   a. Probable cause exists that a crime has been committed OR an Order of Protection has been violated, AND
   b. Uniformed member of the service has reason to believe that such search might yield positive results.
5. Advise complainant/victim to call police when offender returns, if initial search produced negative results and follow "REPORTING PROCEDURE" as set forth below.

WHEN COMPLAINANT/VICTIM INDICATES THAT AN ORDER OF PROTECTION HAS BEEN OBTAINED:

UNIFORMED MEMBER OF THE SERVICE

6. Request complainant/victim to produce Order of Protection.
   a. Query eJusticeNY application to access and print a copy of Order of Protection, if Order of Protection cannot be produced by complainant/victim.
      (1) Order of Protection information can also be obtained via a name search in zFINEST application by querying the name of the protected individual or the name of the subject of the Order of Protection. However, queries conducted via zFINEST application will result in Order of Protection information only and will not produce a copy of the Order of Protection.
   b. Confirm Order of Protection was properly served via eJusticeNY application or zFINEST application.

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Contact Central Records Division, Identification Unit via telephone for assistance, to verify Order of Protection was issued, court of issuance, specific conduct prohibited, and expiration date, if a copy of the Order of Protection cannot be obtained through the eJusticeNY application.

NOTE

The eJusticeNY application can be accessed on a Department desktop via the Department intranet's "Applications" section, and is also available on a Department smartphone via the "Portal" application's "Order of Protection" section.

In addition, the eJusticeNY application permits uniformed members of the service to print and/or save PDF versions of active Orders of Protection when using a Department desktop, or save and forward PDF versions of Orders of Protection when using a Department smartphone. Orders of Protection from Family Court and Criminal Court may be printed; however, Orders of Protection issued by Supreme Court are only available on the Orders of Protection application or may be requisitioned by Central Records Division, Identification Unit.

<u>IF OFFENDER IS PRESENT OR THE SEARCH FOR THE OFFENDER WAS SUCCESSFUL AND THERE IS PROBABLE CAUSE THAT ANY FELONY HAS BEEN COMMITTED OR AN ORDER OF PROTECTION HAS BEEN VIOLATED</u>:

UNIFORMED MEMBER OF THE SERVICE

7. Arrest offender even if complainant/victim requests that offender not be arrested.
   a. When an Order of Protection is violated and the act that violates the Order is an offense, offender must be charged with that offense in addition to the appropriate charge for the violation of the Order of Protection.
   b. In all cases, whether the Order of Protection was issued by Family Court, Supreme Court, or Criminal Court, and whether the violation of the Order of Protection also constitutes an offense or not (e.g., offender in proximity to complainant's residence or place of employment is not an offense in and of itself but does violate an Order of Protection), the violation of the Order of Protection shall be charged as the Penal Law crime of Criminal Contempt, or Aggravated Criminal Contempt, as appropriate, and the offender brought to Criminal Court.
   c. Confer with Legal Bureau and effect arrest, if appropriate, for family offense(s) in which there is a family/household relationship as defined in the Family Court Act (NOT the NYPD Expanded Definition) and family offense(s) occured within New York State, but outside of New York City.
      (1) In cases where an arrest is effected within New York City, for a family offense, occuring outside of New York City, but within New York State, process as "For Other Authority (FOA)" case, and comply with the provisions of *P.G. 208-03, "Arrest Prcoessing – General,"* as well as, all other relevant Department procedures.

NOTE *Under the federal 1994 Violence Against Women Act, Orders of Protection issued by courts of other jurisdictions (other states, U.S. territories, tribal jurisdictions), in cases of domestic violence covered by this procedure, may be enforced in New York State. If the particular out-of-state Order of Protection is available, and otherwise appears to be valid on its face (i.e., not expired, signed by a judge or justice of a court), and there is probable cause to believe that the Order of Protection has been violated, and that the offender had notice of the Order and an opportunity to be heard, uniformed members of the service will arrest the offender and charge him or her with either Criminal Contempt in the second degree (Penal Law Section 215.50 [3], Criminal Contempt in the first degree (Penal Law section 215.51 [b], [c], or [d]), or Aggravated Criminal Contempt (Penal Law section 215.52), as appropriate.*

In order to charge any of the criminal contempt charges above, for a violation of either an in-state or out-of-state Order of Protection, there must be a showing that the offender had "notice" of the issuance of the Order of Protection, either because he or she was present in court when the Order was issued or because he or she was duly served with the Order.

In order to establish probable cause that the offender had notice, uniformed members of the service should ask the offender if he or she knew of the Order and if necessary ask the complainant/victim to verify that the offender had knowledge of the Order. Additionally, if such is deemed necessary, uniformed members of the service may call the court that issued the order during normal business hours to seek further information.

In the case of out-of-state Orders of Protection, there is an additional requirement that the offender has had or will shortly have an opportunity to be heard. This essentially means that the offender was notified of a date to appear in the particular court in order to respond to the issuance of the Order. In order to take enforcement action, probable cause as to any of the following must exist:

a. The offender appeared in court in response to issuance of the Order of Protection,
b. The offender was served with notice to appear, in response to the issuance of the Order of Protection and failed to appear, or
c. The offender was served with an Order of Protection with a notice to appear before the court within thirty days of the issuance of the Order of Protection.

The inquiries set forth in the preceding paragraph may be used to establish the existence of this element of probable cause.

In cases in which the Order of Protection is not produced by the complainant/victim, in addition to the procedure set forth in step "6," above, uniformed members of the service shall inquire whether a record of the Order exists on the statewide registry of Orders of Protection or the protection order file maintained by the National Crime Information Center (NCIC). However, the presence of the Order on any file shall not be required for enforcement of the Order, provided that the uniformed member of the service has probable cause to believe that the Order is in existence through credible information supplied by the complainant/victim or other reliable source.

NOTE (continued) *When an offender is arrested within New York City for violating any Order of Protection, his or her arrest will, in ALL cases, be processed in New York City Criminal Court, regardless of the court that issued the Order. The offender will be charged with the appropriate criminal contempt charge. The offender will also be charged with any pertinent criminal offense for which probable cause exists. When an arrest is made for violation of a Family Court Order of Protection, the complainant/victim will be advised that he or she has a right to proceed independently in Family Court by filing a petition. However, uniformed members of the service are required to bring the offender before the local criminal court.*

WHEN THERE IS PROBABLE CAUSE THAT ANY MISDEMEANOR HAS BEEN COMMITTED, IN OR OUT OF THE UNIFORMED MEMBER'S PRESENCE, OR A VIOLATION HAS BEEN COMMITTED IN THE UNIFORMED MEMBER'S PRESENCE:

UNIFORMED MEMBER OF THE SERVICE

8. Arrest offender.
   a. Under the Criminal Procedure Law, a uniformed member of the service must arrest the offender, unless the victim specifically states, on his or her own initiative, that he or she does not want the offender arrested. The uniformed member of the service shall not ask the victim if he or she wants to have the offender arrested. The uniformed member of the service retains the discretion to make an arrest in a misdemeanor case, despite the victim's decision not to seek an arrest.
   b. Confer with Legal Bureau and effect arrest, if appropriate, for family offense(s) in which there is a family/household relationship as defined in the Family Court Act (NOT the NYPD Expanded Definition) and family offense(s) occured within New York State, but outside of New York City.
      (1) In cases where an arrest is effected within New York City, for a family offense, occuring outside of New York City, but within New York State, process as "For Other Authority (FOA)" Case, and comply with the provisions of *P.G. 208-03, 'Arrest Prcoessing – General,"* as well as, all other relevant Department procedures.

NOTE *The primary considerations when the complainant/victim does not want an arrest are the prevention of further violence and the safety of ALL household members. Factors to be taken into consideration include, BUT ARE NOT LIMITED TO:*

a. The past history of the offender and victim (prior arrests, incidents, injuries sustained etc.). If possible, conduct an inquiry through Department databases,
b. The uniformed member of the service's observations of the scene and victim,
c. Statements of witnesses,
d. Statements made by the offender (especially threats of suicide, homicide or other future violence),
e. Threatened use of weapons, or the presence of or access to weapons by the offender,
f. Mental and physical state of the offender (drug or alcohol intoxication, etc.), and
g. Presence of other household members who may be at risk, including the elderly.

If an officer has any doubts about the continued safety of any household member, AN ARREST SHOULD BE EFFECTED.

UNIFORMED MEMBER OF THE SERVICE (continued)

9. Make digital **Activity Log** entry if complainant/victim does not want an arrest for a misdemeanor or any violation committed in the uniformed member of the service's presence by family/household member.
   a. Request complainant/victim to affirm refusal by signing digital **Activity Log** entry.
   b. Enter "Refused Signature" if complainant/victim will not sign entry.

IN CROSS COMPLAINT SITUATIONS, WHERE THERE IS PROBABLE CAUSE TO BELIEVE THAT MORE THAN ONE FAMILY OR HOUSEHOLD MEMBER HAS COMMITTED A *FAMILY OFFENSE* MISDEMEANOR, IN OR OUT OF THE UNIFORMED MEMBER OF THE SERVICE'S PRESENCE IN A SINGLE DOMESTIC INCIDENT:

UNIFORMED MEMBER OF THE SERVICE

10. Attempt to identify the primary physical aggressor after considering the following criteria:
    a. The comparative extent of any injuries inflicted by and between the parties,
    b. Whether any of the parties are threatening or have threatened future harm against another party, family, or household member,
    c. Whether any of the parties has a prior history of domestic violence that the uniformed member of the service can reasonably ascertain, and
    d. Whether any such person acted defensively to protect himself or herself from injury.

NOTE *Where one party has committed a family offense misdemeanor against a family/household member in response to or in retribution for a crime committed against him or her in the past, the responding uniformed members of the service shall not determine who is the "Primary Physical Aggressor" and proceed as required by step "8," above.*

11. Confer with the patrol supervisor.
12. Arrest the offender identified as the primary physical aggressor.
    a. If complainant/victim requests that offender not be arrested, the uniformed member of the service may still effect the arrest.

NOTE *Where there is reasonable cause to believe that both parties to a particular domestic violence dispute have committed family offense misdemeanors and the responding uniformed members of the service are unable to determine who, if anyone, was the primary physical aggressor, it would be lawful to arrest both parties. Further, even where the responding uniformed members of the service are able to determine who was the primary physical aggressor, both parties may, if appropriate, be arrested. The primary consideration when deciding whether to arrest other persons, in addition to the primary aggressor, is the prevention of further violence and the safety to* ***ALL*** *household members. Evaluate each complaint separately. Do not base a decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding. If a complainant/offender/victim requests that the offender not be arrested, the uniformed member of the service may still effect an arrest. The primary considerations when the complainant/offender/victim does not want an arrest to be made are the prevention of future violence and the safety of* ***ALL*** *household members. (See "NOTE" following step "8").*

UNIFORMED MEMBER OF THE SERVICE (continued)

13. Make a digital **Activity Log** entry of:
    a. Factors that resulted in determination or inability to determine that a particular offender was the primary physical aggressor, and
    b. Fact that the complainant/victim does not want an arrest to be made
        (1) Request complainant/victim to sign digital **Activity Log** affirming that they do not want an arrest made
        (2) Enter "Refused Signature" if complainant/victim will not sign entry.

WHEN THERE IS PROBABLE CAUSE THAT ANY VIOLATION HAS BEEN COMMITTED, NOT IN THE UNIFORMED MEMBER OF THE SERVICE'S PRESENCE:

UNIFORMED MEMBER OF THE SERVICE

14. Refer complainant/victim as follows:
    a. Family/Household members, as defined in Family Court Act, AND family offense violation, to:
        (1) Family Court
        (2) Summons Part - Criminal Court (if concurrent jurisdiction exists, complainant may go to either court or both)
    b. Family/Household – Expanded Definition subdivisions "g" and "h" above and/or non-family offense violations – to Summons Part – Criminal Court.

NOTE

A uniformed member of the service cannot effect an arrest for VIOLATIONS NOT COMMITTED IN HIS/HER PRESENCE, UNLESS such violation is specifically prohibited in a current Order of Protection issued to the complainant/victim. The proper charge is Criminal Contempt in the Second Degree, Penal Law Section 215.50(3), or Criminal Contempt in the First Degree, Penal Law Section 215.51(b [v]) or (c) (see step "7," subdivision "b," above).

WHEN CONCURRENT JURISDICTION EXISTS:

UNIFORMED MEMBER OF THE SERVICE

15. Advise complainant/victim of the courts available to them and the purpose of each court as outlined in the "Definitions - Concurrent Jurisdiction" section.

IN ALL CASES:

UNIFORMED MEMBER OF THE SERVICE

16. Advise complainant/victim of availability of shelter and other services by providing the 24 hour Domestic Violence Hotline number, (800) 621-HOPE (4673), as per the New York State Family Court Act.
17. Prepare **New York State Domestic Incident Report (DCJS-3221)** in ALL instances in which response to OR becoming apprised of an incident (e.g., altercation, disturbance, conflict, or dispute) that involves members of the same Family/Household-Expanded Definition, or is an allegation of child abuse.
    a. If prepared in response to a radio run, include ICAD Incident number on form.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. List in the "Incident Narrative" section all factors that resulted in determination or inability to determine that a particular offender was the primary physical aggressor, when applicable.

c. Ask the following investigatory questions and record responses in the "Incident Narrative" section of the **New York State Domestic Incident Report**, and the "Details" section of the **COMPLAINT REPORT (PD313-152)**, if applicable.

(1) Where is the offender employed (include normal work hours, if known)?

(2) Does the offender drive a vehicle and if so, what type (include state and license plate number, if known)?

(3) What location, other than home, is the offender most likely to be found at (obtain as much detail as possible)?

(4) Does the offender have an email address and/or social media profile (include all account names, as applicable)?

d. List any arrest or investigatory evidence invoiced, including photographs uploaded via FORMS, in appropriate caption of the **New York State Domestic Incident Report** for incidents occurring within New York City.

e. Take photographs of visible injuries, damaged property, or other evidence that is a result of domestic violence for incidents occurring outside of New York City, but within New York State using Department smartphone, when appropriate.

(1) Do not upload photographs for incidents that occurred outside of New York City to Finest Online Management System (FORMS).

(2) Print out photographs and attach them to **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if prepared, for incidents that occurred outside of New York City.

(3) Print out photographs and prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

f. Ensure that the name and phone number of the precinct/PSA domestic violence prevention officer is printed in the "Prior History" section on page "2" of the **New York State Domestic Incident Report** for incidents occurring within New York City.

(1) Inform complainants/victims of domestic violence incidents occurring outside of New York City, but within New York State, that the Department cannot conduct an investigation, but will forward the New York State Domestic Incident Report to the appropriate jurisdiction.

g. Insert tax registry number of reporting member of the service in caption entitled, "Reporting Officer."

h. 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.

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) Instruct complainants/victims of domestic violence incidents occurring outside of New York City to contact the appropriate jurisdiction for necessary follow-up action.

i. Inform all parties that they may be contacted by the precinct/PSA domestic violence investigator concerning this incident.

j. Uniformed members of the service **MUST** ask persons present if there is access to guns (i.e., handgun, rifle, shotgun, etc.) in the residence, another location (i.e., business, car, other residence, etc.), and/or, if the offender is known to possess or carry a firearm.

k. If **New York State Domestic Incident Report** is prepared in response to an incident that occurred in New York State, but outside of New York City, do not enter into FORMS system.

(1) Forward to desk officer for review.

NOTE *In cross complaint situations, a **New York State Domestic Incident Report** shall be prepared for each complainant/victim. Every attempt should be made to have the complainant complete the "Statement of Allegations/Supporting Deposition" caption, regardless of what language they speak or write. DO NOT enter in "Statement of Allegations/Supporting Deposition" caption "Refused" or "Same as page 1" if the victim is unable to speak or write in English, unless the victim refuses. Always allow the victim to write in their primary speaking language if unable to write in English. If the need for an interpreter/translator arises, members of the service will comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons" or P.G. 212-104, "Interaction with Persons who are Deaf or Hard of Hearing," as appropriate. The member of the service preparing the **New York State Domestic Incident Report** should note the victim's primary language in the appropriate box in the "Victim (P1)" section of the **New York State Domestic Incident Report**. In addition, the member of the service should note the identity of any interpreter used in the "Interpreter Service Provider Name" section of the **New York State Domestic Incident Report**.*

*When preparing a **New York State Domestic Incident Report** and the victim completes the "Statement of Allegations/Supporting Deposition" (page 2) in a foreign language, the content of the **New York State Domestic Incident Report** must be transcribed and translated as accurately as possible to ensure the appropriate police services are provided. Desk officers must review all **New York State Domestic Incident Reports** to determine if the "Statement of Allegations/Supporting Deposition" (page 2) has been written in a language other than English. If the **New York State Domestic Incident Report** is written in a language other than English, the desk officer must comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons."*

*It is incumbent upon all members of the service to ensure that the statements of domestic violence victims, whether at the scene of an incident or in writing on a **New York State Domestic Incident Report**, are translated as soon as possible to determine if further police action is necessary.*

UNIFORMED MEMBER OF THE SERVICE (continued)

18. Use radio code dispositions to finalize assignment:
    a. 10-90F(1) **New York State Domestic Incident Report Prepared**/No Offense Alleged;
       Only to be used in those instances where the uniformed member of the service responded to a dispute which did not rise to the level of an offense; OR
    b. 10-90F(2) **New York State Domestic Incident Report** Prepared/ Unfounded
    c. 10-92F Arrest Effected/**New York State Domestic Incident Report** Prepared
    d. 10-93F **COMPLAINT REPORT/New York State Domestic Incident Report** Prepared
    e. 10-90J1 **New York State Domestic Incident Report** Prepared – No offense of child abuse is alleged
    f. 10-90J2 **New York State Domestic Incident Report** Prepared – Offense of reported child abuse is unfounded
    g. 10-92J Child Abuse Arrest Effected
    h. 10-93J **COMPLAINT REPORT/New York State Domestic Incident Report** is prepared for Child Abuse.

NOTE

These dispositions MUST be used to finalize any incident involving a Family/Household-Expanded Definition or allegations of child abuse. The Communications Section will NOT accept any other disposition code. If the assignment was initially categorized as other than a family dispute or offense, notify Communications Section dispatcher and use above codes to finalize the assignment.

*A hard copy of the **New York State Domestic Incident Report** must be prepared for all founded domestic incidents and is to be entered into FORMS if founded domestic incident occurred within New York City.*

*A hard copy of the **New York State Domestic Incident Report** WILL NOT be prepared for unfounded domestic incident occurring within New York City, and the required information will be directly entered into FORMS.*

*A hard copy of the **New York State Domestic Incident Report** WILL BE prepared for unfounded domestic incidents occurring outside of New York City, but within New York State.*

REPORTING PROCEDURE:

MEMBER OF THE SERVICE

19. Prepare **COMPLAINT REPORT** for each complainant/victim in addition to the **New York State Domestic Incident Report** when domestic violence incident occurred within New York City and complainant/victim alleges an OFFENSE has been committed between members of the same Family/Household-Expanded Definition, including the violation of an Order of Protection. Include in the "Details" section:
    a. Whether an Order of Protection is in effect
    b. Issuing court, and

MEMBER OF THE SERVICE (continued)

c. If offender not present, the possible location(s) of offender

d. In cross-complaint situations, where an attempt to determine which offender was the "primary physical aggressor" is required, include a statement that the offender was the "primary physical aggressor." The **COMPLAINT REPORT** pertaining to the offender determined not to be the "primary physical aggressor" shall be CLOSED to "Patrol" and the "Details" section shall include a statement that the offender was determined not to be the "primary physical aggressor."

NOTE *In cross-complaint situations requiring the preparation of two or more **COMPLAINT REPORTS** and where the responding uniformed members of the service are unable to determine which offender was the primary physical aggressor, the factors that resulted in the inability to make that determination must be included in the "Details" section of each **COMPLAINT REPORT**.*

20. Enter in caption entitled "Unit Referred to":
    a. Precinct Detective Squad - when **COMPLAINT REPORT** is prepared for:
        (1) Felony(s)
        (2) Violation(s) of an Order of Protection
        (3) Misdemeanor(s).

NOTE *The **COMPLAINT REPORT** MUST be classified as "open" in the above three circumstances, if an arrest is not made by patrol. However, in misdemeanor cases, close **COMPLAINT REPORT** only if complainant/victim does not want offender arrested and officer does not believe an arrest is warranted after considering criteria above.*

    b. Court(s) victim was referred to in closed complaints.
21. Advise the victim of the following when concurrent jurisdiction applies, as per the Family Court Act:
    a. Difference between proceedings in each court
    b. Importance in selection of the appropriate court to process charge(s) and option to change from one court to the other, or proceed in both.
22. Make entry in digital **Activity Log** regarding such advisement.
23. Prepare **COMPLAINT REPORT WORKSHEET** for family offenses occurring outside of New York City, but within New York State, as appropriate.
    a. Do not enter **COMPLAINT REPORT WORKSHEET** into OMNIFORM System.
    b. Forward to desk officer for review.

DESK OFFICER

24. DO NOT issue a **DESK APPEARANCE TICKET** when any offense is committed and an arrest is effected involving members of the same Family/Household-Expanded Definition.
25. Verify completeness and accuracy of all required forms.
    a. Ensure that **COMPLAINT REPORT WORKSHEETS** for New York State domestic violence incidents occurring outside of New York City are not entered into OMNIFORM system.

DESK OFFICER (continued)

b. Ensure that **New York State Domestic Incident Reports** for New York State domestic violence incidents occurring outside of New York City are not entered into FORMS system.

c. Ensure that **COMPLAINT REPORTS** are not generated for New York State domestic violence incidents occurring outside of New York City.

26. Scan and email completed **COMPLAINT REPORT WORKSHEETS**, photographs, and **New York State Domestic Incident Reports** for New York State domestic violence incidents occurring outside of New York City to the Inter-City Correspondence Unit (ICCU).

a. Forward physical copies of documents to ICCU via Department mail.

27. Have prisoner removed to borough Court Section facility to complete arrest process.

28. Ensure that digital photographs depicting domestic violence related evidence are taken for required cases on a Department smartphone via FORMS, and uploaded accordingly for New York City domestic violence incidents.

DOMESTIC VIOLENCE PREVENTION OFFICER

29. Perform duties and process all **New York State Domestic Incident Reports** as per *D.G. 501-02, "Domestic Violence Investigator."*

DESK OFFICER

30. Forward all open complaints of domestic violence to the detective squad, together with completed and signed photocopy of **New York State Domestic Incident Report**.

31. Ensure original **New York State Domestic Incident Report** is promptly entered into FORMS.

NOTE *The **INVESTIGATION CARD** will also be forwarded to the domestic violence unit of the precinct/PSA of offender's residence.*

DETECTIVE SQUAD COMMANDER

36. Confer bi-weekly with the precinct/PSA commanding officer and domestic violence supervisor regarding active and canceled domestic violence **INVESTIGATION CARDS**.

ADDITIONAL DATA *The immediate apprehension of domestic violence offenders is of paramount importance. Joint efforts involving the precinct detective squad and the precinct/PSA domestic violence unit is the most effective way to expeditiously apprehend named perpetrators. Therefore, it is incumbent upon Detective Zone commanding officers and precinct detective squad commanders to coordinate frequent joint operations/sweeps with the precinct/PSA commanding officer, special operations lieutenant and domestic violence unit sergeant to apprehend multiple named perpetrators.*

ADDITIONAL DATA (continued)

A uniformed member of the service will, when requested by a petitioner, assist in the service of an Order of Protection, summons, or petition (Orders of Protection issued by the Family Court and delivered directly to the Department will be served according to P.G. 212-57, "Service of Family Court/Supreme Court Orders of Protection by Uniformed Members of the Service").

To avoid unnecessary court appearances by uniformed members of the service who are requested by a petitioner to serve a respondent with an Order of Protection, summons, or petition, uniformed members of the service will prepare ***STATEMENT OF PERSONAL SERVICE (PD260-152)****. The uniformed member concerned will sign the* ***STATEMENT OF PERSONAL SERVICE*** *after completing all captions on the form. It is no longer sworn to before a supervisory officer. The original copy (white) will be given to the petitioner and the duplicate copy (blue) will be filed in the precinct/PSA of service. Upon successfully serving an Order of Protection, uniformed members of the service must enter the service information into the appropriate field in the zFINEST application or the eJusticeNY application. Timely and accurate entry of service information ensures future police action can be properly taken.*

New York State Domestic Incident Reports *are potential Rosario material, and must be maintained at the precinct/PSA of occurrence. If an arrest is effected, the arresting officer must ensure that the Assistant District Attorney is provided with a copy of the* ***New York State Domestic Incident Report*** *prepared in regard to the incident. When requested, the domestic violence investigator will make all* ***New York State Domestic Incident Reports*** *prepared regarding the person arrested available to an Assistant District Attorney.*

In violation cases referred to the Criminal Court - Summons Part, the complainant/victim must have the offender's address available for service of the summons. Misdemeanor cases should NOT be referred to the Criminal Court - Summons Part. The preferred course of action is to advise the complainant/victim to contact the police on the next contact with the offender and request an arrest, presenting the ***New York State Domestic Incident Report*** *as proof of the previous complaint.*

Uniformed members of the service responding to a report of a domestic violence incident will question persons present about the existence of firearms in the household. Seize ANY firearms (including rifles, shotguns, and antique firearms), and other weapons (e.g., electric dart gun, disguised gun, imitation weapon, etc.) and firearm licenses/permits, if:

(1) License holder is arrested, regardless of the charge; or
(2) An Order of Protection exists against the licensee; or
(3) When the incident involves physical force or the threat of physical force.

When a uniformed member of the service reasonably believes that the presence of firearms at a location creates imminent risk of physical injury or serious physical injury, the following actions should be taken to remove the weapon from the location:

(1) Seize illegally possessed firearm(s) and make an arrest

(2) Seize legally possessed firearm(s) when such weapons create imminent risk of physical injury or serious physical injury
(3) Voucher legally possessed firearms which are voluntarily surrendered by participants in domestic incidents.

ADDITIONAL DATA (continued)

In all incidents involving pistol or permit holders, notify the License Division, Incident Section and comply with P.G. 212-118, "Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits." License/permit holders must immediately notify the License Division, Incident Section, of any police incident in which they are involved.

NYPD

PURPOSE To process domestic incidents involving uniformed or civilian members of the service.

PROCEDURE When directed to respond on a radio run or assignment that is later deemed to be a family offense or domestic incident (as per the Department's expanded definition of Family/Household) involving uniformed or civilian members of the service:

NOTE *Effective January 1, 1996, the Criminal Procedure Law mandates that an arrest be made when an officer establishes probable cause that any family offense misdemeanor has been committed, unless the victim, on his/her own volition, requests that an arrest not be made. The law prohibits a uniformed member of the service from inquiring whether the victim seeks an arrest of such person. In addition, uniformed members of the service are reminded that P.G. 208-36, "Family Offenses/Domestic Violence," sets out a mandatory arrest policy if a uniformed member of the service establishes probable cause that any felony has been committed or an order of protection has been violated.*

RESPONDING MEMBER OF THE SERVICE

1. Obtain medical assistance if requested or the need is apparent.
2. Ascertain the facts.
3. Ensure that the patrol supervisor is responding.

NOTE *Communications Section will automatically direct the patrol supervisor to respond to the scene of all family-related incidents involving members of the service.*

A member of the service performing stationhouse duties who is apprised of a domestic incident involving a member of the service will notify the desk officer. The desk officer will ensure that the procedures outlined in this order are followed.

PATROL SUPERVISOR

4. Comply with the provisions of *P.G. 208-36, "Family Offenses/Domestic Violence."*
   a. Direct the preparation of a **New York State Domestic Incident Report (DCJS-3221**) in all cases.
   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 the complainant/victim, if present.

<u>IN ALL CASES INCLUDING WHEN NO OFFENSE HAS BEEN ALLEGED</u>:

PATROL SUPERVISOR

5. Comply with *P.G. 208-36, "Family Offenses/Domestic Violence."*
6. Apprise the parties of the availability of counseling (see *Additional Data* statement).

NOTE *When there is doubt as to who is the offender and who is the victim, or if there is a cross-complaint situation, the commanding officer/duty captain will be notified and will determine the course of action.*

WHEN THE MEMBER OF THE SERVICE IS A VICTIM:

PATROL SUPERVISOR

7. Notify precinct commanding officer/duty captain who will ensure that appropriate action is taken and apprise parties of the availability of counseling.

DUTY CAPTAIN

8. Respond, ensure appropriate action is taken, and apprise parties of the availability of counseling when a member of the service is a victim of an incident that occurred within New York City.

IF THE MEMBER OF THE SERVICE IS ALLEGED TO HAVE COMMITTED AN OFFENSE, IN ADDITION TO STEPS 5 AND 6, COMPLY WITH THE FOLLOWING STEPS:

PATROL SUPERVISOR

9. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared.

NOTE *If a member of the service is arrested, comply with A.G. 318-09, "Member of the Service Arrested - Uniformed or Civilian."*

10. Notify desk officer, precinct of occurrence.

DESK OFFICER

11. Notify and confer with precinct commander/duty captain.
12. Notify Internal Affairs Bureau Command Center and obtain log number.
    a. Enter the IAB log number in the "Results of Investigation and Basis of Action Taken" section of the **New York State Domestic Incident Report**.
    b. Enter IAB log number in the "Details" section of the **COMPLAINT REPORT**.
        (1) IAB will determine the appropriate investigating command.
    c. Direct that **New York State Domestic Incident Report** be entered into Finest Online Records Management System (FORMS), including the IAB log number.
13. Prepare report on **Typed Letterhead** in all cases even if offender was not present. Provide details of incident and include domestic referrals/counseling offered to the victim. Forward with copy of **COMPLAINT REPORT** and **New York State Domestic Incident Report** in a sealed envelope, as follows:
    a. Chief of Internal Affairs (original **New York State Domestic Incident Report**).
    b. Commanding officer, member of the service involved. (If more than one member of the service is involved, send a copy of report to commanding officer of each.)
    c. Commanding officer, precinct of occurrence.
        (1) Maintain in confidential file.
    d. Commanding officers of:
        (1) Medical Division

DESK OFFICER (continued)

(2) Employee Resources Section (immediately, by fax)

(3) Personnel Orders Division, if firearms are removed.

NOTE

In situations where the complainant/victim is present at the stationhouse, the desk officer will ensure that only persons who are investigating the incident have access to the complainant/victim.

No other copies or files relating to the investigation will be maintained in the precinct of occurrence other than in the commanding officer's confidential file.

Victims of domestic violence may be referred to the following in an effort to provide appropriate victim services:

NYC Victims Services	*(800) 621-HOPE (4673)*
NYS Coalition Against Domestic Violence	*(800) 942-9606*

COMMANDING OFFICER/ DUTY CAPTAIN

14. Commence an immediate investigation and take appropriate action as indicated by *P.G. 208-36, "Family Offenses/Domestic Violence."*
    a. Make a background inquiry through the Internal Affairs Bureau Command Center during the initial stages of an official investigation involving a member of the service and PRIOR to suspending, modifying or placing the member concerned on restricted duty pending evaluation of duty status. This conferral is to obtain background information that may assist in the investigation. All decisions regarding the investigation, as well as any resulting determination regarding the member's duty status, remain the responsibility of the commanding officer/duty captain concerned.
    b. If the offender is not present and further investigation is required, confer with the Internal Affairs Bureau and request assistance if needed.

NOTE

Whenever notification of an incident involving a member of the service (uniformed or civilian) occurring outside the City of New York is received, the appropriate duty captain will be responsible for conducting an investigation. The duty captain shall respond to the location if within residence counties. Prior to interviewing parties, the duty captain shall confer with the local jurisdictional law enforcement agency to ensure the interviews will not compromise the integrity of any criminal investigation. All decisions concerning the initial investigation of the allegation remain the responsibility of the duty captain. Follow-up notifications concerning actions taken, anticipated, or recommended will be made to update the Internal Affairs Bureau Command Center.

COMMANDING OFFICER/M.O.S. INVOLVED

15. Review and maintain a confidential file of all reports regarding members of the service involved in domestic incidents.
    a. Confer with Internal Affairs Bureau regarding status of ongoing investigations.

IAB GROUP COMMANDING OFFICER

16. Designate a supervisory member of the unit to be a "Domestic Violence Investigator."

IAB GROUP COMMANDING OFFICER (continued)

17. Ensure that the investigations unit is equipped with a Domestic Incident Report database.

IAB INVESTIGATIONS UNIT ASSIGNED

18. Ensure that the **New York State Domestic Incident Report** has been entered into the Domestic Violence Database System. Conduct the Domestic Violence Database System Review process and finalize the **New York State Domestic Incident Report** in the database.
19. Check the database for a record of prior domestic incidents.

NOTE

*In addition, confer with the integrity control officer of the subject's and victim's resident precincts to ascertain if other **New York State Domestic Incident Report** have been prepared, (e.g., no allegation was alleged, etc.).*

20. Confer with Internal Affairs Bureau to ascertain whether there exists any record of prior domestic violence incidents involving the subject member of the service.
21. Confer with the Domestic Violence Prevention Officer of the victim's resident precinct/local police agency to ascertain if there are domestic violence services available and make appropriate referrals to the victim. Document referrals made in case folder.

ADDITIONAL DATA

An off-duty uniformed member of the service present at an unusual police occurrence (including family disputes and other incidents of domestic violence) in which the officer is either a participant or a witness is required to remain at the scene when feasible and consistent with personal safety and request the response of the patrol supervisor. In situations where remaining at the scene is not feasible, uniformed members are to notify the desk officer, precinct of occurrence. When the incident occurs outside the City of New York, the uniformed member of the service is to notify the Operations Unit.

Counseling and other services are available for both members of the service and their families. Uniformed and civilian members or their families may contact any of the units listed below to obtain necessary services and referrals for counseling, shelter and other assistance:

Family Assistance Section
Employee Assistance Unit
Counseling Services Unit
Chaplains' Unit
Behavioral Care and Support Section
Sick Desk
Sick Desk Supervisor
NYPD HELPLINE
Operations Unit

After hours, or in an emergency, contact the HELPLINE, Sick Desk or Operations Unit.

In addition, the following non-Departmental programs and Domestic Violence Prevention Hotlines can provide referrals:

ADDITIONAL DATA (continued)	*New York City (Victims Services)*	*800-621-HOPE(4673)*
	NYS Coalition Against Domestic Violence	*800-942-6906*
	National Coalition Against Domestic Violence	*(202)-638-6388*
	PBA Membership Assistance Program	[redacted]
	Police Self Support Group	

PURPOSE To establish guidelines to be followed whenever a complainant claims to be the petitioner (possessor) of an active order of protection but is either unable to produce a copy of the order or produces one that is illegible, for the responding officer's review.

PROCEDURE When a member of the service is informed by a complainant that he/she possesses an active order of protection, which has been violated, but is unable to produce a copy of that order.

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain from the complainant all available information concerning the order (e.g., court of issuance, date of issuance, the names, addresses and dates of birth of all parties concerned, etc.).

NOTE *The above list of information to be obtained, if possible, from the complainant serves to aid the member accessing the system in verifying that the correct order has been located. Failure to obtain certain information from this list will not prevent the locating of a database file; an order can be located merely by entering the petitioner's (complainant's) name and date of birth. However, every attempt should be made to ascertain as much information as possible concerning the order and the parties to whom it pertains.*

2. Telephone Central Records Division, Identification Unit to verify that an Order of Protection was issued, court of issuance, specific conduct prohibited and the expiration date.
3. If the Identification Unit reports that there are no Orders of Protection on file pertaining to the complainant/victim, telephone the precinct of occurrence and request a member of the service authorized to operate the FINEST System to conduct an Order of Protection database inquiry.
   a. In the event the precinct of occurrence is unable to conduct the inquiry, request the Communications Section dispatcher to conduct the inquiry.

NOTE *The following information is obtainable through the database:*

a. Data relating to the person requesting the Order of Protection (name, address, date of birth, etc).
b. Data relating to the person against whom the order runs (name, address, date of birth, etc).
c. The terms and conditions of the order.
d. Date and court of issuance, and date of expiration.
e. Whether the respondent has been served with a copy of the order.
f. Additional comments regarding the parties involved and unique terms of the order.

It should be noted that the state database will not contain Orders of Protection that have been issued prior to October 1, 1995.

NOTE (continued) *The Central Records Division intranet database application will be utilized to access information for all Orders of Protection issued by New York City based courts, as outlined in Patrol Guide 208-36, "Family Offenses/Domestic Violence."*

WHEN THE COMPLAINANT INDICATES THAT THE ORDER WAS ISSUED PRIOR TO OCTOBER 1, 1995, OR A STATE DATABASE INQUIRY REVEALS THAT THERE IS NO ORDER ON FILE RELATING TO THE PARTIES CONCERNED

UNIFORMED MEMBER OF THE SERVICE

4. Telephone Central Records Division, Identification Unit to verify the existence of the order.

WHEN A STATE DATABASE INQUIRY REVEALS THAT THERE IS AN ACTIVE ORDER OF PROTECTION IN EFFECT

UNIFORMED MEMBER OF THE SERVICE

5. Verify that the order relates to the parties involved, naming the complainant as petitioner and the offender as the respondent.
6. Verify that the respondent has been previously served with a copy of the order.

NOTE *In order to effect an arrest for violation of an order of protection, the member must have probable cause to believe the order was effectively served upon the respondent PRIOR to its violation. While a notation in the database file will provide the member with sufficient probable cause to believe the order was effectively served, the absence of such information in the database file will not automatically prevent the member from making the arrest. If the member, through alternative means, can verify that the order was properly served (e.g., an affidavit of service, an admission by the respondent that he/she was properly served, etc) then the arrest can be effected.*

7. Determine whether there exists probable cause to believe that the terms of the order have been violated by the respondent. If probable cause does exist, comply with the applicable provisions of *P.G. 208-36, "Family Offenses/Domestic Violence."*

ADDITIONAL DATA *The fact that the order has not been properly served or that the specific terms of the order have not been violated will not prevent the member from effecting an arrest if the underlying conduct constitutes a crime.*

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

PURPOSE To capture, store and maintain digital photographic evidence of visible injuries, damaged property and/or other evidence as a result of domestic violence.

SCOPE All uniformed members of the service are now able to digitally capture domestic violence photos through Department issued smartphones, and electronically transmit them as a permanent record attached to the **New York State Domestic Incident Report (DCJS-3221)** via the Finest Online Records Management System (FORMS). These images may then be instantly viewed by prosecutors at each borough's District Attorney's Office and the New York Law Department (Corporation Counsel) who will have access to the Domestic Violence Digital Photo Database. Prosecutors may then present digital images of domestic violence to judges at the time of arraignment, thereby strengthening the District Attorney's case. In addition, uniformed members acting in investigatory and support roles (Detective Bureau personnel, domestic violence investigators, etc.) will be able to view these photos prior to making further contact with the victim and/or offender.

PROCEDURE Upon responding to the scene of a reported domestic violence incident:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 208-36, "Family Offenses/Domestic Violence."*
2. Determine if photographs must be taken.
   a. For incidents that occurred within New York State, but outside of New York City, take photographs using Department smartphone.
      (1) Print out photographs and attach to **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if prepared.
      (2) Do not upload photographs to Finest Online Records Management System (FORMS).
      (3) Print out photographs and prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
3. Ascertain if the victim is willing to be photographed.
   a. Advise the victim that photographable evidence is crucial to future prosecutorial efforts and/or civil process such as divorce and child custody proceedings.
   b. If victim is not willing to be photographed, note refusal on **New York State Domestic Incident Report (DCJS-3221)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
      (1) Additionally, note refusal in digital **Activity Log**, and if possible, have victim sign digital **Activity Log** entry.
4. Take photographs through FORMS on Department issued smartphones for incidents that occurred within New York City. Utilize "Domestic Violence," "DV Photos," and "Take Picture" tabs, and take digital photographs as necessary, including, but not limited to:
   a. Visible injuries and a photo of victim from the waist up for ID purpose,

NOTE *Uniformed members of the service must take photos of visible injuries, redness or swelling. Additional photos must be taken by domestic violence investigators should any injuries, redness or swelling become visible at a later time.*

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Weapons,
c. Property damage,
d. Overall scene to illustrate disarray,
e. Appropriate recent photo of perpetrator, from victim's cell phone or other source, if no arrest is effected (a photo of a picture on the victim's cell phone is appropriate in these cases and a recent picture of the perpetrator will greatly assist in apprehension),
f. Threatening social media and/or text messages (include photo of perpetrator's contact information and IMEI number from victim's cell phone),
g. When a violation of an Order of Protection is committed via phone contact, or a threatening or repeated phone call is made, a photo of the call log from the victim's phone will be taken, if possible (include photo of perpetrator's contact information and IMEI number from victim's cell phone),
h. Apologetic text messages and/or other social media messages that indicate suspect culpability, and
i. Other types of evidence (e.g., pictures of caller-id for aggravated harassment, flowers/notes for stalking, blood on the clothes/hands or ripped clothing of the victim/perpetrator, etc.).

NOTE *Members are reminded that the photographing of evidence does not substitute for the collection and invoicing of physical evidence (e.g., weapons, clothing, etc.). Members will adhere to P.G. 218-01, "Invoicing Property – General Procedure" when invoicing physical evidence.*

5. Ensure "Photos Taken" box within the "Evidence" section (Evid) of the **New York State Domestic Incident Report** is completed for incidents that occurred within New York City.
6. Upon completion of taking all required photographs through FORMS on the Department issued smartphone, press save and document reserved **New York State Domestic Incident Report** number on the scratch copy of the **New York State Domestic Incident Report** for incidents that occurred within New York City. Make a digital **Activity Log** entry documenting the reserved **New York State Domestic Incident Report** number.

DOMESTIC VIOLENCE INVESTIGATOR

7. Review all completed **New York State Domestic Incident Reports**, finalized **COMPLAINT REPORT** printouts, and the domestic violence photos through the Domestic Violence Information Management System (DVIMS), daily, to ensure that the digital photos for domestic violence were taken as necessary.

DOMESTIC VIOLENCE INVESTIGATOR (continued)

8. Conduct follow-up with victims and take digital photos, as necessary.
   a. Comply with "step 4, a through i," when collecting additional follow-up digital evidence photographs. Additionally, special attention will be given to injuries that weren't visible at the time of the incident, but are now visible.
9. Add additional photos through FORMS utilizing the "Maintenance Tab."

TRAINING SERGEANT

10. Ensure that all uniformed members of the service assigned to the command are properly trained in the taking and uploading of domestic violence digital photos.

NYPD

PURPOSE To ensure a chemical test is appropriately administered to a person under the age of twenty-one who is detained pursuant to section 1192-a of the Vehicle and Traffic Law (VTL).

SCOPE VTL section 1192-a should be enforced when an operator of a motor vehicle who is under twenty-one years of age is not charged with any other VTL section 1192 violation. Violators of VTL section 1192-a are only adjudicated by the Department of Motor Vehicles (DMV), as this violation is not a criminal offense.

PROCEDURE When a uniformed member of the service detains a person under twenty-one years of age for operating a motor vehicle after consuming alcohol:

UNIFORMED MEMBER OF THE SERVICE

1. Request response of patrol supervisor.
2. Inform detainee of authority and cause of detention, unless physical resistance, flight, or other factors render such action impractical.
3. Handcuff detainee with hands behind back.
4. Immediately frisk detainee for weapons (NOT for evidence or contraband) and comply with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."*

PATROL SUPERVISOR

5. Respond to scene and verify the following:
   a. Uniformed member of the service made a lawful stop of detainee, and
   b. There is reasonable cause to believe that detainee violated section 1192-a of the VTL.
6. Direct uniformed member of the service to request Communications Section to dispatch Highway District personnel to designated testing location.
   a. Ensure uniformed member of the service states time of detention when making request.
7. Direct uniformed member of the service to remove detainee in a Department vehicle to designated testing location.
   a. Assign adequate personnel to escort prisoner, depending on circumstances.
8. Direct uniformed member of the service to notify registered owner of vehicle (if detainee is not the owner), and ensure the following prior to releasing vehicle to licensed operator designated by detainee:
   a. Vehicle is not wanted on an alarm,
   b. Vehicle is not required as evidence,
   c. Prisoner was in lawful possession of vehicle, and
   d. Vehicle is not subject to forfeiture.

NOTE *Ensure notification to registered owner does not unnecessarily delay removal of detainee to the borough Intoxicated Driver Testing Unit.*

PATROL SUPERVISOR (continued)

9. Release vehicle, as appropriate.
10. Direct vehicle to be removed to precinct of arrest for safeguarding, if vehicle cannot be released.

DESK OFFICER, PRECINCT OF ARREST

11. Make required entries in Command Log and on Centralized Personnel Resource (CPR) Roll Call System, including:
    a. Uniformed member of the service's post change, and
    b. Department auto number of vehicle used to transport detainee to testing location.
12. Ensure *P.G. 218-12, "Safeguarding Vehicles in Police Custody"* and *P.G. 218-20, "Delivery of Vehicles to Property Clerk"* are complied with, if vehicle is not released to a licensed operator.

UNIFORMED MEMBER OF THE SERVICE

13. Report with detainee to desk officer, testing location.

DESK OFFICER, TESTING LOCATION

14. Make Command Log entry of:
    a. Identity of uniformed member of the service and Department auto number of vehicle used to transport detainee, and
    b. Identity and pedigree of detainee.
15. Verify Highway District has been notified and is responding.

I.D.T.U. TECHNICIAN

16. Comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* and substitute the word "DETAINED" for "ARRESTED."
17. Release detainee if BrAC reading is less than .02% on an evidentiary instrument, and no other reason to hold detainee exists.

<u>BrAC READING OF .02% THROUGH .05%:</u>

UNIFORMED MEMBER OF THE SERVICE

18. Prepare **Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1)**.
19. Select a hearing date between two and thirty days after test date, Monday through Friday, excluding legal holidays, and compatible with duty schedule (not on RDO's or authorized leave).

IF DETAINEE SUBMITS TO BREATH TEST AND A READING OF .06% OR GREATER IS OBTAINED, OR A READING OF .04% OR GREATER IS OBTAINED FROM A COMMERCIAL DRIVER LICENSE (CDL) HOLDER WHO IS OPERATING A COMMERCIAL VEHICLE:

UNIFORMED MEMBER OF THE SERVICE

20. Arrest detainee and charge individual with appropriate VTL section, based upon Chemical Test reading, and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
21. Conduct inquiry to determine location from which detainee was served alcohol.
    a. If positive information received, notify Intelligence Division and comply with *P.G. 212-12, "Citywide Intelligence Reporting System."*

IF DETAINEE REFUSES CHEMICAL TEST:

UNIFORMED MEMBER OF THE SERVICE

22. Prepare **Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A)**, **Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol)**, and **Report of Refusal to Submit to a Chemical Test (AA-134)**.
23. Select a hearing date between two and thirty days after test date, Monday through Friday, excluding legal holidays, and compatible with duty schedule (not on RDO's or authorized leave).
24. Distribute copies of **Notice of Chemical Test Refusal Hearing (Person Under Age 21)** and **Report of Refusal to Submit to a Chemical Test**, as appropriate.
25. Comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if a chemical test is refused.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

This procedure applies to persons under twenty-one years of age with a BrAC of .02% through .05% (actual VTL section 1192-a states that it is meant for persons with a BrAC of .02% through .07%. However, the District Attorney's Offices prosecute a BrAC of .06% or greater as Driving While Intoxicated). It will not be followed for prisoners under the age of twenty-one when:

a. A prisoner's BrAC is determined to be .06% or higher,
b. A prisoner refused a breath test and is believed to be intoxicated, or
c. Impairment from a drug other than alcohol is suspected, regardless of BrAC reading.

Since an individual who violates VTL section 1192-a is detained rather than arrested, an individual who resists detention or attempts to escape a lawful stop would be subject to arrest for Obstructing Governmental Administration (section 195.05 of the Penal Law [A Misdemeanor]), rather than for Resisting Arrest.

RELATED PROCEDURES

Release of Prisoners (P.G. 210-13)
Intoxicated or Impaired Driver Arrest (P.G. 208-40)

RELATED PROCEDURES (continued)

Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Citywide Intelligence Reporting System (P.G. 212-12)
Safeguarding Vehicles in Police Custody (P.G. 218-12)
Delivery of Vehicles to Property Clerk (P.G. 218-20)

FORMS AND REPORTS

Report of Refusal to Submit to a Chemical Test (AA-134)
Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A)
Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1)

NYPD
POLICE DEPARTMENT NEW YORK CITY OF

PURPOSE To arrest persons for whom warrants have been issued.

DEFINITION ARRESTING OFFICER – For the purposes of this procedure, an arresting officer is any non-supervisory uniformed member, including detective squad personnel, assigned to arrest persons named on warrants issued by the court.

PROCEDURE When arresting a person for whom a warrant has been issued:

ARRESTING OFFICER

1. Inform defendant of warrant and offense charged unless physical resistance, flight or other factors make such procedure impractical.
2. Present warrant, if requested, or as soon as possible, if not possessed at time of arrest.
3. Announce authority and purpose if premises is involved, and there is reasonable cause to believe that defendant is inside, EXCEPT if giving such notice may:
   a. Endanger the life or safety of the officer or another person, OR
   b. Result in defendant attempting to escape, OR
   c. Result in material evidence being destroyed, damaged or hidden.

NOTE *The City Charter authorizes the immediate and unannounced entry into a premise in an emergency situation; this includes an "urgent child abuse" case situation where the life or safety of a child or any other person is endangered. In other cases where there is no emergency, exceptions DO NOT apply (i.e., Family Court warrants, including Urgent Child Abuse Warrants).*

4. Make a forced entry into premises, if necessary.

NOTE *If premise is a third party residence, such forced entry is prohibited without a search warrant.*

5. Make arrest and comply with the pertinent arrest processing guidelines.
   a. When court is not in session, contact borough Court Section supervisor for instructions as to location to which prisoner is to be transported.
6. Ascertain if any additional warrants or active **INVESTIGATION CARD(S) (PD373-163)** exist concerning the subject of the immediate warrant via applicable Department resources as described in *P.G. 208-22, "Performing Local, State and Federal Warrant Checks*."
   a. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if an **INVESTIGATION CARD** has been discovered.

NOTE *A subject can be run by name, NYSID, or by the docket number (if known) under the "Keyword" function in DAS. In addition, in order to sort through the information returned through DAS, it is recommended that the "Warrants Active" tab be checked under the Source Section of the Filter System.*

ARRESTING OFFICER (continued)

7. Complete **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** if arrest warrant, or **ARREST REPORT - SUPPLEMENT (PD244-157)** if bench warrant, and enter under "NARRATIVE":
   a. Date warrant issued, court, judge, and county of issuance
   b. Rank, name, shield number and command of member of the service who verified the status of the warrant
   c. Docket number and other pertinent information.
8. Arraign prisoner as follows:
   a. CRIMINAL COURT WARRANTS
      (1) Warrants issued by New York, Queens, Bronx, or Kings County Criminal Court:
         (a) Arraign prisoner in Criminal Court or Weekend/ Night Court of the borough that issued the warrant.
      (2) Warrants issued by Staten Island Criminal Court:
         (a) When in session, arraign prisoner in Staten Island Criminal Court
         (b) When not in session, confer with Staten Island borough Court Section and process prisoner as directed.
   b. SUPREME COURT WARRANTS
      (1) If in session, take prisoner before Supreme Court that issued warrant.
      (2) When a police officer cannot bring the defendant to Supreme Court for arraignment (after 1700 hours on weekdays and on weekends), the officer will deliver defendant as follows:
         (a) Adult males to the Department of Correction facility listed (see ADDITIONAL DATA for Department of Correction locations)
         (b) Adult females to the Rose M. Singer Center on Rikers Island
         (c) Male adolescents (18 years of age) will be brought to the Adolescent Reception and Detention Center on Rikers Island.
         (d) Male and female juveniles (16 and 17 years of age) will be brought to the appropriate facility designated by the Administration for Children's Services (ACS).
   c. FAMILY COURT WARRANTS
      (1) When in session, remove prisoner to Family Court that issued warrant.
      (2) When not in session, arraign prisoner in Weekend/Night Court, borough of arrest.
9. The police officer delivering the prisoner will provide the Department of Correction with a copy of the Supreme Court arrest warrant or bench warrant.

ARRESTING OFFICER (continued)

10. Police officers delivering defendants to Rikers Island will proceed across the Rikers Island bridge and go directly to the appropriate reception center where they will be required to check all their weapons. After complying, they will proceed to the receiving entrance of the facility to lodge the defendant, and will retrieve their weapons after the defendant is lodged.
11. In order to accurately account for instances where a defendant is returned to court solely on the basis of a warrant (Criminal or Supreme Court, bench, etc.) and there is no associated arrest number generated, all escorting officers, **with the exception of members of the service assigned to the Fugitive Enforcement Division or any of its sub-units**, must report to the designated borough Court Section location as follows:
    a. Manhattan – Room 132
    b. Brooklyn – Room 207
    c. Bronx – Prisoner Intake
    d. Queens – Prisoner Intake
    e. Staten Island – 120th Precinct Arrest Processing Office.

    In all cases, escorting officers will obtain a "Return on Warrant" number from Court Section personnel prior to departing the court facility.
12. If arrest made in borough other than borough where warrant was issued (Inter-County Warrant): prepare following statement on Court Complaint, "At (time) hours, on (date), Police Officer (name, shield number, command) performing duty in (borough) Criminal Court has verified through records on file at said court that the warrant forming the basis of this arrest is active."

WHEN AN ARREST IS AFFECTED SOLELY ON A BENCH WARRANT

DESK OFFICER

13. Make Command Log entry relative to the detention of the prisoner.

ARRESTING OFFICER

14. Prepare **ARREST REPORT - SUPPLEMENT** and submit to supervisor for review and signature.
    a. Indicate on **ARREST REPORT - SUPPLEMENT** if, and exactly how, the subject may have attempted to avoid arrest.

ADDITIONAL DATA

PAROLE WARRANT

If a uniformed member of the service conducting an investigation has a parole absconder in custody SOLELY on the authority of a parole warrant, the arrest will be processed as "FOA" as follows:

a. Notify New York State Department of Corrections and Community Supervision (DOCCS) at their 24 hour Operations Center at [redacted] and request a faxed copy of the warrant

b. Notify Warrant Verification Desk of apprehension and details

c. Ensure that parole violators are served with a copy of the charges upon which the warrant is based, as well as, the dates on which the probable cause and revocation hearings are to be scheduled.

ADDITIONAL DATA (continued)

PRISONERS IN THESE CASES WILL BE LODGED AT THE APPROPRIATE DEPARTMENT OF CORRECTION FACILITY AND ARE NOT TO BE TRANSPORTED TO BOROUGH COURT SECTION FACILITIES. When preparing the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET****, indicate in the "Narrative Section," the time, date, and names of who was notified at the Warrant Section and at the Parole Absconder Search Unit, prior to forwarding a copy of the* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *to the borough Court Section.*

YOUTH AWOL FROM A RESIDENTIAL FACILITY

When a youth who is AWOL from a residential facility is apprehended on an Office of Children and Family Services Warrant, the youth will be returned directly to the residential facility, if located within New York City. If AWOL from a facility outside New York City, the youth will be taken directly to the appropriate facility designated by the Administration for Children's Services (ACS). In NO CASE will the youth be taken to Family Court.

PINS WARRANT

If the defendant is NOT released on an APPEARANCE TICKET - FAMILY COURT on the Juvenile Delinquency charges, the defendant will be taken to the appropriate facility designated by the Administration for Children's Services (ACS)

When a defendant is taken into custody, and in addition to a PINS Warrant, there are other Juvenile Delinquency charges:

a. The juvenile may be served an ***APPEARANCE TICKET - FAMILY COURT (PD277-130)*** *for the other charges, if eligible. However, the juvenile will be kept in custody on the authority of the PINS Warrant and taken to a designated Emergency Children's Service facility*

b. If the defendant is NOT released on an ***APPEARANCE TICKET - FAMILY COURT*** *on the Juvenile Delinquency charges, the defendant will be taken to the appropriate facility designated by the Administration for Children's Services (ACS).*

When a person is apprehended outside New York City, but within New York State on the authority of a felony/misdemeanor warrant issued by a New York City Court, the Inter-City Correspondence Unit will notify the Warrant Section to assign personnel to return the prisoner to New York City. Travel expense funds, if needed, may be obtained from the Audits and Accounts Unit. If closed, funds may be obtained at the Office of the Chief of Detectives (see P.G. 212-83, "Leaving City on Official Business").

The address of each Department of Correction facility is as follows:

Manhattan
Manhattan Detention Complex (MDC)
125 White Street
New York, New York 10013

Brooklyn and Staten Island
Brooklyn Detention Complex
275 Atlantic Avenue
Brooklyn, New York, 11201

Bronx and Queens
Department of Correction Barge
1 Halleck Street
Bronx, New York, 10474

Juvenile Facility
Adolescent Reception and
Detention Center (ARDC)
11-11 Hazen Street
East Elmhurst, New York 11370

ADDITIONAL DATA (continued)

Female Facility
Rose M. Singer Center (RMSC)
19-19 Hazen Street
East Elmhurst, New York 11370

RELATED PROCEDURES

Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Computerized Investigation Card System (P.G. 208-23)
Certificate of Warrant (Non-Support) (P.G. 208-50)
Search Warrant Applications (P.G. 212-75)
Leaving City on Official Business (P.G. 212-83)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
APPEARANCE TICKET - FAMILY COURT (PD277-130)
INVESTIGATION CARD (PD373-163)

PATROL GUIDE

Section: Arrests		Procedure No: 208-44	
PROSTITUTION			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To process persons arrested for prostitution.

PROCEDURE When a person is arrested for prostitution, follow normal arrest procedure and:

ARRESTING OFFICER

1. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
2. Include under details on **ON LINE BOOKING SYSTEM ARREST WORKSHEET**:
   a. Length of time of observation
   b. Action which caused arrest
   c. Any statements by prisoner to substantiate charge
   d. Location of offense
   e. How person was attired
   f. Character of room
   g. Fee paid
   h. Was money returned?
   i. Other necessary information.
3. Notify Borough Vice Module (or Detective Bureau Wheel, if unavailable) if:
   a. Defendant is less than eighteen years of age, or;
   b. Defendant states that he/she is being compelled to work as a prostitute, or;
   c. Defendant states that he/she has been transported across state lines for the purpose of engaging in prostitution.

DESK OFFICER

4. Verify identity and address if prisoner is not in possession of satisfactory documentary proof.

ARRESTING OFFICER

5. Sign all copies of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** under booking officer's signature.

ADDITIONAL DATA *The arresting officer will submit a copy of the court affidavit and the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** to his/her immediate supervisor after arraignment of the prisoner. A **COMPLAINT REPORT (PD313-152)** is not prepared, however fingerprints and photos are taken.*

RELATED PROCEDURES *Photographable Offenses (P.G. 208-07)*
Police Action in Premises Licensed or Unlicensed Where Alcoholic Beverages Are Sold (A.G. 321-19)

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

Section: Arrests		Procedure No: 208-46	
GAMBLING			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To process an arrest for violation of the gambling laws.

PROCEDURE When processing a prisoner charged with violating the gambling laws, follow appropriate arrest processing procedures and:

ARRESTING OFFICER

1. Seal slot machine in accordance with *P.G. 218-19, "Invoicing Vehicle/Property As Arrest/Investigatory Evidence Or For Forfeiture Proceedings Or To Determine True Owner,"* if seized in connection with arrest.

DESK OFFICER

2. Review **ON LINE BOOKING SYSTEM ARREST WORKSHEET** for accuracy and sign.
3. Verify identity and address if prisoner is not in possession of satisfactory documentary proof.

ARRESTING OFFICER

4. Submit copy of court complaint, corroborating affidavit (if any), copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and **PRISONER'S CRIMINAL RECORD (PD244-061)** to immediate supervisor.

SUPERVISOR CONCERNED

5. Review and compare reports submitted for completeness and accuracy.
6. File court complaint and related forms in arresting officer's command for entry of final disposition by arresting officer.

RELATED PROCEDURE *Invoicing Vehicle/Property As Arrest/Investigatory Evidence Or For Forfeiture Proceedings Or To Determine True Owner (P.G. 218-19)*

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
PRISONER'S CRIMINAL RECORD (PD244-061)

Section: Arrests		Procedure No: 208-47	
COUNTERFEITING/FORGING U.S. GOVERNMENT OBLIGATIONS OR COUNTERFEITING/UNAUTHORIZED USE OF ACCESS DEVICES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify and cooperate with federal agencies concerned when arrests are made for counterfeiting/forging U.S. government obligations or counterfeiting or unauthorized use of access devices.

DEFINITION U.S. GOVERNMENT OBLIGATIONS - notes, bonds, checks, stamps, currency, drafts of money drawn by or upon authorized officer of U.S. government.

ACCESS DEVICES - any card (e.g., credit card), plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device, to obtain money, goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other than a transfer originated solely by paper instrument).

FRAUDS AND RELATED ACTIVITY RE: "ACCESS DEVICES" - the prisoner knowingly and with intent to defraud:

a. Uses, produces counterfeit access device, OR
b. Uses unauthorized access device, during any one year period, and obtains anything valued at $1,000 or more OR
c. Possesses fifteen or more counterfeit/unauthorized access devices, OR
d. Has control of or possesses equipment able to produce access devices.

PROCEDURE Upon arresting a person charged with one of the crimes listed above:

DESK OFFICER/ COUNTERPART

1. Comply with appropriate arrest processing procedures.
2. Notify the Department of Treasury, U.S. Secret Service.
3. Permit U.S. Secret Service agent to interview prisoner.

ADDITIONAL DATA *If the only charge against a prisoner is violation of a federal law, he will be arraigned in Federal Court (Title 18, Chapter 25, U.S. Code OR Title 18, Section 1029, U.S. Code, as appropriate).*

NYPD

Section: Arrests		Procedure No: 208-48	
VIOLATION OF POSTAL LAWS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify and cooperate with the United States Postal Inspection Service when arrests are made for violations of Postal Laws.

DEFINITION POSTAL LAWS (TITLE 18, UNITED STATES CODE) - A listing of crimes involving the Postal Service, including theft of mail, burglaries and robberies of post offices, assaults on, or robberies of, postal employees while engaged in official duties, destruction or unlawful taking/possessing of Postal Service property, and any other violations involving Postal Service property.

PROCEDURE When a person is arrested for violation of Postal Laws, follow normal arrest procedure, and:

DESK OFFICER

1. Advise Operations Unit as soon as possible for notification to Postal Inspection Service Communication Center.
2. Permit prisoner to be interviewed by agent of Postal Inspection Service.
3. Give custody of prisoner to Postal Inspection Service for arraignment in Federal Court when charged ONLY WITH VIOLATION OF POSTAL LAWS.
4. Enter "FOA" under "Assigned Arrest Number" on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ADDITIONAL DATA

Threats of kidnapping, personal injury or property damage transmitted through the US Mail are investigated by the FBI.

Thefts of Treasury checks from the US Mail and counterfeiting of postage stamps are investigated concurrently by the US Postal Inspection Service and the Secret Service.

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Arrests		Procedure No: 208-49	
CONTRABAND WEAPONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify Internal Revenue Service when contraband weapons are seized.

PROCEDURE When a person is arrested for possession of a contraband weapon, follow appropriate arrest processing procedures and:

ARRESTING OFFICER

1. Seize weapon.

NOTE *See P.G. 207-17, "Contraband Weapons," for a list of prohibited weapons under Federal Gun Control Act.*

DESK OFFICER

2. Notify Bureau of Alcohol, Tobacco and Firearms through Operations Unit.
3. Include information as to vehicle, vessel or aircraft, if involved, and hold such property for federal authorities.

ARRESTING OFFICER

4. Charge violation of Penal Law or Administrative Code instead of federal law, if possible.
5. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**.
6. Bring weapon and **REQUEST** to Firearms Analysis Section.
7. Deliver weapon to Property Clerk with **PROPERTY CLERK INVOICE (PD521-141)** after examination by Firearms Analysis Section.

RELATED PROCEDURES *Contraband Weapons (P.G. 207-17)*
Processing Firearms (P.G. 218-23)

FORMS AND REPORTS ***PROPERTY CLERK INVOICE (PD521-141)***
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

Section: Arrests		Procedure No: 208-50	
CERTIFICATE OF WARRANT (NON-SUPPORT)			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record an arrest on a non-support warrant.

PROCEDURE When a uniformed member of the service makes an arrest on a Certificate of Warrant for non-support:

ARRESTING/ ASSIGNED OFFICER

1. Record on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** the member who executed the warrant as the arresting officer.
2. Enter:
   a. Arrest number
   b. "Family Court Warrant" under caption "Charges and Specific Offense".
   c. Particulars of warrant under "Details."
3. Notify Warrant Section.
4. Bring prisoner and warrant to the court that originally issued the warrant.
   a. To designated arraignment court, at other times.

RELATED PROCEDURE *Arrest On A Warrant (P.G. 208-42)*

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

PURPOSE To record arrests for violations of the Traffic Laws.

PROCEDURE Upon arresting a person for violation of traffic regulations, follow appropriate arrest processing procedures and:

ARRESTING OFFICER

1. Charge violation of Traffic Regulations if the offense is a violation of both the Traffic Regulations and the Vehicle Traffic Law.
2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen and verify name and address of registered owner.

DESK OFFICER

3. Record additional charges and previous violations where applicable and inform the arresting officer of additional charges for presentation to the District Attorney.
4. Enter on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if arrested on traffic warrant:
   a. "SW" under arrest number
   b. "Warrant Part 5, 7 etc." under caption "Charges and Specific Offense"
   c. Particulars of warrant under "Details."

NOTE ***COMPLAINT REPORT (PD313-152)*** *is not prepared.*

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

NYPD

Section: Arrests		Procedure No: 208-53
ARREST PROCESSING – AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE		
DATE EFFECTIVE: 07/26/22	LAST REVISION: I.O. 86	PAGE: 1 of 4

PURPOSE To process arrests for operating a vehicle with a suspended or revoked license.

PROCEDURE When a uniformed member of the service observes, or has reasonable cause to believe that a person operating a vehicle has a suspended or revoked driver's license:

UNIFORMED MEMBER OF THE SERVICE

1. Effect an arrest for violation of any degree of Aggravated Unlicensed Operation of a Motor Vehicle.
   a. Remove prisoner to police facility for processing.
2. Conduct license check (DALL) and name check via FINEST.
   a. Retain printout and include in DAT or On Line arrest folders.
3. Comply with current Department procedures regarding issuance of a **DESK APPEARANCE TICKET (PD260-121)** and steps 5, 6, 7, 8, and 9 below, if prisoner is charged with Aggravated Unlicensed Operation of a Motor Vehicle (AUO) 3rd degree and is otherwise eligible.
4. Comply with all pertinent arrest processing procedures.

PERSONS CHARGED WITH V.T.L. 511 (1)(a) OR 511 (2)(a) MISDEMEANORS

5. Prepare the following court related forms, (in addition to **ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)** and other arrest related paperwork):
   a. **SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE (PD244-068**) or **SUPPORTING DEPOSITION - SUSPENDED/ REVOKED LICENSE-BRONX (PD244-068A)** or appropriate Supporting Deposition [i.e., "SUPPORTING DEPOSITION – DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE (EAP – VTL SECTIONS 509 & 511(1)(a) AND 511(2)(a)(iv) only)" or "SUPPORTING DEPOSITION – DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE (VTL SECTIONS 509 & 511)"] for Kings County
   b. **PRE-ARRAIGNMENT NOTIFICATION REPORT (PD244-153)**
   c. Arraignment Card (Misc. 4661)
   d. Police Officer's Court Availability Schedule (Misc. 470a)
   e. Prisoner Movement Slip (Misc. 2011-A 8/84)
   f. DMV Certificate Concerning Violation of Law Relating to Vehicles (A-246), for the VTL Misdemeanor and Felony
   g. "ADA" copy of **PROPERTY CLERK INVOICE (PD521-141)**, if prepared
   h. FACT SHEET - VTL SECTIONS 509 AND 511 DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE, Kings County only.
6. Record the following vehicle information in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**:

UNIFORMED MEMBER OF THE SERVICE (continued)

a. The make, model, year and color of the vehicle operated by the defendant.

b. The license plate number of the vehicle operated by the defendant and the state the vehicle is registered in. If the vehicle does not have a metal plate the temporary or alternate plate will be recorded.

NOTE *The above information will be recorded in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** even if the defendant was not the owner of the vehicle being operated at the time of arrest. The name and address (apartment number, if applicable) of the registered owner of the vehicle will be recorded in addition to the above.*

7. Prepare Criminal Court Summons for violation of VTL 511(1)(a) or VTL 511(2)(a) in Richmond County only.
   a. Clearly and concisely articulate the justification for the vehicle stop and violations observed on the rear portion of the white summons copy.
   b. List the VTL 511 misdemeanor violation in the "Charges Information" caption of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (OLBS)**.
   c. List any additional VTL violations (i.e. Disobey A Traffic Control Device) observed during the original vehicle stop as separate charges on the OLBS.
   d. Do not enter RETURN DATE on summons(es).
   e. Attach ORIGINAL copy of the summons to the SUPPORTING DEPOSITION.

NOTE *Step "7" above regarding the issuing of a summons is specific and applicable only to Patrol Borough Staten Island. The Richmond County District Attorney has mandated that a summons be issued and included as an ADDITIONAL part of the arrest package and arraignment process. The remaining Patrol Boroughs (i.e., Manhattan South, Manhattan North, Bronx, Brooklyn South, Brooklyn North, Queens South and Queens North) are EXEMPT from this requirement. In these Patrol Boroughs, for the purposes of this procedure only, all VTL violations will be listed as separate charges on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**; summonses will not be written.*

8. Fingerprint prisoner utilizing "Livescan."

NOTE *Persons charged with 511(3)(a) E Felony shall be processed in accordance with step "5" ("b" through "h") and step "9" below. A Criminal Court Summons will not be prepared in felony cases.*

9. Confiscate driver's license and comply with *P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."*

NOTE *Disregard subdivision "a" of step 3 and the "NOTE" following subdivision "3a" in P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License".*

NOTE *During the original vehicle stop if a summons was prepared prior to obtaining the results of a name check, for any VTL violation other than Aggravated Unlicensed Operation of a Motor Vehicle, the summons must be voided. P.G. 209-18, 'Summons Served Or Prepared In Error' will be followed. A photocopy of the summons(es) prepared will be included as part of the arrest paperwork package that is forwarded to the district attorney. The VTL violations will be listed as separate charges on the OLBS.*

UNIFORMED MEMBER OF THE SERVICE (continued)

10. Inform desk officer when arrest processing is complete.

DESK OFFICER

11. Review the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** to ensure completeness and verify that information regarding the vehicle operated by the defendant is recorded for all Aggravated Unlicensed Operation of a Motor Vehicle arrests.
12. Review all forms for completeness and accuracy.
13. Ensure that all applicable categories on **SUPPORTING DEPOSITION** are checked off.
    a. Have arresting officer sign and date.
14. Have prisoner (not eligible for a DAT) and related court papers delivered to borough Court Section and comply with "Citywide Expedited Arrest Processing."

BOROUGH COURT SUPERVISOR

15. Examine court papers for completeness and accuracy.
16. Make necessary entries on court papers and process as an "on line" arrest.

ADDITIONAL DATA

Section 511-b, "Seizure And Redemption Of Unlawfully Operated Vehicles" requires that, upon making an arrest for Aggravated Unlicensed Operation Of A Motor Vehicle, 1st or 2nd Degree committed in his/her presence, a uniformed member of the service shall remove or arrange for the removal of the vehicle to the Property Clerk, if:

a. The operator is the registered owner of the vehicle, OR
b. The vehicle is not properly registered, OR
c. Proof of financial security (insurance card) is not produced, OR
d. Where a person, other than the operator, is the registered owner and such person or another, properly licensed and authorized to possess and operate the vehicle, is not present.

The impounded vehicle must be entered into NYSPIN as an impounded vehicle (see P.G. 212-48, "Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program" [Additional Data]). The impounded vehicle will remain at the precinct stationhouse for forty-eight hours. If no one appears to redeem the vehicle, the vehicle will be delivered to the Property Clerk for storage. Additionally, the registered owner must promptly be notified, utilizing form ***AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)****, that the vehicle has been impounded. Vehicles seized pursuant to this section shall not be released unless:*

a. The person redeeming the vehicle has furnished satisfactory evidence of registration and financial security.

ADDITIONAL DATA (continued)

b. Reasonable removal and storage costs have been paid. (See P.G. 218-44, "Removal And Storage Charges").

Removal and storage charges shall not be required of the registered owner if the impounded vehicle was stolen or was rented or leased pursuant to a written agreement for a period of thirty days or less.

c. Where the vehicle was operated by a person who, at the time of the offense, was the owner, the following is required:

(1) Satisfactory evidence that the registered owner or other person seeking to redeem the vehicle has a license or privilege to operate a motor vehicle in New York, AND

(2) Satisfactory evidence that criminal charges have been terminated and that any fine imposed as a result of a conviction has been paid, OR

(3) A certificate issued by the court in which the criminal action was commenced ordering release of the vehicle prior to judgment or in compliance of the interest of justice, OR

(4) A certificate issued by the District Attorney, or other officer authorized to prosecute such charge, waiving the requirement that the vehicle be held.

In all Aggravated Unlicensed Operation of a Motor Vehicle 1st Degree arrests, the vehicle shall be seized and removed to a Property Clerk facility. As such, these vehicles will not remain at precinct stationhouse for forty-eight hours. The arresting officer shall process said vehicle in accordance with P.G. 208-26, "Forfeiture Proceedings For Seized Property." The Property Clerk shall contact the Legal Bureau to ascertain if a statutory forfeiture proceeding will be commenced. Persons making a demand for the return of a vehicle seized pursuant to this procedure must provide the same documenting evidence as required for release of a vehicle pursuant to Section 511-b of the VTL above, except that a District Attorney's release is required in all seizures made pursuant to Section 511-c of the VTL regardless of who was operating the vehicle at the time of the offense. In the event said requirements are met and the Legal Bureau indicates that a statutory forfeiture proceeding will not be commenced, the vehicle may be released from the Property Clerk facility.

RELATED PROCEDURES

Forfeiture Proceedings For Seized Property (P.G. 208-26)
Desk Appearance Ticket – General Procedure (P.G. 208-27)
Desk Appearance Ticket - Disqualifying Factors (P.G. 208-81)
Suspended Or Revoked Vehicle Operator's License (P.G. 209-26)
Safeguarding Vehicles In Police Custody (P.G. 218-12)
Removal And Storage Charges (P.G. 218-44)
Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program (P.G. 212-48)

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE (PD244-068)
SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE-BRONX (PD244-068A)
PRE-ARRAIGNMENT NOTIFICATION REPORT (PD244-153)
PROPERTY CLERK INVOICE (PD521-141)
AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)

Section: Arrests		Procedure No: 208-54	
ARREST SCREENING GUIDELINES FOR CASES INVOLVING FORGED OR ALTERED MOTOR VEHICLE DOCUMENTS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To establish arrest screening guidelines for cases involving forged or altered motor vehicle documents.

PROCEDURE When effecting an arrest for possession of forged or altered motor vehicle documents:

UNIFORMED MEMBER OF THE SERVICE

1. Charge the defendant as follows:
   a. POSSESSION OF A FORGED/ALTERED OPERATOR'S LICENSE
      (1) Criminal Possession of a Forged Instrument, 2nd Degree (felony), should be charged only when:
         (a) The operator possesses more than one false license; OR
         (b) The false license was used for a purpose other than driving (e.g., to pass a bad check, etc.); OR
         (c) The operator possesses the false license(s) under circumstances showing an intent to sell the license(s); OR
         (d) The operator possesses a false license and one or more other false forms of identification.

NOTE *For suspended or revoked vehicle operator's license, comply with P.G. 209-26, "Suspended or Revoked Vehicle Operator's License."*

      (2) If a person who is operating a vehicle offers someone else's license as proof of identity, charge Vehicle and Traffic Law, Section 509(1), Driving Without a License; and Vehicle and Traffic Law, Section 509(6), Driving While Using Another's License. These offenses are traffic infractions for which "B" summonses should be issued. MAKE THE TWO SUMMONSES RETURNABLE TO THE TRAFFIC VIOLATIONS BUREAU (TVB).
      (3) If the driver offers as proof of identity a license issued to him/her but which has been altered, (e.g., expiration date changed, etc.) charge Vehicle and Traffic Law, Sections 392 and 509(1). Vehicle and Traffic Law, Section 392, is a misdemeanor for which a "C" summons should be issued. Vehicle and Traffic Law, Section 509(1) is a traffic infraction for which a "C" summons should be issued. BOTH SUMMONSES SHOULD BE MADE RETURNABLE TO THE LOCAL CRIMINAL COURT.

UNIFORMED MEMBER OF THE SERVICE (continued)

(4) If the arrested motorist or individual presents or possesses a New York State Driver's License or Identification Card which, when run through a computer check, comes back 'Fraud Document', the uniformed member of the service (UMOS) concerned will contact the DMV's Internal Affairs Office (DMV-IA) for further information. The arrested motorist or individual may be charged with Criminal Possession of a Forged Instrument 2nd Degree (Penal Law 170.25 pursuant to 170.10 [3]: Class 'D' Felony).

(5) If the arrested motorist or individual was operating a motor vehicle at the time the License or Identification Card was presented, also charge violation of Vehicle and Traffic Law Section 392: Unclassified Misdemeanor. This provision makes it a crime to operate a motor vehicle upon the public highway while displaying or using any document that he or she knows has been obtained by making a false statement in an application for, or making a material alteration on any document issued by the Commissioner of Motor Vehicles, or unlawfully using a validating device on such a document.

(6) If it is determined that the arrested motorist or individual gave or offered to give a DMV employee, or "middleman", money or another benefit, for the purposes of obtaining the License or Identification Card the following additional charges may be appropriate: Bribery 3rd Degree (Penal Law 200.00): Class "D" Felony, and Sale or Purchase of a Stolen, False or Fraudulent License, Identification Card, Certificate of Registration, or Number Plate (Vehicle and Traffic Law 392-a). (see ADDITIONAL DATA statement).

(7) If it is determined that the arrested motorist or individual completed and filed a License or Identification Card application with the DMV, and the DMV office (where the application was filed) is located in the same county there the arrest was made, the following additional charge may be appropriate: Offering a False Instrument for Filing 1st Degree (Penal Law 175.35): Class "E" Felony." (see ADDITIONAL DATA statement).

b. POSSESSION OF A FORGED/ALTERED REGISTRATION

(1) A suspect who presents a registration card with a forged or altered registration (e.g., address known to be false, etc.) should be issued summonses for Vehicle and Traffic Law, Sections 392 and 401(a), Unregistered Vehicle. Vehicle and Traffic Law, Section 392, is a misdemeanor for which a "C" summons should be issued. Vehicle and Traffic Law, Section 401(a), is a traffic infraction for which a "C" summons should be issued. BOTH SUMMONSES SHOULD BE MADE RETURNABLE TO THE LOCAL CRIMINAL COURT.

UNIFORMED MEMBER OF THE SERVICE (continued)

c. POSSESSION OF FORGED/ALTERED INSPECTION STICKER

(1) A person operating a vehicle with a forged or altered inspection sticker should be charged with Vehicle and Traffic Law, Section 306(e), an unclassified misdemeanor. A "C" summons should be issued and made returnable to the local criminal court.

d. POSSESSION OF A FORGED/ALTERED INSURANCE CARD

(1) An operator who produces an insurance card indicating that insurance is in effect when such coverage does not exist is to be charged with Vehicle and Traffic Law, Section 319(2), an unclassified misdemeanor. A "C" summons should be issued and made returnable to the local criminal court.

e. POSSESSION OF A FORGED/ALTERED NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES IN-TRANSIT VEHICLE PERMIT NUMBER PLATE

(1) An operator who drives with a forged or altered In-Transit Permit should be charged with Vehicle and Traffic Law, Sections 392 and 402(1). Vehicle and Traffic Law, Section 392, is a misdemeanor for which a "C" summons should be issued. Vehicle and Traffic Law, Section 402(1), is a traffic infraction for which a "C" summons should be issued. BOTH SUMMONSES SHOULD BE MADE RETURNABLE TO THE LOCAL CRIMINAL COURT.

NOTE *In all instances in which a fraudulent or altered motor vehicle bureau document, such as a license or registration, is evidence of an offense, it should be invoiced as evidence pursuant to Department procedures. Under no circumstances will such a document be returned to the arrested motorist or individual. Summonses should not be issued for the above offenses to defendants who are not properly identified or who otherwise fail to qualify. Members of the service shall ensure that when issuing multiple summonses to an individual for offenses occurring during a single incident and one of the summonses is returnable to Criminal Court, then all summonses shall be issued as part "C," and be made returnable to Criminal Court.*

DESK OFFICER

2. Verify the completeness and accuracy of all charges prior to releasing defendant.
3. Instruct member to conduct:
   a. **INVESTIGATION CARD (PD373-163)** check
   b. Warrant check (local/state/federal).

NOTE *Unless there are exceptional circumstances, the checks are to be accomplished within one hour from the time the suspect enters the stationhouse.*

DESK OFFICER (continued)

4. Immediately release violator once the violator's identity is verified and summonses have been served.
5. Make a Command Log entry when a violator has been taken to the stationhouse for identification, is served summons(es) and immediately released.
   a. Entry will include the following:
      (1) Name, address and physical description of violator
      (2) Location, time of incident and reason for removal to stationhouse
      (3) Name, rank and shield number of member who brought violator to command
      (4) Offense(s) charged and serial number(s) of summons(es) served
      (5) Time violator entered and departed command.

NOTE *It is not necessary to institute Desk Appearance Ticket or Voided Arrest procedures for an offense for which summons(es) is/are served pursuant to this procedure.*

ADDITIONAL DATA *To determine whether the charges listed in step 1, subdivisions (6) and (7) should be considered, a uniformed member of the service should contact the Department of Motor Vehicles Internal Affairs Office (DMV-IA) between 0830 and 1630 hours, Monday through Friday. Personnel assigned to DMV-IA may be able to provide information as to how the arrested motorist or individual obtained the fraudulent Driver License or Identification Card. They may also have knowledge indicating to whom at DMV the person in custody may have bribed for the purpose of obtaining the fraudulent documents. Additionally, efforts should be made to interrogate the person in custody, after Miranda warnings are given, to independently obtain this information. This information, if available, should be conveyed to the Assistant District Attorney prosecuting the arrest.*

When a uniformed member of the service encounters a motorist in possession of a fraud document during hours when the DMV-IA is closed, the motorist should be charged with Criminal Possession of a Forged Instrument 2nd Degree (Penal Law 170.25 pursuant to 170.10[3]: Class 'D' Felony). Probable cause for the arrest will be based upon the "Fraud Document" designation obtained from the computer check of the DMV database. Related charges listed in step 1, subdivisions (6) and (7), should NOT be made against the motorist in instances when DMV-IA cannot be contacted immediately. For example, it would be difficult to charge a defendant with Bribery or Offering a False Instrument for Filing, without first communicating with a DMV-IA employee who could articulate the circumstances which resulted in the "Fraud Document" designation. Additional charges, where appropriate, may be made after consulting with a DMV-IA representative.

Uniformed members of the service should be guided by the following indicators when conducting license/name checks of motor vehicle operators:

a. When conducting license/name checks always run a group search of the last name, first name, and sex without the date of birth or any middle initial (common names such as Smith, Garcia, etc. may prohibit such a search due to the large number of responses generated).

b. Examine DMV files containing the same name/address with different dates of birth.

ADDITIONAL DATA (continued)

c. Examine motor vehicle operator's documents to determine if identification with other names, addresses, or dates of birth are possessed. Invoice any items found suggesting additional driving records/identifications.

d. Be alert to out-of-state licenses which may have been issued under lax identification standards

e. Review a suspect's criminal history in Department databases such as C.A.R.S. and B.A.D.S. to ascertain additional aliases, addresses, or dates of birth.

*f. Fill out **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST (PD135-160)** form, if applicable. Attach all pertinent supporting data and submit to desk officer for review, before distributing as per instructions on form.*

When attempting to ascertain a prisoner's identity, the uniformed member of the service concerned should inform the prisoner that knowingly misrepresenting his or her actual name, date of birth, or address, to a police officer, with intent to prevent a police officer from ascertaining such information, is punishable as a crime. Prisoners who knowingly misrepresent their pedigree information should be charged under Penal Law 190.23 (False Personation, B Misd.).

RELATED PROCEDURES

Computerized Investigation Card System (P.G. 208-23)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Suspended or Revoked Vehicle Operator's License (P.G. 209-26)
Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

INVESTIGATION CARD (PD373-163)

NYPD

Section: Arrests		Procedure No: 208-55	
VEHICLE OF FOREIGN REGISTRY			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify the US Customs Service when a vehicle of foreign registration is seized.

PROCEDURE Upon seizing a vehicle of foreign registration which was used, or may have been used in the commission of a crime, in addition to other required action:

DESK OFFICER/ COUNTERPART

1. Notify Assistant Supervisory Agent of the US Customs Service of facts including identification and location of vehicle.
2. Send vehicle to Property Clerk with accompanying **PROPERTY CLERK INVOICE (PD521-141)**.
   a. Include notation on invoice that the US Customs Service was notified.

PROPERTY CLERK

3. Notify the Assistant Supervisory Agent of the US Customs Service before disposing of vehicle.

FORMS AND REPORTS ***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

PURPOSE To comply with United States law and international treaties concerning arrests or detention of foreign nationals.

DEFINITIONS FOREIGN NATIONAL - Any person who is not a citizen of the United States, regardless of immigration status or length of residency.

COUNTRIES WHOSE EMBASSIES OR CONSULATES MUST BE NOTIFIED BY INTELLIGENCE DIVISION WHEN ONE OF THEIR CITIZENS/NATIONALS IS ARRESTED:

Albania
Algeria
Anguilla
Antigua
Armenia
Azerbaijan
Bahamas
Barbados
Barbuda
Belarus
Belize
Bermuda
British Virgin Isl.
Brunei
Bulgaria
Cayman Islands
China
Costa Rica
Cyprus
Czech - Republic
Dominica *(Note: this country is NOT the Dominican Rep.)*
Fiji
Gambia
Gibraltar
Georgia
Ghana
Grenada
Guyana
Hong Kong
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritius
Moldova
Mongolia
Montserrat
Northern Ireland
Nigeria
Philippines
Poland
Romania
Russia
St. Kitts & Nevis
St. Lucia
St. Vincent & Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad & Tobago
Tunisia
Turkmenistan
Turks and Caicos
Tuvalu
Ukraine
United - Kingdom
Uzbekistan
Zambia
Zimbabwe

PROCEDURE When a person arrested is a foreign national, comply with appropriate arrest processing procedures and:

ARRESTING OFFICER

1. Determine by documentation or inquiry if arrestee is a foreign national.
2. Enter all of the following information in the "Narrative" portion of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**:
   a. Country of nationality
   b. Port or place of entry and status upon entry to the United States (e.g., resident, visitor, student, etc.)
   c. Method of entry (airplane, auto, boat, etc.)
   d. Date entered the United States, or
   e. Enter "Suspected Foreign National" under "Narrative" if doubt exists as to the status of the prisoner.

ARRESTING OFFICER (continued)

3. Determine from the above list if prisoner's embassy or consulate must be notified through Intelligence Division.
4. Notify desk officer that arrestee is a foreign national.

WHEN NOTIFICATION MUST BE MADE (PRISONER IS FROM A COUNTRY LISTED ABOVE):

DESK OFFICER

5. Direct arresting officer to contact the Intelligence Division Operations Unit (24 hours) when a foreign national from the list of mandatory notification countries is arrested and:
   a. The arrest is processed as a **DESK APPEARANCE TICKET** or,
   b. The arrest is processed online or,
   c. Whether or not the arrestee wants his/her embassy or consulate notified.

ARRESTING OFFICER

6. Contact the Intelligence Division Operations Unit (24 hours) and provide member with the following information:
   a. Prisoner's name and address
   b. Date of arrest
   c. County of arrest
   d. Top charge(s)
   e. Exact location where prisoner is being detained
   f. Telephone numbers of both the command of arrest and the borough Court Section
   g. Country of nationality
   h. Port or place of entry and status upon entry to the United States (e.g., resident, visitor, student, etc.)
   i. Method of entry (airplane, auto, boat, etc.)
   j. Date entered the United States.
7. Obtain from the Intelligence Division Operations Unit the following:
   a. The name of the member contacted
   b. A log number.
8. Enter this information in the "Narrative" portion of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.

DESK OFFICER/ SUPERVISORY OFFICER

9. Ensure notification to Intelligence Division Operations Unit was made by arresting officer.

INTELLIGENCE DIVISION OPERATIONS UNIT

10. Notify the embassy or consulate concerned.
11. Contact the Commanding Officer, Public Security Section in unusual circumstances.

WHEN NOTIFICATION IS NOT MANDATED (PRISONER IS NOT FROM A COUNTRY LISTED ABOVE):

ARRESTING OFFICER

12. Inform prisoner of right to have embassy or consulate notified.
13. Follow steps 6, 7, and 8 if prisoner requests that embassy or consulate be notified.
    a. Should the prisoner elect not to have the embassy or consulate notified enter this information in the "Narrative" portion of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**.

DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR

14. Ensure that arresting officer has contacted Intelligence Division Operations Unit when notification to the prisoner's embassy or consulate is required or in other cases when an arrested foreign national has so requested.

RELATED PROCEDURES

City Policy Concerning Identifying Information and Access to City Services (P.G. 212-66)
Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
DESK APPEARANCE TICKET

NYPD

Section: Arrests		Procedure No: 208-57
HOLDERS OF LICENSES ISSUED BY NEW YORK CITY DEPARTMENT OF CONSUMER AND WORKER PROTECTION		
DATE EFFECTIVE: 05/23/22	LAST REVISION: I.O. 56	PAGE: 1 of 1

PURPOSE To notify New York City Department of Consumer and Worker Protection when a licensee is arrested.

PROCEDURE When a person arrested is the holder of a license issued by the New York City Department of Consumer and Worker Protection, follow normal arrest procedure and:

ARRESTING OFFICER

1. Enter license information and number in boxes provided on the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

PURPOSE To report the arrest of taxicab and towing truck owners and operators to licensing agencies.

PROCEDURE Upon arresting a taxicab/tow truck operator or owner, follow normal arrest procedure and:

ARRESTING OFFICER

1. Prepare **REPORT OF VIOLATION (PD672-151)**.
2. Take credentials of taxicab operator, taxicab owner or towing truck operator ONLY WHEN they have been used as an instrument in, or are evidence of, the offense charged.

NOTE *Do not take credentials of towing car owner.*

3. Prepare and deliver **RECEIPT FOR CREDENTIALS (PD616-011)** to prisoner, if applicable.
4. Prepare **PROPERTY CLERK INVOICE (PD521-141)** when credentials are confiscated.
5. Note under "Narrative" on **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** that the **REPORT OF VIOLATION** was prepared, and if applicable, the taking of credentials.

DESK OFFICER

6. Forward **REPORT OF VIOLATION** as directed on form.

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE (PD521-141)
REPORT OF VIOLATION (PD672-151)

REVISED

Section: Arrests		Procedure No: 208-59	
FELONY ARRESTS OF PAROLEES			
DATE ISSUED: 03/29/17	DATE EFFECTIVE: 03/29/17	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To notify the New York State Department of Corrections and Community Supervision (DOCCS) of the arrest of a parole absconder or a parolee who has been the subject of a new felony arrest.

PROCEDURE When a uniformed member of the service effects the arrest of a person and the charge is a felony:

UNIFORMED MEMBER OF THE SERVICE

1. Remove prisoner to precinct of arrest and comply with appropriate arrest processing procedures.

DESK OFFICER

2. Immediately notify precinct detective squad if charge is a felony.

MEMBER CONCERNED, P.D.S.

3. Conduct name check of person arrested against the "Target List of Recidivists" and the New York State Department of Corrections and Community Supervision (DOCCS) Parole File.
4. Make additional copies of the **COMPLAINT REPORT (PD313-152)** and **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and forward them to the New York State Department of Corrections and Community Supervision (DOCCS) via the Warrant Section.

ADDITIONAL DATA

If a uniformed member of the service conducting an investigation has a parole absconder in custody SOLELY on the authority of a parole warrant, the arrest will be processed as "FOA." The uniformed member of the service will notify the Warrant Section, Telephone Inquiry Unit immediately for the purpose of obtaining a copy of the parole warrant to lodge the parole violator in the appropriate Department of Correction facility. In addition, an immediate notification must also be made to the New York State Department of Corrections and Community Supervision (DOCCS), Operations Center.

The notification to the New York State Department of Corrections and Community Supervision (DOCCS) is necessary to provide a copy of the parole warrant to arresting officers in cases where the Warrant Section has not yet received a copy of this document, and also to ensure that parole violators are served with a copy of the charges upon which the warrant is based, as well as the dates on which the probable cause and revocation hearings are to be scheduled. PRISONERS IN THESE CASES WILL BE LODGED AT THE APPROPRIATE DEPARTMENT OF CORRECTION FACILITY AND ARE NOT TO BE TRANSPORTED TO BOROUGH COURT SECTION FACILITIES. When preparing the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)****, indicate in the "Narrative Section" the time, date and names of persons notified at the Warrant Section and at the New York State Department of Corrections and Community Supervision (DOCCS), Operations Center.*

Parole officers doing absconder work are authorized to sign for Department radios at precincts, subject to their availability.

ADDITIONAL DATA (continued)

KEY ELEMENTS OF THE PAROLE VIOLATOR PROGRAM:

Absconder Apprehension Task Force
The "Absconder Apprehension Task Force" will focus on the apprehension of dangerous parole absconders.

Arrested Parolee Enhanced Notification System
Each month, the New York State Department of Corrections and Community Supervision (DOCCS) will provide the New York City Police Department with a computer tape consisting of all active, delinquent, and absconder cases currently under the jurisdiction of the New York State Department of Corrections and Community Supervision (DOCCS).

The New York State Department of Corrections and Community Supervision (DOCCS) will also provide copies of all absconder warrants with appropriate physical descriptions to the New York City Police Department Warrant Section to facilitate lodging and execution of those warrants.

Parole/New York City Police Department Information Exchange
The "Parole/New York City Police Department Information Exchange" will facilitate cooperation between this Department and the New York State Department of Corrections and Community Supervision (DOCCS).

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Arrests		Procedure No: 208-60	
DELIVERY OF FELONY WARRANT DEFENDANTS BY MEMBERS OF NEW YORK STATE POLICE			
DATE ISSUED: 07/01/14	DATE EFFECTIVE: 07/01/14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To accept custody from the New York State Police of persons arrested based on a felony warrant during hours when Warrant Section personnel are not available and to arrange lodging for said prisoners pending their return to the appropriate New York City Court.

NOTE *Warrant Section investigators are available to process such arrests as follows:*

- *Monday to Friday 0630 x 2300*
- *Saturday and Sunday 0630 x 1800*

PROCEDURE When members of the New York State Police return a defendant who has been arrested based on a felony warrant issued by a New York City Court to the custody of this Department:

DESK OFFICER 50th PRECINCT

1. Accept custody of prisoner and request a copy of the warrant or NYSPIN message from New York State Police Officer.
2. Verify validation of warrant through Central Warrant Unit, if necessary.
3. Prepare **Prisoner Movement Slip**, take one photograph of defendant and attach to **Prisoner Movement Slip**.
   a. Deliver **Prisoner Movement Slip**, with photo attached, to Warrant Section personnel.
4. Notify borough Court Section concerned and follow instructions received regarding lodging of prisoner.
   a. Comply with provisions of *P.G. 210-01, "Prisoners General Procedure,"* where appropriate.
5. Make Command Log entry of facts including delivering officer's name and command, prisoner's name, condition, OCA# of warrant and court part which issued warrant.
   a. Include all notifications made.

BOROUGH COURT SECT. CONCERNED

6. Designate appropriate location for lodging of prisoner.

NOTE *If possible, prisoner should be lodged in 50th Precinct.*

7. Notify Bronx Warrant Squad (Monday to Friday) or Central Warrant Unit (Saturday and Sunday), at 0630 hours to respond and take custody of prisoner.

WARRANT SECTION INVESTIGATOR

8. Respond to lodging facility and take custody of prisoner.
9. Prepare **ARREST REPORT SUPPLEMENT (PD244-157)**.
10. Deliver prisoner, **ARREST REPORT SUPPLEMENT**, and **Prisoner Movement Slip** to appropriate court for processing.

RELATED PROCEDURES	*Arrest on a Warrant (P.G. 208-42)* *Prisoners General Procedure (P.G. 210-01)*
FORMS AND REPORTS	***ARREST REPORT SUPPLEMENT (PD244-157)*** ***Prisoner Movement Slip***

NYPD

PURPOSE To maintain records of, and safeguard persons detained as material witnesses.

PROCEDURE When a person is brought to a stationhouse for detention as a material witness:

DESK OFFICER/ COUNTERPART

1. Enter "Material Witness" on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** in block captioned "Charges and Specific Offense."
2. Enter "FOA" under arrest number.
3. Indicate particulars of Detention Order under "Details."

NOTE *When assigned to guard a material witness, follow instructions of assistant district attorney and detective squad commander.*

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

PATROL GUIDE

Section: Arrests		Procedure No: 208-62	
TRANSIENT PRISONER			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record the detention of transient prisoners.

DEFINITION TRANSIENT PRISONER - A prisoner passing through New York City in the custody of a properly identified police officer of another jurisdiction.

PROCEDURE When a police officer of another jurisdiction requests detention of a prisoner in his custody:

DESK OFFICER/ COUNTERPART

1. Request written evidence that the prisoner is being transported to demanding state by executive authority or waiver.
2. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
3. Enter letter "D" in arrest number block (NO arrest number assigned).
4. Enter "TRANSIENT PRISONER" under caption "CHARGES AND SPECIFIC OFFENSE."
5. Process **ON LINE BOOKING SYSTEM ARREST WORKSHEET** in usual manner and give white copy to escorting officer.

FORMS AND REPORTS ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

PURPOSE To enhance the prosecution of designated felony arrests, to provide arrest intelligence to precinct detective squads and to train patrol personnel in case development procedures.

SCOPE The Felony Case Development Program has three main objectives:

a. Eliminate the gap between arrest and prosecution of certain designated felonies by providing for an immediate follow-up investigation by the appropriate investigative unit.

b. Provide intelligence to precinct detective squads regarding who is being arrested within the confines of the precinct for serious felonies.

c. Have experienced investigators train patrol personnel in case development.

DEFINITION DESIGNATED FELONY ARRESTS - FOR THE PURPOSE OF THIS PROCEDURE ONLY, listed below are the designated felonies (including attempts) and the appropriate units for referral:

CRIME	UNIT REFERRED TO
• Homicides	• Precinct Detective Squad
• Burglary (1st & 2nd degrees) • Assault (victim likely to die) • Weapons (loaded firearm) • Grand Larceny (unusual cases): ✓ By extortion ✓ From senior citizens, governmental or religious organizations ✓ Unusual public interest ✓ Modus operandi • Robbery (all degrees)	• Precinct Detective Squad/RAM Unit
• Violent felony committed by a juvenile	• Precinct Detective Squad/RAM Unit
• Felony Sex Crime	• Special Victims Unit
• Narcotics (A1 & A2 felonies)	• Narcotics borough concerned. If closed, Detective Borough Wheel
• Bribery	• Internal Affairs Bureau, Complaint Intake (212) 741-8401
• Grand Larceny - Auto	• Auto Crime Unit (100 Major Violators)

PROCEDURE When a uniformed member of the service effects the arrest of a person on a felony charge, including charges of juvenile delinquency where the conduct would be a felony if committed by an adult:

ARRESTING OFFICER

1. Remove prisoner to precinct of arrest and comply with current arrest procedures.

DESK OFFICER

2. Immediately notify precinct detective squad if charge is a felony, other than narcotics or gambling.
3. Notify Special Victims Unit if charge is for a felony sex crime.
4. Refer eligible Designated Felony Arrest to the appropriate investigative unit (see above).

NOTE

The following "Letter Classification Codes" will be entered in the UPPER RIGHT corner of the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159):

a. LETTER "A" - Developed by appropriate investigative unit

b. LETTER "B" - Eligible for case development, but WAIVED by investigative unit supervisor due to lack of personnel (not used after 2400 hours or when unit is closed)

c. LETTER "C" - Not eligible for case development, i.e., not designated felony, between 2400 hours and 0800 hours and felony not accepted by Night Watch or other open investigative unit

d. LETTER "D" - Augmented by precinct detective squad.

In addition, LETTER "C" will be entered for all arrests not within the purview of the FELONY CASE DEVELOPMENT PROGRAM, i.e., other than by NYPD members assigned to Patrol Services Bureau OR for designated felonies.

DESK OFFICER

5. Direct arresting officer to deliver prisoners to precinct detective squad for post-arrest investigation of all felony arrests designated for case development.

PRECINCT DETECTIVE SQUAD SUPERVISOR

6. Determine if arrest should be developed by Precinct Detective Squad or specialized investigative unit.
   a. Have arresting officer notify specialized investigative squad in appropriate cases.
   b. Have all cases entered on **CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG (PD306-140)**, including those cases referred to other units.

DETECTIVE/ SPECIALIZED INVESTIGATIVE UNIT SUPERVISOR

7. Assign detective to conduct case development.
   a. If lack of investigative manpower prevents such assignment, indicate that case is being waived and reasons for waiver on **CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG**. The name of the supervisor is to be part of this entry.
   b. Instruct arresting officer to assist in investigation, as required.
   c. Supervise follow-up investigation.

ASSIGNED INVESTIGATOR

8. Enter case on **CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG**.
9. Assign next ARREST INVESTIGATION REPORT (AIR) case number.

ASSIGNED INVESTIGATOR (continued)

a. AIR numbers are assigned chronologically, beginning with number one for the first case development of the calendar year, by the unit conducting the post-arrest development (e.g. RAM-01, etc.)

b. Each investigative unit will maintain its own **CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG** for the purpose of assigning AIR numbers. However, information on all cases must be phoned into the detective squad covering the precinct of arrest for inclusion on its **LOG**.

10. Investigate facts relating to commission of crime and subsequent arrest(s) and record facts on **ARREST INVESTIGATION REPORT (PD244-1511)**.

11. Determine principal charge to be lodged against defendant.

a. Principal charge will be the highest level of crime for which probable cause can be demonstrated by facts determined during the investigation.

NOTE

*If the assigned investigator determines that the original charge is not correct, the investigator shall enter the correct charge on the **LOG** and inform the desk officer. This step will be complied with even when it is determined that the amended charge is not a designated felony. If the desk officer disagrees with the investigating officer as to the proper charge, the investigative squad supervisor will confer with the desk officer to determine the appropriate charge.*

12. Present completed **ARREST INVESTIGATION REPORT** to squad supervisor.

a. AIR should include the following checks:

(1) BCI - Criminal Record

(2) Warrant/Computerized Investigation Card

(3) Weapons - FINEST check when applicable.

DETECTIVE SPECIALIZED INVESTIGATIVE SQUAD SUPERVISOR

13. Review **ARREST INVESTIGATION REPORT** for completeness, sign in appropriate space and distribute as follows:

a. ORIGINAL (1st) and TRIPLICATE (3rd) copies - to arresting officer.

b. DUPLICATE (2nd) copy - together with appropriate **COMPLAINT REPORT (PD313-152)** to investigative squad which developed case for file.

c. QUADRUPLICATE (4th) copy - maintain in separate folder at Precinct Detective Squad (PDS). Specialized investigative squads forward this copy to PDS concerned.

NOTE

*On the fifth day of each month, the folder containing the fourth (4th) copy of the **ARREST INVESTIGATION REPORTS** and the **CASE DEVELOPMENT ASSIGNMENT LOG SHEET** for the previous month's activity will be forwarded to the borough detective command concerned.*

14. Direct arresting officer to forward original **ARREST INVESTIGATION REPORT** with all other arrest documents as per *P.G. 208-15, "Preparation Of Arrest Related Documents At The Stationhouse."*

ARRESTING OFFICER

15. Retain third copy of **ARREST INVESTIGATION REPORT** for personal records.

ADDITIONAL DATA

*Specialized investigative units (e.g., RAM, Borough Special Victims Squad, etc.) must maintain a **CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG** to serve as an index with chronological AIR numbers. However, this LOG is for in-house use only. The precinct detective squad copy of the **LOG** is the only **DETECTIVE CASE ASSIGNMENT LOG** that should be forwarded to the detective borough coordinator. Therefore, it is imperative that the assigned investigator of a specialized investigative squad provide the necessary information for logging the case (including AIR #) to the precinct detective squad.*

In cases where a "riding" Assistant District Attorney is present at the arrest scene to supervise the post-arrest investigation it is not necessary to conduct a formal case development; the case should be coded "C" and the name of the Assistant District Attorney entered. If the Assistant District Attorney states over the telephone that he/she will respond, initiate the case development. Upon arrival of the Assistant District Attorney, if he/she does not require that the development be completed, make appropriate notation on AIR; Case will be coded "A" and an AIR number will be assigned.

Detective borough commanders are responsible for the Felony Case Development Program in their respective boroughs. Accordingly, they will maintain a system to review completed post-arrest investigations as means of quality control. Additionally, they will ensure that completed documentation is maintained, including reasons when designated felony arrests are not submitted for case development.

*Every effort will be made to conduct case development in a timely manner. In addition, the CITYWIDE EXPEDITED ARREST PROCESSING program remains in effect when processing Felony Case Development Program arrests. Desk officers are responsible for having all arrest related documents and Live-scan procedures completed expeditiously and in NO CASE LATER THAN THREE HOURS FROM TIME OF ARREST. Furthermore, desk officers will notify the borough court section supervisor and be guided by the court section supervisor's instructions in regards to arraignment delays. In instances where the arrest package is forwarded without the prisoner, prepare a **Prisoner Movement Slip** and attach one photograph of prisoner. The **Prisoner Movement Slip** will remain with prisoner until he/she is transported to borough Court Section or court.*

Section: Arrests		Procedure No: 208-67	
FOLLOW-UP INVESTIGATIONS ON "DECLINE PROSECUTION" ARREST CASES			
DATE ISSUED: 09/14/20	DATE EFFECTIVE: 09/14/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To determine if a case designated "Decline Prosecution" by the District Attorney's office can be re-opened and prosecuted after a follow-up investigation.

SCOPE To ensure that all arrests effected by uniformed members of the service are prosecuted to the fullest extent of the law and in keeping with the Department's arrest strategy to reduce crime and disorder, the Department, in cooperation with all five county District Attorney's Offices has implemented a follow-up investigation initiative for cases that have been designated "Decline Prosecution." Designated "Decline Prosecution" arrest cases will be re-opened and prosecuted, if a requested follow-up investigation is conducted and specific additional information (e.g., interviews, evidence, line-ups, etc.) is obtained.

PROCEDURE When a District Attorney's office in a "Decline Prosecution" arrest case requires specific additional information:

ADA CONCERNED

1. Forward to borough Court Section, letter indicating the type of additional information (e.g., interviews, evidence, line-ups, etc.) required to re-open case for prosecution.

BOROUGH COURT SECTION

2. Immediately forward request to commanding officer concerned.

COMMANDING OFFICER/ COUNTERPART

3. Ensure that the arresting officer, precinct detective squad, Burglary/Robbery Apprehension Module (BRAM), etc., expeditiously complies with the District Attorney's request.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

4. Immediately contact assigned Assistant District Attorney, whose name and telephone number are indicated on form letter, for instructions if the follow-up investigation yields positive results.
   a. If it is determined that the defendant is to be re-arrested on the same charge that was designated "Decline Prosecution":
      1. Issue a new arrest number
      2. Fingerprint prisoner
      3. Notify the Borough Court Section supervisor.

COMMANDING OFFICER/ COUNTERPART

5. Have **DECLINE PROSECUTION ARREST CASE REPORT (PD244-1515)** prepared.
6. Ensure that **REPORT** is forwarded to borough Court Section within ten business days of receiving District Attorney's request, regardless of outcome of investigation.

BOROUGH COURT SECTION

7. Maintain a "Decline Prosecution Arrest Case" log.
   a. Forward monthly report to Criminal Justice Bureau.

NOTE

*Failure to return the completed **REPORT** within this time frame will possibly result in the District Attorney's Office not re-opening the arrest case for prosecution. Whenever a **DECLINE PROSECUTION ARREST CASE REPORT** is prepared and forwarded to the borough Court Section, a duplicate copy of the **REPORT** will be prepared for the precinct/command file.*

ADDITIONAL DATA

*The **DECLINE PROSECUTION ARREST CASE REPORT** will not be prepared when the District Attorney's Office form letter indicates that a "Decline Prosecution" case cannot be re-opened for prosecution. In such cases, the form letter will serve to inform commanding officers so that, where necessary, they may instruct, train, and/or monitor the uniformed member of the service concerned.*

FORMS AND REPORTS

DECLINE PROSECUTION ARREST CASE REPORT (PD244-1515)

NYPD

PURPOSE To have Information Technology Services Division (ITSD) forward "On Line Booking System (OLBS) Arrest Notification Printout" to specified commands/agencies for certain arrests.

DEFINITION OLBS COMPUTERIZED ARREST NOTIFICATION PRINTOUT - A computerized printout containing arrest data.

PROCEDURE To provide specified commands and agencies with arrest data:

INFORMATION TECHNOLOGY SERVICES DIVISION PERSONNEL

1. Have "OLBS Computerized Arrest Notification Printout" forwarded to respective commands and agencies on a monthly basis, as follows:

ARREST OF/FOR/INVOLVING:	COMMAND/AGENCY
ARSON	**Arson and Explosion Squad**
ARSON, ATTEMPTED ARSON OR FIRE RELATED CRIMINAL MISCHIEF	**FDNY - Division of Fire Investigation**
ATTORNEY or anyone for violation of Judiciary Law	**Deputy Commissioner - Legal Matters**
AUXILIARY POLICE OFFICER (confiscate shield and identification card)	**Auxiliary Police Section**
BRIBERY/ATT. BRIBERY (member of service involved)	**Internal Affairs Bureau and Employee Relations Section**
BURGLARS TOOLS	**Major Case Unit**
CIGARETTE TAX VIOLATION	**Cigarette Tax Enforcement Unit**
CITY UNIVERSITY OF NEW YORK EMPLOYEE	**The City University of New York - Deputy University Director of Security and Public Safety**
CORRECTION EMPLOYEE	**Department of Correction**
CRIMINAL ANARCHY INVOLVING DOCUMENT DESCRIBING USE OR MAKING OF EXPLOSIVES	**Arson and Explosion Squad**
DRUG ADDICT or involving P.L. 220.00	**Narcotics Borough - Only if arrest made by Narcotics Borough personnel**
EXPLOSION BY BOMB or EXPLOSIVE DEVICE	**Arson and Explosion Squad**

ARREST OF/FOR/INVOLVING:	COMMAND/AGENCY
EXPLOSIVE OR BOMB (possession)	**Arson and Explosion Squad**
FOREIGN NATIONAL	**Intelligence Division**
FRAUDULENT ACCOSTING OR LARCENY BY PICKPOCKET	**Special Frauds Squad**
GAMBLING OFFENSE	**Narcotics Borough**
HOLDER OF RIFLE/SHOTGUN PERMIT - issued by Firearms Control Board	**Office of Chief of Department, Investigation Review Section**
HOSPITAL, any offense and prisoner admitted	**Borough Court Section Concerned**
INSURANCE FRAUD (PL 176.00)	**Auto Crime Unit**
MOTOR VEHICLES reported stolen outside New York State	**FBI Auto Squad**
NYC HOUSING EMPLOYEE	**NYC Housing Authority**
NYC TRANSIT EMPLOYEE	**MTA-NYC Transit**
PISTOL LICENSEE	**License Division**
POLICE IMPERSONATOR	**Internal Affairs Bureau**
POSTAL SERVICE, crimes affecting	**US Postal Inspector**
PRISONER, any offense and $5,000 or more is seized	**Property Clerk Division**
PROPERTY EVIDENCE	**Property Clerk Division**
PROPERTY THEFT exceeding $5,000 and property is identifiable by serial numbers or markings (excluding autos)	**FBI Major Theft Squad** **Major Case Unit**
SEAMAN, foreign (violation of narcotics law)	**Chief of Department**
SEX CRIME (Any)	**Special Victims Unit**
SPECIAL PATROLMAN	**License Division**
TELEPHONE SEIZURE (public morals arrest)	**Deputy Commissioner - Legal Matters**

ARREST OF/FOR/INVOLVING:	COMMAND/AGENCY
◆ **TOWING CAR DRIVER or OWNER**	➢ **Department of Consumer and Worker Protection**
◆ **NYC DEPARTMENT OF TRANSPORTATION EMPLOYEE (Department of Highways, Traffic, Marine & Aviation or Parking Violations Bureau)**	➢ **NYC Department of Transportation, Inspector General**
◆ **UNLAWFUL POSSESSION OF RADIO DEVICES (P.L. 140.40)**	➢ **Communications Division and Life-Safety Systems Division**
◆ **WATERFRONT EMPLOYEE**	➢ **Waterfront Commission**

ADDITIONAL DATA

When an arrest is effected by a uniformed member of the service for an offense committed on property under jurisdiction of any of the following police agencies, the arresting officer will enter proper jurisdictional code number in box 28 on the ON LINE BOOKING SYSTEM ARREST WORKSHEET. Information Technology Services Division will forward a copy of the "OLBS Computerized Arrest Notification Printout," as follows:

- ***Amtrak Police***
- ***CSX Transportation Police***
- ***MTA Police***
- ***New York State Park Police***
- ***New York State Police***
- ***NYC Health and Hospitals Police***
- ***Port Authority Police***
- ***Triborough Bridge and Tunnel Authority***
- ***U.S. Park Police***

Inquiries after initial arraignment from external private and/or governmental agencies relative to any arrest will be directed in writing to Commanding Officer, Identification Unit. He/she will be responsible for determining if the police record has been sealed pursuant to Section 160.50 of the Criminal Procedure Law.

PURPOSE To notify an agency or Department unit in certain arrest cases.

PROCEDURE When an arrest is effected and any of the following conditions exists, follow existing arrest procedures and:

DESK OFFICER

1. Notify Operations Unit DIRECT for arrests involving:
   a. Alcohol, illegal manufacture or possession
   b. Any offense, and prisoner has $500 in federal food stamps, except authorized wholesale or retail dealer.
   c. Any offense, and prisoner is an employee of:
      (1) New York City
      (2) US Internal Revenue Service
      (3) US Postal Service
      (4) US Department of State
      (5) New York State Department of Corrections.

NOTE *Whenever an arrested person indicates a school as place of employment, the arresting officer shall ascertain if the school is under jurisdiction of the New York City Department of Education.*

In the event a member of the Department anticipates the arrest of a Department of Correction employee at a correctional facility, please refer to ADDITIONAL DATA statement below.

   d. Any offense, and prisoner is a uniformed or civilian member of this Department.
      (1) Make entry of notification in Telephone Record and include identity of precinct commander/duty captain notified.
   e. Cigarette tax violation.
   f. Forgery of prescription for narcotics.
   g. Extortion or bribery concerning any taxes under jurisdiction of New York City Department of Finance OR criminal impersonation of tax official.
   h. Any offense and prisoner possesses multiple blank social security cards or multiple social security cards with different names and/or numbers.
   i. Larceny of parking meter or its contents OR tampering with meters.
   j. US Postal Law violations.
   k. Any offense and prisoner is member of Armed Forces (Army, Navy, Air Force, Marines, Coast Guard) OR prisoner is AWOL (Absent Without Leave) OR a deserter.
   l. Any offense and prisoner is impersonating a New York City Department of Health employee.

DESK OFFICER (continued)

2. Make direct notification to agency or command concerned when arrest is effected for:

• **Criminal Anarchy**	➢ **Intelligence Division**
• **Any offense, and prisoner possesses anarchistic literature advocating the violent overthrow of the existing government of this State or Nation**	➢ **Intelligence Division**
• **Any offense, <u>and</u> prisoner is an employee of:**	
◊ **New York State Division of Substance Abuse Services**	➢ **Division of Substance Abuse Services**
◊ **Port Authority of NY and NJ**	➢ **Port Authority**
◊ **Triborough Bridge and Tunnel Authority (TBTA)**	➢ **TBTA**
◊ **United Nations**	➢ **Intelligence Division**
◊ **New York State Department of Corrections and Community Supervision (DOCCS), Senior Parole, Supervising Parole Officer**	➢ **New York State Department of Corrections and Community Supervision (DOCCS)**
◊ **New York State Police**	➢ **Office of Chief Inspector, [redacted]. (During non-business hours notify New York State Police Division Headquarters, [redacted])**
◊ **New York State Court System**	➢ **New York State Unified Court System Command and Communications Center**
• **Any offense, <u>and</u> prisoner is a member of armed forces of a foreign nation**	➢ **Provost Marshal, Fort Hamilton, Brooklyn**
• **Felony <u>and</u> prisoner is employee of U.S. Department of Defense**	➢ **Provost Marshal, Fort Hamilton, Brooklyn**
• **Morals or perversion charge <u>and</u> prisoner is employee of U.S. Department of Defense**	➢ **Provost Marshal, Fort Hamilton, Brooklyn**
• **Any offense, <u>and</u> a youth gang is involved**	➢ **Intelligence Division**
• **Any offense, <u>and</u> Department of Education is involved in <u>any way</u>**	➢ **School Safety Division**
• **Any graffiti-related offenses**	➢ **Citywide Vandals Task Force, Transit Bureau**
• **Any offense and prisoner is an employee of The City University of New York**	➢ **The City University of New York - Deputy University Director of Security and Public Safety**
• **Any offense, and prisoner is involved in the private carting industry, City owned wholesale markets, or boats involved in offshore shipboard gambling emanating from New York City locations**	➢ **Business Integrity Commission, via the Detective Bureau Wheel**

DESK OFFICER (continued)

• **Any offense, and prisoner admits, or is determined to be a foreign national**	➢ **Notify borough court supervisor**
• **Grand Larceny Auto or C.P.S.P. (motor vehicle or motorcycle)**	➢ **Auto Crime Unit**
• **Any offense and prisoner is a registered sex offender**	➢ **Fax copy of OLBS to Sex Offender Monitoring Unit (SOMU)**
• **Sexual assault or sexual harassment of a prisoner while the prisoner is in the custody of this Department**	➢ **Criminal Justice Bureau via email at** [redacted]
• **Any offense and prisoner is on probation and suspected of using and/or is in possession of illegal narcotics**	➢ **Notify New York City Department of Probation**
• **Any offense and individual is suspected of using and/or is in possession of illegal narcotics**	➢ **Notify Borough District Attorney's Office (for the purpose of determining if drug treatment services should be offered to the individual.)**

3. Direct arresting officer to notify Intelligence Division, Criminal Intelligence Section twenty-four hours/seven days a week, to determine if an immediate response by a member of the Intelligence Division is warranted in regards to possible terrorist links, for arrests or seizures involving the following:
   a. Fraudulent documents
   b. Identity theft
   c. Welfare fraud
   d. Untaxed cigarettes
   e. Drug paraphernalia
   f. Telephone calling cards
   g. Shop lifting
   h. Baby formula
   i. Counterfeit money
   j. Money laundering
   k. Travelers checks (stolen/counterfeit)
   l. Money Orders (stolen/counterfeit)
   m. Credit cards (stolen/counterfeit/bust out schemes)
   n. Expired candy - consumer affairs violations
   o. Grand larceny fraud
   p. Firearms
   q. Trademark counterfeiting
   r. Marriage fraud
   s. Foreign national smuggling
   t. Cell phones
   u. Coupon fraud
   v. Computer fraud
   w. Khat (a plant used as an habituating stimulant) sales or possession
   x. Bank checks
   y. Stolen property
   z. ATM fraud/theft - bank cards.

DESK OFFICER (continued)

4. Direct arresting officer to notify Human Resources Administration, Bureau of Client Fraud, by telephone [redacted] (0830-1700 hours) or [redacted] (at all other times) and State of New York, Office of the Welfare Inspector General, by telephone [redacted] (Monday to Friday, 0900-1700 hours) or [redacted] at all other times, whenever a prisoner is arrested for:
   a. INCOME GENERATING OFFENSE, i.e., drugs, gambling, prostitution, unlicensed vendor, etc., and the prisoner possesses:
      (1) Department of Social Services Recipient Identification Card OR
      (2) Two different sets of identification cards OR
      (3) Food stamps
   b. The telephone notification will also be made when prisoner is arrested for ANY OFFENSE and possesses:
      (1) Two or more social security cards in same name, with different numbers or different names and numbers OR
      (2) Department of Social Services Recipient Identification Card and more than $500.00 in U.S. currency OR
      (3) Department of Social Services Recipient Identification Card and an employee ID card from any City agency or other identification indicating any employment.
5. Direct uniformed members of the service making any arrests to question prisoner(s) re:
   a. Employment or involvement in the child care field in the following capacities:
      (1) Any employee of a day care center or Headstart Program
      (2) Any family day care provider or member of household
      (3) Any employee of a program for protective services, preventive services, youth development and delinquency, runaway and homeless youths, day camp, park or recreation
      (4) Any employee of a foster care program or member of a foster care family.
   b. Have arresting officer prepare form **Child Care Worker Arrest Notification (Misc. 2148)**, in duplicate, when prisoner is employed or involved in child care field.
   c. Immediately notify the Operations Unit, direct, and forward original copy of form to New York City Department of Investigation, in next Department mail.
      (1) File duplicate copy of form with precinct copy of **ON LINE BOOKING ARREST WORKSHEET (PD244-159)**.

ADDITIONAL DATA

ANTICIPATED ARREST OF NYC DEPARTMENT OF CORRECTION EMPLOYEE:

Whenever a member of the Department anticipates the arrest of a Department of Correction employee at a correctional facility, that member must make a telephone notification to the Department of Correction, Investigations and Trials Division, prior to arrival at the correctional facility. The Investigations and Trials Division will coordinate, with the arresting officer, the necessary arrangements for the prompt and safe surrender of its employee.

ADDITIONAL DATA (continued)

The Department of Correction Investigations and Trials Division can be reached at [redacted] or [redacted], during business hours. At all other times, the investigators shall contact the Investigations and Trials Division Duty Supervisor through the Department of Correction Central Operations Desk at [redacted].

This protocol does not limit the right or duty of a member of the service to effect an arrest. If a member of the service experiences a lack of cooperation, he/she shall notify a supervisor. The supervisor will notify the duty captain if the supervisor is unable to correct the situation.

Summary arrests and arrests of Department of Correction employees outside correctional facilities are not affected by this procedure. Cases involving corruption or serious misconduct continue to require a notification to the Internal Affairs Bureau Command Center at [redacted], twenty-four hours a day, seven days a week, in accordance with P.G. 207-22, "Allegations of Corruption Against City Employees (Other than Members of the NYPD)."

FORMS AND REPORTS

ON LINE BOOKING ARREST WORKSHEET (PD244-159)

NYPD

PURPOSE To improve the tracking, monitoring, and analysis of domestic violence incidents.

PROCEDURE When a member of the service records a domestic violence incident on a **New York State Domestic Incident Report (DCJS-3221)**:

UNIFORMED MEMBER OF THE SERVICE

1. Submit hard copy of **New York State Domestic Incident Report** and any related paperwork (**COMPLAINT REPORT [PD313-152]**, **AIDED REPORT**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET [PD244-159]**, etc.) to desk officer.
   a. A hard copy of the **New York State Domestic Incident Report** must be prepared for all founded domestic violence incidents.
   b. A hard copy of the **New York State Domestic Incident Report** WILL NOT be prepared for unfounded domestic violence incidents occurring within New York City, and will be directly entered into FORMS.
   c. 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.

NOTE *The current **New York State Domestic Incident Report** does not have captions for certain pertinent information that is collected by the Finest Online Records Management System (FORMS). Therefore, the following information is to be elicited from the person(s) involved and recorded in the NARRATIVE OF THE INCIDENT:*

a. Verbal dispute only
b. Court and Docket number of Order of Protection
c. Reporting officer's tax number in box titled "REPORTING OFFICER."

DESK OFFICER

2. Ensure accuracy and completeness of **New York State Domestic Incident Report** and any related paperwork and sign, as appropriate.
3. Designate member of the service to enter information from the hard copy **New York State Domestic Incident Report** into FORMS, if prepared, for incidents occurring within New York City.

MEMBER OF THE SERVICE

4. Enter information from the **New York State Domestic Incident Report** into FORMS if incident occurred within New York City.

NOTE *Members of the service will comply with P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons" regarding victim's statements that are written in languages other than English.*

*Members of the service will prepare a **New York State Domestic Incident Report** for walk-in complainants reporting domestic violence incidents.*

DESK OFFICER

5. Forward all copies of **New York State Domestic Incident Reports** for incidents occurring within New York City to the command's domestic violence supervisor.

DOMESTIC VIOLENCE SUPERVISOR

6. Review and compare hard copy, if prepared, to electronic copy of **New York State Domestic Incident Reports** occurring within New York City, and address discrepancies as necessary.
7. Review and update all cases in Enterprise Case Management System (ECMS)/Domestic Violence Information Management System (DVIMS) for incidents occurring within New York City, as appropriate.
8. Maintain a file comprised of all **New York State Domestic Incident Reports** prepared within the command, or forwarded from other commands.

NOTE

*The original **New York State Domestic Incident Report** (domestic violence sergeant's copy) and the first copy (precinct detective squad's copy) will be filed in the command of occurrence if incident occurred within New York City. If the command of occurrence is other than complainant's/victim's resident precinct and a **New York State Domestic Incident Report** is prepared, a photocopy will be forwarded to the domestic violence sergeant assigned to the complainant's/victim's resident precinct if domestic violence incident occurred within New York City. Copies of **New York State Domestic Incident Reports** prepared for incidents that occurred within New York State, but outside of New York City, will be forwarded to the Inter-City Correspondence Unit.*

PRECINCT DETECTIVE SQUAD

9. Enter case closing status of any resolved domestic violence case into ECMS, as appropriate.

DOMESTIC VIOLENCE U-VISA UNIT

10. Provide members of the service with access to ECMS utilizing the administrator features of the computer, as appropriate.

ADDITIONAL DATA

*Members of the service are reminded that the hard copy of the **New York State Domestic Incident Report**, which should include a statement written in the complainant's/victim's own handwriting, is the primary source for information regarding domestic violence incidents. The handwritten victim's statement is crucial to the District Attorney during the prosecution of a domestic violence case and can serve as the accusatory instrument, when necessary.*

Section: Arrests		Procedure No: 208-71	
DOCUMENTATION OF ACTIVITY OF BAIL ENFORCEMENT AGENTS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To identify bail enforcement agents who are attempting to apprehend wanted persons, and to preserve the peace and ensure public safety in these situations.

DEFINITION BAIL ENFORCEMENT AGENT - Shall include any person, firm, company, partnership or corporation engaged in the business of enforcing the terms and conditions of a person's release from custody on bail in a criminal proceeding, including locating, apprehending and returning any such person released from custody on bail who has failed to appear at any stage of a criminal proceeding to answer the charge before the court in which he/she may be prosecuted.

PROCEDURE When a bail enforcement agent appears at a precinct to notify the Department that he/she intends to apprehend a wanted person:

DESK OFFICER

1. Interview bail enforcement agent and verify the following:
   a. Bail enforcement agent is appropriately licensed or is directly employed by an appropriately licensed bail enforcement agent, and
   b. Bail enforcement agent is in possession of a bail bond that names the defendant he/she is seeking to apprehend.

NOTE *The burden of proving that he/she is appropriately licensed falls upon the bail enforcement agent. The licensing agency, the New York State Department of State, maintains a searchable database of bail enforcement agent licensees (see www.dos.state.ny.us/). Bail enforcement agents who fail to prove that they are appropriately licensed will be advised that they may* ***not*** *make an apprehension until such proof is provided.*

2. Prepare **BAIL ENFORCEMENT AGENT NOTIFICATION OF SERVICE (PD609-120).**
3. Make immediate telephone notification to the Warrant Section's Telephone Inquiry Unit twenty-four hours a day, seven days a week in order to determine if a member of the Warrant Section is conducting an investigation on the defendant the bail enforcement agent is seeking to apprehend.
   a. If the warrant is currently under investigation by Warrant Section, the appropriate borough field office will respond to make the arrest.
   b. If warrant is not currently under investigation by the Warrant Section, the bail enforcement agent(s) will apprehend the wanted person.
4. Make a command log entry pertaining to the bail enforcement agent's information.
5. Record name of person notified at Warrant Section and result of inquiry in the Telephone Record and **BAIL ENFORCEMENT AGENT NOTIFICATION OF SERVICE**.
6. File **BAIL ENFORCEMENT AGENT NOTIFICATION OF SERVICE** at command.

DESK OFFICER (continued)

7. Direct precinct RMP unit to accompany bail enforcement agent, if requested, in cases where wanted person is believed to be present in an occupied building.

NOTE

Since this apprehension is a private, contractual matter, the Department is under no general duty to assist the bail enforcement agent, just as the Department has no duty to assist a car repossessor, for example, in the recovery of a vehicle. However, police personnel should respond to the scene of the apprehension to preserve the peace in the same manner that the Department preserves the peace at the scene of civil process executions by the City Marshal.

DESK OFFICER

8. Notify the desk officer of the police service area concerned if wanted individual resides in a housing development.

NOTE

Bail enforcement agents MUST appear at the precinct which covers the location that the wanted individual is to be apprehended. If a UMOS encounters a bail enforcement agent who did not notify this Department of the attempt to apprehend a wanted person into their custody, the uniformed member will ***immediately*** *direct the agent to the desk officer of the precinct which covers the location where the wanted individual was or is to be apprehended.*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

9. Accompany bail enforcement agent to location, if directed.
   a. Notify radio dispatcher of assignment and location.

NOTE

Bail enforcement agents shall be responsible for the apprehension process. The primary duty of members of the service will be to preserve the peace and protect life and property. Absent unusual circumstances, it will be the responsibility of the agent to search, secure, and transport the wanted person back to the original jurisdiction. If weapons or other contraband are found on the wanted person, this Department will affect the arrest. However, in the interest of preventing unlawful detentions, members of the service should attempt to verify that the person apprehended is in fact the wanted person. If reasonable doubt exists, all parties should be returned to the precinct for investigation that should include a federal, state and local warrant check, and the results entered on the ***BAIL ENFORCEMENT AGENT NOTIFICATION OF SERVICE****. Once it is determined that the individual is in fact the wanted person being sought by the bail enforcement agent(s), allow the agent(s) to transport the wanted person back to the original jurisdiction.*

ADDITIONAL DATA

Bail bonding companies often subcontract the task of apprehending their clients to independent bail enforcement agents. New York law permits the surety to empower another to apprehend the defendant, provided that the surety provides written authority for the agent to do so, endorsed on a certified copy of the bail bond. New York Law also requires that such agent be over twenty years of age (see Criminal Procedure Law 530.80).

Chapter 562 of the laws of New York State requires any person or company engaged in the business of bail enforcement in New York State to be properly licensed. The law shall apply to all bail enforcement businesses, whether based in or outside of New York State, that conduct business within New York State. Exceptions to this provision are New York State private investigators that are licensed separately. Under the law, a

ADDITIONAL DATA (continued)

licensed private investigator may perform the function of a bail enforcement agent. However, a bail enforcement agent may not perform the function of a private investigator, unless the individual is properly licensed.

The licensing requirement of the new law applies to the bail enforcement business, not the individual agent/employee performing the bail enforcement function. For example, an individual bail enforcement agent that lives in Las Vegas, Nevada and performs bail enforcement in New York City does not need a license from New York State, so long as the bail enforcement business that employs him/her is licensed in New York State. However, the bail enforcement agent/employee is subject to the training and education requirements of the new law. In addition, a bail enforcement agent that is acting as a sub-contractor to a bail enforcement business, and is not a direct employee thereof, is required to be licensed in New York.

Any person that falsely states or represents that he or she works for a licensed bail enforcement business shall be guilty of an unclassified misdemeanor [General Business Law, Section 81(1)]. Law enforcement officers engaged in their official duties are exempt from this law.

The law states that a "representative of a local law enforcement agency may accompany a bail enforcement agent when the agent enters what is believed to be an occupied structure to search for or apprehend a person." However, the provision authorizing law enforcement agents to accompany bail enforcement agents to search for or apprehend someone is not intended to in any way to expand the police powers beyond what is currently authorized by law, nor does it require a police officer to assist an agent in this manner. It must be emphasized that the Department's role when accompanying a bail enforcement agent to the scene of a prospective apprehension is preservation of the public peace, in the same manner that the Department preserves the peace at the scene of civil process executions by the city marshal. This Department will NOT permit or give assistance to the bail enforcement agent to break and enter any dwelling for the purpose of seizing a defendant inside. The bail enforcement agent should be further informed that he/she is subject to arrest if he violates any laws in New York.

Members of the service seeking additional guidance regarding bail enforcement agents will refer to Legal Bulletin "The Authority of Bail Bondsman" (Volume 21, Number 6, December 1991). Any further questions can be directed to the Legal Bureau.

RELATED PROCEDURES

Arrest By A Civilian (P.G. 208-04)
Evictions, Repossessions And Other Civil Process (P.G. 214-13)

FORMS AND REPORTS

BAIL ENFORCEMENT AGENT NOTIFICATION OF SERVICE (PD609-120)

PURPOSE To obtain a DNA sample from prisoners who are identified as owing DNA for inclusion in the New York State databank.

PROCEDURE When it is discovered that a prisoner is required to submit a DNA sample for inclusion in the New York State DNA databank:

SCOPE When a prisoner is being processed for a Desk Appearance Ticket (DAT) and it is discovered that the prisoner is required to submit a DNA sample, the attempt to obtain the sample will be conducted at the command of arrest. In addition, if a prisoner is being processed as an online arrest and it is discovered that the prisoner is required to submit a DNA sample, the attempt to obtain the sample will be conducted at the borough Court Section.

WHEN PRISONER IS BEING PROCESSED FOR A DAT AND CONSENTS TO SUBMIT A DNA SAMPLE:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer.
2. Obtain DNA sample from prisoner using DNA Specimen Collection Kit.
3. Notify desk officer, when DNA sample is obtained.

DESK OFFICER

4. Review completed DNA Specimen Collection Kit for completeness and accuracy.
5. Ensure OMNIFORM DAT QUEUE is updated, as appropriate.
6. Forward DNA Specimen Collection Kit to the Mail and Distribution Unit.
7. Notify borough Court Section, if DNA was obtained.

WHEN PRISONER IS BEING PROCESSED FOR A DAT AND REFUSES TO SUBMIT A DNA SAMPLE:

UNIFORMED MEMBER OF THE SERVICE

8. Notify desk officer of prisoner's refusal to submit a DNA sample.
9. Activate assigned body-worn camera.
10. Read statement on **REFUSAL TO PROVIDE DNA SAMPLE (PD290-121)** to prisoner.
11. Obtain DNA sample, if prisoner consents.
12. Arrest prisoner on separate charge of Obstructing Governmental Administration (OGA) 2nd Degree, P.L. 195.05, if prisoner continues to refuse, and issue DAT in accordance with *P.G. 208-27, "Desk Appearance Ticket."*
13. Notify borough Court Section of prisoner's OGA arrest due to refusal to submit DNA.
    a. Obtain the following information from borough Court Section to complete **REFUSAL TO PROVIDE DNA SAMPLE**:
        (1) Date of original offense,
        (2) Penal Law offense arrestee was convicted of, and
        (3) Sentencing information.

UNIFORMED MEMBER OF THE SERVICE (continued)

14. Complete **REFUSAL TO PROVIDE DNA SAMPLE**.
15. Include **REFUSAL TO PROVIDE DNA SAMPLE** as part of arrest paperwork for initial arrest, and OGA arrest, if necessary.

DESK OFFICER

16. Indicate prisoner's refusal to provide DNA sample in the OMNIFORM DAT QUEUE for:
    a. Original arrest, if qualified for a DAT, and
    b. OGA arrest.

AT BOROUGH COURT SECTION:

BOROUGH COURT SECTION RAP/WARRANT OFFICER

17. Ensure all prisoners who have a Rap Sheet with banner "REQUIRED TO PROVIDE A DNA SAMPLE FOR INCLUSION IN THE STATE DNA DATABANK" have had an opportunity to consent, or refuse to submit a DNA sample at command of arrest.
    a. If DNA sample was not addressed at command of arrest, notify borough Court Section supervisor and indicate, "DNA SAMPLE REQUIRED" on front page of Rap Sheet.
18. Make entry in DNA Sample Log, as appropriate.
19. Ensure DAT banner is accurate in ZOLPA.

BOROUGH COURT SECTION SUPERVISOR

20. Certify completeness and accuracy of entries in DNA Sample Log.
21. Use ZOLPA system to obtain lodging location of defendant that owes DNA and ensure a DNA banner entry is made.
22. Notify intake supervisor to assign a uniformed member of the service to obtain a DNA sample, if prisoner is at borough Court Section.

INTAKE OFFICER/ COURT SECTION MEMBER

23. Check ZOLPA system to determine whether prisoner being lodged at borough Court Section is required to give DNA sample.
    a. If ZOLPA DNA banner entry was not made, but a NYSID number is present in ZOLPA system, call rap/warrant post or query eJustice NY to ascertain whether DNA is owed.
24. Notify intake supervisor, if DNA sample is owed or has been refused during DAT process.

INTAKE SUPERVISOR

25. Ensure ZOLPA system is queried for all prisoners being lodged to identify prisoners owing or refusing DNA samples.
    a. Designate a uniformed member assigned to Court Section to obtain DNA sample at intake area.

DESIGNATED UNIFORMED MEMBER OF THE SERVICE

26. Obtain DNA sample from prisoner using DNA Specimen Collection Kit.
    a. Read statement on **REFUAL TO PROVIDE DNA SAMPLE** and have prisoner sign and date.
27. Update ZOLPA DNA banner entry to indicate that DNA sample was obtained.
28. Notify borough Court Section supervisor once DNA sample is obtained.

BOROUGH COURT SECTION SUPERVISOR

29. Indicate "SAMPLE OBTAINED" on front page of Rap Sheet and initial.
30. Make appropriate entry in DNA Sample Log, describing the sample obtained and time obtained.
31. Process prisoner's case and:
    a. Review completed DNA Specimen Collection Kit for completeness and accuracy, and
    b. Forward DNA Specimen Collection Kit, as appropriate.

BOROUGH COURT SECTION SUPERVISOR

32. Direct that a ZOLPA "RE-ARREST" informational activity entry be made indicating prisoner's refusal to submit to a DNA sample.
33. Indicate "REFUSED DNA SAMPLE" on top of Rap Sheet and all case jackets.
34. Make entry regarding prisoner's refusal in DNA Sample Log and include new arrest number.
35. Notify District Attorney's Complaint Room/ECAB supervisor of prisoner's refusal to submit a required DNA sample and of additional arrest charge.

<u>IF PRISONER REFUSES TO PROVIDE SAMPLE, HAS BEEN ARRESTED AND CHARGED WITH OGA, BUT AT ARRAIGNMENT, WISHES TO PROVIDE A DNA SAMPLE:</u>

UNIFORMED MEMBER ASSIGNED TO COURTROOM POST

36. Notify court operations supervisor/platoon commander of prisoner's willingness to provide DNA sample.

COURT OPERATIONS SUPERVISOR/ PLATOON COMMANDER

37. Direct Court Section personnel officer to obtain a DNA sample using a DNA Specimen Collection Kit and forward to borough Court Section supervisor for processing.

ADDITIONAL DATA

Once a sample has been obtained from a prisoner who has refused to submit DNA, and has been re-arrested and charged with OGA, a Court Section supervisor will notify the District Attorney at arraignment.

At any time during the arraignment process, any Court Section member that observes a Rap Sheet with the DNA banner "REQUIRED TO PROVIDE A DNA SAMPLE FOR INCLUSION IN THE STATE DNA DATABANK" that DOES NOT have an appropriate entry, will bring this to the attention of a supervisor. If this occurs in the courtroom, the defendant's arraignment will be delayed until the case can be reviewed by a supervisor.

A banner reading "REQUIRED TO PROVIDE A DNA SAMPLE FOR INCLUSION IN THE STATE DNA DATABANK" will be removed from a Rap Sheet one month after DNA samples have reached the State Police Laboratory. If prisoner is re-arrested before the month has passed, members of the service concerned can verify a sample was obtained by contacting the New York State Division of Criminal Justice Services Office of Forensic Services, or the respective borough's Court Section concerned.

FORMS AND REPORTS ***REFUSAL TO PROVIDE DNA SAMPLE (PD290-121)***

RELATED PROCEDURES *Exposure of Members of the Service to Infectious Disease or Hazardous Materials (A.G. 330-09)*
Desk Appearance Ticket – General Procedure (P.G. 208-27)
Communicable Disease (P.G. 216-11)

NYPD
POLICE DEPARTMENT NEW YORK CITY OF

Section: Arrests		Procedure No: 208-74	
ARREST PROCESSING OF PERSONS WANTED FOR MULTIPLE INCIDENTS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure the processing of arrests associated with persons who may be responsible for additional criminal incidents by preparing separate **ON LINE BOOKING SYSTEM ARREST WORKSHEETS (PD244-159)** and LIVESCAN prints for each of the incident(s).

PROCEDURE When it has been determined that an individual in custody may be responsible for additional criminal incidents recorded within ANY command, the following procedure will apply:

ARRESTING OFFICER

1. Confer with detective squad member and determine additional charges.
2. Inform desk officer of additional criminal incidents for which charges will be preferred.
3. Process the initial arrest in accordance with *P.G. 208-03, "Arrest - General Processing."*

DETECTIVE BUREAU MEMBER

4. Conduct an investigation to determine additional criminal incidents, if any, which were committed by the perpetrator.
5. Notify detective squad supervisor and inform him/her of relevant facts.
6. Determine charges for which the perpetrator will be prosecuted.
7. Process additional **ON LINE BOOKING SYSTEM ARREST WORKSHEETS** and print via LIVESCAN for each separate criminal incident.
8. Notify the respective borough Court Section concerned of all arrest numbers associated with the individual(s) in custody.

NOTE *In those instances where a patrol unit has made the initial arrest, and additional criminal incidents have been identified whereby charges will be preferred, the patrol unit will process the initial arrest, and the Detective Bureau member concerned will process each additional arrest(s). It is the responsibility of a Detective Bureau supervisor to oversee this process if additional arrests concern the same command or a Detective Bureau Zone Commander if multiple commands are involved. (See "ADDITIONAL DATA" statement.)*

DETECTIVE SQUAD SUPERVISOR/ COVERING SUPERVISOR

9. Verify each criminal incident for which charges will be preferred.
10. Coordinate the arrest process and ensure that separate **ON LINE BOOKING SYSTEM ARREST WORKSHEETS** and LIVESCAN prints are prepared for each criminal incident.
11. Coordinate and supervise lineups, if conducted, in accordance with *P.G. 208-24, "Identification Lineups/Showups."*
12. Notify Detective Bureau supervisor/covering supervisor of command concerned should it be suspected the perpetrator is wanted for additional criminal incidents within other commands.
13. Notify Detective Squad Zone Commander should additional criminal incidents for which charges will be preferred involve outside commands

NOTE *This includes specialty units such as Special Victims Unit, Special Investigations Units and/or Transit Crimes Unit, etc.*

DETECTIVE SQUAD SUPERVISOR/ COVERING SUPERVISOR (continued)

14. Ensure that notification is made to respective borough Court Section concerned of all arrest numbers associated with the individual(s) in custody.

NOTE *When is has been determined that an individual will be processed for crimes having occurred in more than one command, the prisoner will remain at the initial command of arrest, and concerned Detective Bureau commands will respond, if need be, to conduct an investigation. Members are reminded that* ***ON LINE BOOKING SYSTEM ARREST WORKSHEETS*** *may be prepared at any command regardless of the prisoner's location. All LIVESCAN prints will be processed at the command wherein the prisoner is located. The transporting of a prisoner should be kept to a minimum. Detective squad supervisors will be responsible to ensure coordination and efficiency.*

DETECTIVE SQUAD ZONE COMMANDER/ COVERING DETECTIVE DUTY CAPTAIN

15. Confer with counterparts should criminal incidents for which arrest will be processed involve another zone or specialty squad.
16. Ensure coordination between multiple commands in processing additional arrests.

ADDITIONAL DATA

COURT ORDERS TO PRODUCE

In those instances where a post-arraignment/in-custody/defendant is wanted for additional crime, it is the responsibility of the investigator obtaining such take out order to confer with the Assistant District Attorney and, if need be, coordinate with respective Detective Bureau commands to process additional arrest.

IDENTIFIED PERPETRATORS

When an individual has been identified for a past crime by an investigative entity, and an apprehension is made by a patrol unit based solely on such identification, the arrest will be processed by the concerned Detective Bureau command. However, should the same person be apprehended as a "live-arrest", the first arrest will be processed by the patrol unit, and additional arrests will be processed by the concerned investigative unit.

CROSSING BOROUGH BOUNDARIES

When it has been determined that an individual in custody is wanted for crime(s) having occurred in another geographical borough a notification will be made to the concerned detective squad and the overhead Detective Borough/Division Command concerned. It will be the responsibility of the concerned investigative unit to monitor the custody status of the prisoner so as to coordinate an arrest prior to the prisoner's release.

ADDITIONAL DATA (continued)

PERPETRATOR LINKED TO CRIMES INVESTIGATED BY BOROUGH ROBBERY OR TRANSIT SQUADS

In addition to any summary arrest made by patrol or a detective squad, and where it has been determined that an individual is part of an established Borough/Citywide Robbery pattern, or is linked to crimes having occurred in Transit, the respective Borough Robbery Squad or Transit Squad will be notified and act in accordance with this procedure. A notification will be made to the concerned Detective Bureau Major Crimes/Detective Zone Commander/Detective Duty Captain concerned.

PERPETRATOR LINKED TO SPECIAL INVESTIGATIONS DIVISION OR SPECIAL VICTIMS UNIT INVESTIGATIONS

In addition to any summary arrest made by patrol or a detective squad, and where it has been determined that an individual is linked to crimes being investigated by the Special Investigation Division or the Special Victims Unit, notifications will be made to the Detective Bureau Duty Captain and the Chief of Detectives. The Chief of Detectives in turn will notify the respective investigative unit.

RELATED PROCEDURES

Arrest - General Processing (P.G. 208-03)
Arrest Report Supplement (P.G. 208-13)
Arrest Report Preparation at Stationhouse (P.G. 208-15)
Identification Lineups/Showups (P.G. 208-24)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

NYPD

PURPOSE

To conduct a thorough investigation of offenses related to firearm(s) possession and to ensure that the strongest cases are presented to prosecutors for every firearm(s) arrest by:

- Identifying potential association to other crimes
- Eliciting intelligence related to the possession, sale, trafficking, and distribution of firearms through the collection and preservation of forensic evidence from both the arrestee and firearm
- Conducting comprehensive debriefings
- Recovering video evidence in a timely manner
- Ensuring prompt notifications and referrals are made to applicable units and agencies.

PROCEDURE

When a member of the service affects an arrest involving a firearm or otherwise comes into possession of a firearm(s) (e.g., found, recovered pursuant to police action, or under circumstances requiring investigation):

NOTE

Firearms received pursuant to Penal Law Section 265.20(a)(1)(f) – such as voluntary surrender or buy-back program will NOT be subject to this procedure.

UNIFORMED MEMBER OF THE SERVICE

1. Notify the desk officer and precinct detective squad of circumstances related to firearm arrest, recovery, or instance necessitating investigation.

   Do not touch, move, or disturb a firearm at a crime scene except when absolutely necessary (e.g., large crowd gathering, hindering aid to victim, etc.).

NOTE

Every firearm related to an arrest or taken into possession by this Department requiring investigation must be processed for DNA and latent prints. If a firearm is not recovered from a person, the recovery location will be treated as a crime scene and an immediate notification will be made to the Evidence Collection Team (ECT) or Crime Scene Unit (CSU), as appropriate. Contamination of a firearm may occur prior to being tested (e.g., multiple persons handling firearm, discarded into a sewer, etc.). These circumstances should be thoroughly documented and testing completed nonetheless. When handling a firearm:

a. Wear latex/nitrile gloves in order to preserve DNA and fingerprint evidence, unless exigent circumstances exist

b. DO NOT secure firearm on your person, unless exigent circumstances exist, since clothing may contaminate, alter, and/or damage the biological evidence thereon

c. DO NOT circulate the firearm among uniformed members at the scene. The recovering officer should retain custody of the firearm and invoice it appropriately (e.g., arrest evidence, etc.) as per P.G. 218-01, "Invoicing Property – General Procedure" and P.G. 218-23, "Processing Firearms and Firearm-Related Evidence."

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Conduct a canvass for video surveillance to identify locations of cameras that may have probative value.
   a. If video evidence is available, obtain the name and contact information for the custodian of the video and immediately inform Detective Bureau personnel.
4. Process recovered firearm(s) as per *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence."*
5. Deliver firearm(s) and firearm-related evidence to the desk officer, command of occurrence.

DESK OFFICER

6. Ensure that firearm(s) and firearm-related evidence are safe, properly marked, packaged, and sealed as per *P.G. 218-01, "Invoicing Property – General Procedure"* and *P.G. 218-23, "Processing Firearms and Firearm –Related Evidence."*
7. Notify the precinct platoon commander and commanding/executive officer of incident details.
8. Notify the precinct detective squad/Detective Bureau unit concerned immediately, to enhance an arrest involving a firearm(s) or to conduct an enhanced firearm investigation.

ASSIGNED DETECTIVE/ PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT

9. Initiate a case upon receiving notification of an investigation concerning a firearm(s) related offense or firearm(s) recovery (e.g., summary arrest affected by patrol personnel or other units performing enforcement duties within the command).

NOTE *Precinct detective squads are the primary investigative unit responsible for enhancing firearm(s) related arrests and investigations of firearms occurring within their respective commands. Their expertise and understanding of current dynamics and crime trends within the precinct affords a unique perspective in determining any possible implications this incident has on past and future crimes. This responsibility in no way precludes or excuses other members of the service from actively assisting in the enhancement and post arrest investigation process. This collective effort will guarantee all available evidence and documentation is secured in the most efficient manner, thereby ensuring the best possible case is brought forward. In order to comply with D.G. 502-32, "Electronic Recording of Custodial Interrogations for Enhancement of Arrests for Gun Related Offenses," it is extremely important that the arrestee be brought to the detective squad immediately and prior to any questioning.*

10. Prior to conducting any interview with the defendant(s), the assigned investigator will conduct a comprehensive criminal background check through Department computer systems (e.g., FINEST, Precision Alerting System [PAS], Domain Awareness System [DAS], ICAD, eJustice, etc.).

ASSIGNED DETECTIVE/ PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT (continued)

11. Evaluate the defendant(s) criminal history and arrest charges to determine eligibility for federal prosecution (Trigger Lock).
12. Prepare the interview room/area and attempt to obtain an abandonment sample in accordance with *D.G. 506-06, "Collecting DNA Exemplar Abandonment Suspect Samples in a Controlled Environment."*
13. Complete a **GUN ENHANCEMENT CHECKLIST (PD324-060)** and **FIREARM INFORMATION WORKSHEET (PD324-152)** in all gun enhancement cases and upload into Enterprise Case Management System (ECMS).
    a. A separate **FIREARM INFORMATION WORKSHEET** will be completed for each individual arrested and uploaded into ECMS.
    b. Additional worksheets will also be prepared when the investigation reveals that more than one supplier and/or transporter of a firearm(s) exists.
14. Conduct video interrogation of suspect(s) with the primary objective being the elicitation of statements that support the current weapons charges.
    a. Inquire how the suspect(s) came into possession of the firearm and detail the results on the **FIREARM INFORMATION WORKSHEET**.
    b. Attempt to ascertain the suspect's involvement in and/or awareness of criminal activity unrelated to the present case.
15. Attempt to obtain consent from the suspect(s) for a DNA Exemplar Sample and as per *D.G. 506-05, "Collecting DNA Exemplar Consent Samples and DNA Exemplar Suspect/Arrestee Court Ordered Samples,"* or *D.G. 506-06, "Collection of DNA Exemplar Abandonment Suspect Samples."*

NOTE *Unique and/or identifiable clothing items a defendant is recorded wearing on video, and/or garments that witnesses/911 callers used to describe the defendant should be invoiced and preserved as evidence. Furthermore, photograph and invoice clothing or items used to conceal weapon(s) (e.g., book bags, suitcase, etc.).*

16. Ensure photographs of the firearm(s) and firearm-related items have been taken and uploaded into ECMS Firearm Enhancement case folder.
17. Ensure the defendant(s) cell phone(s) have been invoiced in accordance with *P.G. 218-01, "Invoicing Property – General Procedure," P.G. 218-19, "Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner," and/or P.G. 218-50, "Prisoner Cellular Telephone(s)."*
    a. Consult with the District Attorney and request a search warrant if it is suspected that the phone contains evidence (e.g., text messages, photographs, etc.).
18. Comply with *D.G. 502-18, "Use of Social Networks for Investigative Purposes – General Procedure."*

ASSIGNED DETECTIVE/ PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT (continued)

19. Conduct a video canvass and attempt to identify and retrieve video which may have probative value.
    a. Request assistance from precinct personnel to assist with the search.
20. Document and upload into ECMS all investigative steps taken (e.g., Shotspotter activation photographs, videos, scanned documents, etc.).
    a. Close the case as an "Enhancement" using code "B8" in ECMS if no information is developed relative to the source of the weapon or other criminality.
21. Notify the commanding officer, precinct detective squad or Detective Bureau unit when information of a positive nature relative to the source of the weapon is obtained.

NOTE

The assigned detective will interview all witnesses, complainants, and police officers and ensure all interviews are properly recorded. Members assigned to Nightwatch will conduct a full investigation and debriefing in all firearms arrests during nighttime hours when precinct/Detective Bureau squad personnel concerned are not working. If, for documented reasons, Nightwatch cannot respond, the Detective Bureau Nightwatch supervisor will immediately notify the Detective Bureau Duty Captain who will decide which unit completes the enhancement. If Nightwatch is unable to respond and the arrest has already been processed by the precinct concerned, the detective squad supervisor will notify the Borough Court Section supervisor to ascertain if the defendant has been arraigned, or legal counsel has been appointed. If the defendant has not been arraigned and legal counsel has not been appointed, then a request will be made to hold the defendant so an enhancement can be conducted. The detective squad supervisor will direct a detective to respond to the Borough Court Section concerned to conduct the investigation. Enhancement efforts shall never interfere with or prolong a defendant's arraignment appearance.

COMMANDING OFFICER, PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT

22. Notify the Commanding Officer, Joint Firearms Task Force (JFTF) when information of a positive nature is developed relative to the source of the weapon. The criteria for referral to JFTF is:
    a. A FINEST inquiry reveals that the weapon was stolen from a federal firearms licensee or during transport to a federal firearms licensee
    b. An inquiry through the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) twenty-four hour gun center reveals the weapon was part of a multiple sale or is designated as an ATF "suspect gun"
    c. When preliminary investigation reveals a definitive nexus to interstate trafficking (e.g., receipts from gun store, out of state driver's license, and/or auto, numerous new guns in boxes, or military personnel are involved).
23. Notify the Commanding Officer, Gun Violence Suppression Unit in all other instances, or if unable to notify the JFTF.

ASSIGNED DETECTIVE/ PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT

24. Refer the case to Gun Violence Suppression Unit or the JFTF, as appropriate.
    a. Use code "B5" in ECMS if the Commanding Officer, Gun Violence Suppression Unit or the Commanding Officer, JFTF deems the information to be of a positive creditable nature and recommends an investigation be commenced.
    b. Close the case as an "Enhancement" using code "B8" in ECMS if neither the Commanding Officer, Gun Violence Suppression Unit or Commanding Officer, JFTF deems the information to be of a positive nature.

COMMANDING OFFICER, PRECINCT DETECTIVE SQUAD/ DETECTIVE BUREAU UNIT

25. Review **COMPLAINT REPORTS (PD313-152)** on a daily basis to ensure that all arrests involving firearms are properly investigated.
26. Notify Detective Bureau Zone Captain if forensic testing has not been requested on a case by the District Attorney's Office.

DETECTIVE BUREAU ZONE CAPTAIN

27. Make an immediate request to the respective District Attorney's Office that a forensic examination be ordered, regardless of the case status.

NYPD

PURPOSE To provide uniformed members of the service with direction when encountering an individual with an active Summons Adjudication Part (SAP) warrant during the course of taking enforcement action.

PROCEDURE When a person is found to have an active SAP warrant from any New York City Court:

UNIFORMED MEMBER OF THE SERVICE

1. Remove person to command concerned for investigation.
   a. Utilize appropriate Department resources to verify that SAP warrant is active.
      (1) Print a copy of the SAP warrant.
2. Process arrest in accordance with *P.G. 208-03, "Arrests – General Processing,"* if person committed a crime in addition to the SAP warrant.
   a. Issue Criminal Court summons in accordance with *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court,"* if person committed a violation in addition to the SAP warrant and is otherwise eligible.
      (1) Ensure that the return date on the new summons is the date the defendant will appear before the judge (the same day or the next day, depending on what time the defendant is stopped).

<u>IF PERSON IS ISSUED A CRIMINAL COURT SUMMONS</u>

DESK OFFICER

3. Utilize the bar code reader to scan the served Criminal Court summons into Electronic Summons Tracking System (ESTS).
4. Scan the "Original" copy of the Criminal Court summons into the network scanner.
5. Create a new summons envelope transmittal for the "Original" copy of the Criminal Court summons in ESTS and scan the Criminal Court summons directly to court.

UNIFORMED MEMBER OF THE SERVICE

6. Return defendant to the County Criminal Court Arraignment Part in the county where the defendant was stopped for the current violation, no matter where the SAP warrant(s) were issued, in order for the defendant to appear on the warrant <u>and</u> to adjudicate the summons issued for the current violation or infraction.
   a. The summons issuing officer does not have to be the escorting officer.

UNIFORMED MEMBER OF THE SERVICE (continued)

7. Provide the "Original" copy of the Criminal Court summons prepared for the current violation or infraction, as well as a copy of the warrant(s), to the Associate Court Clerk of the Criminal Court Arraignment Part.
8. Remain with defendant while Court staff retrieve the appropriate file(s) and/or add the matter(s) to the Court's calendar.
9. Bring defendant before the Court to adjudicate both the Criminal Court summons issued for the current violation or infraction and the outstanding warrant(s), when called.
10. Be guided by the judge, court staff, and members of the service assigned to the borough Court Section regarding the release or continued custody of the defendant.

ADDITIONAL DATA

A SAP warrant is a bench warrant issued by the Court to secure the attendance of a defendant who fails to appear for a court date in response to a Criminal Court summons. SAP warrants are distinguished by a docket number that begins with a four digit year, followed by an "S" and a letter corresponding to the Court that issued the warrant (e.g., N-New York County Criminal, K-Kings County Criminal, X-Bronx County Criminal, Q-Queens County Criminal, R-Richmond County Criminal, B-Red Hook Community Justice Center, and C-Midtown Community Justice Center). For example, a warrant bearing docket number 2015SN123456 is a SAP warrant issued by the New York County Criminal Court. Furthermore, an OCA designation beginning with "A" or "B" also indicates a SAP warrant issued by the Criminal Court (e.g., OCA No: A1999138449).

When a Criminal Court summons is issued an ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*** *is not completed nor is an arrest number generated, as the Criminal Court summons serves as the accusatory instrument.*

Section: Arrests	Procedure No: 208-79

DIVERSION OF INDIVIDUALS ARRESTED FOR A TOP PENAL LAW CHARGE OF CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE, 7TH DEGREE (PL 220.03)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/21/20	07/21/20		1 of 3

PURPOSE To divert eligible individuals arrested for a top Penal Law charge of Criminal Possession of a Controlled Substance, 7th Degree (PL 220.03) within the Boroughs of Brooklyn, Manhattan, Staten Island, and the Bronx, including transit districts and police service areas, respectively, to drug treatment programs and services, and forego criminal prosecution.

SCOPE This procedure ONLY applies to individuals arrested for a top Penal Law charge of Criminal Possession of a Controlled Substance, 7th Degree (PL 220.03) within the Boroughs of Brooklyn, Manhattan, Staten Island, and the Bronx, including transit districts and police service areas, respectively, and excludes the Borough of Queens. Arrests of individuals made in a non-participating borough or command will comply with *P.G. 208-03, "Arrests – General Processing,"* and *P.G. 208-27, "Desk Appearance Ticket – General Procedure."* If an individual faces additional higher charges as determined by *P.G. 207-01, "Complaint Reporting System,"* they will not be eligible for diversion under this procedure.

PROCEDURE When a uniformed member of the service makes an arrest of an individual for a top Penal Law charge of Criminal Possession of a Controlled Substance, 7th Degree within the Boroughs of Brooklyn, Manhattan, Staten Island, and the Bronx, including all transit districts and police service areas:

ARRESTING OFFICER

1. Determine if arrestee with a top Penal Law charge of Criminal Possession of a Controlled Substance, 7th Degree (PL 220.03) is eligible to be processed for a **DESK APPEARANCE TICKET (PD260-122)** as per *P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

<u>IF ELIGIBLE FOR RELEASE ON A DESK APPEARANCE TICKET:</u>

ARRESTING OFFICER

2. Process arrestee for **DESK APPEARANCE TICKET**, if eligible, and notify appropriate borough District Attorney Diversion Resource Coordinator, 24 hours a day, 7 days a week.
3. Notify desk officer that arrestee qualifies for a **DESK APPEARANCE TICKET**, and is eligible for diversion.
4. Inform arrestee that they are eligible for diversion, and that:
   a. Participation is voluntary;
   b. Participation must be approved by the District Attorney;
   c. Successful participation will eliminate the need to appear in court, and will result in the current arrest record being sealed.
5. Obtain working contact telephone number for arrestee.
   a. Record telephone number on **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ARRESTING OFFICER (continued)

6. Make notification of approved **DESK APPEARANCE TICKET** to appropriate borough District Attorney Diversion Resource Coordinator, 24 hours a day, 7 days a week, and obtain return date and approximate arrival of Program Peer Responder.
7. Notify desk officer of notification to borough District Attorney Diversion Resource Coordinator and approximate arrival time of Program Peer Responder.
   a. Make second call to borough District Attorney Diversion Resource Coordinator, if Program Peer Responder does not arrive in a reasonable amount of time.
8. Enter "DIVERSION" in block letters at top of **ARREST CHECKLIST (PD244-041)** and complete all relevant captions.

DESK OFFICER

9. Enter times of each notification to borough Diversion Resource Coordinator, and arrival and departure time of Program Peer Responder in margin of Command Log entry regarding arrest.
10. Ensure arrestee has received printed program materials.

NOTE *The desk officer will ensure that the arrestee understands that if a choice not to participate in the drug diversion program is made, they must appear in court on the return date as directed on the **DESK APPEARANCE TICKET**, and that failure to appear in court as directed will result in a warrant being issued for their arrest.*

11. Inform arrestee that after release, a Program Peer Responder will be present to meet with them regarding diversion.

NOTE *A Program Peer Responder will report directly to the command and provide diversion program information, a naloxone kit, and other program materials to the arrestee only after they have been released on a **DESK APPEARANCE TICKET**.*

12. Inform arrestee that if a choice is made not to meet with a Program Peer Responder, they may still opt-in to diversion program by calling listed number on program materials within seven days after issuance of **DESK APPEARANCE TICKET**.
13. Direct issuance of **DESK APPEARANCE TICKET** and release arrestee as per *P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

NOTE *If return date falls on a Saturday, Sunday, or holiday when court is closed, issue return date for the next day when court is open.*

14. Provide arrestee with copy of **DESK APPEARANCE TICKET** upon release.
15. Allow released individual to meet with Program Peer Responder in a private setting in vicinity of the desk.

NOTE *Every effort should be made for this meeting to take place at the command, in as private a setting as possible, and without interference from police personnel. The Program Peer Responder can also choose to conduct this meeting outside of the command. If the Program Peer Responder does not arrive at the command by the time of release, the released individual may wait a reasonable amount of time in the command waiting area, if they so choose.*

DESK OFFICER (continued)

16. Expedite emailing of all DAT related paperwork to borough Court Section.
    a. Ensure the word "DIVERSION" is included in subject of email.

IF NOT ELIGIBLE FOR RELEASE ON A DESK APPEARANCE TICKET:

ARRESTING OFFICER

17. Process as online arrest as per *P.G. 208-03, "Arrests – General Processing."*

ADDITIONAL DATA *All efforts should be made in every case to issue a* ***DESK APPEARANCE TICKET*** *if the arrestee is eligible, and refer the arrestee for diversion.*

RELATED PROCEDURES
Complaint Reporting System (P.G. 207-01)
Arrests – General Processing (P.G. 208-03)
Desk Appearance Ticket – General Procedure (P.G. 208-27)

FORMS AND REPORTS
ARREST CHECKLIST (PD244-041)
DESK APPEARANCE TICKET
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PURPOSE To vacate a Summons Adjudication Part (SAP) warrant(s) for eligible victims/complainants and/or aided individuals.

DEFINITION SAP WARRANT – A warrant issued by the Summons Adjudication Part Court to secure the attendance of a defendant who fails to appear for a court date in response to a summons.

PROCEDURE When interacting with a victim/complainant and/or aided individual, and it is determined that the person is also the subject of a SAP warrant(s):

UNIFORMED MEMBER OF THE SERVICE

1. Render police assistance as required.
2. Verify status of SAP warrant as described in *P.G. 208-22, "Performing Local, State and Federal Warrant Checks."*
   a. Comply with *P.G. 208-42, "Arrest on a Warrant,"* if inquiry reveals a misdemeanor or felony warrant.
   b. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if inquiry reveals an **INVESTIGATION CARD (PD373-163)**.
3. Inform victim/complainant and/or aided individual of existence of SAP warrant(s), and offense charged, unless physical resistance, flight or other factors make notification impractical.
4. Present warrant, if requested, or as soon as possible, if not possessed at the time.
5. Remove the individual to a command facility, when appropriate, in order to conduct a more thorough investigation.
6. Notify desk officer of circumstances of police interaction and the existence of any active warrants.

DESK OFFICER

7. Make Command Log entry regarding details, including:
   a. Circumstances necessitating police interaction
   b. Any applicable OCA/Docket numbers.
8. Confer with uniformed member of the service and detective squad supervisor to determine whether a compelling law enforcement or public safety concern exists necessitating arrest of individual.
   a. Factors to consider when making this determination include, but are not limited to:
      (1) Circumstances that resulted in individual seeking police assistance
      (2) Underlying charge and date that SAP warrant(s) was issued
      (3) Warrant history of individual
      (4) Existence of any active probable cause or suspect **INVESTIGATION CARD** for individual.

DESK OFFICER (continued)

9. Direct uniformed member to arrest individual and comply with steps "15" through "16" below, only if it is determined that a compelling law enforcement or public safety concern exists.
   a. Ensure all appropriate notifications are made.
10. Direct uniformed member to complete **REQUEST TO VACATE SAP WARRANT (PD274-160)**, if appropriate.

UNIFORMED MEMBER OF THE SERVICE

11. Complete and sign Part 1, and have defendant sign and date Part 2, of **REQUEST TO VACATE SAP WARRANT**.
    a. Fax completed form to Office of Court Administration.
    b. Verify fax was received.
12. Await receipt of returned **REQUEST TO VACATE SAP WARRANT** with Part 3 completed by Office of Court Administration.
    a. Inform defendant of new return date and/or advise individual that if he/she does not appear on new return date, a new warrant will be issued for his/her arrest.
    b. Provide defendant with copy of warrant and copy of completed **REQUEST TO VACATE SAP WARRANT**, if applicable.
    c. Release defendant from custody.

NOTE

Unless circumstances dictate otherwise, arresting officer should expect to wait a reasonable amount of time (i.e., approximately one hour) before receiving a response from the Office of Court Administration. This delay is necessary for the Office of Court Administration to review the defendant's case file and make an informed determination as to whether or not to vacate the warrant and issue a new return date.

DESK OFFICER

13. Make Command Log entry regarding facts and circumstance; including time defendant was released from Department custody.
    a. Entry should include decision of the Office of Court Administration and new return date, if applicable.

COMMAND CLERICAL MEMBER

14. File a copy of warrant and original completed **REQUEST TO VACATE SAP WARRANT** at command.

<u>WHEN OFFICE OF COURT ADMINISTRATION IS CLOSED, OR DECLINES TO VACATE THE WARRANT(S), OR THE DECISION IS MADE TO ARREST</u>

UNIFORMED MEMBER OF THE SERVICE

15. Return individual wanted on SAP warrant(s) as per *P.G. 208-78, "Returning an Individual to Court to Vacate a Summons Adjudication Part (SAP) Warrant."*
16. Notify desk officer of detention of prisoner.

DESK OFFICER

17. Make Command Log entry regarding detention of prisoner.

ADDITIONAL DATA

This procedure only applies to SAP warrants issued by a court located within the five boroughs of New York City. Warrants for low-level offenses issued outside New York City are not eligible to be vacated in accordance with this procedure.

Uniformed members of the service are further instructed not to charge individuals with violating Penal Law 215.55, "Bail Jumping in the Third Degree," or Penal Law 215.58, "Failing to Respond to an Appearance Ticket," if they are eligible to have a SAP warrant vacated in accordance with this procedure.

RELATED PROCEDURES

Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Computerized Investigation Card System (P.G. 208-23)
Arrest on a Warrant (P.G. 208-42)
Returning an Individual to Court to Vacate a Summons Adjudication Part (SAP) Warrant (P.G. 208-78)
Hospitalized Prisoners (P.G. 210-02)
Release of Prisoners (P.G. 210-13)

FORMS AND REPORTS

INVESTIGATION CARD (PD373-163)
REQUEST TO VACATE SAP WARRANT (PD274-160)

NYPD

PURPOSE To determine the factors that would disqualify a defendant from receiving a Desk Appearance Ticket (DAT).

PROCEDURE A defendant who is charged with a Class E felony, misdemeanor or violation will be issued a DAT unless one or more of the following factors exist:

DISQUALIFICATION DUE TO CONDITION OF THE DEFENDANT

1. Defendant is not properly identified as per *P.G. 208-27, "Desk Appearance Ticket – General Procedure."*
2. Defendant has an open warrant.
3. Defendant has failed to appear in criminal court proceedings in the last two years.
4. Defendant's physical or mental condition indicates that defendant would face immediate harm is released and court evaluation would be in the best interest of the health and/or safety of the defendant.
   a. This includes a defendant under the influence of drugs/alcohol to the degree that they may endanger self or others.
   b. Confer with Legal Bureau prior to denying a DAT based on the defendants physical or mental condition and document conferral (e.g., **Activity Log**, Command Log, etc.), as appropriate.

NOTE *Uniformed members of the service are reminded to comply with P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment," in all cases when a prisoner requires medical and/or psychiatric treatment.*

DISQUALIFICATION BASED ON SPECIFIC CHARGES

5. Family offense.
   a. Complainant/victim and offender are members of the same family/household as defined in the Criminal Procedure Law or as defined in the expanded definition of a family/household as per *P.G. 208-36, "Family Offenses/Domestic Violence."*
6. Sex crime as defined in Article 130 of the New York State Penal Law (including all attempts or conspiracy to commit such offenses).
7. Hate crime as defined in Penal Law Section 485.05.
8. Escape in the Second Degree, Absconding in the First Degree, Absconding from Treatment Facility, or Bail Jumping in the Second Degree.
9. Criminal Possession of a Weapon on School Grounds.
10. Defendant is charged with a crime for which the court may suspend or revoke their driver license. Specifically:
    a. PL 120.03 – Vehicular Assault in the Second Degree,
    b. VTL 600(2)(a) – Leaving the Scene of an Incident without Reporting (Physical Injury, Serious Physical Injury or Prior),

PROCEDURE (continued)

c. Any misdemeanor or felony charge under VTL 1192.

11. Defendant is charged with:
    a. Any A-misdemeanor or felony that involves harm to an identifiable person or property, or
    b. Criminal possession of a Firearm (PL 265.01-b),

    AND

    a. Has a pending prosecution for any offense; or
    b. Has yet to be returned on a previously issued DAT for an A-misdemeanor or felony that involves harm to an identifiable person or property, or Criminal Possession of a Firearm (PL 265.01-b).

NOTE *The charge only has to "involve" harm to an identifiable person or property. Harm does not have to be actually caused. Generally, an identifiable person means that the crime charged involves a specific victim. Harm to property includes theft (i.e., Grand Larceny, Grand Larceny Auto, Petit Larceny) or damage to property, including public property.*

Uniformed members of the service must check appropriate Department computer systems to ensure defendant has the requisite pending prosecution or requisite previously issued DAT before denying the current DAT on this basis.

<u>DISQUALIFICATION BASED ON REASONABLE BELIEF AN ORDER OF PROTECTION BE ISSUED</u>

12. Circumstances of the case cause the arresting officer to reasonably believe that a strong possibility of violence against the complainant/victim may occur and that the complaint/victim should seek an Order of Protection against the defendant.
    a. A DAT may be denied for this reasoning for a number of offenses based on the circumstances presented to the arresting officer, including that the defendant has violated an existing order of protection.
    b. A DAT will not be issued based on this reasoning, where an arrestee is charged with the following offenses:
        (1) PL 120.01 - Reckless Assault of Child by a Child Day Care Provider
        (2) PL 120.13 - Menacing in the First Degree
        (3) PL 120.14 (sub 2) - Menacing in the Second Degree
        (4) PL 120.55 - Stalking in the Second Degree
        (5) PL 120.70 - Luring a Child
        (6) PL 135.50 - Custodial Interference in the First Degree
        (7) PL 135.55 - Substitution of Children
        (8) PL 135.61 - Coercion in the Second Degree
        (9) PL 190.26 - Criminal Impersonation in the First Degree
        (10) PL 215.11 - Tampering with a Witness in the Third Degree
        (11) PL 215.51 (Sub b through d) - Criminal Contempt in the First Degree

PROCEDURE (continued)

(12) PL 235.21 - Disseminating Indecent Materials to Minors in the Second Degree

(13) PL 240.25 - Harassment in the First Degree

(14) PL 240.31 - Aggravated Harassment in the First Degree (where there is at least one specifically identified victim [not a wholesale group] or such act takes place on private property and such owner is a complainant)

(15) PL 240.71 - Criminal Interference with Health Care Services or religious Worship in the First Degree

(16) PL 240.75 - Aggravated Family Offense

(17) PL 241.02 - Harassment of a Rent Regulated Tenant in the Second Degree

(18) PL 241.05 - Harassment of a Rent Regulated Tenant in the First Degree

(19) PL 250.50 - Unlawful Surveillance in the Second Degree

(20) PL 350.60 - Dissemination of an Unlawful Surveillance Image in the First Degree

(21) PL 260.25 - Endangering the Welfare of an Incompetent or Physically Disabled Person in the First Degree

(22) PL 260.32 - Endangering Vulnerable Elderly Person, or an Incompetent or Physically Disabled Person in the Second Degree

(23) AC 26-521 - Unlawful Eviction

(24) Assault 3 (PL 120.00); Attempted Assault in the Third Degree (PL 110/120.00); Menacing in the Second Degree (PL 120.14); Menacing in the Third Degree (PL 120.15); (Harassment in the First Degree (PL 240.25); Aggravated Harassment (PL 240.30); Reckless Endangerment in the Second Degree (PL 120.20) when committed against a City/State enforcement agent performing official duty

(25) Whenever a person is arrested for threatening, harassing, or menacing a uniformed member of the service, an elected official of any City, State or federal office or an employee of any public or private transit agency, authority, or company operating under authorization from New York State or New York City, while the individual is performing assigned duties.

(26) PL 240.33 - Aggravated Harassment of a Judge

(27) PL 120.19 - Assault on a Retail Worker

PURPOSE To ensure a uniformed member of the service who effects an arrest that results in the issuance of a Desk Appearance Ticket confers with the District Attorney's (DA's) office on the same day as the arrest, or on the arresting/assigned officer's next regularly scheduled tour of duty, if the DA's office closes prior to receiving arrest paperwork.

SCOPE Due to the requirement to expeditiously provide the DA's office with all arrest related material (i.e., arrest related paperwork, hand written notes, digital **Activity Log** entries of arresting/assigned officer, digital **Activity Log** entries of all other involved officers, etc.), the arresting/assigned officer must confer with the DA's office on the same day as the arrest, or on arresting/assigned officer's next regularly scheduled tour of duty, if the DA's office closes prior to receiving arrest paperwork.

PROCEDURE When a uniformed member of the service effects an arrest that will result in the issuance of a Desk Appearance Ticket:

PATROL SUPERVISOR/ DESK OFFICER/ UNIT SUPERVISOR

1. Determine the likelihood that arresting officer will be able to confer with the District Attorney's (DA's) office on the same day as arrest (before the DA's office stops accepting arrest paperwork), based on:
   a. Complexity of arrest,
   b. Probability prisoner is eligible for a DAT,
   c. Time of arrest, and
   d. Other factors.
2. Determine arresting officer's next regularly scheduled tour of duty.
   a. Reschedule Department training, if possible, if uniformed member of the service is not be able to confer with DA's office on day of arrest, and assignment to Department training will preclude them from conferring with DA's office on their next regularly scheduled tour of duty that is within four days of arrest.

NOTE *The next regularly scheduled tour of duty is the next day that the uniformed member of the service is scheduled to report for their regular assignment. An arresting/assigned officer that effects an arrest on the first platoon will extend their tour of duty into the second platoon in order to confer with the DA's office.*

3. Assign arrest to another uniformed member of the service, if the arresting officer will be unavailable to confer with District Attorney's office the day of arrest, or on next regularly scheduled tour of duty that is within four days of arrest.
   a. Ensure assigned officer re-interviews complainant(s), witness(es) and complies with *P.G. 208-20, "'Turnover' Arrests,"* if applicable.

NOTE *Any arresting/assigned officer with a scheduled assignment precluding them from conferring with the DA's office on their next scheduled tour of duty (i.e., assigned to detail, court appearance, training that cannot be rescheduled, etc.), will perform scheduled assignment and confer with the DA's office on their next regularly scheduled tour of duty following the assignment.*

ARRESTING/ ASSIGNED OFFICER

4. Comply with *P.G. 208-27, "Desk Appearance Ticket - General Procedure,"* and if appropriate, *P.G. 208-20, "'Turnover' Arrests,"* if prisoner is eligible to receive a Desk Appearance Ticket.
5. Comply with *P.G. 208-03, "Arrest - General Processing,"* if prisoner is ineligible to receive a Desk Appearance Ticket.

<u>WHEN THE DA'S OFFICE STOPS ACCEPTING ARREST PAPERWORK AND ARRESTING/ASSIGNED OFFICER HAS NOT COMPLETED ARREST PROCESSING:</u>

DESK OFFICER/ UNIT SUPERVISOR

6. Ensure arresting/assigned officer's next regularly scheduled tour is within four days.
7. Confer with DA's office and confirm they are no longer accepting arrest paperwork.
   a. Inform DA's office of arresting/assigned officer's next regularly scheduled tour of duty.
8. Notify borough Court Section that DA's office is no longer accepting arrest paperwork.
   a. Inform borough Court Section of name of arresting/assigned officer and date of their next regularly scheduled tour of duty.
9. Record in **Telephone Record**:
   a. Name of person in DA's office confirming DA's office is no longer accepting arrest paperwork,
   b. Name of person notified at borough Court Section,
   c. Name of arresting/assigned officer,
   d. Arrest and DAT number(s), and
   e. Date of arresting/assigned officer's next regularly scheduled tour of duty.
10. Direct arresting/assigned officer to complete arrest processing.
11. Instruct arresting/assigned officer to confer with DA's office on next regularly scheduled tour of duty (i.e., if permanent assignment is third platoon, the arresting/assigned officer will confer with DA's office on next regularly scheduled third platoon tour of duty).

BOROUGH COURT SECTION

12. Record name and next regularly scheduled tour of duty of arresting/assigned officer who is unable to confer with DA's office in Online Prisoner Arraignment database (ZOLPA).

ROLL CALL PERSONNEL

13. Review Centralized Personnel Resource (CPR) System Roll Call and Telephone Record.
14. Finalize Centralized Personnel Resource (CPR) System Roll Call, noting any arresting/assigned officer that must confer with DA's office.
    a. Include arrest and DAT number(s).

COMMENCEMENT OF TOUR:

DESK OFFICER /UNIT SUPERVISOR

15. Review Centralized Personnel Resource (CPR) System Roll Call, **Telephone Record** (including **Telephone Record** for previous day), and determine if any uniformed member of the service needs to confer with DA's office.
    a. Ensure uniformed member of the service is available to confer with DA's office during first two hours of tour, if necessary.
16. Telephone DA's office at start of tour.
    a. Provide DA's office with name(s) and Department cellular phone number(s) of uniformed members of the service that need to confer in regard to a previous DAT arrest.
17. Record in **Telephone Record**:
    a. Time DA's office contacted,
    b. Name of person contacted, and
    c. Name(s) of arresting/assigned officer(s) in need of conferral.
18. Inform uniformed member of the service that DA's office will contact them within two hours.
    a. Ensure uniformed member of the service is equipped with Department cellular phone.

ARRESTING/ ASSIGNED OFFICER

19. Perform administrative duties while awaiting conferral with DA's office.
    a. Notify desk officer when conferral with DA's office is complete.
    b. Inform desk officer if DA's office has not called within two hours.

IF DA'S OFFICE HAS NOT CONTACTED UNIFORMED MEMBER OF THE SERVICE WITHIN 2 HOURS:

DESK OFFICER /UNIT SUPERVISOR

20. Telephone DA's office, if uniformed member of the service has not received a phone call within two hours.
21. Record in **Telephone Record**:
    a. Name of person contacted,
    b. Name of arresting/assigned officer, and
    c. Arrest and DAT number(s).
22. Telephone borough Court Section, if DA's office has not contacted arresting/assigned officer within two hours.

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
"Turnover" Arrest (P.G. 208-20)
Desk Appearance Ticket – General Procedure (P.G. 208-27)

PURPOSE To provide uniformed members of the service with guidelines when an arrest is effected and the prisoner is wearing a religious head covering.

SCOPE It is the policy of the Department that prisoners must be searched for weapons and contraband, and that photographs must be taken. Members of the service will take all possible steps, when consistent with personal safety, to respect a prisoner's privacy, rights and religious beliefs when it comes to removing their religious head covering. Prisoners will retain their religious head coverings while in Department custody, except in the limited circumstances described below.

DEFINITIONS RELIGIOUS HEAD COVERING – a head covering that appears to be related to a sincerely held religious belief, or that a prisoner advised is related to such (e.g., yarmulke, wig, habit, turban, kufi, headscarf, hijab, burqa, etc.).

OVAL OF THE FACE – for the purpose of this procedure, the oval of the face is an individual's forehead, eyes, nose, mouth, chin and jawline.

UNCOVERED PHOTOGRAPH – for the purpose of this procedure, a photograph taken at the borough court section with a prisoner's religious head covering removed, in private, by a member of the same gender, when there is reasonable suspicion that the prisoner has a distinguishing feature not otherwise fully visible that is of investigative value to the current arrest or investigation, or the prisoner was arrested outside their residence while not wearing a head covering.

PROCEDURE When an arrestee is wearing a religious head covering:

ARRESTING OFFICER

1. Comply with *P.G. 208-02, "Arrests-Removal to Department Facility for Processing," P.G. 208-03, "Arrests-General Processing," P.G. 208-27, "Desk Appearance Ticket – General Procedure,"* and *P.G. 212-123, "Use of Body-Worn Cameras*," as appropriate.

SEARCH OF RELIGIOUS HEAD COVERINGS:

ARRESTING OFFICER

2. Inform prisoner wearing a religious head covering that it must be temporarily removed and searched.
   a. Advise prisoner that removal and search will be conducted in private, and that search will be conducted by a member of the service of the same gender, as per *P.G. 208-05, "Arrests – General Search Guidelines."*
3. Perform thorough search for weapons and contraband.
   a. Use Tactical Hand-Held Metal Detector, if available, and as appropriate.

ARRESTING OFFICER (continued)

4. Do not remove religious head covering for safekeeping unless:
   a. There is an articulable reason, based on articulable facts then known to the arresting officer, to believe it is likely to be dangerous to life, can be used to harm self, or can be used to harm others, and
   b. Permission has been obtained from the desk officer to retain the head covering when consistent with personal safety and the safety of the prisoner.

DESK OFFICER

5. Approve/disapprove removal and retention of religious head covering for safekeeping or evidence purposes.
6. Provide a temporary head covering to prisoner when removing and retaining head covering for safekeeping or evidence purposes, if necessary.
7. Make Command Log entry indicating reason(s) for removal and retention of religious head covering, if removed for safekeeping, or if removal was disapproved.

NOTE

Where applicable, a religious head covering may be vouchered as evidence in accordance with P.G. 208-03, "Arrests General Processing," if there is reasonable suspicion the religious head covering is material to the investigation.

<u>WHEN TAKING PHOTOGRAPH FOR AN ONLINE ARREST OR A DESK APPEARANCE TICKET:</u>

ARRESTING OFFICER

8. Take photograph of prisoner with religious head covering in place.
   a. Ensure the oval of the face (eyes, nose, mouth, forehead, cheeks, chin) are visible in Department photograph.
      (1) Religious head coverings that obscure the oval of the face may be moved to expose the oval of the face.

NOTE

An uncovered photograph will NOT be taken unless:

a. There is reasonable suspicion that the arrestee has a distinguishing feature not otherwise fully visible with head covering in place (e.g., hair color, tattoos, piercings, visible injury, moles, birth marks, etc.) that is of investigative value to the current investigation or arrest, or

b. There is reasonable suspicion that the arrestee committed the crime outside their residence while not wearing a head covering.

If an uncovered photograph must be taken, the prisoner MUST be transported to the appropriate borough court section, where the photograph will be taken in a private area by a member of the service of the same gender. Uncovered photographs will NOT be taken at the command of arrest.

Comply with D.G. 505-03, "Photo Array Identification Procedure" and D.G. 505- 06, "Lineup Identification Procedure," as necessary.

DESK OFFICER

9. Notify borough court section supervisor, if an uncovered photograph must be taken.
   a. Inform borough court section of gender of prisoner in order to have a member of the service of same gender available to take the photograph.
10. Make Command Log entry noting the reason for the uncovered photograph and the name of the borough court section supervisor notified.
11. Direct arresting/escorting officer to transport prisoner to borough court section, as necessary, for completion of arrest processing.

WHEN TAKING PHOTOGRAPH AT BOROUGH COURT SECTION:

BOROUGH COURT SECTION/ PHOTO UNIT MEMBER OF THE SERVICE

12. Take a photograph of prisoner with religious head covering in place, in all cases, when a prisoner is transported to the borough court section,
    a. Ensure the oval of the face (eyes, nose, mouth, forehead, cheeks, chin) are visible in Department photograph.
       (1) Religious head coverings that obscure the oval of the face may be moved to expose the oval of the face.

NOTE *An uncovered photograph will NOT be taken unless:*

a. There is reasonable suspicion that the arrestee has a distinguishing feature not otherwise fully visible with head covering in place (e.g., hair color, tattoos, piercings, visible injury, moles, birth marks, etc.) that is of investigative value to the current investigation or arrest, or

b. There is reasonable suspicion that the arrestee committed the crime outside their residence while not wearing a head covering.

13. When an uncovered photograph must be taken in addition to the covered photograph, take uncovered photograph in private area.
    a. Tag uncovered photograph in "PhotoManager System" database, limiting the permissible uses of the photograph.
    b. Do not tag the covered photograph in the "PhotoManager System."

NOTE *The uncovered photograph MUST be taken by a member of the service of the same gender as the prisoner.*

BOROUGH COURT SECTION SUPERVISOR

14. Make Command Log entry indicating reason(s) for removal and retention of religious head covering, if removed for safekeeping, or if removal was disapproved.
15. Ensure that official Department photograph is taken in a private space (e.g., curtained area, etc.) by a member of the service of the same gender.

ADDITIONAL DATA *Every effort should be made not to prolong detention beyond what is necessary in order to take an official Department photograph while accommodating prisoner's sincerely held religious beliefs.*

ADDITIONAL DATA (continued)

Members of the service may seek the help of clergy, or an interpreter if appropriate, to help the prisoner understand the need to remove their religious head covering.

Any questions or requests for additional guidance concerning religious head coverings will be directed to the Legal Bureau.

RELATED PROCEDURES

Arrests - Removal to Department Facility for Processing (P.G. 208-02)
Arrests - General Processing (P.G. 208-03)
Arrests - General Search Guidelines (P.G. 208-05)
Arrests - Security Measures (P.G. 208-06)
Photographable Offenses (P.G. 208-07)
Photo Array Identification Procedure (D.G. 505-03)
Lineup Identification Procedure (D.G. 505-06)

FORMS AND REPORTS

DESK APPEARANCE TICKET
Prisoner Movement Slip

NYPD

PURPOSE To divert eligible first-time adult offenders age 18 and over arrested for non-violent misdemeanors:

DEFINITION NON-VIOLENT MISDEMEANORS – For the purpose of this procedure, the following offenses are considered "non-violent" misdemeanors:

a. Criminal Mischief, 4th Degree (PL 145.00)
b. Criminal Possession of a Controlled Substance, 7th Degree (PL 220.03)
c. Criminal Possession of Stolen Property, 5th Degree (PL 165.40)
d. Criminal Tampering, 3rd Degree (PL 145.14)
e. Criminal Trespass, 2nd Degree (PL 140.15)
f. Criminal Trespass, 3rd Degree (PL 140.10) when NOT in connection with an office/commercial use building
g. Criminally Using Drug Paraphernalia, 2nd Degree (PL 220.50)
h. Falsely Reporting an Incident, 3rd Degree (PL 240.50)
i. Making Graffiti (PL 145.60)
j. Petit Larceny (PL 155.25)
k. Possession of Graffiti Instruments (PL 145.65)
l. Promoting Gambling, 2nd Degree (PL 225.05)
m. Reckless Endangerment of Property (PL 145.25)
n. Theft of Services (PL 165.15)
o. Unauthorized Sale of Certain Transportation Services (PL 165.16)
p. Unauthorized Use of a Vehicle, 3rd Degree (PL 165.05)
q. Unlawful Assembly (PL 240.10)
r. Fostering the Sale of Stolen Goods (PL 165.66).

PROCEDURE When a uniformed member of the service arrests an eligible first-time adult offender age 18 and over and where the top charge is a non-violent misdemeanor as defined above:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if arrestee is a candidate for Adult Project Reset. Arrestee may be eligible if all of the following apply:
   a. First-time offender,
   b. Arrested for a non-violent misdemeanor as defined above,
   c. Otherwise eligible for release on a Desk Appearance Ticket (DAT) (e.g., not a family offense, etc.), and
   d. DAT is returnable to either criminal court or community court, as appropriate.
2. Notify desk officer that arrestee is a candidate for Adult Project Reset based on the above criteria.
3. Inform arrestee that they may be eligible for Adult Project Reset.
4. Explain to the arrestee that with Adult Project Reset:
   a. Participation is voluntary,

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Participation must be approved by the District Attorney, and

c. Successful participation will eliminate the need to appear in court.

5. Advise arrestee that if approved for Adult Project Reset, the District Attorney will send arrestee's contact information to service providers.

6. Generate a Desk Appearance Ticket as per *P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

7. Enter "DIVERSION" in block letters at top of **ARREST CHECKLIST (PD244-041)** and complete all relevant captions.

8. Provide arrestee with copy of Desk Appearance Ticket and written information (DA letter and program brochure) on Adult Project Reset available from the desk officer upon release.

9. Enclose DAT materials in the **ARREST ENVELOPE (PD260-123A)** and complete all captions on front of envelope.

10. Enter "DIVERSION" in block letters at top of **ARREST ENVELOPE**

DESK OFFICER

11. Ensure prompt delivery of **ARREST ENVELOPE** to patrol/transit/housing bureau concerned.

NYPD

PURPOSE To inform uniformed members of the service of various sections of law under which summonses/notices of violations may be served.

PROCEDURE A uniformed member of the service is authorized to issue a summons/notice of violation instead of arresting the violator, when the violator is 16 years old or more (except when violator is unable to care for self due to illness, injury, intoxication, or any other circumstance which would preclude the issuance of a summons/notice of violation), for the following:

1. ANY MISDEMEANOR OR VIOLATION LISTED IN THE:

- Agriculture and Markets Law, concerning animals
- General Business Law
- Labor Law
- Multiple Dwelling Law
- Workers Compensation Law
- New York State Tax Law, Article 21, Section 289, (Highway Use Tax)
- Alcoholic Beverage Control Law (Sections 64B, 65, 100, 101, 101a, 101b, 103, 104, 104a, 105, 105a, 106, 108, 114, 116 and 117)
- Navigation Law (Sections 33, 40, 41, 43, 44, 45, 47, 70, 71, and 73)
- Vehicle And Traffic Law, except:
  - Section 600 — Leaving Scene Of Personal Injury Collision
  - Section 380 — Motor Vehicle Transporting Dangerous Articles
  - Section 392 — False Statement, Alteration Of Records Or Substitution In Connection With Examination
  - Section 392a — Sale Of False License, Certificate Of Registration Or Number Plate
  - Section 421 — Sale Of Motor Vehicle Or Motorcycle With Changed Identification Number

PROCEDURE (continued)

- Section 422 — Wrongful Possession Of Motor Vehicle Or Motorcycle With Changed Identification Number
- Section 423 — Peace Officer's Duties Re: Stolen Motor Vehicles And Motorcycles With Changed Identification Number
- Section 426 — False Statement, Sale or Transfer Of Stolen Motor Vehicle or Motorcycle
- Section 1192 — Operating Motor Vehicle Or Motorcycle While In Intoxicated Condition Or Ability Is Impaired By Use Of Drugs Or Alcohol.

♦ New York City Charter

♦ New York City Administrative Code (except Section D46-18.0 Cigarette Tax)

♦ New York City Health Code

♦ New York City Traffic Regulations (except Section 148)

♦ New York Code Of Regulations - Part 1050

♦ For any misdemeanor or violation listed in any provisions of any code, rule, regulation or order enacted by any bureau, authority, agency or commissions affecting facilities located in the City of New York.

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

2. <u>ALL PENAL LAW VIOLATIONS, EXCEPT:</u>

♦ Section 100 — Criminal Solicitation

♦ Section 215.58 — Failure To Respond To Appearance Ticket

♦ Section 240.40 — Appearance In Public Under The Influence Of Narcotics Or A Drug Other Than Alcohol

NOTE *Individuals 16 years of age may receive Criminal Court summonses for all violations, subject to applicable Department policy, and only for misdemeanors outlined in the New York State Vehicle & Traffic Law (VTL), if otherwise eligible.*

PURPOSE To inform uniformed members of the service of agencies having jurisdiction over different summonsable offenses.

OFFENSES PROCESSED	*AGENCY*
Stopping, Standing and Parking offenses	N.Y.C. Department of Finance, Parking Violations Operations.
Traffic infractions other than Stopping, Standing and Parking (including traffic infractions committed by bicyclists, E-Bike riders, and E-Scooter riders.)	N.Y.S. Department of Motor Vehicles, Traffic Violations Bureau; N.Y.C. Criminal Court.
Pedestrian offenses and traffic misdemeanors	N.Y.C. Criminal Court
Garages and parking lots	N.Y.C. Criminal Court
All other summonsable offenses, except violations of Office of Administrative Trials and Hearings (OATH) and Transit Adjudication Bureau	N.Y.C. Criminal Court
Food Vendor Regulations General Vendor Regulations Health Code Violations Public Health Law (Canine Waste) Noise Code Provisions Sanitation Provisions Air Code Provisions Graffiti Law Violations	Office of Administrative Trials and Hearings (OATH)

NOTE *For summonses returnable to OATH refer to* ***COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)****.*

N.Y.C. Criminal Court has concurrent jurisdiction to hear and determine most complaints alleging a violation constituting a traffic infraction as defined by Section 155 of the Vehicle and Traffic Law (VTL), except parking, standing, stopping, or any offense for which there is solely a civil penalty.

PURPOSE To inform uniformed members of the service of the procedures to be followed when personally serving a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for a Criminal Justice Reform Act (CJRA) of 2016 violation.

SCOPE Qualified individuals are eligible to receive a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for violations of certain sections of New York City Administrative Code, and Title 56 of the Rules of the City of New York (New York City Park Rules), as specified in the Criminal Justice Reform Act (CJRA) of 2016.

The following violations may be written as a violation on a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH):

1. Open Container, NYC Administrative Code Section 10-125 (b)
2. Public Urination, NYC Administrative Code Section 16-118(6)
3. Littering, NYC Administrative Code Section 16-118 (1) (a)
4. Spitting, NYC Administrative Code Section 16-118 (1) (b)
5. Excessive Noise, NYC Administrative Code Section 24-218 (used when not removing a sound reproduction device)
6. Violations of Title 56 of the Rules of the City of New York (New York City Park Rules).

A Civil Summons Returnable to OATH will not be written in the transit system when issuing summonses under the New York City Transit Rules and Regulations.

When issuing a summons returnable to OATH or Criminal Court for the above violations, uniformed members of the service will use the above codes. Do not use NYC Health Codes for these violations.

DEFINITIONS CRIMINAL JUSTICE REFORM ACT OF 2016 – A series of laws passed by the New York City Council that allows certain violations of the New York City Administrative Code, and New York City Park Rules to be eligible for a Civil Summons Returnable to the Office of Administrative Trials and Hearings.

THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) – An administrative law court that is responsible for adjudicating civil summonses.

OATH RECIDIVIST – A person identified as an OATH recidivist will not be eligible for a Civil Summons Returnable to OATH. An OATH recidivist is a person who:

1. Has two or more felony arrests in the past two years
2. Has three or more unanswered Civil Summonses Returnable to OATH in the past eight years
3. Is on parole or probation.

PROCEDURE When issuing a Civil Summons Returnable to OATH:

UNIFORMED MEMBER OF THE SERVICE

1. Inform violator of offense committed, unless physical resistance, flight, or other factors render such notification impractical.
2. Request violator to show proof of identity and residence.
3. Establish violator's identity and mailing address through observation of valid identification documents.

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

a. Valid Photo Driver License
b. Valid passport
c. Citizenship or naturalization papers
d. New York State Non-Driver Identification
e. New York State Driver Permit
f. Municipal Identification Card (ID NYC)
g. Other government photo identification.

Members should note that these are general guidelines, and other forms of identification may be acceptable.

   a. If violator does not possess a valid form of identification, remove the violator to the command.

4. Request a name check through Communications Section, and/or through the use of a mobile device:
   a. If the violator has an active warrant or an active **INVESTIGATION CARD (PD373-163)** labeled, *"Perpetrator – Probable Cause to Arrest,"* remove the violator to the command
   b. If the violator is identified as an OATH recidivist as defined in this procedure, issue a summons returnable to Criminal Court for the violation and check "NYPD CODE 1" in the appropriate space on the summons
   c. Remove violator to command and charge with Criminal Contempt in the Second Degree as an additional charge, if violator committed act on Metropolitan Transit Authority (MTA) or New York City Transit Authority property or conveyance and is in violation of court order banning entry.

NOTE *If a violator is stopped for multiple offenses and at least one of the offenses is a non-CJRA violation answerable in Criminal Court, the summonsing officer will document all violations on summonses returnable to Criminal Court. Summonsing officer must check "NYPD CODE 4" in appropriate space on all summonses.*

5. Issue summonses in numerical order in accordance with *P.G. 209-36,* "*Electronic Summons Tracking System.*"
6. Use black or blue ink ballpoint pen and legibly print information in block letters.
7. Enter all available information required by captions on summons.
   a. Include return date provided by desk officer/counterpart at roll call.

UNIFORMED MEMBER OF THE SERVICE (continued)

8. Record only one violation per summons.
   a. Use separate summons for each additional offense.
9. Enter "RTR" to indicate "Right to Record," and circle at end of details section, if violator recorded police activities.
10. When practical and consistent with personal safety, advise violator that instructions on how to answer summons, and location of appropriate OATH hearing center, are located on the rear of summons.
11. Request patrol supervisor to respond to location to verify issuance of Criminal Court summons, if legitimate law enforcement reason exists for not issuing Civil Summons Returnable to OATH.

PATROL SUPERVISOR

12 Respond to location to verify issuance and circumstances of Criminal Court summons written under the law enforcement exception.
   a. Ensure officer details reason in digital **Activity Log**.

UNIFORMED MEMBER OF THE SERVICE

13. Issue Criminal Court summons as per *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court"* after verification by patrol supervisor and check "NYPD CODE 3" in appropriate space on summons.
   a. Complete **VEHICLE REPORT** in Finest Online Records Management System (FORMS) for every vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop, regardless of whether enforcement action is taken or not.

<u>IF VIOLATOR IS REMOVED TO THE COMMAND</u>

DESK OFFICER

14. Question the officer regarding the circumstances of the incident and make Command Log entry.
   a. Entry will include:
      (1) Name, address, and physical description of the violator
      (2) Location, time of incident, and reason for removal to command
      (3) Name, rank, shield number of member who brought violator to command
      (4) Offense(s) charged and serial number(s) of summons(es) served
      (5) Time the violator entered and departed the command.
15. If the violator has an active arrest warrant, direct the arresting officer to issue a summons returnable to Criminal Court for the precipitating violation and direct an officer to return the violator to the issuing court.
   a. Ensure summonsing officer checks "NYPD CODE 2" in the appropriate space on the summons.
   b. The summonsing officer does not have to be the escorting officer.
   c. If the court is not in session, direct the member to process the violator as an online arrest.

DESK OFFICER (continued)

16. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if an active **INVESTIGATION CARD** labeled, *"Perpetrator – Probable Cause to Arrest"* exists, and:
    a. Release violator to responding detective, after issuance of summons returnable to Criminal Court, unless violator is processed as an online arrest
        (1) Ensure summonsing officer checks "NYPD CODE 2" in the appropriate space on the summons.
17. If the violator does not have proper identification, make every effort to identify the violator.
    a. This could include, but is not limited to, allowing violator to contact a third party in order to obtain appropriate identification and proof of residence or using Department computer systems and devices, including the viewing of digital booking photos, querying the Domain Awareness System (DAS) and by using a Mobile Identification Device, if available to ascertain the identity of the violator.
    b. If the violator cannot reasonably be identified, process as an online arrest.

IN ALL CASES

OPERATIONS COORDINATOR

18. Designate a member of the service to enter information from Civil Summons Returnable to OATH into the Finest Online Records Management System (FORMS) application.
    a. Ensure designated member of the service reviews the "Details of Charge(s)" section of summons and enters required information into FORMS.

COMMAND CLERK

19. Separate Civil Summons Returnable to OATH by date of service and process as follows:
    a. WHITE (OATH) copies - insert all copies issued on SAME day into Office of Administrative Trials and Hearings envelope addressed to the Office of Administrative Trials and Hearings, 66 John Street, 10th Floor, New York, N.Y. 10038, and forward to patrol borough office with A.M. mail
    b. WHITE CARDBOARD (Agency) copy - file in command by date of service and retain thereat for two years.

PATROL BOROUGH OFFICE CLERK

20. Prepare two copies of **SUMMONS ENVELOPE RECEIPT (PD160-011)**.
21. Direct messenger to deliver envelope containing Civil Summons Returnable to OATH to the Office of Administrative Trials and Hearings.

MESSENGER

22. Obtain receipt on one copy of **SUMMONS ENVELOPE RECEIPT** and return to borough office.

ADDITIONAL DATA

The desk officer will make the final determination as to whether the violator's identity, residence, and active warrant and ***INVESTIGATION CARD*** *history have been ascertained and verified.*

Nothing in this procedure precludes officers from judiciously warning and admonishing individuals for violations of New York City Administrative Codes, the Rules of the City of New York, or New York City Park Rules or summonsing/arresting violators when a corresponding crime exists.

Reason Codes noted on a summons returnable to Criminal Court:

Code 1 *- Violator is an OATH Recidivist and not eligible for a Civil Summons Returnable to OATH*

Code 2 *- Violator has a warrant or Probable cause* ***I-Card*** *and is being returned to issuing court to adjudicate warrant and summons or being arrested on a separate charge*

Code 3 *- Officer articulated a legitimate law enforcement reason to issue a summons returnable to Criminal Court in lieu of OATH for a CJRA violation*

Code 4 *- Violation cited is not covered under the CJRA (e.g., Penal Law violations) or subject violated multiple rules in which at least one is returnable to Criminal Court (all summonses returnable to Criminal Court). If Code 4 and any other code(s) are applicable, select Code 4.*

PATROL GUIDE

Section: Summonses		Procedure No: 209-04	
SUMMONS RETURN DATE AND TIME			
DATE ISSUED: 05/31/18	DATE EFFECTIVE: 05/31/18	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To ensure that correct information concerning time, date and location of court is given to respondent in various summons cases.

PROCEDURE When issuing a summons, a uniformed member of the service will:

UNIFORMED MEMBER OF THE SERVICE

1. Make summons returnable as follows:

CRIMINAL COURT

a. As per FINEST Message transmitted daily.
b. Enter address of borough Criminal Court in appropriate caption of the summons.
c. Enter room number in box captioned "Summons Part."

TRAFFIC VIOLATIONS BUREAU

a. Advise motorist to answer summons in accordance with the instructions printed on the summons.

TRANSIT ADJUDICATION BUREAU

a. Make return date twenty-eight calendar days from date of issuance, unless return date falls on weekend, regular day off or holiday. If return date falls on weekend, regular day off or holiday, make returnable on next business day thereafter.

PARKING VIOLATIONS

a. Do not enter time or date returnable for summonses returnable to Parking Violations. (Information for violator is printed on the summons).

OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

a. Comply with applicable provisions of *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses."*

NOTE *If respondent in an OATH case pleads "Not Guilty," the roll call clerk will be notified by borough Court Section personnel and the member concerned will be put on Court Alert.*

PURPOSE To instruct uniformed members of the service in the proper manner of preparing a parking summons and processing related papers for parking violations.

PROCEDURE When a uniformed member of the service observes an unoccupied vehicle on a public highway that is illegally parked or in violation of some provision of the New York City Traffic Rules:

DEFINITIONS HIGHWAY- Any public roadway, street, or avenue.

ABANDONED VEHICLE- A motor vehicle shall be deemed to be abandoned if it is left unattended:

a. With no license plates affixed, for more than six hours, on any highway or other public place.
b. On a public street or area which is not otherwise restricted by posted signs, including a residential area, in excess of seven consecutive days.
c. For more than ninety-six hours on the property of another without the permission of the owner.

DERELICT VEHICLE- A motor vehicle which is so dilapidated, burned out, stripped, vandalized etc. as to be of no apparent value other than scrap.

UNIFORMED MEMBER OF THE SERVICE

1. Query NYSPIN through the FINEST system, if circumstances warrant, to determine if vehicle is reported stolen.

NOTE *The circumstances that warrant such a query include, but are not limited to, the following:*

a. Presence on vehicle of any summons issued to the vehicle on a previous date
b. Vehicle has damage consistent with theft (e.g., broken windows, damaged locks)
c. Vehicle discovered at a location where the parking of vehicles is unlikely or at a time that is unusual
d. Any suspicion by a member of the service, arising either from the member's own observations or experience, or from credible statements made by others, that the vehicle may be stolen.

2. Determine if the vehicle is apparently abandoned and eligible for inclusion in the Rotation Tow Program.
3. Utilize, in numerical order, the next Notice of Parking Violation.

NOTE *Summonses will not be issued to abandoned or derelict vehicles, as defined above.*

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Print information legibly in block letters using black or blue ink ballpoint pen.
5. Enter all available information required by captions.
   a. Specific location of parked vehicle must be indicated, i.e., number of feet north/south/east/west of street, avenue, or front or opposite specific address.
   b. Utilize the vehicle registration sticker as the primary source of information for vehicles registered in New York State.

NOTE *Any omission or mis-description of any of the following mandatory identification elements will result in dismissal of the summons:*

a. License plate number
b. License plate type
c. Expiration date
d. Make of vehicle
e. Model of vehicle

6. Enter only one offense on each summons.
7. Cite only valid applicable violations and sections of the New York City Traffic Rules when issuing a Notice of Parking Violation.
   a. No violations of other rules or laws (e.g., VTL) will be cited on a Notice of Parking Violation.
8. Issue only one summons for the same violation, at the same location, on the same day.
9. Issue no more than three summonses to any vehicle parked in violation at the same location on the same day.

NOTE *In cases where more than three violations are evident, summonses for the three most serious violations should be issued.*

10. Do not issue additional summonses to a vehicle displaying three or more summonses already issued at that location.

NOTE *If the vehicle has been reported stolen or is abandoned or derelict, the member of the service should follow the applicable Patrol Guide procedures.*

11. Place "service copy" of Notice of Parking Violation and orange self-addressed envelope on windshield of auto.
    a. During inclement weather (rain, snow) fold summons to ensure information entered thereon remains legible.
12. Enter information concerning summons on **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)**.
13. Enter details in digital **Activity Log**.
14. Detach and retain pink copy of Notice of Parking Violation.
    a. This copy will be returned with **CERTIFICATION OF PARKING SUMMONSES SERVED** card.

UNIFORMED MEMBER OF THE SERVICE (continued)

15. Deliver remaining two parts of Notice of Parking Violation intact to command at end of tour.

ADDITIONAL DATA

Upon observing a vehicle displaying three or more summonses, the member should check to see if the summonses were issued to that vehicle at that location. If so, the member of the service should determine if the vehicle has been reported stolen, is abandoned, or derelict.

If the vehicle has not been reported stolen, based on the circumstances the vehicle may be either violation towed or placed in the Rotation Tow program if abandoned. No additional summonses should be issued to the vehicle.

Members may utilize the violation tow program by contacting the violation tow pound in their respective borough and providing the description and location of the vehicle. No vehicle will be referred for violation tow without a query of the FINEST system to determine if the vehicle has been reported stolen. The member is not required to remain with the vehicle until the violation tow truck arrives.

a. Manhattan Tow Pound
b. Brooklyn Tow Pound
c. Bronx Tow Pound
d. Queens Tow Pound

If a vehicle's sticker expiration date or plate type is not visually available, do not simply mark the "N/A"(Not Available") box on the summons. Always insert a written explanation as to why the information is not available. For example, if the information is not shown on the vehicle, its plates, or sticker, mark "N/A" and write "Missing" or "Not Shown". If the required information is unavailable because a sticker is unreadable, mark "N/A" and insert a reason, such as: "Covered," "Faded," "Defaced," or "Mutilated." If only a portion of a vehicle's sticker expiration date is visible then insert as much as is shown or readable, write "N/A" in the appropriate space on the summons, and insert "Not Shown" or "Missing," "Covered," etc. If other required information is not shown, write "N/A" or "NONE" – do not just draw a line or leave blank.

Members of the service will not issue a Notice of Parking Violation based on the vehicle identification number (VIN) only.

When the owner, operator, or person responsible for the vehicle is present, a member may issue a personal service summons for appropriate violations.

Vehicles listed below, observed parked and unattended, will be processed as follows:

a. All non-evidence stolen or abandoned non-derelict vehicles are processed under the Rotation Tow program (see P.G. 218-21, "Rotation Tow").
b. Vehicles bearing New York State registration plates that expired more than two months in the past will be processed in accordance with P.G. 214-30, "Removal of Expired Registration Plates."
c. Derelict vehicles with New York State plates will be processed in accordance with P.G. 214-29, "Derelict Vehicles Bearing Registration Plates."

ADDITIONAL DATA (continued)

*d. Derelict vehicles without plates will be entered in the **HIGHWAY CONDITION RECORD (PD311-151)** for notification to the local district office of the Department of Sanitation (see P.G. 214-22, "Weekly Street Conditions Survey and Daily Observations of Highway Conditions Requiring Corrective Action").*

Vehicles displaying expired in-transit permits, issued either in New York State or out-of-state (e.g., New Jersey), can be cited as unregistered vehicles. An in-transit permit is temporary in nature (valid for thirty days from the date it is issued) and does not constitute a permanent, legal, registration. It is issued only to enable a vehicle owner to transport his/her unregistered vehicle to a different jurisdiction where the owner intends to permanently register it. (A common example involves someone going out of state to purchase a vehicle at an auction and then transporting it back to his/her home state.) Once the in-transit permit expires, the vehicle can be cited as an unregistered vehicle regardless of the jurisdiction of issue.

PARKING OFFENSES INVOLVING VEHICLES FROM ANOTHER STATE

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

Certain violations involving registration and inspection requirements only apply to vehicles registered in New York State and are not applicable to vehicles registered outside of New York State. Vehicles registered outside of New York State will not be issued a notice of parking violation for expired/missing registration, expired/missing inspection, improper display of a registration sticker, or improper display of an inspection sticker. These violations are only applicable to vehicles registered in New York State. Enforcement action for obscured, concealed, or distorted license plates may still be taken for vehicles registered in a state other than New York, as per 34 RCNY 4-08(j)(10).

PARKING OFFENSES INVOLVING DIPLOMATIC RELATED VEHICLES

Official "Diplomat," "Consul," and "S" (Staff) vehicle license plates, colored red, white and blue, are issued by the United States Department of State ONLY, and will be one of the following three types:

DIPLOMAT – plates bearing the word "Diplomat" imprinted thereon are issued to representatives of foreign missions, United Nations, Secretariat of United Nations, and Organization of American States.
CONSUL – plates bearing the word "Consul" imprinted thereon are issued to representatives of foreign governments having consular status.
STAFF – plates bearing the letter "S" imprinted thereon are issued to members of staffs of various foreign governments.

Although "diplomatic/consular/staff" plates will not be issued without proper insurance coverage, operators of such vehicles are not required to carry insurance cards.

ADDITIONAL DATA (continued)

However, the operator must carry a certificate of registration.

A Notice of Parking Violation will be placed upon an unoccupied, illegally parked vehicle bearing "DIPLOMAT" or "CONSUL" registration plates, which creates a safety hazard.
The following violations create safety hazards:

Double Parking	*No Standing*	*Parking in Crosswalk*
Fire Zone	*No Stopping*	*Parking on Sidewalk*
Fire Hydrant	*Bus Stop*	

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

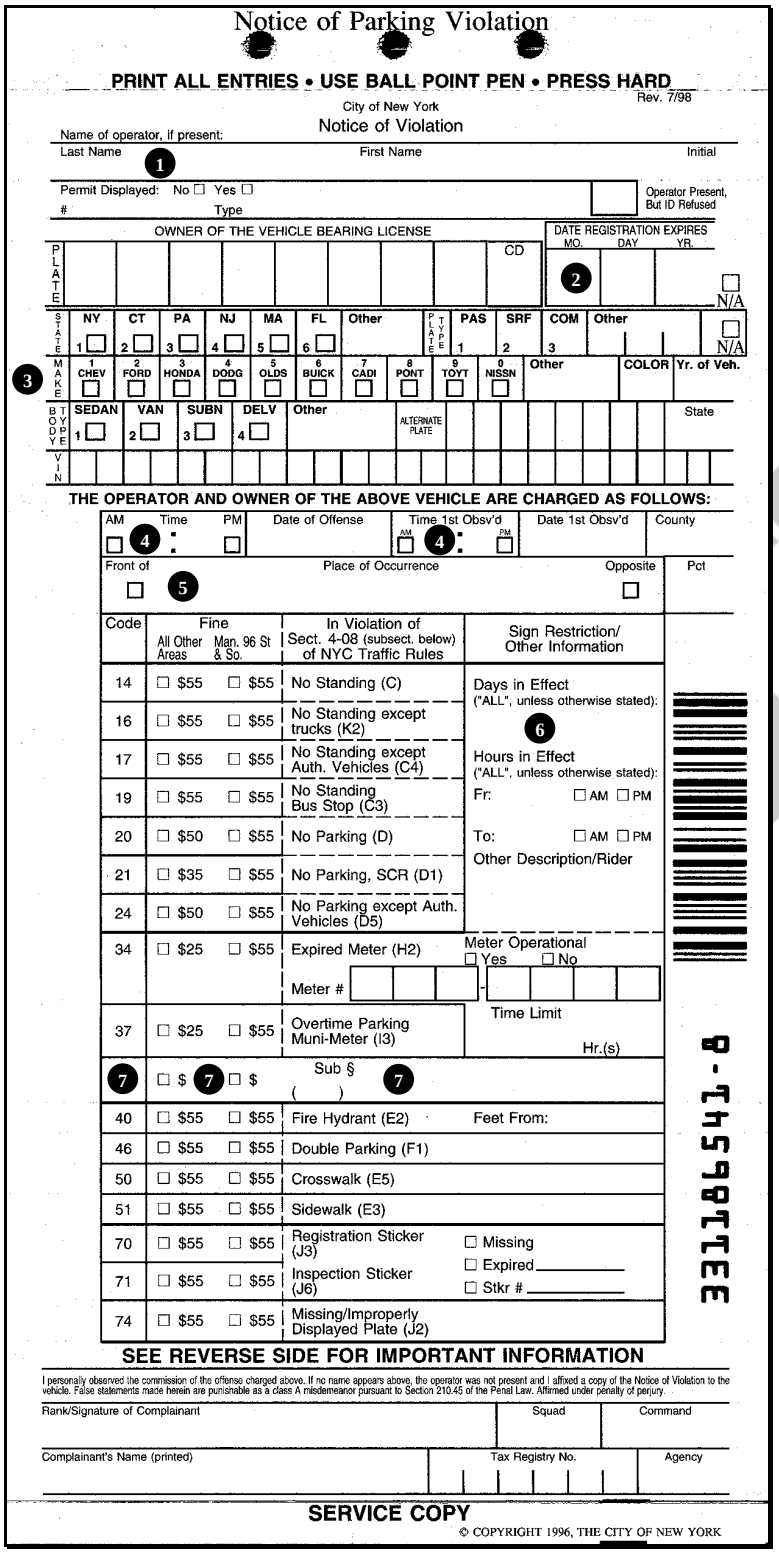
Vehicles bearing the letter "S" for staff do not have parking immunity; however, if such vehicle is occupied, the occupants may have diplomatic immunity and will be treated accordingly (see P.G. 212-56, "Diplomatic Incidents.")

RELATED PROCEDURES

Parking Violations Summons – Graphic (P.G. 209-08)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Diplomatic Incidents (P.G. 212-56)
Derelict Vehicles Bearing Registration Plates (P.G. 214-29)
Removal of Expired Registration Plates (P.G. 214-30)
Rotation Tow (P.G. 218-21)
Weekly Street Conditions Survey and Daily Observations of Highway Conditions Requiring Corrective Action (P.G. 214-22)

FORMS AND REPORTS

CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)
HIGHWAY CONDITION RECORD (PD311-151)



Notice of Parking Violation

PRINT ALL ENTRIES • USE BALL POINT PEN • PRESS HARD

Rev. 7/98

City of New York
Notice of Violation

Name of operator, if present:
Last Name (1) First Name Initial

Permit Displayed: No ☐ Yes ☐
Type
Operator Present, But ID Refused

OWNER OF THE VEHICLE BEARING LICENSE

DATE REGISTRATION EXPIRES MO. DAY YR. (2)

PLATE CD ☐ N/A

STATE: NY 1 ☐ CT 2 ☐ PA 3 ☐ NJ 4 ☐ MA 5 ☐ FL 6 ☐ Other | PLATE TYPE: PAS 1 SRF 2 COM 3 Other ☐ N/A

(3) MAKE: 1 CHEV ☐ 2 FORD ☐ 3 HONDA ☐ 4 DODG ☐ 5 OLDS ☐ 6 BUICK ☐ 7 CADI ☐ 8 PONT ☐ 9 TOYT ☐ 0 NISSN ☐ Other COLOR Yr. of Veh.

BODY TYPE: SEDAN 1 ☐ VAN 2 ☐ SUBN 3 ☐ DELV 4 ☐ Other ALTERNATE PLATE State

VIN

THE OPERATOR AND OWNER OF THE ABOVE VEHICLE ARE CHARGED AS FOLLOWS:

AM ☐ Time (4) : PM ☐ | Date of Offense | Time 1st Obsv'd AM ☐ (4) : PM ☐ | Date 1st Obsv'd | County

Front of ☐ (5) Place of Occurrence Opposite ☐ Pct

Code	Fine: All Other Areas	Fine: Man. 96 St & So.	In Violation of Sect. 4-08 (subsect. below) of NYC Traffic Rules	Sign Restriction/ Other Information
14	☐ $55	☐ $55	No Standing (C)	Days in Effect ("ALL", unless otherwise stated): (6)
16	☐ $55	☐ $55	No Standing except trucks (K2)	
17	☐ $55	☐ $55	No Standing except Auth. Vehicles (C4)	Hours in Effect ("ALL", unless otherwise stated):
19	☐ $55	☐ $55	No Standing Bus Stop (C3)	Fr: ☐ AM ☐ PM
20	☐ $50	☐ $55	No Parking (D)	To: ☐ AM ☐ PM
21	☐ $35	☐ $55	No Parking, SCR (D1)	Other Description/Rider
24	☐ $50	☐ $55	No Parking except Auth. Vehicles (D5)	
34	☐ $25	☐ $55	Expired Meter (H2) Meter #	Meter Operational ☐ Yes ☐ No
37	☐ $25	☐ $55	Overtime Parking Muni-Meter (I3)	Time Limit Hr.(s)
(7)	☐ $ (7)	☐ $	Sub § ( ) (7)	
40	☐ $55	☐ $55	Fire Hydrant (E2)	Feet From:
46	☐ $55	☐ $55	Double Parking (F1)	
50	☐ $55	☐ $55	Crosswalk (E5)	
51	☐ $55	☐ $55	Sidewalk (E3)	
70	☐ $55	☐ $55	Registration Sticker (J3)	☐ Missing
71	☐ $55	☐ $55	Inspection Sticker (J6)	☐ Expired ☐ Stkr #
74	☐ $55	☐ $55	Missing/Improperly Displayed Plate (J2)	

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

I personally observed the commission of the offense charged above. If no name appears above, the operator was not present and I affixed a copy of the Notice of Violation to the vehicle. False statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law. Affirmed under penalty of perjury.

Rank/Signature of Complainant | Squad | Command

Complainant's Name (printed) | Tax Registry No. | Agency

SERVICE COPY

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PARKING VIOLATIONS

STOPPING, STANDING, AND PARKING OFFENSES

1 Enter this information if violator is present.

2 The expiration month, day and year must be entered for vehicles registered in N.Y.S.

3 The information in this section should be taken from the registration sticker for vehicles registered in N.Y.S.

4 Do not use military time.

5 Indicate specific location of vehicle, e.g., 50 ft. N/S/E/W of street or avenue.

6 The day(s) and hours the regulation is in effect must be listed.

7 This information is obtained from COMMON SUMMONSABLE OFFENSES (PD160-102).

Notes:

a. Only one (1) violation per summons.

b. Do not write in the margin of the summons. Additional information may be entered in the name area (top) of the summons.

c. If a commercial vehicle is observed DOUBLE PARKED, enter length of time of no loading or unloading activity, e.g., "30M - N/A," indicating no loading or unloading activity for a thirty (30) minute period.

d. If the vehicle does not match the sticker (sticker describes a van and vehicle is a sedan) enter information from sticker and note that the vehicle appears to be a sedan as indicated in note "b".

PURPOSE To inform uniformed members of the service of procedures to be followed when personally serving a summons returnable to the Traffic Violations Bureau or Criminal Court.

PROCEDURE When issuing a summons returnable to the Traffic Violations Bureau or Criminal Court:

UNIFORMED MEMBER OF THE SERVICE

1. Inform violator of the offense committed.
2. Request that violator show proof of identity and residence.
   a. In traffic cases, examine driver's license, vehicle registration, and insurance identification card for vehicles registered in New York State.
   b. If violator presents driver's license, check "Motorist Exhibited License" box on top of summons.

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

a. Valid Photo Driver's License (From New York State, another state, or another country)
b. Valid passport
c. Citizenship or naturalization papers
d. New York State Non-Driver Identification
e. New York State Driver's Permit
f. Municipal Identification Card (ID NYC)
g. Other government photo identification.

Members should note that these are general guidelines, and other forms of identification may be acceptable.

3. Conduct license and warrant check.
   a. If license check conducted, check "Susp/Rev" box on top of summons.
   b. If no license and/or warrant check conducted, note reason in digital **Activity Log**.
   c. Remove violator to command and charge with Criminal Contempt in the Second Degree as an additional charge, if violator committed act on Metropolitan Transit Authority (MTA) or New York City Transit Authority property or conveyance and is in violation of court order banning entry.
4. Remove violator to command for investigation if doubt concerning identity exists.

DESK OFFICER

5. Make Command Log entry when violator is brought to command for identification, is served a summons, and immediately released.
   a. Entry will include the following:
      (1) Name, address, and physical description of the violator
      (2) Location, time of incident, and reason for removal to command

DESK OFFICER (continued)

(3) Name, rank, shield number of member who brought violator to command
(4) Offense(s) charged and serial number(s) of summons(es) served
(5) Time the violator entered and departed the command.

NOTE *It is not necessary to follow Desk Appearance Ticket or voided arrest procedures for an offense for which a summons may be served when the only reason for bringing the violator to the command was to investigate identity.*

UNIFORMED MEMBER OF THE SERVICE

6. Issue summonses in numerical order.
7. Use black or blue ink ballpoint pen and legibly print information in block letters.
8. Enter all available information required by captions on summons with the exception of the area titled "Officer's Notes."
9. Enter "RTR" to indicate "Right to Record," and circle at end of details section of Criminal Court summons, if violator recorded police activities.
10. Record only one violation per summons.
    a. Use a separate summons for each additional offense.

NOTE *Summonses issued for multiple offenses arising out of a single traffic incident will be made returnable to the respective court responsible for the adjudication of such offenses (i.e., Vehicle and Traffic Law traffic infractions will be returnable to Traffic Violations Bureau or to Criminal Court; Administrative Code violations and traffic misdemeanors will be returnable to Criminal Court, as outlined in Patrol Guide 209-02, "Summonses and Notices of Violation Returnable Agencies").*

11. Request violator sign the bottom of the summons to acknowledge receipt.

NOTE *Requesting the violator to sign the bottom of the summons is an option of the issuing member. If the member feels that requesting the signature may precipitate a confrontation or place the member at a tactical disadvantage, the member has the option of not requesting the signature. If the violator refuses to sign, no action will be taken. Member concerned will note the refusal in digital* ***Activity Log****.*

12. Give the violator the part of the summons designated for the agency for which the summons is returnable.
    a. If the summons is returnable to the Traffic Violations Bureau, give the violator the copy of the summons labeled "Motorist Copy"
    b. If the summons is returnable to Criminal Court, give the violator the copy labeled "Criminal Court."
13. Prepare a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** for a violator who is less than 18 years of age, unless offense is a traffic infraction, violation, or VTL misdemeanor.

FOR SUMMONSES RETURNABLE TO CRIMINAL COURT**:**

UNIFORMED MEMBER OF THE SERVICE

14. Complete the Criminal Court Information section on rear of summons.
15. SIGN Criminal Court Information section on rear of summons.
16. Enter the information concerning the summons(es) on **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
17. Enter complete details in digital **Activity Log** including:
    a. Description of offense
    b. Summons number
    c. Motorist's/Defendant's name
    d. Motorist's/Defendant's date of birth
    e. Type, and serial number, of government photo identification used to determine name and date of birth of motorist/defendant
    f. License plate number and state/province of registration
    g. Make and model of vehicle
    h. Number of passengers in vehicle.
18. Detach and retain last two copies of summons marked "Police/ Agency" and "Officer".
    a. The white "Officer" copy will be retained by the issuing member.
    b. The yellow "Police/Agency" copy will be returned with the **CERTIFICATION OF SUMMONSES SERVED** card.
19. Deliver the remaining copies, intact, to command at the end of tour, or as directed by commanding officer.
20. Complete **VEHICLE REPORT** in Finest Online Records Management System (FORMS) for every vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop, regardless of whether enforcement action is taken or not.

OPERATIONS COORDINATOR

21. Designate member of the service to enter information from Criminal Court summons into FORMS.
    a. Ensure designated member of the service reviews the "Factual Allegations" section of summons and enters required information into FORMS.

FIRST AMENDMENT ACTIVITY OR MASS ARREST PROCESSING EVENT

UNIFORMED MEMBER OF THE SERVICE

22. Issue digital Criminal Court summons using FORMS when directed by incident commander or other competent authority at a First Amendment Activity or mass arrest processing event.
    a. If a uniformed member of the service is unable to issue a digital Criminal Court summons, a paper summons may be used.

NOTE *The issuance of a digital Criminal Court summons via the FORMS is only authorized when prisoners are removed to a designated facility that is activated as a mass arrest processing center containing the necessary specialized equipment.*

ADDITIONAL DATA

Uniformed members of the service will select one of the following Reason Codes on a summons returnable to Criminal Court:

Code 1 *- Violator is an OATH Recidivist and not eligible for a Civil Summons returnable to OATH*

Code 2 *- Violator has a warrant or Probable Cause I-Card and is being returned to issuing court to adjudicate warrant and summons, or is being arrested on a separate charge*
Code 3 *- Officer articulated a legitimate law enforcement reason to issue a summons returnable to Criminal Court in lieu of OATH for a CJRA violation*

Code 4 *- Violation cited is not covered under the CJRA (e.g., Penal Law violations) or subject violated multiple rules in which at least one is returnable to Criminal Court (all summonses returnable to Criminal Court). If Code 4 and any other code(s) are applicable, select Code 4.*

A uniformed member of the service, when issuing a summons returnable to the Traffic Violations Bureau, will place an "X" in the appropriate captioned box when any of the following criteria apply:

a. "Commercial Vehicle" - with a maximum gross weight in excess of 26,000 pounds
b. "Bus" - any vehicle designed to transport more than fifteen passengers, including the driver
c. "Hazardous Material" - any vehicle which is transporting materials required to be placarded under the Hazardous Material Transportation Act.

If a vehicle with a maximum gross weight in excess of 26,000 pounds is also placarded, as required for transporting hazardous materials, only the "Hazardous Material" box should be checked.

UNDER NO CIRCUMSTANCES WILL AN ISSUING MEMBER OF THE SERVICE WRITE ON THE SIDE MARGIN OF THE SUMMONS. This area is used by the adjudicating agency concerned. Writing in this area may result in the summons being considered unprocessable and returned to this Department.

In addition to entries in the digital ***Activity Log****, members have the option of utilizing the area on the rear of the white "Officer" copy of the summons entitled "Officer's Notes." This area is meant to serve as additional information for the issuing member to assist in recording the pertinent details of the offense.*

The sections labeled "Motorist or Defendant's Employer", "Motorist or Defendant's Employer Address", and "Phone No." are designed primarily as an aid to members enforcing violations where corporate substitution is possible (Example - a summons is issued to the driver of a trucking firm for no overweight permit). The information is not required for moving violations issued to non-commercial drivers.

A person operating a limited use vehicle (minibike, moped, etc.) on a public highway (road, street, avenue, highway, etc.) is subject to all applicable provisions of the Vehicle and Traffic Law and the Traffic Regulations ("traffic laws"), including registration and licensing requirements. Although registration and licensing provisions do not apply to bicycles, persons riding bicycles on public streets are subject to many of the same traffic laws as operators of motor vehicles.
If a limited use vehicle is unregistered and/or the operator unlicensed, the vehicle will

ADDITIONAL DATA (continued)

be removed to the precinct of occurrence, impounded and invoiced. The owner may claim the vehicle on presentation of proof of ownership; however, such owner will be advised that the vehicle may not be operated on public highways until such time as it has been properly registered. The owner may be permitted to make arrangements to have such unregistered vehicle transported by a licensed tow truck to a private premise. Additionally, if the vehicle was seized because the operator was unlicensed, the owner will be issued a summons for violation of section 509(4) of the Vehicle and Traffic Law - "Authorizing Or Permitting An Unlicensed Driver To Operate A Motor Vehicle."Operators of limited use vehicles and/or bicycles who violate applicable provisions of the traffic law will be issued a summons, provided such individuals are 16 years of age or older. In such cases, a ***JUVENILE REPORT SYSTEM WORKSHEET*** *is NOT required.*

When a bicyclist is issued a summons for a violation of the traffic laws, the word "BICYCLE" will be entered in bold print on that portion of the summons designated for the year and make of the vehicle. On the reverse side of both of the yellow motorist's copies of the summons, a line will be drawn through the instructions that direct the violator to answer the summons by mail.

Sustained attention and priority in enforcement should be given to those hazardous violations which are the major causes of most collisions, deaths and injuries on the roadways. The eighteen most HAZARDOUS VIOLATIONS are:

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

Members of the service should be aware that section 207, subdivision 5, of the Vehicle and Traffic Law (Disposing Of A Uniform Traffic Summons), does NOT apply to situations where a motorist destroys or discards his/her copy of the summons that was issued by the member of the service. That section is applicable only when someone prevents or interferes with the processing of that part of the summons destined for the adjudicating body (i.e., the "court copy"). Members of the service may, however, issue a Criminal Court summons for littering (Administrative Code section 16-118, [subdivision 1]) in appropriate circumstances.
A uniformed member assigned to the Highway District may serve a summons for an offense not personally observed but revealed during the course of a collision investigation. When serving such a summons, the member concerned shall draw a line through the statement on the Complaint which reads "I PERSONALLY OBSERVED THE COMMISSION OF THE OFFENSE CHARGED ABOVE."

ADDITIONAL DATA (continued)

The issuance of a Criminal Court summons for violation of Penal Law section 240.20 - Disorderly Conduct, at the scene of an incident in which the summonsing member is the complainant, occasionally results in a civilian complaint against the member. To verify and document the circumstances of the incident, the summonsing member will request the response of the patrol supervisor to the scene whenever:

a. Physical force/restraint was used by the uniformed member, OR
b. It was necessary to search or handcuff the violator, OR
c. Violator was placed in, or transported from the scene in, a Department vehicle.

The patrol supervisor will determine the validity of the charge and:

*a. Make entry in digital **Activity Log** indicating summonsing member's identity and the violator's identity and condition.*
b. Direct issuance of summons, if violator is eligible. If the violator is not eligible, process as an arrest as per appropriate Department procedures.

If the patrol supervisor is not available to respond, the violator will be removed to the command where the desk officer/supervisor will determine the validity of the charge and make an appropriate entry in the Command Log.

NYPD

AA-500 (7/97) **COMPLAINT/INFORMATION**

400002503-0 Susp/Rev Check ☐ Yes No ☐ ❶
The People of The State of New York VS. Motorist Exhibited License ☐ Yes No ☐

Last Name **First Name** **M.I.**

Street Address **Apt. No.**

City **State** **Zip Code**

ID Number Date of Birth MO ❷ DAY YR Sex ❷

Lic. State **Lic. Class or ID Type** Date Expires MO DAY YR Operator Owns Vehicle ☐Yes No ☐

OPERATOR AND/OR OWNER OF VEHICLE BEARING LICENSE

Plate No. REG STATE NY CT PA NJ Other Reg. Expires MO DAY YR

❸ PLATE TYPE PAS OMT COM OML Other MAKE CHEV FORD HONDA DODG OLDS BUICK TOYT NISS Other

BODY STYLE SEDAN SUBN VAN TRUCK MCY Other Veh. Yr. Veh. Color Alternate Plate State

VIN No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

AM ☐ Time ❹ PM ☐ Date of Offense County Precinct

Place of Occurrence

IN VIOLATION OF ❺ Sec Sub V.T.L. Traff. Rules Admin. Code Penal Code Other

Description of Violation, if Not Shown Below. (If returnable to Criminal Court, indicate Court Location and Date of Appearance below and COMPLETE, DATE, AND SIGN INFORMATION ON REVERSE SIDE.)

SPEEDING MPH In MPH Zone DISOBEY TRAFF CONT DEV ☐ Sign ☐ Signal Pave Marks ☐ Uninspec. Veh. Unreg. Veh. Unlic. Oper. Uninsur. Veh. Com. Veh. Bus Haz. Mat.

The person described above is summoned to appear at **CRIMINAL COURT** Summons Part County

Located at

Date of Appearance 9:30 a.m. ❻ day of 19

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

Rank/Full Signature of Complainant

Complainant's Full Name (printed) Command Code

Agency/NCIC Squad Tax Registry No.

I acknowledge receipt of this summons. I understand it is my responsibility to read and comply with the instructions on my copy, and that my signature below is not an admission of guilt.

Name ❼ Date

TRAFFIC VIOLATIONS

TRAFFIC INFRACTIONS (other than stopping, standing, and parking offenses)

1 **Conduct license check, if possible, and check appropriate boxes.**

2 **Enter date of birth and sex of violator.**

3 **Enter vehicle information from registration card or sticker.**

4 **Do not use military time.**

5 **Ensure that violation described matches section of law cited. Obtain info. from COMMON SUMMONSABLE OFFENSES (PD160-102).**

6 **No return date is required for violations returnable to Traffic Violations Bureau.**

7 **Violators signature is optional.**

AA-500.5 (7/97)

Officer's Notes 1

Motorist's or Defendant's Employer 2

Motorist's or Defendant's Employer Address

CONDITIONS OF VIOLATION

LIGHT CONDITIONS			
	DAYLIGHT		
	DARK		
	FOG		
	DUSK		
	DAWN		
WEATHER			
	CLEAR		SNOW
	CLOUDY		SLEET
	RAIN		FOG
PHOTO LICENSE			
☐ Yes	☐ No		

ACCIDENT TYPE
TOUR OF DUTY
DAY OF WEEK / NO. OF LANES
MOTORIST OR DEFENDANT DESCRIPTION
Eye Color _____
Hair Color _____
Ht._____ Wt. _____
Ethnicity _____
Phone No. 3

PAVEMENT	
	DRY
	WET
	MUDDY
	SNOW/ICE
	SLUSH
AREA	
	BUSINESS/COMM.
	SCHOOL/PLAYGRD.
	INDUSTRIAL
	RESIDENTIAL
	HGWY.
	STREET
	PKG. LOT
VIOLATOR	
	DRIVING ALONE
	# OF OCCUPANTS
	MORE THAN ONE VIOLATOR

MOTORIST'S SPONTANEOUS STATEMENT:

NOTES OR DIAGRAM:

4

1 **Uniformed members should record the circumstances of the incident on the rear of the "Officer" copy of the summons.**

2 **The defendant's employer information is intended for cases in which corporate substitution is possible.**

3 **Defendant's telephone number is not required in traffic offenses and should not be requested. For cases in which corporate substitution is possible, the telephone number of the corporate entity should be entered in this area.**

4 **Include the direction of travel and the type of street, as appropriate.**

CRC-3206 (07/17) **Complaint/Information**
The People of The State of New York vs.

Name (*Last, First, MI*) | Date of Birth (*mm/dd/yy*)

Street Address | Apt. No.

City | State | Zip Code

Cell Phone Number (***Write N/A or Refused if not provided***) ( ) | Home Phone Number (***Write N/A or Refused if not provided***) ( )

Court Appearance Date (*mm/dd/yy*): ***(Ensure correct return date is entered)*** **at: 9:30 a.m.**

The court appearance location: ○ Other (specify) _____

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

ID/License Number | State | Type/Class | Expires (*mm/dd/yy*)

Race: ○ White ○ Black ○ Hisp. White ○ Hisp. Black ○ Am. Ind./Alaskan Native ○ Asian/Pacific Is. | Sex | Ht | Wt | Eyes | Hair | Plate/Reg

Reg State | Expires (*mm/dd/yy*) | Plate Type | Veh Type | Make | Year | Color

The Person Described Above is Charged as Follows:

Title of Offense:

Time 24 Hours (*hhmm*) | Date of Offense (*mm/dd/yy*) | County

Place of Occurrence | Precinct

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

Factual Allegations (*describe how the offense was committed, OR complete reverse*):

NYPD CODE ☐ 1 ☐ 2 ☐ 3 ☐ 4 | ICAD #

Defendant stated in my presence (*in substance*):

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

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

Tax Registry # | Agency | Command Code

ORIGINAL

4441323494

CRIMINAL COURT

PEDESTRIAN OFFENSES AND TRAFFIC MISDEMEANORS (except unlicensed operator, unregistered vehicle and no insurance ID card).

SUMMONSABLE OFFENSES NOT RETURNABLE TO ANY OTHER AGENCY.

Uniformed members may issue summonses for violations and non-Penal Law misdemeanors, so long as they are personally observed.

1. **If defendant does not provide a cell phone number and/or home phone number, write "N/A" or "Refused."**
2. **If appearance time is different, cross out "9:30 a.m." and enter correct appearance time. Do not use military time.**
3. **Do not select more than one court appearance location.**
4. **Enter vehicle information, if applicable.**
5. **Use military time.**
6. **Complete the "Factual Allegations" section for all offenses, unless utilizing the "Expedited Affidavit" section on the reverse. This section must be completed with facts, not conclusions, that the officer personally observed. A "Factual Allegations" section that merely repeats the specific language of the law is not legally sufficient. If defendant recorded police activities, enter "RTR" and circle at end of section.**
7. **Enter appropriate NYPD reason code:**
   - **Code 1:: Recidivist**
   - **Code 2:: Return on warrant**
   - **Code 3:: Other (circumstances of the incident must be verified and recorded in the member's digital Activity Log by a supervisor)**
   - **Code 4:: Non-CJRA violation or multiple summonses with at least one violation being non-civil.**

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

I, _____ of (address)_____,

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

(insert address) _____ 8 _____. The defendant

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

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

Full Signature of Deponent/Affiant (Owner/Custodian)	Date Affirmed (mm/dd/yy)

☐ **Disorderly Conduct: Penal Law §240.20**

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

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

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

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

_____

_____

_____

_____ 9

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

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

_____

_____

_____

_____

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

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

Defendant stated in my presence *(in substance)*: _____

_____

_____

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

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

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

8 When issuing a summons for violations of Penal Law §140.05, "Trespass," issuing officer should have property owner/custodian complete the "Trespass Affidavit" section.
The property owner/custodian must sign and date below the "Trespass Affidavit." The officer must also complete the "Factual Allegations" section on the front with facts, not conclusions, that the officer personally observed.
Sample Factual Allegations for the charge of "Trespass" can be found on the reverse of the "Agency/Police Copy 1."

9 When issuing a summons for violations of Penal Law §240.20, "Disorderly Conduct," or Administrative Code §10-125(b), "Public Consumption of Alcohol," issuing officer may use the appropriate "Expedited Affidavit" section, rather than completing the "Factual Allegations" section.
If an Expedited Affidavit is utilized, the officer must sign and date BOTH the front and the reverse of the "Original" copy, but it is not necessary to restate the allegations in the "Factual Allegations" field on the front of the form. Instead, the officer should simply draw a line through the "Factual Allegations" field on the front, or write "See Reverse."
A summons with a properly completed "Factual Allegations" section or "Expedited Affidavit" section will eliminate the need for the issuing officer to appear in court on the return date to prepare a complaint and will enable the court to issue a warrant for a defendant who fails to appear.

Officer's Notes 1

Defendant's Employer 2

Defendant's Employer Address

CONDITIONS OF VIOLATION

LIGHT CONDITIONS		TOUR OF DUTY		AREA	
	DAYLIGHT	DAY OF WEEK	NO. OF LANES		BUSINESS/COMM.
	DARK				SCHOOL/PLAYGRD.
	FOG	DEFENDANT DESCRIPTION			INDUSTRIAL
	DUSK				RESIDENTIAL
	DAWN	Eye Color _____		VIOLATOR	
WEATHER		Hair Color _____			DRIVING ALONE
	CLEAR		SNOW		# OF OCCUPANTS
	CLOUDY	Ht. _____ Wt. _____	SLEET		MORE THAN ONE VIOLATOR
	RAIN		FOG		
PHOTO LICENSE		Phone No. 3			
☐ Yes ☐ No					
WARRANT CHECK					
☐ Yes ☐ No					

NOTES OR DIAGRAM:

4

1 **Uniformed members should record the circumstances of the incident on the rear of the "Officer's" copy of the summons.**

2 **The defendant's employer information is intended for cases in which corporate substitution is possible.**

3 **For cases in which corporate substitution is possible, the telephone number of the corporate entity should be entered in this area.**

4 **Include the direction of travel and the type of street, as appropriate.**

PURPOSE To instruct uniformed members of the service of the proper manner by which to prepare and process a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH).

PROCEDURE Upon observing the commission of an offense that is under the jurisdiction of the Office of Administrative Trials and Hearings (OATH):

UNIFORMED MEMBER OF THE SERVICE

1. Inform violator of the offense committed.
2. Request proof of identity and residence, as per *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court."*
   a. If proof is refused and/or validity of proof is in doubt, escort violator to command for further investigation.

WHEN VIOLATOR IS PROPERLY IDENTIFIED:

UNIFORMED MEMBER OF THE SERVICE

3. Prepare separate Civil Summons Returnable to OATH for EACH offense charged.
   a. Complete captions in block letters, using black or blue ink ballpoint pen.
4. Insert three-digit OATH Code, section of law, mail-in and maximum penalties on Civil Summons Returnable to OATH, as determined from **COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)**.
5. Make Civil Summons Returnable to OATH returnable to the Office of Administrative Trials and Hearings on the return date provided by desk officer/counterpart at roll call.
   a. Enter "RTR" to indicate "Right to Record," and circle at end of details section, if violator recorded police activities.
6. Sign the bottom of the Civil Summons Returnable to OATH and fill in all captions as appropriate.
7. Fill in the "Affidavit (Certificate) of Service" on the reverse side of the Civil Summons Returnable to OATH and sign this side of the summons in the appropriate caption.
8. Give violator pink (Respondent) copy of Civil Summons Returnable to OATH.
   a. In all cases where a violator is less than 18 years of age, a copy of the Civil Summons Returnable to OATH MUST be served to the violator's parent or guardian. If such person is present at the time of issuance, the copy shall be personally served on the person. If the person is not present, it shall be served via mail.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Complete **VEHICLE REPORT** in Finest Online Records Management System (FORMS) for every vehicle, bicycle, motorized scooter, e-scooter, or e-bike stop, regardless of whether enforcement action is taken or not.

9. Record complete details in digital **Activity Log**.
   a. Include complainant/witness contact information (i.e., name, home address, phone number, etc.) in cases where an officer is informed of the violation by a reliable complainant/witness.
10. Enter required information on **CERTIFICATION OF MOVING/ CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
11. 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. WHITE CARDBOARD (Agency) copy - Retain with **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED**.

NOTE *The WHITE CARDBOARD (Agency) copy should be retained by the issuing agency except when issuing a Civil Summons Returnable to OATH for violations of the Noise Code relating to audible vehicle alarms; see P.G. 214-24, "Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms."*

DESK OFFICER

12. Examine entries on Civil Summons Returnable to OATH to ensure:
   a. Accuracy, completeness and legibility.

OPERATIONS COORDINATOR

13. Designate a member of the service to enter information from Civil Summons Returnable to OATH into the FORMS.
   a. Ensure designated member of the service reviews the 'Details of Charge(s)' section of summons and enters required information into FORMS.

COMMAND CLERK

14. Separate Civil Summons Returnable to OATH by date of service and process as follows:
   a. WHITE (OATH) copies - insert all copies issued on SAME day into Office of Administrative Trials and Hearings envelope addressed to the Office of Administrative Trials and Hearings, 66 John Street, 10th Floor, New York, N.Y. 10038, and forward to patrol borough office with A.M. mail.
   b. WHITE CARDBOARD (Agency) copy - file in command by date of service and retain thereat for two years.

PATROL BOROUGH OFFICE CLERK

15. Prepare two copies of **SUMMONS ENVELOPE RECEIPT (PD160-011)**.
16. Direct messenger to deliver envelope containing Civil Summons Returnable to OATH to the Office of Administrative Trials and Hearings.
17. Obtain receipt on one copy of **SUMMONS ENVELOPE RECEIPT** and return to borough office.

IF VIOLATOR CANNOT BE PROPERLY IDENTIFIED:

UNIFORMED MEMBER OF THE SERVICE

18. Confer with desk officer.
19. At the direction of the desk officer, effect arrest of violator.

DESK OFFICER

20. When the violator has committed an offense which may be punishable EITHER by issuing a Civil Summons Returnable to OATH; OR by issuing a Criminal Court Summons, the desk officer may authorize that the violator be arrested and returned to Criminal Court.

ADDITIONAL DATA

If a uniformed member of the service issues a Criminal Court summons for an offense that is eligible for a civil summons returnable to OATH, but does not fall under the CJRA, Code 4 will be selected on the summons.

A Civil Summons Returnable to OATH may ONLY be issued for a violation of a Local Law (e.g., the Administrative Code or the Rules of the City of New York [RCNY]) and not for violations of State Law [e.g., Alcoholic Beverage Control Law or the Vehicle and Traffic Law]).

Uniformed members of the service will comply with Patrol Guide 209-03, "Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Criminal Justice Reform Act (CJRA)" when issuing a Civil Summons Returnable to OATH for the following violations:

1. *Open Container, NYC Administrative Code Section 10-125 (b)*
2. *Public Urination, NYC Administrative Code Section 16-118(6)*
3. *Littering, NYC Administrative Code Section 16-118 (1) (a)*
4. *Spitting, NYC Administrative Code Section 16-118 (1) (b)*
5. *Excessive Noise, NYC Administrative Code Section 24-218 (used when not removing a sound reproduction device)*
6. *Violations of Title 56 of the Rules of the City of New York (New York City Park Rules).*

In cases where the observed offense is a violation that is solely punishable by a CIVIL penalty (e.g., NYC Administrative Code 17-706, "Sale of Cigarettes to Persons Under 21 Who Are Not Minors"), members of the service MAY NOT remove the violator from the scene to verify identity or conduct further investigation.

ADDITIONAL DATA (continued)

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****.*

Traffic enforcement agents will not utilize the hearing dates and times issued via FINEST Message each tour per borough. Traffic enforcement agents will continue to schedule their hearings as they presently do.

CANINE WASTE LAW:

Take no enforcement action against a visually-impaired person for violation of the Canine Waste Law. Additionally, members of the service are directed to use discretion when taking enforcement action regarding the elderly or individuals who are handicapped in regard to the Canine Waste Law.

NYPD

OATH 603S 12/16

SUMMONS TO APPEAR FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: **43527770P**

ENFORCEMENT AGENCY: **Police Department**

Respondent: Last Name | First (1) | M.I.

Phone No. (2) ☐ Cell ☐ Home | D.O.B. (3) MM/DD/YY | Sex ☐ Male ☐ Female (4)

Mailing Address (5)

ID Number (6) | ID Type

Race: ☐ White ☐ Black ☐ Hisp. White ☐ Hisp. Black ☐ Am. Ind./Alaskan Native ☐ Asian/Pacific. Is.

Date of Occurrence MM/DD/YY | Time of Occurrence (7) HH:MM ☐ AM ☐ PM

Place of Occurrence (☐ At ☐ In Front Of ☐ Opposite) | Precinct (8)

Include the summons number above on all communications

HEARING DATE: ___/___/___ (9) **AT:** ___:___ ☐ AM ☐ PM

You must respond by the above date.
See the BACK OF THIS SUMMONS to learn about your options.

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

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

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

☐ Admin. Code ☐ Rules of City of NY ☐ Parks Rules: 56 RCNY ☐ Traffic Rules: 34 RCNY ☐ Other ___ (11)

Section/Rule (12) | OATH Code (13)

Mail-In Penalty | Max. Penalty (14) | Property Removed ☐ Yes ☐ No (15)

Details of Charge(s): (16)

OATH

NYC Charter Sections 1048 and 1049-a and the Rules of the City of New York authorize the NYC Office of Administrative Trials and Hearings (OATH) to hold hearings.

I, an employee of the agency named above, affirm under penalty of perjury that: 1) I personally observed the commission of the violation charged; 2) I verified the existence of the violation through review of Department records; or 3) I was informed of the commission of the violation by a reliable witness that is known to the Department. False statements made herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the Penal Law.

I/O Signature | Command (17)

Rank/Title | Name | Tax No.

ADMINISTRATIVE TRIALS AND HEARINGS

1 Enter name of respondent.
2 Enter phone number and check appropriate box. If respondent does not provide a number write "N/A" or "Refused."
3 Enter date of birth of respondent.
4 Check box as it appears on valid form of identification.
5 Enter respondent's address information.
6 Enter respondent's identification number and specific type of identification presented.
7 Do not use military time.
8 Enter precinct of occurrence.
9 Enter OATH return date and time. Ensure correct date and time are entered. Do not use military time.
10 Enter geographic borough of occurrence.
11 Select or enter appropriate source of law.
12 Enter Section/Rule of law.
13 Obtain code from insert.
14 Officer must enter appropriate mail-in and max penalties.
15 Check appropriate caption to indicate if respondent's property was removed and invoiced as evidence.
16 Describe details, including conditions if exigent circumstances exists, i.e., parade, fire, heavy traffic, etc. If respondent recorded police activities, enter "RTR" and circle at end of section.
17 Enter summonsing officer's 3-digit command code.

AFFIDAVIT (CERTIFICATE*) OF SERVICE

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

☐ At the time and place of occurrence did personally serve a true copy of this Summons on the respondent named therein.

☐ On _____, 20 _____ at _____ ☐AM ☐PM at _____ did personally serve a true copy of this Summons on the respondent named therein by delivering said copy [two copies] to: _____

- ☐ the respondent.
- ☐ a person of suitable age and discretion at respondent's place of business/abode.
- ☐ an officer/director/managing agent/(other): _____ of respondent corporation.
- ☐ designated agent in the Office of the Secretary of State, Albany, New York, as per Business Corporation Law §306(b).

Deponent herein describes the person served as follows:

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

Other Identifying Features _____

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

☐ At the time indicated on the front of this Summons.

☐ At _____ ☐AM ☐PM on _____ 20 ____ at _____

I attempted to personally serve this Summons on the respondent named herein but was unable to do so because;

☐ having attempted entry to the premises, I found the premises locked and no one responded to any bells, knocks or calls;

☐ having entered the premises and having identified myself, I was;

- ☐ advised by _____ that the respondent was not then present.
- ☐ advised by _____ that no officer, director, managing agent or general agent of respondent was present.
- ☐ unable to secure identification of the person(s) present.

☐ Service could not be made because _____

_____

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

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

Date _____ Signature _____

Print Name _____

Sworn to before me on _____

Signature of Certifying Officer Administering Oath: _____

Alternate Service Mailing Dates: _____

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

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

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

Full Signature of Witness: _____ Date Affirmed: _____

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

1. **Officers MUST fill in the caption for county.**
2. **When personally serving the summons directly to the respondent, check the first box next to the line "At the time and place of occurrence…"**
3. **The Department only uses this caption for enforcement of Administrative Code Section 10-157(k). Fill in the captions for date, time, and location of service. Cross out the words "[two copies]." Fill in the name of the person physically served with a copy of the summons and include their title (e.g., owner, manager, head cashier, etc.). Check the box that states, "a person of suitable age and discretion at respondent's place of business/abode."**
4. **Officers should check the boxes that fit the description of the person physically served with the summons.**
5. **The Department only uses this caption for enforcement of Administrative Code Section 10-157(k) when personal service cannot be made. The issuing officer should use the blank lines next to the box entitled "Service could not be made because" to write, "Service by US Mail to respondent at business address." Officer should draw a line through "Service could not be made because."**
6. **The issuing officer MUST date, sign, and print their name on the Affidavit (Certificate*) of Service, indicating how and when the summons was served.**
7. **If applicable, officers will fill in the name of the complainant/ witness and request they sign on the line below. If the complainant/witness refuses to sign, the officer will write "REFUSED" on the witness signature line.**

NOTE:
The Affidavit (Certificate*) of Service MUST be fully completed and signed by the issuing officer or the summons will be dismissed.

HOW TO RESPOND TO THIS CIVIL SUMMONS

The New York Police Department has charged you with the violation written on the other side of this summons. You must respond. You may choose someone else to speak for you. Free English language help will be provided if needed.

If you or the person you have chosen to speak for you do not respond, you may be found automatically responsible and you may owe larger penalties. This is a civil summons and it will not show up on any criminal record. However, if you admit to this charge or are found responsible and violate the same law in the future, you may receive a criminal summons and/or larger financial penalties for the future charge.

Option 1: DENY the Charge

If you deny the charge you can give an explanation for why you think you are not responsible to a hearing officer, who will make a decision. If you deny online, by phone, or by mail, you will be told of the decision by mail. See front for your Hearing Date.

There are four ways to deny the charge:

- **IN PERSON**: Go to the OATH Hearing Center in the borough written on the front of this summons at the date and time listed. See below for the address. Bring this summons and any evidence that shows you are not responsible for the charge. Call 1-844-628-4692 for disability accommodation.
- **ONLINE:** Visit www.nyc.gov/oath before your Hearing Date.
- **BY PHONE:** Call (212) 436-0817 before your Hearing Date.
- **BY MAIL:** Ten days before your Hearing Date, mail a written explanation of why you deny the charge. Include the words, "My signature in this statement certifies that all facts in it are true" and sign the document. Mail the document, a copy of this summons, and any other evidence to:

OATH Mail Unit, 66 John Street, 10th floor, New York, NY 10038

Option 2: ADMIT to the Charge

If you admit the charge, you must satisfy the penalty. The charge will not go on any criminal record, but if you violate the same law again, you may face larger penalties or criminal charges. See front for your Hearing Date.

There are four ways to admit the charge and satisfy the penalty:

- **COMMUNITY SERVICE:** For certain charges you may be able to complete community service instead of paying a penalty. Call (844) 628-4692 to check.
- **IN PERSON**: Pay the penalty at any OATH Hearing Center listed below, on or before your Hearing Date. You can pay between 8:00 AM and 3:30 PM, Monday through Friday (except holidays). Bring this summons and your payment. Checks, money orders, and credit cards are accepted.
- **ONLINE**: Pay at www.nyc.gov/citypay/oath before your Hearing Date.
- **BY MAIL**: Ten days before your Hearing Date, mail in a check or money order. Make it payable to "Finance Commissioner" for the amount written on the Mail-in Penalty line on the other side of this summons. Write the Summons Number on the memo line of the check or money order. Mail the check or money order and a copy of this summons to:

Finance Commissioner, City of New York
PO Box 2307, Peck Slip Station, New York, NY 10272

Questions?

أسئلة؟ 任何疑问
Вопросы? ¿Preguntas?
질문 있으세요? **Kesyon?**
কোনো প্রশ্ন আছে কি?

www.nyc.gov/oath
844-OATH-NYC (844-628-4692)

OATH Hearing Center Locations

Manhattan: 66 John St., 10th fl., New York, NY 10038
Bronx: 3030 Third Ave., Rm 250, Bronx, NY 10455
Brooklyn: 9 Bond St., 7th fl., Brooklyn, NY 11201
Queens: 31-00 47th Ave., 3rd fl., Long Island City, NY 11101
Staten Island: 350 St Mark's Pl., Staten Island, NY 10301

You have the right to be informed of the maximum penalty of the charge.

If you received this summons for a vendor (commercial) offense, check the schedule below. For all other offenses, the maximum penalty is written on the front of this summons. If the maximum penalty is missing, call OATH or visit a Hearing Center (see above). If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit or registration, or to the suspension, termination or revocation of a license, permit or registration issued to you by a City agency.

FOOD AND GENERAL VENDOR MULTIPLE OFFENSE SCHEDULE ($Min/Max)

1st Offense:	$50/50	3rd Offense:	$250/250
2nd Offense:	$100/100	4th Offense:	$500/500

1B 1A REV. 11/2024

TRANSIT ADJUDICATION BUREAU

VIOLATION NO. 129609307

FOR TAB USE

Notice of Violation and Hearing — New York City Transit Authority vs. Respondent

1 Last Name | First Name | Initial
Number | Street | Apt.
City | State | Zip
Tel. Contact No. ( ) | S.S.# | ☐ Refused
DATE OF BIRTH | MONTH | DAY | YEAR | SEX | RACE | HEIGHT FT. IN. | WEIGHT

2 ☐ Place of Employment or ☐ School - if student
Number | Street
City | State | Zip | Tel. No. ( )

3 ID Was Observed ☐ | Photo ID ☐ Yes ☐ No | Type | No.

4 Name of Parent or Guardian (If under 18) | Last Name | First Name | Initial

N.Y.C.T.A. RULE VIOLATION CHARGED (21 N.Y.C.R.R. PART 1050)

☐ 1 ENTERED WITHOUT PAYMENT 4(a) ☐ 2 OBSTRUCTION SEATING 7(j) ☐ 3 LITTER/ SPIT/ URINATE 7(a) ☐ 4 SMOKING/ OPEN FLAME 7(b) ☐ 5 DISREGARD NOTICE 6(d)2 ☐ 6 Use End Door(s)/Pass Between Cars 9(d)

5 STATUTE: TA RULES (21 N.Y.C.R.R. PART 1050) UNLESS OTHERWISE SPECIFIED ☐ OTHER RULES | Section/Subdivision
DATE OF OFFENSE | MONTH | DAY | YEAR | TIME AM ☐ : PM ☐ | PCT.
Station/Location | Post
Specific Location 1 ☐ Train 2 ☐ Platform 3 ☐ Mezzanine 4 Street Stairs ☐ 5 ☐ Bus 6 ☐ Other
DETAILS OF VIOLATION

6 FINE | FARE EVASION ONLY: ☐ SEE REVERSE FOR IMPORTANT INFORMATION ABOUT WARNINGS AND FINES | $25 ☐ $50 ☐ $60 ☐ $75 ☐ $100 ☐

WARNING: You are hereby directed to pay any fine or answer by mail or e-mail, or to appear in person for a hearing at the Transit Adjudication Bureau on or before the hearing date below. Failure to do so shall be deemed an admission of the violation charged and may lead to a default judgment and subject you to the maximum penalties provided by law.
(SEE INSTRUCTIONS ON REVERSE SIDE.)

7 HEARING DATE | MONTH | DAY | YEAR | 1 | 8:30 AM

Commission of the violation charged above was observed by me or by the witness/complainant named on the reverse side. At or near the time and place of occurrence I did personally serve a true copy of the herein notice of violation on the aforementioned respondent, unless "copy refused" is checked below. Affirmed under penalty of perjury.

8 OFFICER Rank/Signature | Agency | Command
(PRINT) First Name | Initial | Last Name | Officer ID

☐ COPY REFUSED ☐ WITNESS/COMPLAINANT
☐ EJECTION REPORT ☐ FARE MEDIA CONFISCATED

Scan the QR code for more information about TAB

TAB
129609307

TRANSIT ADJUDICATION BUREAU - NOTICE OF VIOLATION AND HEARING (TAB/NOV)

1. If violator resides in a shelter, do not issue a TAB/NOV.
2. Enter employer name, address, and telephone number, as applicable.
3. Check appropriate boxes; enter ID information.
4. Enter the name of the violator's parent or guardian, if violator is under 18 years of age.
5. Check appropriate box or enter the applicable section/ subdivision in the space provided.

   NOTE: *Do not check box "Other Rules." (This box is reserved for other jurisdictions.)*

6. Instruct violators of fare evasion to read reverse side for information on warnings and fines; mark appropriate penalty amount for any other violation than fare evasion only.
7. Enter appropriate hearing date listed on TAB hearing date calendar card.
8. Uniformed member must sign.

NOTE: *All printed information must be legible.*

TRANSIT ADJUDICATION BUREAU

NOTICE OF VIOLATION AND HEARING

ISSUING OFFICER: USE THE SPACE BELOW TO RECORD WITNESS/COMPLAINANT INFORMATION OR DESCRIPTION OF CONFISCATED FARE MEDIA. MARK ADDITIONAL INFORMATION OR PROPERTY BOX(ES) ON FRONT OF NOTICE OF VIOLATION IF WITNESS/COMPLAINANT OR PROPERTY INFORMATION IS WRITTEN BELOW.

IMPORTANT: REMOVE RESPONDENT COPY BEFORE COMPLETING THIS SIDE.

1 WITNESS/COMPLAINANT 1: NAME (PRINT)

ADDRESS | ID / BADGE NUMBER

CITY STATE ZIP CODE DAY TELEPHONE ( )

I personally observed the commission of the violation charged above.
Affirmed under penalty of perjury.

WITNESS/COMPLAINANT 1
SIGNATURE: X

1 WITNESS/COMPLAINANT 2: NAME (PRINT)

ADDRESS | ID / BADGE NUMBER

CITY STATE ZIP CODE DAY TELEPHONE ( )

I personally observed the commission of the violation charged above.
Affirmed under penalty of perjury.

WITNESS/COMPLAINANT 2
SIGNATURE: X

2 DESCRIPTION OF CONFISCATED FARE MEDIA:

3 PROPERTY VOUCHER NUMBER:

TRANSIT ADJUDICATION BUREAU
29 GALLATIN PLACE, 3RD FLOOR
BROOKLYN, N.Y. 11201
(347) 643-5805

1. Enter witness/complainant information as appropriate.
2. Describe all confiscated property.
3. If property is confiscated, enter Property Clerk Invoice Number.

B-2B B-2A

Warning: If you are required to pay a fine, you must pay the fine in full or have a hearing by mail or e-mail or appear for an in-person hearing at TAB on or before the Hearing Date shown on the front of this Notice of Violation. Failure to do so may lead to a default judgment and subject you to additional penalties.

TO CONTACT TAB: CALL (347) 643-5805 or GO TO mta.info/TAB

HEARING OFFICE ADDRESS	MAILING ADDRESS
NYCT Transit Adjudication Bureau	NYCT Transit Adjudication Bureau
29 Gallatin Place, 3rd Fl	P.O. Box 02-9133
Brooklyn, NY 11201	Brooklyn, NY 11202-9133

Language assistance services are available by calling or appearing at TAB.

FOR FARE EVASION ONLY

• Penalties for Fare Evasion have changed as of Jan. 1, 2025. In general, within a four-year period, first offense - warning, no fine; second offense - $100 fine with $50 OMNY credit if fine is paid on time in full; third offense and up - $150 fine. Participants in the City of New York's Fair Fares program may be eligible for a fine reduction or waiver.
Call 311 for Fair Fares information.

• **FOR FARE EVASION VIOLATIONS, THE TRANSIT ADJUDICATION BUREAU WILL NOTIFY YOU BY MAIL IF YOU ARE RECEIVING A WARNING FOR A FIRST OFFENSE OR IF YOU ARE REQUIRED TO PAY A FINE OF $100 OR $150. YOU SHOULD EXPECT TO RECEIVE THIS MAIL NOTIFICATION APPROXIMATELY 15 DAYS AFTER THE DATE OF THIS VIOLATION.**

• **DO NOT SEND A PAYMENT UNTIL YOU ARE NOTIFIED OF A FINE.**

• **AFTER YOU RECEIVE NOTIFICATION OF A FINE, YOU HAVE SEVERAL PAYMENT OPTIONS.**

SEE BELOW

TO PAY YOUR FINE

- Pay Online: Scan the QR code on the front of this Notice, or go to **mta.info/TAB** and follow instructions.
- Pay by Phone: Call (347) 643-5805.
- Pay by MoneyGram: TAB billing/receive/identification code is 12728
- Pay by Mail: Send check or money order payable to "Transit Adjudication Bureau" to: TAB, P.O. Box 02-9133, Brooklyn, NY 11201. Write the violation number on the front. **Do not send cash. Payment must be received by TAB no later than the hearing date.** PAYMENT WILL BE CREDITED WHEN RECEIVED BY TAB, WHICH IS NOT RESPONSIBLE FOR POST OFFICE DELAYS.
- Pay in Person: Bring check, cash, card, or money order to TAB at 29 Gallatin Place, 3rd Floor, Brooklyn, NY 11201.
- If you cannot afford to pay your entire fine by the hearing date, you may be able to set up a payment plan by calling (347) 643-5805.

BY MAKING A FULL OR PARTIAL PAYMENT YOU ARE ADMITTING LIABILITY FOR THE FINE AND GIVING UP YOUR RIGHT TO A HEARING.

TO HAVE A HEARING

(CHOOSE ONE OF THE FOLLOWING)

• **FOR AN IN-PERSON HEARING:** Bring this notice, evidence, photo ID, and witnesses to TAB at 29 Gallatin Place 3rd Floor, Brooklyn, NY **on or before the Hearing Date** between 8:30 a.m. and 2:30 p.m., other than weekends or holidays. If under 18, you must bring a parent/guardian.

• **OR FOR A HEARING BY MAIL or E-MAIL:** Scan the QR code on the front of this Notice or go to mta.info/TAB and follow the instructions OR fill out the information below and mail this notice, a statement of facts, and any evidence to TAB. Your Hearing by Mail or E-Mail materials must be **received by TAB on or before the Hearing Date.**

I, (full name)_____, deny the violation or the fine owed. I am enclosing this notice of violation, a written statement of facts sworn and supporting evidence. I (full name) _____ certify under penalty of perjury that all information enclosed, including a copy of my fare card showing the card number AND/OR a record of my OMNY account number, and other supporting materials are true to the best of my knowledge.

Address: _____

City: _____ State: _____ Zip: _____ Tel. number: _____

Signature Date:

PURPOSE To inform uniformed members of the service of special procedures that apply in certain summons cases:

SITUATION	PROCEDURE
U.S. Mail Trucks	1. Serve summons for moving and/or parking infractions. 2. Report all traffic infractions to commanding officer giving operator's name, time and place of occurrence, and whether summons was served. ***NOTE*** *Government vehicles do not require registration plates.*
Bingo (Violation of Administrative Code) and representative of State Lottery Control Commission is present	1. Obtain name and title of representative. 2. Request representative to appear in court to sign corroborating affidavit. 3. Report facts, including representative's name and title, to commanding officer.
Premises licensed by State Liquor Authority	1. Report service of summons inside premises to desk officer. 2. Report facts to commanding officer.
Sale of alcoholic beverages during prohibited hours	1. Check time by radio, telephone or other official source. 2. Seize beverage as evidence. 3. Secure other evidence such as proof of sale, identity of persons served, identity and job title of employees in premises, number of persons entering during prohibited hours. 4. Deliver alcoholic evidence to desk officer, command of occurrence, for safekeeping pending delivery to property clerk. 5. Report facts to commanding officer.
Purchase of alcoholic beverages by fraudulent proof of age	1. If violator is 18 to less than 21 years of age, make summons returnable to Summons Part, Criminal Court. If violator is under 18 years of age - prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**. 2. Report facts to commanding officer.
Violation of Administrative Code-Criminal and Civil Penalty	1. Serve summons and prepare **ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)**.
Public Service Commission Certificate-Violation of Section 61, subd. 14, Public Service Law	1. Make summons returnable to Summons Part, Criminal Court. 2. Report facts to commanding officer.

Garages and Parking Lots	1.	Summons returnable to Summons Part, Criminal Court.
	2.	Report facts to commanding officer.
Speeding	1.	Circle actual speed when violator is traveling 25 MPH or more over speed limit.
Traffic infraction observed, unable to serve summons	1.	Report circumstances to commanding officer, who may direct member to apply for court summons.
Missing Meter Number	1.	Determine number from numbers of adjoining meters.
Overtime Parking	1.	Enter time of observation.
Owner of motor vehicle reports that summons was served or delinquency notice received during period when vehicle/registration plates were reported stolen	1.	Desk officer will have two copies of **VERIFICATION OF STOLEN MOTOR VEHICLE/PLATES (PD371-152**) prepared AFTER verifying theft.
	2.	A copy will be given to the registered owner/operator and the other copy filed.
Las Vegas Nights (unlicensed)	1.	Uniformed member of the service will notify desk officer.
	2.	Request patrol supervisor to respond.
	3.	Serve summons for violation of Administrative Code, returnable to Criminal Court-Summons Part.
	4.	Comply with applicable provisions of *P.G. procedure 212-12, "Citywide Intelligence Reporting System."*
	5.	If licensee violates provisions of license, the patrol supervisor will notify Operations Unit by telephone, and comply with applicable provisions of *P.G. procedure 212-12*, as indicated above.
Graffiti or unauthorized sale or display or aerosol paint cans and broad tipped magic markers (Section 10-117, Administrative Code)	1.	(Class "B" Misdemeanor) Criminal Court Summons, if eligible.

RELATED PROCEDURE *Citywide Intelligence Reporting System (P.G. 212-12)*

FORMS AND REPORTS ***ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)***
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
VERIFICATION OF STOLEN MOTOR VEHICLE/PLATES (PD371-152)

Section: Summonses		Procedure No: 209-17
REPORT INSTEAD OF SUMMONS		
DATE EFFECTIVE: 05/23/22	LAST REVISION: I.O. 56	PAGE: 1 of 1

PURPOSE To inform other city agencies of violations of licensing requirements or other agency regulations.

PROCEDURE When a uniformed member of the service observes any of the offenses listed below:

a. Health Code - Section 87.03 (restaurants require Health Department permit)

b. Administrative Code - Sections B32-58.0 through B32-75.0 (size and location of licensed sidewalk stands)

c. Regulations of Department of Consumer and Worker Protection except:

Cabarets	Garages
Catering establishments	Parking lots
Coffee houses	Public dance halls

UNIFORMED MEMBER OF THE SERVICE

1. DO NOT serve summons.
2. Report facts, in writing, to commanding officer.

COMMANDING OFFICER

3. Forward two copies of report on **Typed Letterhead** to Chief of Department.
4. Forward copy of report to command of occurrence if offense occurred within another command.

FORMS AND REPORTS ***Typed Letterhead***

NYPD

PURPOSE To investigate the circumstances concerning issuance of a summons in error.

PROCEDURE When a uniformed member of the service issues or prepares a summons in error:

WHEN ALL PARTS OF SUMMONS ARE AVAILABLE:

UNIFORMED MEMBER OF THE SERVICE

1. Bring all parts of summons to the command.
2. Inform commanding officer of the facts.
3. Surrender all parts of the summons to commanding officer.

COMMANDING OFFICER

4. Conduct investigation.
5. Prepare **SUMMONS VOIDANCE FORM (PD160-153)**.
   a. Ensure summons is scanned into the Electronic Summons Tracking System (ESTS) utilizing bar code reader.
   b. If bar code reader is inoperable, entries will be made into ESTS manually.
   c. Notify patrol borough of defective/inoperable bar code reader and obtain replacement.
   d. Enter notification in Telephone Record.
6. Mark all copies of summons "Void" across face.
7. Forward first two copies of **FORM** with all parts of summons to Chief of Department, Investigation Review Section, DIRECT.

WHEN VIOLATOR'S PART IS NOT AVAILABLE OR PARTS HAVE BEEN FORWARDED FOR PROCESSING:

COMMANDING OFFICER

8. Conduct investigation.
9. Prepare **SUMMONS VOIDANCE FORM (PD160-153)**.
   a. Ensure summons is scanned into ESTS utilizing bar code reader
   b. If bar code reader is inoperable, entries will be made into ESTS manually
   c. Notify patrol borough of defective/inoperable bar code reader and obtain replacement
   d. Enter notification in Telephone Record.
10. Confer with Commanding Officer, Investigation Review Section prior to processing report of investigation, IF agency copy of summons has been forwarded to the appropriate adjudicating agency prior to discovery of error, or is otherwise unavailable. DO NOT deal directly with adjudicating agency in these cases.
11. DO NOT mark copies of summons "VOID".
12. Forward first two copies of **SUMMONS VOIDANCE FORM** with available copies of summons to Chief of Department Investigation Review Section, through channels.

COMMAND CLERK

13. File remaining copy of **SUMMONS VOIDANCE FORM** with photocopy of summons.

ADDITIONAL DATA

*The Commanding Officer, Investigation and Review Section will ensure that one copy of the **SUMMONS VOIDANCE FORM** is forwarded to the Deputy Commissioner, Internal Affairs when a summons is voided for Penal Law Section 240.35, "Loitering" subsections 1, 3 or 7.*

FORMS AND REPORTS

SUMMONS VOIDANCE FORM (PD160-153)

NYPD

PURPOSE To provide a procedure for the voiding of Transit Adjudication Bureau Notices of Violation and Hearing (TAB/NOV) which have been prepared in error.

PROCEDURE When a uniformed member of the service issues or prepares a TAB/NOV in error.

WHEN ALL COPIES OF THE TAB/NOV ARE AVAILABLE:

UNIFORMED MEMBER OF THE SERVICE

1. Bring all three parts of the TAB/NOV to the district/unit office and inform commanding officer of the facts.
2. Surrender all parts of the TAB/NOV to the commanding officer.

COMMANDING OFFICER

3. Conduct an investigation.
4. Prepare **SUMMONS VOIDANCE FORM (PD160-153)**.
5. Mark all copies of TAB/NOV **"VOID"** across face.
6. Forward first copy of **FORM** with all parts of the TAB/NOV to the Chief of Transit Bureau, DIRECT.
   a. Retain second copy of completed **SUMMONS VOIDANCE FORM** and a photocopy of the TAB/NOV on file with the integrity control officer.
   b. Return last copy of completed **SUMMONS VOIDANCE FORM** to the issuing uniformed member of the service for subsequent submission along with **CERTIFICATION OF TAB/NOV SERVED (PD160-147)** and the remaining "Officer" copies of issued TAB/NOV.
   c. Forward a photocopy of the TAB/NOV and **SUMMONS VOIDANCE FORM** to the Transit Borough concerned for informational purposes.

COMMANDING OFFICER, TRANSIT BUREAU/ DESIGNEE

7. Review **SUMMONS VOIDANCE FORM** and endorse accordingly.
   a. Have entire package placed in an annual file marked, "VOIDED TAB/NOV" and retain for five years, if request is approved.
   b. Have entire package forwarded to Internal Affairs Group concerned for review and comment, when appropriate, if request is disapproved.

NOTE *In other cases, return package to originating command for additional information, etc.*

WHEN RECIPIENT IS NO LONGER PRESENT WITH THE RESPONDENT'S COPY OF THE TAB/NOV - OR - DEPARTMENT COPY (WHITE) HAS BEEN FORWARDED FOR PROCESSING:

UNIFORMED MEMBER OF THE SERVICE

8. Bring remaining parts of the TAB/NOV to the district/unit office and inform commanding officer of the facts.
9. Surrender remaining parts of the TAB/NOV to the commanding officer.

COMMANDING OFFICER

10. Conduct an investigation.
11. Prepare **SUMMONS VOIDANCE FORM**.
12. DO NOT mark remaining copies of the TAB/NOV "VOID."
13. Forward first copy of **SUMMONS VOIDANCE FORM** with all parts of the TAB/NOV to the Chief of Transit Bureau, THROUGH CHANNELS.
    a. Retain second copy of completed **SUMMONS VOIDANCE FORM** and a photocopy of the TAB/NOV on file with the integrity control officer.
    b. Return last copy of completed **SUMMONS VOIDANCE FORM** to the issuing uniformed member of the service for subsequent submission along with **CERTIFICATION OF TAB/NOV SERVED CARD** and the remaining "Officer" copies of issued TAB/NOV.

CHIEF OF TRANSIT BUREAU/ DESIGNEE

14. Review **SUMMONS VOIDANCE FORM** and endorse accordingly.
    a. Mark the TAB/NOV "VOID", if request is approved.
        (1) Forward photocopies of the TAB/NOV and the **SUMMONS VOIDANCE FORM** to the Director, Transit Adjudication Bureau.
        (2) Have entire package placed in an annual file marked,, "VOIDED TAB/NOV" and retain for five years.
    b. Have entire package forwarded to Internal Affairs Bureau Group concerned for review and comment, if disapproved.

NOTE *In other cases, return package to originating command for additional information, etc.*

ADDITIONAL DATA *When a uniformed member of the service determines that he/she made a clerical error on a TAB/NOV PRIOR TO THE ISSUANCE OF THE RESPONDENT'S COPY, the uniformed member concerned shall immediately issue a properly prepared TAB/NOV to the respondent and return all copies of the improperly prepared TAB/NOV to their commanding officer for processing in accordance with this procedure.*

FORMS AND REPORTS ***SUMMONS VOIDANCE FORM (PD160-153)***
CERTIFICATION OF TAB/NOV SERVED (PD160-147)

PATROL GUIDE

Section: Summonses		Procedure No: 209-20	
SUMMONS SERVED OUTSIDE PERMANENT COMMAND			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record and account for summonses served outside the permanent command of uniformed member of the service.

PROCEDURE After a uniformed member serves a summons in a command other than his/her permanent command, follow normal summons procedure and:

SUMMONSING MEMBER

1. Prepare two copies of **SUMMONS RECEIPT (PD260-011)**.

NOTE

*Separate **SUMMONS RECEIPTS** MUST BE prepared when:*

a. Summonses issued are returnable to different adjudicating agencies
b. Summonses are returnable on different dates
c. Summonses are issued from different summons packets.

2. Deliver appropriate parts of summonses and **RECEIPT** to desk officer, precinct of occurrence.

DESK OFFICER

3. Check summonses against those listed on **RECEIPT**.
4. Sign copy of **RECEIPT** and return to summonsing member.
5. Attach remaining copy of **RECEIPT** to summons listed thereon.

SUMMONSING MEMBER

6. Deliver **RECEIPT** to desk officer of permanent command at completion of tour.

DESK OFFICER 1ST PLATOON

7. Ascertain that summonses listed on **RECEIPT** have been processed.
8. Sign and date **RECEIPT**.
9. Forward **RECEIPT** in multi-use envelope to command of summonsing member.

COMMAND CLERK, SUMMONSING MEMBER'S COMMAND

10. Ascertain that copy of **RECEIPT** is received from precinct of record within seven days after date of service of summons.
11. Compare both copies of **RECEIPT** for discrepancy.
12. File copy of **RECEIPT** with related **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145) or CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)**.
13. Destroy remaining copy of **RECEIPT**.

ADDITIONAL DATA *The Citywide Traffic Task Force and the Highway District are commands of record for summonses served within their territorial jurisdictions by uniformed members of the service assigned to these commands.*

RELATED PROCEDURES *Summons Served Outside Permanent Command - Papers Lost (P.G. 209-21)*

FORMS AND REPORTS

CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)
CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)
SUMMONS RECEIPT (PD260-011)

PATROL GUIDE

Section: Summonses		Procedure No: 209-21	
SUMMONS SERVED OUTSIDE PERMANENT COMMAND PAPERS LOST			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide adjudicating agency with copy of summons complaint if original copy is lost.

PROCEDURE If a discrepancy is discovered between the **SUMMONS RECEIPT (PD260-011**) and the summons issued or if the **SUMMONS RECEIPT** and/or copies of the summons are lost:

COMMANDING OFFICER OF SUMMONSING MEMBER

1. Conduct investigation of the circumstances.
2. Notify commanding officer of command of record if **SUMMONS RECEIPT** not received.

IF SUMMONS WAS PROPERLY RECORDED AND PROCESSED BUT RECEIPT IS LOST:

CLERK - COMMAND OF RECORD

3. Check command records/files.
4. Prepare **SUMMONS RECEIPT** if unable to locate receipt and mark across face "Duplicate."
5. Deliver receipt to desk officer for signature.
6. Forward duplicate receipt to commanding officer of summonsing member.

IF COMPLAINT COPY OF SUMMONS IS LOST:

CLERK - COMMAND OF RECORD

7. Duplicate summonsing member's copy of summons.
8. Prepare report to adjudication agency on **OFFICIAL LETTERHEAD (PD158-151)** indicating that the complaint copy of the summons was lost and the member's copy is being substituted for the complaint copy.
9. Deliver report to commanding officer for signature.
10. Forward report and member's copy of summons to adjudicating agency as original summons.
11. Give summonsing member duplicate copy of summons for submission with **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)** or **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)**.

RELATED PROCEDURE *Summons Served Outside Permanent Command (P.G. 209-20)*

FORMS AND REPORTS
CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)
CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)
SUMMONS RECEIPT (PD260-011)
OFFICIAL LETTERHEAD (PD158-151)

PURPOSE To notify agencies or units concerned in certain summons cases.

PROCEDURE When a summons has been served for the following offenses, follow normal summons processing procedure and:

DESK OFFICER 1. Make telephone notification to agency concerned as indicated below:

	OFFENSE		NOTIFY
a.	Soliciting contributions in public (Section 603-11.0, Administrative Code.)	➔	Department of Social Services
b.	Traffic offense by operator of Parks Department vehicle.	➔	Parks Department, Director of Maintenance
c.	Moving traffic infraction committed by school bus operator while actually transporting children.	➔	NYC Department of Education, Office of Pupil Transportation
d.	Summonses issued to private carting vehicle for moving violations under the NYS Vehicle and Traffic Law and the NYC Traffic Rules; violations of the Office of Administrative Trials and Hearings (OATH); and, violations of the NYC Department of Consumer and Worker Protection or the NYC Department of Health.	➔	Business Integrity Commission

2. Forward **REPORT OF VIOLATION (PD672-151)** to:
   a. Department of Consumer and Worker Protection when summons issued to towing car owner or driver.

NOTE *Tow trucks of certain organizations and tow truck operators who are employed by and are actually operating a tow truck of such organization are exempt from Department of Consumer and Worker Protection licensing regulations. Those <u>EXEMPT ORGANIZATIONS</u> are:*

a. Governmental agencies
b. Franchise public transportation companies
c. Taxi companies - licensed by Taxi and Limousine Commission
d. School bus companies (as defined in VTL)
e. Public utility companies
f. Motor vehicle rental agencies.

DESK OFFICER (continued)

3. Prepare report on **OFFICIAL LETTERHEAD (PD158-151)** and forward direct to Bureau of Enforcement, N.Y.C. Department of Air Resources, 120 Wall Street, New York 10005, when a summons is served for an air pollution violation (other than a smoking vehicle). Report will include:
   a. Summons number
   b. Violation (full section number)
   c. Time and date
   d. Place of occurrence
   e. Details
   f. Defendant's name and address
   g. Rank, name, shield number and command of summonsing officer.
4. Forward a duplicate copy of summons served for violation of Section 11-801, Administrative Code "no commercial motor vehicle tax stamp" to the Chief of Department, Investigation and Review Section accompanied by a **Typed Letterhead** indicating reason summons was served.
   a. Investigation and Review Section will forward the duplicate summons to New York City Department of Finance.

RELATED PROCEDURES

Conditions of Service (P.G. 209-01)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)

FORMS AND REPORTS

OFFICIAL LETTERHEAD (PD158-151)
REPORT OF VIOLATION (PD672-151)
Typed Letterhead

NYPD

PURPOSE To notify the New York City Taxi and Limousine Commission when enforcement action is taken for violations committed by taxicab/taxi and limousine plate owners/operators, or operators of vehicles, which should be regulated by the Taxi and Limousine Commission and to report other violations for which no enforcement action was taken or was inappropriate.

DEFINITION ENFORCEMENT ACTION - For the purpose of this procedure includes, but is not limited to, the issuance of:

a. Summonses for moving violations,
b. Summonses for violations returnable to Criminal Court, AND
c. Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) returnable to the Office of Administrative Trials and Hearings (OATH).

NOTE *A **REPORT OF VIOLATION (PD672-151)** will not be prepared when a summons is issued as described above.*

PROCEDURE Upon taking any enforcement action against owners/operators of vehicles licensed or those owners/operators of vehicles that should be licensed by the New York City Taxi and Limousine Commission:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court"* or *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses,"* as appropriate.

ADMINISTRATIVE QUALITY OF LIFE OFFICER

2. Make two photocopies of front of original summons.
3. Enter next sequential number from "Report of Violation" log on the top of each photocopy of summons.
4. Have one photocopy of summons forwarded to the New York City Taxi and Limousine Commission, in lieu of **REPORT OF VIOLATION**.
5. File second copy of summons in rear of "Report of Violation" log or command file.

NOTE *A **REPORT OF VIOLATION** will continue to be prepared in those instances where operators of taxicabs/Taxi and Limousine Commission licensed vehicles or operators of vehicles that should be licensed by the Taxi and Limousine Commission are arrested or become aided cases (see P.G. 208-58, "Taxicab and Tow Truck Owners/Operators," and 216-10, "Taxicab Drivers").*

WHEN A CIVILIAN PASSENGER OR MEMBER OF THE SERVICE REPORTS A VIOLATION FOR WHICH ENFORCEMENT ACTION IS NOT NECESSARY OR POSSIBLE (e.g. COMPLAINT OF DIRTY TAXI, FARE DISPUTE, ETC.)

DESK OFFICER

6. Cause preparation of **REPORT OF VIOLATION (PD672-151)**.
7. Obtain following information from complainant, if possible:
   a. Driver's identification number.
   b. Driver's name and date of birth.
   c. Medallion number of vehicle.
8. Insert New York State registration number on **REPORT OF VIOLATION** when above information cannot be obtained.
9. Forward one copy of **REPORT OF VIOLATION** to Taxi and Limousine Commission.
   a. File other copy in precinct.

ADDITIONAL DATA

Licensees are required to cooperate with Police Department in the performance of their duties particularly with regard to the following regulations:

a. Licensees may not conceal evidence of crime nor voluntarily aid violators of law to escape arrest.

b. Licensees are required to immediately report to the Police Department any unlawful acts directly connected with their licensed vehicles, or any use or attempt to use their vehicles in connection with a crime or escape from the scene of a crime.

Any member of the service who has occasion to inspect a taxicab that is involved in a collision, operated in violation of law, or used in the commission of a crime, will make an inspection of such taxicab in respect to its mechanical condition. Member will note all defects and report the facts, through the commanding officer, to the Taxi and Limousine Commission. If an arrest is made, a record and disposition will be included in the report.

The desk officer will adjudicate fare disputes. Failure to comply with the decision will subject offender to a charge of Theft of Services, Section 165.15, subdivision 3, Penal Law. Upon payment of fare, driver is required to give passenger a receipt.

*Adjudication of fare dispute does not deprive passenger of the right to report violations of Taxi and Limousine Commission Rules and Regulations. The desk officer will record such allegations on **REPORT OF VIOLATION** and forward as indicated above.*

RELATED PROCEDURES

Taxicab and Tow Truck Owners/Operators (P.G. 208-58)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Taxicab Drivers (P.G. 216-10)

FORMS AND REPORTS

REPORT OF VIOLATION (PD672-151)

PURPOSE To identify persons operating vehicles with suspended/revoked licenses by conducting mandatory driver's license checks.

SCOPE Mandatory driver's license checks are to be conducted when uniformed members of the service respond to:

a. Traffic collisions,
b. Car stops, and
c. Other situations, which under the circumstances require further investigation (e.g., arrest, traffic violation, etc.).

PROCEDURE When conducting a mandatory driver's license check:

UNIFORMED MEMBER OF THE SERVICE

1. Conduct driver's license check on RMP tablet.
   a. If RMP is not equipped with tablet, driver's license check will be performed on Department issued smartphone.

NOTE *An individual should not be unnecessarily detained for the sole purpose of conducting a mandatory license check, if no other cause for detaining exists.*

2. Comply with *P.G. 209-26, "Suspended or Revoked Vehicle Operator's License,"* if computer or other check discloses that operator is driving with a suspended/revoked license.

ADDITIONAL DATA

DMV COMPUTER INOPERATIVE

If the Department of Motor Vehicles computer is inoperative, the license check as described in this procedure cannot be conducted. When circumstances do not warrant detention and the operator of the vehicle possesses a valid driver's license, vehicle registration, insurance card, etc., the uniformed member of the service concerned will make an entry in their digital ***Activity Log*** *and include the operator's name, address, telephone number, date of birth, and driver's license number.*

SEARCH OF DMV RECORDS

Uniformed members of the service should be guided by the following indicators when conducting license/name checks of motor vehicle operators:

a. Driver license checks should always be conducted using the vehicle operator's last name, first name, date of birth and gender via the "Pedigree" tab. A secondary check of the vehicle operator's Client ID should also be conducted using the "License" tab.
b. Examine DMV files containing the same name/address with different dates of birth.
c. Examine motor vehicle operator's documents to determine if identification with other names, addresses, or dates of birth are possessed. Invoice any items found suggesting additional driving records/identifications.

ADDITIONAL DATA (continued)

d. Be alert to out-of-state licenses which may have been issued under lax identification standards.

e. Review a suspect's criminal history in Department databases via "Name Search" on Domain Awareness System, NYSPIN and Accurint search results.

*f. Fill out **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST (PD135-160)** form, if applicable. Attach all pertinent supporting data and submit to desk officer for review, before distributing as per instructions on form.*

FALSE PERSONATION

When attempting to ascertain a prisoner's identity, the uniformed member of the service concerned should inform the prisoner that knowingly misrepresenting their actual name, date of birth, or address to a police officer, with intent to prevent a police officer from ascertaining such information, is punishable as a crime. Prisoners who knowingly misrepresent their pedigree information should be charged under Penal Law 190.23 (False Personation, B. Misdemeanor.).

NYPD

PURPOSE To remove and process driver's licenses that have been suspended/revoked.

PROCEDURE When a uniformed member of the service stops a vehicle and discovers that the operator is driving with a suspended/revoked drivers license:

UNIFORMED MEMBER OF THE SERVICE

1. Confiscate driver's license.
2. Prepare **SEIZED DRIVER'S LICENSE RECEIPT/REPORT (PD634-152)** and **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST (PD135-160)** form, if applicable.
3. Give operator of vehicle receipt for license by utilizing original copy of bottom half of **SEIZED DRIVER'S LICENSE RECEIPT/REPORT**.
   a. If underlying offense renders operator ineligible for Desk Appearance Ticket, as per *P.G. 208-27, "Desk Appearance Ticket-General Procedure,"* continue arrest processing and bring FINEST printout, if available, to Borough Court facility with prisoner.

NOTE *See New York State Vehicle and Traffic Law Section 511[1][a], 511[2][a], and 511[3][a] (effective 11-1-93), for appropriate charges.*

4. Do not mark or mutilate license in any manner.
5. Have violator's vehicle parked in legal parking area until registered owner can arrange to have vehicle removed from scene by licensed operator.

DESK OFFICER

6. Forward confiscated license with original top half of **SEIZED DRIVER'S LICENSE RECEIPT/REPORT** and **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST** form, if appropriate, as directed.
   a. Review for accuracy **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST** form prior to forwarding.
7. File duplicate copy of **SEIZED DRIVER'S LICENSE RECEIPT/REPORT** and **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST** form, if applicable, in command.

<u>IF VIOLATOR CLAIMS SUSPENSION/REVOCATIONS HAVE BEEN REMOVED AND CONDITION CORRECTED WITHIN PAST FOURTEEN DAYS:</u>

UNIFORMED MEMBER OF THE SERVICE

8. Request violator to produce one of following documents:
   a. Newly validated license, OR
   b. Temporary license, OR
   c. Department of Motor Vehicle receipt or communication (with number of original suspension/revocation order).
      (1) If documents presented are dated AFTER suspension or revocation order, such documents will verify that license is no longer suspended/revoked.

UNIFORMED MEMBER OF THE SERVICE (continued)

9. Telephone local office of Department of Motor Vehicles (between 0830 and 1600 hours, Monday through Friday) for verification, if operator does not produce the requested documents.
10. Request verification of claim from the FINEST System, when offices of Department of Motor Vehicles are closed.
    a. If verification cannot be made, comply with normal summons/arrest procedure and advise violator to report to his/her local Department of Motor Vehicles office and obtain a temporary license until original license is returned.

ADDITIONAL DATA

SEARCH OF DMV RECORDS

Uniformed members of the service should be guided by the following indicators when conducting license/name checks of motor vehicle operators:

a. When conducting license/name checks always run a group search of the last name, first name, and sex without the date of birth or any middle initial (common names such as Smith, Garcia, etc. may prohibit such a search due to the large number of responses generated).
b. Examine DMV files containing the same name/address with different dates of birth.
c. Examine motor vehicle operator's documents to determine if identification with other names, addresses, or dates of birth are possessed. Invoice any items found suggesting additional driving records/identifications.
d. Be alert to out-of-state licenses which may have been issued under lax identification standards
e. Review a suspect's criminal history in Department databases such as C.A.R.S. and B.A.D.S. to ascertain additional aliases, addresses, or dates of birth.
*f. Fill out **CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST** form, if applicable. Attach all pertinent supporting data and submit to desk officer for review, before distributing as per instructions on form.*

FALSE PERSONATION

When attempting to ascertain a prisoner's identity, the uniformed member of the service concerned should inform the prisoner that knowingly misrepresenting his or her actual name, date of birth, or address to a police officer, with intent to prevent a police officer from ascertaining such information, is punishable as a crime. Prisoners who knowingly misrepresent their pedigree information should be charged under Penal Law 190.23 (False Personation, B. Misd.).

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)
Desk Appearance Ticket - Disqualifying Factors (P.G. 208-81)
Suspension and Revocation Orders (P.G. 212-80)

FORMS AND REPORTS

SEIZED DRIVER'S LICENSE RECEIPT/REPORT (PD634-152)
CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST (PD135-160)

PATROL GUIDE

Section: Summonses		Procedure No: 209-27	
SERVICE OF A SUMMONS - REMOVAL OF IGNITION KEY			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To reduce incidents of auto theft.

PROCEDURE When a uniformed member of the service observes the key in the ignition of an unattended motor vehicle for more than three minutes:

UNIFORMED MEMBER OF THE SERVICE

1. Lock ignition.
2. Remove key.
3. Prepare two copies of **REMOVAL OF IGNITION KEY (PD571-121)**.
4. Attach one copy of **REMOVAL OF IGNITION KEY** to steering wheel and attach remaining copy to key.
5. Prepare summons for violation of Administrative Code, returnable to Parking Violations, and place on windshield.
6. Give summons and key to violator and destroy **REMOVAL OF IGNITION KEY**, if violator returns while member is at scene.
7. Deliver key with attached tag to desk officer if violator does not return.

DESK OFFICER

8. Return key to violator upon appearance at command.
9. Invoice key to Property Clerk and destroy **REMOVAL OF IGNITION KEY** if not claimed within forty-eight hours.

FORMS AND REPORTS ***REMOVAL OF IGNITION KEY (PD571-121)***

NYPD

PURPOSE To summons an unlicensed tow truck operator.

DEFINITIONS For the purpose of this procedure the following definitions will be utilized:

EXEMPT TOW TRUCK - A tow truck owned or operated by/for:

a. A governmental agency
b. A vehicle dismantler
c. Franchised public transportation
d. A bus company
e. A utility company
f. An owner of a taxi(s) or a livery vehicle which is licensed to operate by the Taxi and Limousine Commission
g. A school bus company
h. A vehicle rental agency.

NOTE *This procedure does not apply to a tow truck from outside New York City that is:*

a. Merely passing through the City, OR
b. Picking up a motor vehicle within New York City in order to take it outside the City, OR
c. Bringing a vehicle from outside New York City for drop off at a destination within New York City.

TOWING - The moving or removing of disabled, illegally parked, or abandoned motor vehicles or motor vehicles involved in accidents, by another motor vehicle (i.e., tow truck), for which there is direct or indirect compensation.

PURPOSE When a uniformed member of the service observes an unlicensed tow truck operator:

UNIFORMED MEMBER OF THE SERVICE

1. Issue summons, if operator is eligible, for violation of Administrative Code Section 20-496(b), returnable to Criminal Court.
2. Prepare **REPORT OF VIOLATION (PD672-151)**, and enter under "Details":
   a. Violation of Unlicensed Tow Truck Operator, Administrative Code, Section 20-496(b).
   b. List registered owner/address from the Certificate of Registration. If Certificate of Registration is not available, issue summons and obtain FINEST printout of the identity and address of registered owner.
3. Submit **REPORT OF VIOLATION** with FINEST System printout of registered owner if applicable, to the desk officer.

NOTE *It is of extreme importance that the **REPORT OF VIOLATION** be properly prepared since information contained thereon forms the basis for subsequent imposition of administrative sanctions by the Department of Consumer and Worker Protection.*

DESK OFFICER

4. Review the **REPORT OF VIOLATION** for completeness and accuracy.
5. Forward two copies, with FINEST printout of registered owner attached, when applicable, to the Department of Consumer and Worker Protection, Licensing Enforcement Section, 42 Broadway, New York, New York 10004.

ADDITIONAL DATA

Each person operating a tow truck, ***other than in cases where this procedure does not apply****, must have in their possession a Tow Truck Driver License issued by the Department of Consumer and Worker Protection. These licenses include the name of the driver, identification number and photo.*

NYPD

PURPOSE To investigate circumstances of summons served on a vehicle while on official Department business and/or utilized in the performance of urgent police action or necessary police action.

DEFINITIONS The definitions listed below are **ONLY** applicable to this procedure:

URGENT POLICE ACTION – Police response to a call for service, typically a response to an emergency or an active pursuit or an ongoing surveillance of a moving subject.

NECESSARY POLICE ACTION – A response that is less than urgent police action and taken to enhance public/officer safety or to detect and deter criminal activity. It does not include actions taken solely for the convenience of uniformed members of the service.

VALID VERIFIABLE DEFENSE – Department of Finance, Parking Violations Bureau, procedure for dismissing summonses issued to Department or authorized private vehicles while on official Department business. Summonses issued for the following safety violations are NOT eligible for a "Valid Verifiable Defense," absent urgent police action or necessary police action:

a. Double Parking
b. Fire Hydrant or Fire Zone
c. Bus Stop
d. Sidewalk
e. Crosswalks and Driveways
f. Obstruction of Traffic
g. No Standing Zones (except "No Standing Except Truck Loading and Unloading")
h. Snow Emergency
i. No Parking - Except Authorized Vehicles
j. No Stopping
k. No Parking - Taxi Stand
l. Within No Permit Areas - As indicated on the rear of Department issued Vehicle Parking Permits (Misc. 740, Misc. 23-N, etc.).

PROCEDURE Upon receipt of a summons issued to a vehicle while on official Department business and/or utilized in the performance of urgent police action or necessary police action.

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **SUMMONS PLEA FORM (PD160-152)**.
2. Submit summons and **SUMMONS PLEA FORM** to commanding officer.
   a. If a summons was issued to an authorized private vehicle also submit an approved copy of **REQUEST TO USE PRIVATE VEHICLE (PD471-160)** (see *A.G. 325-14, "Private Vehicles Authorization and Usage"*) to commanding officer.

COMMANDING OFFICER

3. Investigate circumstances to determine eligibility for Valid Verifiable Defense processing.
4. Endorse **SUMMONS PLEA FORM** by legibly printing name, tax number, command and signing name, indicating results of investigation and recommendations.
5. Instruct member to answer summons if conditions of Valid Verifiable Defense are not confirmed.
6. Forward first two copies of **SUMMONS PLEA FORM**, summons, and copy of the approved **REQUEST TO USE PRIVATE VEHICLE**, if applicable, through channels, to Chief of Department within thirty days.

ADDITIONAL DATA

When a summons is served for a safety violation (subdivisions "a" through "l" listed under "DEFINITIONS") on a vehicle used in the performance of URGENT POLICE ACTION or NECESSARY POLICE ACTION the commanding officer of the concerned member will investigate the circumstances. If the facts are verified, endorse ***SUMMONS PLEA FORM*** *with supportive details and forward, through channels, within thirty days, recommending the Chief of Department forward the* ***SUMMONS PLEA FORM*** *to the Parking Violations Bureau for final determination.*

If URGENT POLICE ACTION or NECESSARY POLICE ACTION was not involved when a safety violation occurred, the member's commanding officer will instruct the member concerned to obtain final disposition of summons.

In cases where a vehicle was summonsed for a safety violation and URGENT POLICE ACTION or NECESSARY POLICE ACTION was involved, an assessment may conclude the violation was egregious and disciplinary action may be taken. In such cases, the ***SUMMONS PLEA FORM*** *will be endorsed with a notation indicating the disciplinary action, and will be forwarded through channels to the Chief of Department, within thirty days.*

Prior to forwarding ***SUMMONS PLEA FORMS*** *to the Parking Violations Bureau for final determination, the Commanding Officer, Investigation Review Section, will review all* ***SUMMONS PLEA FORMS*** *and take disciplinary action, if warranted, or ensure it has been instituted.*

When notified by the Chief of Department that the Parking Violations Bureau has denied a summons dismissal request for lack of a Valid Verifiable Defense or URGENT POLICE ACTION or NECESSARY POLICE ACTION cannot be confirmed, the commanding officer concerned will direct recipient of summons to obtain final disposition of summons. A copy of such disposition will be forwarded to the Chief of Department, through channels, within thirty days.

A "Notice of Liability" will be generated by the Department of Finance for violations of the "Red Light Violations Monitoring Program," where a vehicle used on official Department business is photographed passing a steady red light signal. The ***REDLIGHT VIOLATION PLEA FORM (PD160-154)*** *will be used to request dismissal consideration through the Parking Violations Bureau. This form will be forwarded to the command concerned along with the "Notice of Liability" and a letter of instruction by the Office of the Chief of Department, Investigation Review Section.*

ADDITIONAL DATA (continued)

Commanding officers will have the form prepared detailing an URGENT POLICE ACTION defense describing the circumstances surrounding the violations (e.g., an active pursuit, response to an emergency or an ongoing surveillance of a moving subject). Backup documentation will be attached and the operator MUST sign the "Operator Declaration" present on the form. These forms will be forwarded, through channels, to the Office of the Chief of Department, Investigation Review Section within thirty days. Inquiries and requests for additional forms related to red light violations will be directed to the Office of the Chief of Department, Investigation Review Section.

RELATED PROCEDURE

Private Vehicles Authorization and Usage (A.G. 325-14)

FORMS AND REPORTS

SUMMONS PLEA FORM (PD160-152)
REDLIGHT VIOLATION PLEA FORM (PD160-154)
REQUEST TO USE PRIVATE VEHICLE (PD471-160)

NYPD

Section: Summonses		Procedure No: 209-31	
STATEMENT OF CORRECTION BY A POLICE OFFICER			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To allow uniformed members of the service to assist motorists, who have been issued defective equipment violations.

DEFINITION EQUIPMENT VIOLATIONS – For the purpose of this procedure, are defined as those violations for which a summons may be issued for defective tail, signal, brake lights, one headlight, damaged lens covers or defective tires, etc. DOES NOT include defective brakes, two headlights or a loud radio.

PROCEDURE When a motorist, who has been issued a summons for certain equipment violations (as stated above), presents acceptable proof of repair or correction to a uniformed member of the service:

NOTE *Such repair must have been within one half hour after sunset the following business day, including Saturday, from the date the summons was issued.*

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **STATEMENT OF CORRECTION BY A POLICE OFFICER** (**PD660-120**).
2. Sign the bottom portion of the **STATEMENT.**
   a. Return the completed **STATEMENT** to the motorist.

ADDITIONAL DATA *Uniformed members of the service will give a **STATEMENT OF CORRECTION BY A POLICE OFFICER** to a motorist, who has received a summons for one of these equipment violations, at the time the summons is issued.*

RELATED PROCEDURE *Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*

FORMS AND REPORTS ***STATEMENT OF CORRECTION BY A POLICE OFFICER (PD660-120)***

Section: Summonses		Procedure No: 209-32	
RELEASE OF VEHICLES PRIOR TO TOW UTILIZING A FIELD RELEASE AGREEMENT (FRA)			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE When a Patrol Services Bureau (P.S.B.) supervisor is requested to respond to a Field Release Agreement condition.

SCOPE A program entitled "Field Release Agreement" exists within the Traffic Enforcement District (TED). This program concerns illegally parked vehicles subject to violation tow. An illegally parked vehicle which is summonsed and impounded ("hooked up") to a tow truck on scene, but is not yet removed from the actual location, may be released pending the completion of an **Agreement To Pay Vehicle Release Fee** commonly referred to as a Field Release Agreement (FRA). The owner/representative of the vehicle has the option of accepting a FRA. This is an agreement signed by the owner/representative of the impounded vehicle to pay a one hundred dollar ($100.00) or two hundred dollar ($200.00) fee (depending on the weight of the vehicle and/or the need for multiple tow trucks or a single tow truck weighing over eight tons), in addition to the original summons, in lieu of having the vehicle towed. A PED supervisor is required to respond to the scene, review and sign the appropriate FRA paperwork, and authorize the release of the vehicle. To enhance the efficiency and effectiveness of this program, when a PED supervisor is not available to respond in a timely manner, a Patrol Services Bureau patrol supervisor will respond and assume the PED supervisor's duties.

DEFINITION FIELD RELEASE AGREEMENT - An agreement between the owner/representative of an illegally parked vehicle (which is subject to violation tow) and the City of New York when a vehicle has been hooked to a tow truck (in preparation for removal to a pound) and the owner, or other person lawfully entitled to be in possession of the vehicle, appears and requests the release of the vehicle (before the tow truck is in motion). The vehicle shall be unhooked and released, provided that the owner/representative first signs a FRA. By doing so the owner/representative consents to pay both the vehicle release penalty fee of $100.00 or $200.00, and the parking violation penalty for which cited. The owner/representative further agrees to remit such payment to the New York City Parking Violations Bureau within thirty days from the date the FRA is executed.

PROCEDURE When requested to respond to a Field Release Agreement (FRA) condition:

PATROL SUPERVISOR

1. Respond to the scene and verify that the vehicle owner/representative has presented to the tow operator both a valid driver's license and the vehicle's keys (ignition and door) AND at least one of the following:
   a. Valid registration certificate, OR
   b. Valid title certificate, OR
   c. Valid insurance card, OR
   d. Valid rental agreement (for a rental vehicle), OR
   e. Valid company identification (for a commercial vehicle).
2. Ensure that tow operator has conducted a license check of the vehicle owner/representative.

NOTE *If the license check reveals that the vehicle owner/representative is a scofflaw violator, then the person is not eligible to participate in the FRA program. In addition, holders of a foreign driver's license are also not eligible.*

PATROL SUPERVISOR (continued)

3. Direct the tow operator to complete and sign the FRA and present to the motorist to sign.

NOTE *In the event that the owner/representative reports damage to, or missing property from the vehicle, the tow operator must supply the owner/representative with the following forms:* ***Tort Claim*** *and* ***Claim Against The City Of New York Automobile Property Damage****. The tow operator will also make a notation on his/her* ***Field Inspection Report*** *regarding the owner's/representative's claim.*

4. Initial notation entered on **Field Inspection Report** by tow operator whenever a vehicle owner/representative makes a damage or missing property claim and verify that they have been issued the appropriate claim forms.

NOTE *If owner/representative reports that property is missing from their vehicle, the patrol supervisor will be guided by the provisions of P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service."*

5. Review the FRA for completeness and accuracy, sign in supervisory caption, and authorize release of the vehicle.
6. Return FRA copies to tow truck operator and vehicle owner/representative.
7. Refer vehicle owner/representative to New York City Department of Transportation, Bureau of Traffic, for any additional information.
8. Make all pertinent entries in digital **Activity Log**, i.e., location of incident, tow operator's name, vehicle owner's/ representative's name, etc.

RELATED PROCEDURE *Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)*

FORMS AND REPORTS
Agreement To Pay Vehicle Release Fee (Field Release Agreement)
Claim Against The City Of New York Automobile Property Damage
Field Inspection Report
Tort Claim

Section: Summonses	Procedure No: 209-33

PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONSES ISSUED TO INDIVIDUALS UNDER EIGHTEEN YEARS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/23/20	06/23/20		1 of 1

PURPOSE To reduce the frequency of youth-related quality-of-life offenses by notifying the parents or guardians of individuals (ages 16 or 17) who have been issued a Criminal Court summons for a Penal Law violation.

PROCEDURE When issuing a Criminal Court (C) summons for a Penal Law violation to an individual (ages 16 or 17), uniformed members of the service will comply with the following procedure:

UNIFORMED MEMBER OF THE SERVICE

1. Attempt to notify the parent or guardian.

NOTE *Do not detain the individual solely for the purpose of making this notification.*

2. Indicate the name, address and telephone number of the parent or guardian on a photocopy of the summons and indicate if notification was made. Do not write on the actual summons.
3. Deliver the photocopy of the summons to the command youth coordination officer and process the original in the usual manner.

YOUTH COORDINATION OFFICER

4. Attempt to notify the parent or guardian by telephone if they were not already notified by the summonsing officer.
5. Prepare **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS (PD660-121)** and submit to commanding officer for review and signature.
6. Maintain a secure file containing the photocopy of the summons, a photocopy of **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18** and any other related information.

SPECIAL OPERATIONS LIEUTENANT

7. Ensure that attempts are made to make notifications and are recorded as appropriate.

COMMANDING OFFICER

8. Review and sign **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS** and return to youth coordination officer.

YOUTH COORDINATION OFFICER

9. Forward **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS** to the parent or guardian via U.S. Mail or personal visit.

FORMS AND REPORTS ***PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS (PD660-121)***

PURPOSE To provide members of the service with guidelines establishing the indicators that justify the stopping of a tow truck based on reasonable suspicion.

DEFINITIONS CONSENSUAL TOW – A tow driver does not have to provide any authorization for a consensual tow. The tow operator is required to have written authorization for all non-consensual tows. Authorization must be a signed document listing the make, model, and VIN of vehicle towed.

NON-CONSENSUAL TOW – The vehicle is towed without the owner/ operator's permission.

REQUIREMENTS THAT APPLY TO ALL TOW TRUCKS

a. Tow trucks are commercial vehicles and are required to comply with commercial vehicle regulations. The Department of Motor Vehicles requires the company name and address to be permanently affixed on both sides in lettering with contrasting colors to the color of all commercial vehicles. The lettering must be readily legible during daylight hours, from a distance of 50 feet while the commercial vehicle is stationary.

b. Tow trucks must meet the New York State Department of Motor Vehicles requirement of a Gross Vehicle Weight Rating of 8,600 pounds. This is not a requirement for tow trucks registered outside of New York State.

DEPARTMENT OF CONSUMER AND WORKER PROTECTION (DCWP) REQUIREMENTS FOR TOW TRUCKS BASED IN THE CITY OF NEW YORK

a. Tow Truck must have the 311 number displayed for consumer complaints.

b. The tow truck identification card must be carried at all times in the vehicle.

c. New York City based trucks must display either a DCWP medallion or exemption sticker. The exemption sticker is affixed to the right inside portion of the windshield next to the vehicle's tax stamp.

d. The DCWP medallion must be permanently affixed to the driver's side of the truck and the medallion number must be painted on both sides of the truck.

NOTE *The following tow trucks are exempt from the DCWP licensing requirements but must display a DCWP exemption sticker. (No exemption sticker is required for tow trucks registered out of the city that are only picking up or dropping off in the city):*

- *Government Agency*
- *Vehicle Dismantler/Itinerant Vehicle Collector*
- *Bus Company*

NOTE (continued)

- *Utility Company*
- *Tow truck owner of a Taxi or Livery Vehicle licensed to operate by the Taxi and Limousine Commission*
- *School Bus Company*
- *Vehicle Rental Agency.*

DEFINITIONS (continued)

REQUIREMENTS FOR TOW OPERATORS IN NEW YORK CITY

a. Tow truck driver must have the following available while driving a tow truck:
   (1) Driver's license
      - New York State Department of Motor Vehicles license with an "S" or "W" endorsement or
      - Equivalent license from other jurisdictions
   (2) New York City Department of Consumer and Worker Protection license
   (3) NYS DMV Vehicle registration
   (4) Insurance card
   (5) Tow truck identification card issued by DCWP.

NOTE *Tow operators from outside of New York City are only required to have a driver's license, vehicle registration and insurance card.*

OBSERVATION OF THE FOLLOWING INFRACTIONS AUTOMATICALLY JUSTIFY A VEHICLE STOP

a. The medallion is not securely affixed to tow truck [Rules 2-362(n)]
b. The word "police" or letters "PD" is displayed on tow truck [VTL 396(2)]
c. Medallion numbers not painted on or displayed [Rules 2-362(n) (2)]
d. Company name/address missing or improper commercial lettering [AC 20-507b]
e. Soliciting for a tow at an accident scene (AC 20-515b). Additionally, AC 20-515(d) prohibits making an estimate of cost of repairs or offering to make an estimate, offering to make repairs, or providing any inducement, discount, reward or other thing of value to encourage, urge or steer any person to have such accident vehicle towed to a repair facility or to have such accident vehicle repaired at a particular repair facility. Offering to waive the deductible or the towing fee is prohibited. If soliciting is observed the **REPORT OF VIOLATION (PD672-151)** should contain a full account of the conversation heard - name, address and phone # of motorist, name and address of any witness, etc. A Criminal Court summons should also be issued. The person does not have to be in a tow truck or work for a tow company or repair shop.
f. Tow truck's Gross Vehicle Weight Rating (GVWR) less than 8,600 pounds [VTL 401(b)]
g. Tow truck traveled to accident scene without request [AC 20-518(b) (2)]
h. Any violation of the New York State Vehicle and Traffic Laws
i. Tow truck towing a vehicle from a parking lot of a closed facility or mall.

NOTE *Members of the service are allowed to conduct a license plate check of a vehicle being towed as long as the plate is in plain view. Members of the service are not allowed to climb on the bed of a tow truck to get a vehicle identification number unless there is probable cause that a crime has been committed or the tow is unauthorized (unlicensed tower, authorized tow).*

If a vehicle is in tow, a proper investigation should be conducted prior to allowing the tow operator to leave. At all tow truck stops where members of the service conduct an investigation regarding illegal tows a ***TOW TRUCK VIOLATION REPORT (PD666-151)*** *will be prepared. Unlicensed tow truck may not be seized for the sole reason of being unlicensed by the Department of Consumer and Work Protection.*

PROCEDURE Upon observing tow truck committing an infraction:

MEMBER OF THE SERVICE

1. Stop tow truck and conduct a thorough investigation to determine if the tow truck and/or operator are in compliance with DCWP regulations or are exempt.
2. Prepare a **TOW TRUCK VIOLATION REPORT** for each tow truck stopped and list plate number for any vehicle towed.
3. Fax completed **TOW TRUCK VIOLATION REPORT** to Borough Public Safety Team for information purposes. (MOS will confirm receipt of fax by phoning appropriate Public Safety Team. Name of Public Safety Team member receiving **REPORT** will be entered on precinct hard copy).
4. Fax completed **TOW TRUCK VIOLATION REPORT** to Auto Crime Unit for information purposes. (MOS will confirm receipt of fax by phoning Auto Crime Unit. Name of Auto Crime member receiving **REPORT** will be entered on precinct hard copy).

PCT. CRIME ANALYSIS/ COUNTERPART

5. Conduct a license plate check on the 7th, 15th and 30th day after stop to determine if vehicle being towed was reported stolen.
6. Notify the Auto Crime Unit if towed vehicle has been reported stolen.
7. Notify the Public Safety Team concerned if tow vehicle has been reported stolen.
8. Forward hard copy to the Public Safety Team.
9. Maintain copy of completed **TOW TRUCK VIOLATION REPORT**.

PUBLIC SAFETY TEAM/ COUNTERPART

10. Maintain chronological log of all **TOW TRUCK VIOLATION REPORTS** within the borough.
11. File hard copy of **REPORT** and maintain data for statistical purposes.

NOTE *Prior to taking enforcement action as a result of a follow up investigation stemming from a license check, the Borough Public Safety Team will consult with the Auto Crime Unit.*

MOS ASSIGNED TO AUTO CRIME UNIT

12. Determine if information provided by precinct/command personnel requires further investigation.

ADDITIONAL DATA

THE FOLLOWING ARE ADDITIONAL VIOLATIONS THAT MAY BE OBSERVED:

*a. Tow operator may not possess a police radio/scanner in tow truck or on his/her person (AC 20-515a). MOS should note the transmissions that are audible over the receiver in the digital **Activity Log** and on the **REPORT OF VIOLATION**. The scanner should then be vouchered and brought to the DCWP hearing.*

b. Tow operator refuses an obligated tow (DARP, ROTOW, etc.) (AC 20-512)

c. Tow operator refuses Police order to tow vehicle obstructing traffic (AC 20-511)

d. Unauthorized removal/towing of vehicle (AC 20-510)

*e. Towing a vehicle without proper signed authorization (AC 20-510) **(non consensual tows only)***

f. Unlicensed tow truck (AC 20-496a)

g. Unlicensed tow truck operator/assistant (AC 20-496b)

h. Acceptance of major credit cards as a prerequisite to participate in city towing programs (AC 20-520.1) (Tow truck companies in city programs MUST accept two major credit cards and display the decals of these major credit card companies on their trucks. Refusal to accept payment by a credit card indicated on the truck is a violation.)

i. Soliciting for towing at an accident scene (AC 20-515). (Same person at different accident scenes or person distributing business cards at accident scenes.)

MEMBERS OF THE SERVICE SHOULD BE AWARE OF THE BELOW LISTED INDICATORS OF POSSIBLE VIOLATIONS:

a. Tow trucks parked on residential streets at night

b. Tow trucks with no visible tow bars or winches

c. Tow truck remaining in a parking lot repeatedly but no contract exists with the facility

d. Tow truck towing from parking lot of a closed store or mall.

*Members of the service are required to prepare a **REPORT OF VIOLATION (PD672-151)** for any consumer complaint regarding towing. In addition, the consumer should be instructed to contact 311 or referred to DCWP WWW.NYC.GOV. A criminal court summons returnable to New York City Criminal Court should be issued if appropriate. Members of the service are reminded that preparation of a **REPORT OF VIOLATION** does not relieve them of their responsibility for making appropriate digital **ACTIVITY LOG** entries. All relevant information must be included in the entry.*

The Chief of Patrol Resource Management Section is the Department's liaison with DCWP. Members of the service may contact Chief of Patrol Resource Management Section, during business hours, with any inquires or questions that cannot be resolved at the command level.

RELATED PROCEDURES

Conditions of Service (P.G. 209-01)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Unlicensed Tow Truck Operators (P.G. 209-28)
Taxicab or Towing Truck Owners/Operators (P.G. 208-58)

FORMS AND REPORTS	***REPORT OF VIOLATION (PD672-151)*** ***TOW TRUCK VIOLATION REPORT (PD666-151)***

NYPD

PATROL GUIDE

Section: Summonses	Procedure No: 209-35

PLEADING GUILTY BY MAIL FOR CRIMINAL COURT SUMMONS ISSUED FOR CONSUMPTION OF ALCOHOL IN PUBLIC

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1

PURPOSE To facilitate adjudication of summonses issued throughout New York City for Consumption of Alcohol in Public, Administrative Code Violation 10-125(b), to respondents who wish to plead guilty without making a personal appearance.

PROCEDURE When issuing a summons for Consumption of Alcohol in Public, Administrative Code Violation 10-125(b) ONLY and there are NO OTHER CHARGES, in addition to normal procedures:

UMOS ISSUING SUMMONS

1. Issue separate handout entitled; "**INSTRUCTIONS FOR PLEADING GUILTY TO SUMMONS BY MAIL (PD260-111).**"
2. Inform respondent that in order to exercise their option to adjudicate the summons by pleading guilty by mail, they must include their copy of the SUMMONS along with the form; "**INSTRUCTIONS FOR PLEADING GUILTY TO SUMMONS BY MAIL**" when mailing in their remittance.

NOTE *All other pertinent details such as the amount of the fine (fixed at $25.) and the mailing address are listed on the form.*

ISSUING MEMBER MUST STILL INCLUDE THE PROPER RETURN DATE AND ADDRESS OF THE PROPER COURT ACCORDING TO THE BOROUGH/PRECINCT OF ISSUANCE IN CASE THE RESPONDENT WISHES TO PLEAD NOT GUILTY OR OTHERWISE MAKE A PERSONAL APPEARANCE.

RELATED PROCEDURES

Conditions of Service (P.G. 209-01)
Summonses and Notices of Violation Returnable Agencies (P.G. 209-02)
Summons Return Date and Time (P.G. 209-04)
Quality Control Procedures for the Processing of Summonses Returnable to Criminal Court (P.G. 209-06)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)
Criminal Court Summons – Graphic (P.G. 209-11)
Summons Served or Prepared in Error (P.G. 209-18)

FORMS AND REPORTS ***INSTRUCTIONS FOR PLEADING GUILTY TO SUMMONS BY MAIL (PD260-111)***

LEXED

PURPOSE To provide guidance to uniformed members of the service who take enforcement action regarding motorized scooters, E-Bikes and E-Scooters.

DEFINITIONS MOTORIZED SCOOTER – As per NYC Administrative Code 19-176.2, 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 an electric motor or a gasoline motor and is capable of propelling the device without human power (i.e., it has a throttle), and cannot be registered with the New York State Department of Motor Vehicles (DMV). The term does not include scooters that can be registered by the DMV, wheelchairs, or other mobility aids designed for use by persons who are disabled; or an electric scooter or an electric assist bicycle as defined below.

E-BIKE (ELECTRIC ASSIST BICYCLE) – As per NYS Vehicle and Traffic Law 102-c, is 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 an electric motor that only provides assistance to the operator when it is pedaled and ceases assistance upon reaching a speed of 20 mph.
b. CLASS 2 – E-Bike that has an electric motor that may exclusively propel it up to 20 mph without any pedal assistance from the operator.
c. CLASS 3 – E-Bike that has an electric motor that may exclusively propel it up to 25 mph without any pedal assistance from the operator. This class is only applicable in New York City.

E-SCOOTER (ELECTRIC SCOOTER) – As per NYS Vehicle and Traffic Law 114-e, is 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 *All E-Bikes and E-Scooters must comply with all rules and regulations and provisions applicable to bicycles pursuant to NYS Vehicle and Traffic Law, NYC Administrative Code, and New York City Rules. Also, E-Bikes may only be operated on a highway with a posted speed of 30 mph or less.*

PROCEDURE When a uniformed member of the service takes enforcement action and/or invoices a motorized scooter, E-Bike or E-Scooter pursuant to being operated unlawfully on a New York City sidewalk and street:

UNIFORMED MEMBER OF THE SERVICE

1. Interview operator of motorized scooter, E-Bike or E-Scooter.
2. Determine type of device being used by operator.

IF DETERMINED TO BE A MOTORIZED SCOOTER:

UNIFORMED MEMBER OF THE SERVICE

3. Determine if motorized scooter was operated in a manner that endangers the safety of the operator, and/or the safety or property of another person.
   a. If bicycle or scooter meets criteria of a motorized scooter, and was being operated in an endangering manner, it may be confiscated.
4. Issue Civil Summons returnable to the Office of Administrative Trials and Hearings (OATH) to operator for violating New York City Administrative Code Section 19-176.2(b), "Motorized Scooters," which prohibits the operation of a motorized scooter on the streets or in parks and other public places.
   a. Make summons returnable on the date provided at roll call.
   b. Complete "Affidavit (Certificate) of Service" located on the reverse side of the Civil Summons Returnable to OATH (White [OATH] copy).
   c. Deliver remaining copies of Civil Summons Returnable to OATH to the desk officer, command of issuance.
5. Determine if motorized scooter is to be seized.
   a. If motorized scooter is seized, do not remove the battery from the device.
   b. If a battery is observed to be damaged, expanding, or emitting smoke, immediately notify the New York City Fire Department (FDNY).

NOTE *Lithium-ion batteries can store large amounts of energy and can pose a threat if not handled properly. Batteries can be defective, overheat, catch fire, or explode. When these devices are taken into Department custody, they must be kept away from anything flammable and remain in a well-ventilated area.*

6. Invoice motorized scooter as arrest evidence, as per *P.G. 218-19, "Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner."*
   a. If motorized scooter does not have a serial number, attach a Property Clerk Division seal to motorized scooter.
   b. Record Property Clerk Division seal number on the **PROPERTY CLERK INVOICE (PD521-141**).
7. Advise respondent that the motorized scooter may be recovered upon presentation of receipt from the Office of Administrative Trials and Hearings indicating the summons has been adjudicated, proof of ownership, and proper identification.

DESK OFFICER

8. Ensure the following is complied with when storing a motorized scooter within a Department facility:
   a. The motorized scooter is stored in a secure location that will minimize the risk of damage to Department and/or other stored property, and
   b. The storage location is not an enclosed space or near an exit of a police facility.

IF DETERMINED TO BE AN E-BIKE OR AN E-SCOOTER:

UNIFORMED MEMBER OF THE SERVICE

9. Summons operator of E-Bike or E-Scooter as follows:
   a. Review digital **Activity Log** insert, "**E-BIKE/E-SCOOTER ENFORCEMENT (PD 260-112)**," and issue a Traffic Violations Bureau (TVB) or Criminal Court summons for each specified offense(s)/violation(s).
   b. Issue a Traffic Violations Bureau (TVB) summons for any other observed New York State Vehicle and Traffic Law and/or New York City Traffic Rules violation(s) as they pertain to bicycles.

NOTE *Uniformed members of the service shall only issue a summons for a violation by a person less than 16 years of age to the parent or guardian of such person, if the violation by such person occurs in the presence of the parent or guardian, and where the parent or guardian is 18 years of age or older. The summons must only be issued to the parent or guardian, and must not be issued to the person less than 16 years of age.*

IF ELECTRIC SCOOTER WAS USED IN AN INCIDENT WHERE THE OPERATOR LEFT THE SCENE WITHOUT REPORTING:

UNIFORMED MEMBER OF THE SERVICE

10. Issue Desk Appearance Ticket (DAT), if applicable, for VTL, Section 1288(1), Leaving the Scene of an Incident Involving an Electric Scooter Without Reporting in the Second Degree.

IF DETERMINED THAT OPERATOR IS OPERATING AN E-BIKE, E-SCOOTER, OR MOTORIZED SCOOTER WHILE IMPAIRED OR INTOXICATED:

UNIFORMED MEMBER OF THE SERVICE

11. Make arrest, and comply with the provisions of *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* and all other applicable procedures regarding the removal, testing and processing of prisoner.
12. Issue summons/DAT, or process arrest, as appropriate.

NOTE *Under VTL, Section 1242-A(4)(b), every person operating an E-Bike which has been involved in an accident shall, at the request of a police officer, submit to a breath test to be administered by the police officer.*

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Pursuant to section 1242(5)(b)(i), (ii) and (iii) of the Vehicle and Traffic Law, E-Bike and E-Scooters may park on a sidewalk in a manner that does not interfere with the free passage of pedestrians.

Any questions regarding the seizing of motorized scooters may be referred to the Legal Bureau.

NYPD

PURPOSE To provide for the issuance of a Transit Adjudication Bureau Notice of Violation (TAB/NOV) in lieu of arrest for eligible individuals apprehended for violating New York City Transit Rules of Conduct (21 NYCRR, Chapter XXI, Part 1050) in the New York City Transit System.

SCOPE Pursuant to section 1204(5-a) of the Public Authorities Law, any person committing one or more violations of the New York City Transit Rules of Conduct, shall be subject to either arrest and criminal prosecution in the Criminal Court of the City of New York or civil penalties imposed by the Transit Adjudication Bureau. Therefore, after careful consideration of the violator's criminal history and potential threat to public safety, members may take appropriate corrective action by issuance of a Transit Adjudication Bureau Notice of Violation (TAB/NOV) or Criminal Court summons in lieu of arrest, if qualified.

DEFINITIONS TAB RECIDIVIST - A subject who has received three or more TAB/NOV within the last two years or has three or more unpaid/unanswered TAB/NOV within the last eight years. TAB Recidivists are not eligible to receive a TAB/NOV for violations of the NYC Transit Rules of Conduct.

TRANSIT OFFENDER - A subject who is on parole or probation or has three or more unsealed Theft of Services arrests in the last three years or has one or more unsealed arrest in the transit system for the following crimes:

a. Within the last ten years:
   (1) Murder
   (2) Any sex offense
   (3) Robbery
   (4) Felony Assault
   (5) Grand Larceny.

b. Within the last three years:
   (1) Felony weapon
   (2) Assault/Menacing/Harassment
   (3) Reckless Endangerment
   (4) Larceny/possession of stolen property
   (5) Criminal Mischief
   (6) Forgery/fraud/unlawful credit card use
   (7) Jostling.

PROCEDURE When a person is observed violating a provision of the New York City Transit Rules of Conduct within the New York City Transit System:

UNIFORMED MEMBER OF THE SERVICE

1. Take violator into custody and inform violator of offense committed, unless physical resistance, flight or other factors render such notification impractical.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Request violator to show proof of identity and residence.
3. Establish violator's identity and residence through observation of valid identification documents.
4. Request background check of violator through the local Transit District, and/or through the use of a mobile device, using the Domain Awareness System (DAS).
5. Issue violator TAB/NOV in lieu of arrest for observed violation(s), if qualified, and eject from the system, if appropriate.
   a. Disqualifying factors for a TAB/NOV are:
      (1) Violator has an active warrant
      (2) Violator is wanted in connection with an active **INVESTIGATION CARD (PD373-163)** labeled *"Perpetrator – Probable Cause to Arrest"*
      (3) Violator is charged with other fingerprintable offense(s)
      (4) Violator is not properly identified or valid residence cannot be ascertained
      (5) A legitimate law enforcement purpose in addition to the initial violation can be articulated
      (6) Violator is identified as a TAB Recidivist or Transit Offender
      (7) Violator is identified as having court order banning them from entering Metropolitan Transit Authority (MTA) or New York City Transit Authority property or conveyances.
6. Issue violator a Criminal Court summons in lieu of arrest for the observed violation(s), if qualified and:
   a. Identified as a TAB Recidivist
      (1) Use Transit Rule violation code if issuing summons for fare evasion.
   b. Identified as a Transit Offender and the observed violation is <u>other</u> than fare evasion.
7. Remove violator to Transit District command or a designated arrest facility and inform desk officer of facts, if violator is disqualified from receiving a TAB/NOV or Criminal Court summons.

DESK OFFICER

8. Question officer regarding circumstances that led to arrest.
   a. Conduct a DAS search to verify background of violator.
   b. Determine whether violator should be issued a summons or processed as an online arrest.
9. Make a Command Log entry including the circumstances of the summons or arrest.

UNIFORMED MEMBER OF THE SERVICE

10. Process the violator as an online arrest if:
    a. Violator has an active non-Summons Adjudication Part (SAP) warrant
    b. Violator is charged with other fingerprintable offense(s)

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Violator has evaded the transit fare and is designated a Transit Offender
   (1) Charge violator with New York State Penal Law offense of Theft of Services.

d. A legitimate law enforcement purpose in addition to the initial violation can be articulated

e. Violator cannot be properly identified or produce valid proof of residence.
   (1) Allow violator to contact a third party in order to obtain appropriate identification and proof of residence.
      (a) Delay arrest processing for a reasonable amount of time to allow for delivery of such document(s).
   (2) Utilize Department computer systems and devices to ascertain identity of violator, including the viewing of digital booking photos, querying DAS and by using a Mobile Identification Device, if available.
   (3) Issue a TAB/NOV or Criminal Court summons, as appropriate, if identity and valid residence are properly established.

DESK OFFICER

11. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if an active **INVESTIGATION CARD** labeled, "*Perpetrator – Probable Cause to Arrest*" exists, and:
   a. Release violator to responding detective, after issuance of summons returnable to Criminal Court, unless violator is processed as an online arrest

<u>VIOLATOR IS THE SUBJECT OF A SAP WARRANT:</u>

DESK OFFICER

12. Direct the issuance of a Criminal Court summons.
   a. Utilize the bar code reader to scan the served Criminal Court summons into the Electronic Summons Tracking System (ESTS).
   b. Scan the "Original" copy of the Criminal Court summons into the network scanner.
   c. Create a new summons envelope transmittal for the "Original" copy of the Criminal Court summons in ESTS and scan the Criminal Court summons directly to court.

UNIFORMED MEMBER OF THE SERVICE

13. Return the arrestee to the Criminal Court Arraignment Part, in the borough the current violation was observed, to appear on the warrant <u>and</u> the Criminal Court summons issued for the current violation.
   a. The summons issuing officer does not have to be the escorting officer.
   b. The arrestee does not have to be returned to the issuing borough court to vacate the SAP warrant. They can be returned to any Criminal Court in the City.

UNIFORMED MEMBER OF THE SERVICE (continued)

14. Provide the "Original" copy of the Criminal Court summons prepared for the current violation, as well as a copy of the warrant(s), to the Associate Court Clerk of the Criminal Court Arraignment Part.
15. Wait with the individual while court staff retrieve the appropriate file(s) and/or add the matter(s) to the court's calendar.
16. When called, bring the defendant before the court to adjudicate both the Criminal Court summons issued for the current violation and the outstanding warrant(s).
17. Be guided by the judge, court staff, and members of the service assigned to the borough Court Section regarding the release or continued custody of the defendant.

DESK OFFICER

18. Direct the issuing officer to release the person from the command and, if appropriate, eject them from the system, if there are no other reasons to detain the violator.

ADDITIONAL DATA

In all cases, when a Criminal Court summons is issued for an observed violation of New York City Transit Rules of Conduct, the Transit Rules violation code will be used for the charge. Code 4 will be selected on the summons.

NYPD

PURPOSE Upon encountering a tow truck that is not licensed by the New York City Department of Consumer and Worker Protection (DCWP) and is engaged in towing.

DEFINITIONS EXEMPT TOW TRUCK - A tow truck owned or operated by/for:

a. A governmental agency,
b. A vehicle dismantler,
c. Franchised public transportation,
d. A bus company,
e. A utility company,
f. An owner of a taxi(s) or a livery vehicle which is licensed to operate by, the Taxi and Limousine Commission,
g. A school bus company, or
h. A vehicle rental agency.

NOTE *This procedure does not apply to a tow truck from outside New York City that is:*

a. Merely passing through the City, or
b. Picking up a motor vehicle within New York City in order to take it outside the City, or
c. Bringing a vehicle from outside New York City for drop off at a destination within New York City.

TOW TRUCK – A vehicle that is equipped with a crane, winch, tow bar, push plate or other device designed to pull, push, or raise a vehicle from the front or rear.

TOWING – The moving or removing of disabled, illegally parked, or abandoned motor vehicles or motor vehicles involved in accidents, by another motor vehicle (i.e., tow truck), for which there is direct or indirect compensation.

NOTE *An employee of a repair shop registered pursuant to Article 12A of the New York State Vehicle and Traffic Law shall not be deemed to be engaged in "towing" when such employee test drives a tow truck that has been repaired or is to be repaired by such repair shop, and the tow truck is not transporting another vehicle, and the test drive takes place within a one-mile radius of the repair shop's premises.*

PROCEDURE When a member of the service encounters circumstances suggesting that a tow truck that is engaged in towing is not licensed by the DCWP:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if the operator of the tow truck has the following:
   a. A New York State driver's license with tow truck endorsement.

NOTE *Section 501(b)(viii) of the Vehicle and Traffic Law requires that a driver's license bear a "W" endorsement in order for the holder to operate a tow truck. Comply with Patrol Guide 209-28, "Unlicensed Tow Truck Operators," if circumstances indicate that the operator is not licensed/endorsed to operate the tow truck.*

b. DCWP tow truck license.

2. Ascertain whether tow truck is:
   a. Exempt, or
   b. Registered in New York City or,
   c. Owned by a tow company whose place of business is within New York City, or
   d. Involved in the commission of a crime, other than the mere lack of a tow truck license.
3. Verify that the tow truck and/or the vehicle being towed are not stolen.
   a. Comply with appropriate procedures if either vehicle is reported stolen.
4. Request the patrol supervisor if tow truck operator is unable to produce a DCWP tow truck license and the tow truck is not an exempt tow truck.

PATROL SUPERVISOR

5. Respond to the scene and determine if the tow truck has been involved in the commission of a crime, other than the mere lack of a DCWP tow truck license.
   a. Instruct member not to seize tow truck if investigation reveals that the tow truck's only offense is the mere lack of a DCWP tow truck license.
   b. Direct that the tow truck be seized as Arrest Evidence if investigation reveals that the tow truck has been involved in the commission of a crime (other than lack of a DCWP tow truck license).
      (1) Instruct the member to obtain all required information for preparation of a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
6. Direct member to prepare a **REPORT OF VIOLATION (PD672-151)**.
   a. Instruct member to forward copy of **REPORT OF VIOLATION** to DCWP via email at NYPD-LD6@DCWP.NYC.GOV.
7. Direct the member to issue summonses for observed violations (e.g., unlicensed tow truck [NYC Administrative Code § 20-496a], TVB violations, etc.), if appropriate.

NOTE *Violation summonses should be notated on **REPORT OF VIOLATION**.*

8. Direct operator of unlicensed tow truck to release the vehicle being towed to its owner/representative.

UNIFORMED MEMBER OF THE SERVICE

9. Ensure operator of unlicensed tow truck releases the vehicle being towed to its owner/representative and comply with *P.G. 209-32 "Release of Vehicles Prior to Tow Utilizing a Field Release Agreement (FRA)"* if necessary.

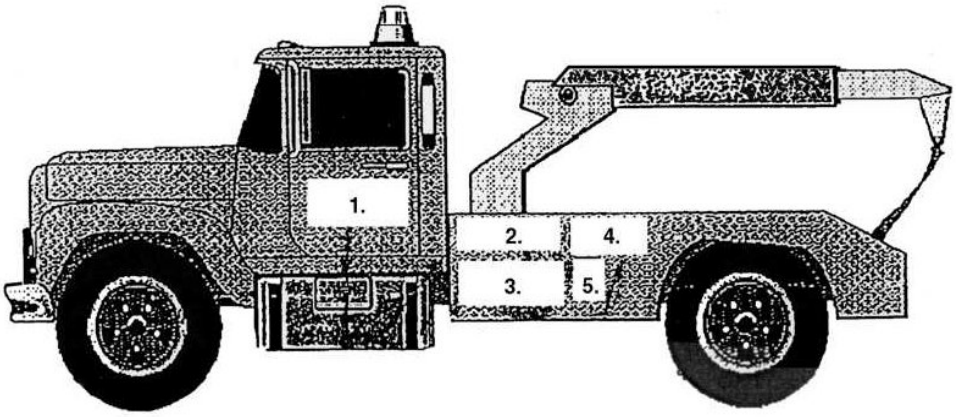
UNIFORMED MEMBER OF THE SERVICE (continued)

10. Do not seize tow truck if the only offense involved is the lack of a DCWP tow truck license.
    a. Seize and invoice tow truck as Arrest Evidence, if appropriate, as directed by patrol supervisor.
11. Prepare **REPORT OF VIOLATION**.
    a. Forward copy of **REPORT OF VIOLATION** to DCWP via email at NYPD-LD6@DCWP.NYC.GOV.
12. Prepare summonses for observed violations (e.g., unlicensed tow truck [NYC Administrative Code § 20-496a], TVB violations, etc.), if appropriate or as directed by patrol supervisor.

13. Release tow truck if it has not been seized as Arrest Evidence unless it requires removal for other reasons (e.g., uninsured, unregistered with Department of Motor Vehicles, etc.).
    a. Tow trucks not released will be invoiced for safekeeping and not returned without appropriate DMV paperwork (registration, insurance, etc.)

ADDITIONAL DATA

Graphic of DEPARTMENT OF CONSUMER AND WORKER PROTECTION tow truck with properly displayed items



1. Company Name, Address, Telephone *2. Current DCWP Complaint Phone Number*
3. Rates for Accident Towing and Storage *4. Plate Number 12 inches high*
5. DCWP plate.

Numbers 1, 2, & 3 must be painted on letters, one and a half inch high.

Above is an example (not drawn to scale) of a properly displayed tow truck plate and license plate number. The plate and license plate number are securely affixed to the truck by means other than a magnet. The Department's current complaint telephone number, the tow truck company's name, address and telephone number, and, for any vehicle assigned to DARP, the legal rate for towing for DARP tows, specifically identified as "Rates for accident tows", must also be clearly painted on or be permanently adhered as a decal by heat treatment to the tow truck, in letters at least 1 1/2 inches high.