**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.*

***RELATED PROCEDURE***

*Arrest On A Warrant (P.G. 208-42)*

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 will be taken to the location in the stationhouse SPECIFICALLY DESIGNATED as suitable for the interrogation of juveniles.
   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 **ROLL CALL (PD406-144)**, 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)***
***ROLL CALL (PD406-144)***

**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 Real Time Crime Center Juvenile Desk (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 Hearing Impaired Persons,"* 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 hearing impaired.

**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 Domestic 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.
   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

**ARRESTING OFFICER (continued)**

due to speech or hearing impairment. Should the prisoner request to telephone an individual with a hearing or speech disability, 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."*

*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**.*

***NOTE (continued)***

*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**

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**.
        (2) Follow *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting"* immediately upon desk officer's review and approval of **COMPLAINT REPORT WORKSHEET**.

**ARRESTING OFFICER (continued)**

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.

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
   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.

**DESK OFFICER (continued)**

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 Section (SPIS) was notified, including the name and rank/title of the person at SPIS 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.S. 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.

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.

**DESK OFFICER (continued)**

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 is confined to a wheelchair or otherwise mobility impaired, and be guided by his/her direction regarding lodging and further processing.
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.
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.

**BOROUGH COURT SECTION SUPERVISOR (continued)**

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. Bring all related papers to each subsequent court appearances.

**YOUTH COORDINATION OFFICER**

48. 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-".*

***ADDITIONAL DATA (continued)***

*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."*

*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.*

***RELATED PROCEDURES***

*Arrests - Removal to Department Facility for Processing (P.G. 208-02)*
*Arrest - General Search Guidelines (P.G. 208-05)*
*Arrests - Security Measures (P.G. 208-06)*
*Rights of Persons Taken into Custody (P.G. 208-09)*
*Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)*
*Arrest Report Preparation at Stationhouse (P.G. 208-15)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Notifications in Certain Arrest Situations (P.G. 208-69)*
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*
*Hospitalized Prisoners (P.G. 210-02)*
*Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)*
*Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)*
*Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)*
*Interaction with Hearing Impaired Persons (P.G. 212-104)*
*Cases for Legal Action Program (P.G. 214-07)*
*Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
*Utilization of the Juvenile Desk (P.G. 215-21)*
*Photographing Stolen Evidence Vehicles when an Arrest is Made (P.G. 218-18)*

***FORMS AND REPORTS***

***AIDED REPORT***
***ARREST REPORT - SUPPLEMENT (PD244-157)***
***ARREST CHECKLIST (PD244-041)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***CELLULAR PHONE INFORMATION CONSENT FORM (PD389-051)***
***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151A)***
***MEDICAL TREATMENT OF PRISONER (PD244-150)***
***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)***
***MISSING – UNIDENTIFIED PERSON REPORT (PD336-151)***

***FORMS AND REPORTS (continued)***

***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PRISONER PEDIGREE CARD (PD244-092)***
***PRISONER TRANSPORT DISPATCH (PD171-132)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
***SUPPORTING DEPOSITION (PD244-060)***
***NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***
***Omniform Complaint Revision***

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) Criminal Sexual Act 1st Degree - Section 130.50, subdivisions 1 and 2
         (e) Kidnapping 1st Degree - Section 135.25
         (f) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
         (g) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
         (h) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
         (i) Aggravated Sexual Abuse 1st Degree - Section 130.70
         (j) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25

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

(k) Criminal Possession of a Weapon 2nd Degree - Section 265.03, and the offense takes place on school grounds (i.e., any building or property within the property line of a public, private or parochial school from elementary up to and including high school or any area accessible to the public, or a parked vehicle, within 1,000 feet of the property line of such school [Penal Law Section 220.00, subdivision 14]).

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) Criminal Sexual Act 1st Degree - Section 130.50, subdivisions 1 and 2
         (e) Kidnapping 1st Degree - Section 135.25
         (f) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
         (g) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
         (h) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
         (i) Aggravated Sexual Abuse 1st Degree - Section 130.70
         (j) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25

**ARRESTING OFFICER/ ARREST PROCESSING OFFICER (continued)**

(k) Criminal Possession of a Weapon 2nd Degree - Section 265.03, and the offense takes place on school grounds (i.e., any building or property within the property line of a public, private or parochial school from elementary up to and including high school or any area accessible to the public, or a parked vehicle, within 1,000 feet of the property line of such school [Penal Law Section 220.00, subdivision 14])."

d. Other Juvenile (not classified Adolescent Offenders or 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.

***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.*

***RELATED PROCEDURES*** *Photographable Offenses (P.G. 208-07)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***

| Section: Arrests | | Procedure No: 208-09 |
|---|---|---|
| **RIGHTS OF PERSONS TAKEN INTO CUSTODY** | | |
| DATE EFFECTIVE: 11/04/21 | LAST REVISION: I.O. 95 | PAGE: 1 of 3 |

**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 hearing impaired, the member of the service concerned should comply with *P.G. 212-104, "Interaction with Hearing Impaired Persons."* 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.

IF INTERVIEW WAS CONDUCTED AT BOROUGH COURT SECTION FACILITY OR AT A PRECINCT OTHER THAN THE PRECINCT OF ARREST

**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)**.

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

**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

| Section: Arrests | | Procedure No: 208-10 | |
|---|---|---|---|
| **ALTERNATE PROCEDURE FOR ARREST NUMBER GENERATION AS A RESULT OF COMPUTER FAILURE** | | | |
| DATE ISSUED: 09/13/17 | DATE EFFECTIVE: 09/13/17 | REVISION NUMBER: | PAGE: 1 of 2 |

**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 Court, 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.*

***FORMS AND REPORTS*** ***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***DESK APPEARANCE TICKET (PD260-121)***

**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 Section 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 Section 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 ISSUED: 09/13/17 | DATE EFFECTIVE: 09/13/17 | REVISION NUMBER: | 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 Section 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.

***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***

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**,
    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.

***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 Court 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 Court 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.*

***RELATED PROCEDURES***

*Arrests - Removal to Department Facility for Processing (P.G. 208-02)*
*Arrests - General Processing (P.G. 208-03)*
*Arrest - General Search Guidelines (P.G. 208-05)*
*Arrests - Security Measures (P.G. 208-06)*
*Alternate Procedure for Arrest Number Generation as a Result of Computer Failure (P.G. 208-10)*
*Alternate Procedure for Fingerprint and Palmprint Processing Due to Computer System Failure (P.G. 208-12)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Desk Appearance Ticket – General Procedure (P.G. 208-27)*
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*
*Arrest Processing of Persons Wanted for Multiple Incidents (P.G. 208-74)*
*Hospitalized Prisoners – Arrests by Members of Other Police Agencies (P.G. 210-03)*
*Release of Prisoners (P.G. 210-13)*
*Cases for Legal Action Program (P.G. 214-07)*

***FORMS AND REPORTS***

***ARREST CHECKLIST (PD244-041)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE (PD521-141)***
***DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141))***
***DESK APPEARANCE TICKET***

| 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 **LEAVE OF ABSENCE REPORT (PD433-041)** 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 **LEAVE OF ABSENCE REPORT** 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.*

***ADDITIONAL DATA*** *To enhance auditing procedures regarding court appearances with related overtime, uniformed members of the service will comply with the following when court attendance results in overtime:*

*a. Attach **OVERTIME REPORT (PD 138-064)** to related **COURT ATTENDANCE RECORD (PD468-141)** and submit to desk officer/supervisor for approval.*

*b. Desk officer/supervisor will ensure that **OVERTIME REPORTS** and **COURT ATTENDANCE RECORDS** are properly prepared and attached as required.*

*c. **OVERTIME REPORTS** submitted for attendance at court without the required **COURT ATTENDANCE RECORD** attached, shall NOT be approved by desk officer/supervisor without an investigation being conducted.*

*d. After the desk officer/supervisor concludes the investigation, the overtime may be approved if appropriate. However, a copy of the report detailing the facts of the investigation will be attached to the **OVERTIME REPORT** in lieu of the missing **COURT ATTENDANCE RECORD**.*

***NOTE*** *Payroll clerks shall process* ***OVERTIME REPORTS*** *with* ***COURT ATTENDANCE RECORDS/Investigative Reports*** *attached and file with related* ***PAYMENT REQUESTS (PD 138-066)*** *as directed. COURT ATTENDANCE RECORDS not involving overtime will continue to be filed as directed in P.G. 211-01, "Duties And Conduct In Court."*

*The procedure outlined above will apply whether cash or time compensation is selected for the overtime and regardless of the reason for the court appearance.*

***RELATED PROCEDURES***
*Duties and Conduct in Court (P.G. 211-01)*
*Overtime (A.G. 324-15)*

***FORMS AND REPORTS***
***COURT ATTENDANCE RECORD (PD468-141)***
***LEAVE OF ABSENCE REPORT (PD433-041)***
***OVERTIME REPORT (PD138-064)***
***PAYMENT REQUESTS (PD138-066)***

NYPD

**PURPOSE** To issue a Desk Appearance Ticket (DAT) in lieu of detention.

**DEFINITION** 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.

**PROCEDURE** When issuing a DAT to a prisoner charged with a class E felony, misdemeanor or violation:

**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"* for disqualifying factors.
3. Ascertain defendant's identity in accordance with *P.G. 208-28, "Desk Appearance Ticket - Identification Standards."*
4. 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)**.

***NOTE*** *The presence of an Investigation Card against a defendant does not preclude the issuance of a DAT.*

5. Attempt to obtain 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.
6. Enter arrest data into OMNIFORM System
   a. Utilize 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.
7. Fingerprint prisoner and generate a Prisoner Movement Slip.
8. Confer with Identification Section to determine if prisoner has a previous conviction, which would raise the current charge to a class D felony:
   a. The current charge entered on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** will not be changed solely from information received via telephone.

**ARRESTING OFFICER (continued)**

9. 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. A prisoner 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 prisoner was involved in another crime.

*Arresting officers must ensure that step "9" subdivision "b" is adhered to at all times. Debriefing an arrestee during the first platoon may be more difficult due to the detective squad being unavailable. Therefore, ensure that a supervisor is available to conduct the debriefing prior to the completion of all other DAT procedures.*

10. Complete all DAT arrest related paperwork while awaiting results of fingerprint check.
11. Monitor "DAT Processing" within OMNIFORM system to determine if DAT has been approved:
    a. If response reads "NO," a DAT must not be issued and prisoner must be processed online.
       (1) Inform prisoner of ineligibility for DAT.
    b. If response reads, "WAIT," check back at reasonable intervals not to exceed thirty minutes.
       (1) Contact borough Court Section to ascertain the status of the fingerprint check after two hours from the time the prisoner was fingerprinted, and request the Division of Criminal Justice System to expedite the fingerprint search.
    c. 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.
    d. If response reads "YES," DAT has been approved.
       (1) Print DAT.
12. Email borough Court Section all arrest related paperwork.
    a. Ensure the email subject heading consists of:
       (1) Arrest number, and
       (2) Last name of prisoner.
13. Call Borough Court section, confirm receipt of email and obtain DAT serial number, return date, time, arraignment part and court.
14. Record information received from borough Court Section on DAT.
15. Use snap-out version of **DESK APPEARANCE TICKET (PD260-121)**, if command computer system becomes non-operational or at the direction of borough Court Section supervisor.
    a. Notify borough Court Section supervisor prior to issuing snap-out version of DAT.

**ARRESTING OFFICER (continued**

16. Make DAT returnable to arraignment part of Criminal Court <u>except</u> if:
    a. Returnable to Family Court,
    b. Necessary to permit arraignment of all prisoners in same Court Part, or
    c. Returnable to Community Court.
17. Sign DAT.
18. 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**

19. Ensure prisoner is debriefed in accordance with *P.G. 210-18, "Debriefing of Prisoners,"* as appropriate.
    a. Debrief, or ensure any other available supervisor, detective squad or investigative unit debriefs prisoner, as soon as possible. This must be done before the completion of all DAT procedures.
    b. If all DAT procedures have been completed and the prisoner has not been debriefed, they must be released immediately.
    c. A prisoner 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 prisoner was involved in another crime.
20. Check all arrest related paperwork for completeness and accuracy.
    a. Confirm that contact information for individual (i.e., residence address, preferred mailing address, cell phone/home/work number, e-mail address, etc.) 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.
    b. Ensure all required arrest paperwork is noted on **ARREST CHECKLIST (PD244-041)**.
21. Sign DAT and return to arresting officer.

**ARRESTING OFFICER**

22. Distribute photocopies of DAT:
    a. Original, for personal file and to be scanned and sent to borough Court Section,
    b. Copy to defendant,
    c. Copy to complainant, if applicable, and
    d. Copy to command file.
23. Enter name, address, and telephone number of civilian complainant, if any, in space marked "Additional Instructions" on copy of DAT that will be scanned and emailed to borough Court Section.

**DESK OFFICER** 24. Issue DAT, if prisoner is eligible, and release prisoner.

**ARRESTING OFFICER** 25. Email all arrest related paperwork (i.e., **DESK APPEARANCE TICKET**, **ARREST CHECKLIST**, **COMPLAINT REPORT [PD313-152]**, **ON-LINE BOOKING SYSTEM ARREST WORKSHEET [PD244-159]**, photocopy of warrant check, digital **Activity Log** entries, copies of Prisoner Movement Slip, etc.) to borough Court Section.

a. Ensure email subject heading consists of:

(1) Arrest number, and

(2) Last name of prisoner.

**ARRESTING OFFICER (continued)**

26. Await phone call from District Attorney's office.

27. Monitor status of arrest processing through the OMNIFORM System's "Prisoner Arraignment Lookup."

28. Notify desk officer, immediately, if District Attorney's office is no longer accepting arrest paperwork.

29. File all hard copies of arrest related paperwork in **ARREST ENVELOPE (PD260-123)**.

**DESK OFFICER** 30. Direct arresting officer to comply with *P.G. 208-82, "Desk Appearance Ticket – Conferral with District Attorney's Office,"* if District Attorney's office is no longer accepting arrest paperwork.

a. Assign arrest to another uniformed member of the service, if the arresting officer is unavailable to speak with District Attorney's office within four days.

b. Ensure assigned officer re-interviews complainant(s), witness(es) and complies with *P.G. 208-20, "'Turnover' Arrests,"* if applicable.

***RELATED PROCEDURES***

*"Turnover" Arrests (P.G. 208-20)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Computerized Investigation Card System (P.G. 208-23)*
*Desk Appearance Ticket - Identification Standards (P.G. 208-28)*
*Family Offenses/Domestic Violence (P.G. 208-36)*
*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Desk Appearance Ticket - Disqualifying Factors (P.G. 208-81)*
*Desk Appearance Ticket - Conferral with District Attorney's Office (P.G. 208-82)*
*Suspended or Revoked Vehicle Operator's License (P.G. 209-26)*
*Arrest Processing of Pre-Arraignment Prisoners Designated as "Special Category" (P.G. 210-17)*

***FORMS AND REPORTS***

***ARREST CHECKLIST (PD244-041)***
***ARREST ENVELOPE (PD260-123)***
***DESK APPEARANCE TICKET (COMPUTER FORM)***
***DESK APPEARANCE TICKET (PD260-121)***
***COMPLAINT REPORT (PD313-152)***
***INVESTIGATION CARD (PD373-163)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

| Section: Arrests | | Procedure No: 208-28 | |
|---|---|---|---|
| **DESK APPEARANCE TICKET - IDENTIFICATION STANDARDS** | | | |
| DATE ISSUED: 01/01/20 | DATE EFFECTIVE: 01/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To establish identification standards prior to the issuance of a Desk Appearance Ticket (DAT).

**PROCEDURE** When determining the identification of an individual being considered for a DAT:

**ARRESTING OFFICER**

1. Establish violator's identity and mailing address through observation of the following forms of identification, including, but 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, such as a medical assistance card, food stamp assistance card (EBT card), or any other identification issued by a New York State or municipal social service agency which entitles a person to obtain public assistance benifits under a local, state, or federal program.
2. Perform local, state, and federal warrant check as per *P.G. 208-22, "Performing Local, State and Federal Warrant Checks."*
   a. The presence of an active warrant from this inquiry will disqualify an individual from receiving a DAT.
   b. The presence of an **INVESTIGATION CARD (PD373-163)** does not disqualify an individual from receiving a DAT.
   (1) Comply with *P.G. 208-27, "Desk Appearance Ticket - General Procedure,"* if applicable, and *P.G. 208-23, "Computerized Investigation Card System,"* if an **INVESTIGATION CARD** has been assigned.
3. Conduct Department of Motor Vehicle check through the FINEST System.
4. Continue attempts to properly identify individuals by:
   a. Allowing violator to contact a third party to obtain appropriate identification.
      (1) Delay arrest processing for a reasonable amount of time to allow for delivery of such document(s), or,
   b. Utilizing Department computer systems to ascertain identity of violator.
5. Comply with *P.G. 208-27, "Desk Appearance Ticket – General Procedure,"* if identity is established.
6. Process arrest online if identity cannot be established.

***ADDITIONAL DATA***

*IDENTIFICATION STANDARDS*

*The arresting officer will make every attempt to ascertain an address and collect contact information (i.e., preferred mailing address, work/home/cell phone number, email address, etc.).*

*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 (i.e., previous arrest or summons of the arrestee by the officer). Identifications made by an arresting officer's personal knowledge should be properly documented in the OMNIFORM System.*

*Uniformed members of the service should note 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.*

*FALSE PERSONATION*

*When attempting to ascertain a prisoner's identity, the uniformed member of the service concerned should inform the individual 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. Individuals who knowingly misrepresent their pedigree information should be charged under Penal Law 190.23 (False Personation, B. Misd.).*

***RELATED PROCEDURES***

*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Computerized Investigation Card System (P.G. 208-23)*
*Desk Appearance Ticket - General Procedure (P.G. 208-27)*
*Desk Appearance Ticket - Hospitalized Prisoner (P.G. 208-30)*
*Arrest Processing - Aggravated Unlicensed Operation of a Motor Vehicle (P.G. 208-53)*
*Desk Appearance Ticket - Disqualifying Factors (P.G. 208-81)*
*Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - Criminal Justice Reform Act (CJRA) (P.G. 209-03)*
*Personal Service of Transit Adjudication Bureau Notice of Violation (TAB/NOV) In Lieu of Arrest for a Qualified Individual (P.G. 209-39)*

***FORMS AND REPORTS***

***DESK APPEARANCE TICKET (COMPUTER FORM)***
***INVESTIGATION CARD (PD373-163)***
***ON-LINE BOOKING SYSTEM WORKSHEET (PD244-159)***

**PURPOSE** To issue a **DESK APPEARANCE TICKET** to a hospitalized prisoner who was ineligible for a **DESK APPEARANCE TICKET** at time of arrest due to physical or mental condition.

**PROCEDURE** When a hospitalized prisoner has recovered sufficiently to be issued a **DESK APPEARANCE TICKET**:

**GUARDING MEMBER OF THE SERVICE**

1. Notify desk officer that prisoner's condition permits issuance of a **DESK APPEARANCE TICKET**.

**DESK OFFICER**

2. Direct patrol supervisor to determine condition of prisoner and duration of confinement.
3. Direct guarding officer to follow *P.G. 208-27, "Desk Appearance Ticket - General Procedure."*
4. Have **DESK APPEARANCE TICKET** issued if prisoner qualifies.

**GUARDING MEMBER OF THE SERVICE**

5. Obtain **DESK APPEARANCE TICKET** return date in accordance with appropriate borough guidelines.
   a. Ensure that return date is after tentative date of prisoner's discharge from hospital.
6. Notify borough court section concerned that **DESK APPEARANCE TICKET** has been issued, and provide the following information:
   a. **DESK APPEARANCE TICKET** serial number
   b. Return date
   c. Court to which **DESK APPEARANCE TICKET** is returnable
   d. Date and time of release of prisoner.

**DESK OFFICER/ COUNTERPART**

7. Have arresting officer notified.
8. Distribute **DESK APPEARANCE TICKET** as per *P.G. 208-27, "Desk Appearance Ticket - General Procedure."*
9. Make the following entries on **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** or **ARREST REPORT - SUPPLEMENT (PD244-157)**:
   a. Return date of **DESK APPEARANCE TICKET**
   b. **DESK APPEARANCE TICKET** serial number
   c. Court to which returnable.

***NOTE*** *Forward **all** required paperwork as per P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

| | | |
|---|---|---|
| **ARRESTING OFFICER** | 10. | Determine on day prior to return date if prisoner is still hospitalized.<br>a. Ascertain approximate date of discharge, if still confined. |
| | 11. | Notify borough court section supervisor if prisoner remains hospitalized. |
| **BOROUGH COURT SECTION SUPERVISOR** | 12. | Request adjournment to a day subsequent to prisoner's tentative release from the hospital. |
| | 13. | Direct roll call clerk of arresting officer's command to notify arresting officer of adjourned date. |
| **ROLL CALL CLERK** | 14. | Make entry in command diary and notify arresting officer of new court date, if required to appear. |
| **DESK OFFICER WHERE HOSPITAL IS LOCATED** | 15. | Have defendant notified of adjourned date. |

***RELATED PROCEDURES***

*Desk Appearance Ticket – General Procedure (P.G. 208-27)*
*Hospitalized Prisoners (P.G. 210-02)*

***FORMS AND REPORTS***

***ARREST REPORT – SUPPLEMENT (PD244-157)***
***DAT ARREST PACKAGE (PD260-123)***
***DESK APPEARANCE TICKET***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

**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 (212) 741-8401.

**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 (212) 741-8408.
   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***

# PATROL GUIDE

| Section: Arrests | | Procedure No: 208-35 | |
|---|---|---|---|
| **ATTEMPTED BRIBERY OF UNIFORMED MEMBER OF THE SERVICE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**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, ([212] 741-8401), 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)*

NYPD

**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 hearing impaired, the member of the service concerned should comply with P.G. 212-104, "Interaction with Hearing Impaired Persons." 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 Section 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 Section.*

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:

**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.*

*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*

***NOTE (continued)***

*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 prevention officer 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 he/she speaks or writes. 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 his/her 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 Hearing Impaired Persons," 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 *P.G. 202-29, "Domestic Violence Prevention Officer."*

WHEN COMPLAINT REPORT IS CLASSIFIED AS OPEN AND REFERRED TO PRECINCT DETECTIVE SQUAD:

**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.

**ASSIGNED DETECTIVE**

32. Immediately attempt to interview the complainant and obtain the facts of the case, confirm the name of the perpetrator and obtain all other necessary information (e.g., all involved addresses, nickname, date of birth, cellular and landline telephone numbers, e-mail addresses, information regarding relatives and associates, etc.).
33. Conduct necessary computer checks regarding all involved persons and locations.
34. Activate an **INVESTIGATION CARD (PD373-163)** for a named perpetrator no later than the end of assigned tour regardless of whether the complainant was interviewed or whether a **New York State Domestic Incident Report** was forwarded to the detective squad.
    a. Information regarding activated **INVESTIGATION CARDS** will be communicated/forwarded to the precinct/police service area (PSA) domestic violence unit daily.

**ASSIGNED DETECTIVE (continued)**

(1) The date, time and name of the person notified will be documented in the Enterprise Case Management System (ECMS).

(2) Ensure **INVESTIGATION CARD** includes NYSID number, if available.

b. When an **INVESTIGATION CARD** is cancelled, the involved domestic violence unit will be notified.

(1) The date, time and name of the person notified will be documented in the ECMS.

35. Confer with precinct/PSA domestic violence unit sergeant if named perpetrator cannot be immediately apprehended.

a. Domestic violence prevention officer(s) will assist in the apprehension efforts within the confines of the precinct/PSA, if assigned.

***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 sergeant regarding active and canceled domestic violence **INVESTIGATION CARDS**.

**DOMESTIC VIOLENCE PREVENTION OFFICER**

37. Open and manage a case in the Domestic Violence Information Management System (DVIMS).

38. Document all interactions with detective squad and Special Victims Squad members assigned to the case.

39. Confer with the assigned detective prior to making a home visit involving a named perpetrator.

40. Effect arrest if named perpetrator is present during home visit.

a. If the arrest involves a serious felony or a complex investigation, the assigned detective will assist the arresting domestic violence prevention officer concerned.

41. Notify the involved precinct detective squad to cancel the **INVESTIGATION CARD** when named perpetrator is arrested.

42. Inform assigned detective of all attempts to locate named perpetrators.

**ASSIGNED DETECTIVE**

43. Document all attempts made by the domestic violence prevention officer to locate named perpetrator in the ECMS.

**DETECTIVE ZONE COMMANDING OFFICER**

44. Review all domestic violence **INVESTIGATION CARDS** and periodically confer with the precinct/PSA commanding officers to ensure that the proper notifications have been made.

***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.*

***ADDITIONAL DATA (continued)***

*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.*

*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 prevention officer 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*

***ADDITIONAL DATA (continued)***

*(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.*

*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.*

***RELATED PROCEDURES***

*Domestic Violence Prevention Officer (P.G. 202-29)*
*Arrests – General Processing (P.G. 208-03)*
*Computerized Investigation Card System (P.G. 208-23)*
*Arrest Processing – "Livescan" Fingerprinting and Palmprinting (PG. 208-11)*
*Desk Appearance Ticket - General Procedure (P.G. 208-27)*
*Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service (P.G. 208-37)*
*Processing of New York State Domestic Incident Reports (P.G. 208-70)*
*City Policy Concerning Identifying Information and Access to City Services (P.G. 212-66)*
*Service of Family Court/Supreme Court Orders of Protection by Uniformed Members of the Service (P.G. 212-57)*
*Requests for U Visa Certifications and/or T Visa Declarations (P.G. 212-111)*
*Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)*
*Unlawful Evictions (P.G. 214-12)*
*Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)*
*Invoicing Property – General Procedure (P.G. 218-01)*
*Review of Requests for U Visa Declarations (A.G. 308-07)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***DESK APPEARANCE TICKET (PD260-121)***
***STATEMENT OF PERSONAL SERVICE (PD260-152)***
***INVESTIGATION CARD (PD373-163)***
***REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)***
***New York State Domestic Incident Report (DCJS-3221)***

**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.

IN ALL CASES INCLUDING WHEN NO OFFENSE HAS BEEN ALLEGED:

**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 P.G. 206-11, "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. Deputy Commissioner, 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 officer, borough investigations unit concerned.
    e. Commanding officer, borough investigations unit covering member's command, if different from "d."

**DESK OFFICER (continued)**

f. Commanding officers of:
   (1) Medical Division
   (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 or investigations unit concerned, regarding status of ongoing investigations.

**I.A.B. MEMBER CONCERNED**

16. Determine immediately, if circumstances necessitate an investigation be conducted by Internal Affairs Bureau.
    a. In all other cases, refer the investigation to the investigations unit covering the borough of occurrence.

**INVESTIGATIONS UNIT, COMMANDING OFFICER**

17. Designate a supervisory member of the unit to be a "Domestic Violence Investigator."
18. Ensure that the investigations unit is equipped with a Domestic Incident Report database.

**INVESTIGATION UNIT ASSIGNED**

19. 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.
20. 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.). Also, check with the investigations unit covering the command of the subject member of the service.*

21. Confer with Internal Affairs Bureau to ascertain whether there exists any record of prior domestic violence incidents involving the subject member of the service.
22. 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*
*Psychological Evaluation Section*
*Sick Desk*
*Sick Desk Supervisor*
*NYPD HELPLINE*
*Operations Unit*

***ADDITIONAL DATA (continued)***

*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:*

| | |
|---|---|
| *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* | *888-267-7267* |
| *Police Self Support Group* | *(718) 745-3345* |

***RELATED PROCEDURES***

*Employment Discrimination (A.G. 332-01)*
*Member of the Service Arrested - Uniformed or Civilian (P.G. 206-11)*
*Family Offenses/Domestic Violence (P.G. 208-36)*
*Threats Against Members of the Service (P.G. 221-19)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***New York State Domestic Incident Report (DCJS-3221)***

NYPD

| Section: Arrests | | Procedure No: 208-38 | |
|---|---|---|---|
| **NEW YORK STATE ORDER OF PROTECTION REGISTRY** | | | |
| DATE ISSUED: 02/04/15 | DATE EFFECTIVE: 02/04/15 | REVISION NUMBER: | PAGE: 1 of 2 |

**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 Section to verify that an Order of Protection was issued, court of issuance, specific conduct prohibited and the expiration date.
3. If the Identification Section 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 Section 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)*

| Section: Arrests | | Procedure No: 208-39 | |
|---|---|---|---|
| **FAMILY OFFENSES/DOMESTIC VIOLENCE (DIGITAL PHOTOGRAPHY OF VISIBLE INJURIES/DAMAGED PROPERTY)** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**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 prevention officers, 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*** *Injuries may not be initially prominent, therefore it is crucial for domestic violence prevention officers and investigators to take follow-up photographs for bruises that appear at a later time. When a victim makes a complaint of substantial pain (Assault 3rd Degree), and there are no visible injuries, do not take photos.*

**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 Patrol Guide 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 PREVENTION OFFICER**

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 PREVENTION OFFICER (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.

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (P.G. 208-36)*
*Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service (P.G. 208-37)*
*Processing of New York State Domestic Incident Reports (P.G. 208-70)*
*Requests for U Visa Certifications and/or T Visa Declarations (P.G. 212-111)*
*Invoicing Property – General Procedure (P.G. 218-01)*
*Review of Requests for U Visa Certifications (A.G. 308-07)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***New York State Domestic Incident Report (DCJS-3221)***

NYPD

| Section: Arrests | | Procedure No: 208-41 | |
|---|---|---|---|
| **PERSONS UNDER TWENTY-ONE OPERATING A MOTOR VEHICLE AFTER HAVING CONSUMED ALCOHOL** | | | |
| DATE ISSUED: 11/04/19 | DATE EFFECTIVE: 11/04/19 | REVISION NUMBER: | PAGE: 1 of 4 |

**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 **ROLL CALL (PD406-144)**, 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 Bureau 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)*<br>*Citywide Intelligence Reporting System (P.G. 212-12)*<br>*Safeguarding Vehicles in Police Custody (P.G. 218-12)*<br>*Delivery of Vehicles to Property Clerk (P.G. 218-20)* |
| ***FORMS AND REPORTS*** | ***ROLL CALL (PD406-144)***<br>***Report of Refusal to Submit to a Chemical Test (AA-134)***<br>***Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A)***<br>***Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1)*** |

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**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.

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**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 212 239-6159 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)*** | ***<u>Female Facility</u>***<br>*Rose M. Singer Center (RMSC)*<br>*19-19 Hazen Street*<br>*East Elmhurst, New York 11370* |
| ***RELATED PROCEDURES*** | *Performing Local, State and Federal Warrant Checks (P.G. 208-22)*<br>*Computerized Investigation Card System (P.G. 208-23)*<br>*Certificate of Warrant (Non-Support) (P.G. 208-50)*<br>*Documenting and Reporting Court Appearances Pertaining to Arrests on a Warrant (P.G. 211-08)*<br>*Search Warrant Applications (P.G. 212-75)*<br>*Leaving City on Official Business (P.G. 212-83)* |
| ***FORMS AND REPORTS*** | ***ARREST REPORT - SUPPLEMENT (PD244-157)***<br>***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***<br>***APPEARANCE TICKET - FAMILY COURT (PD277-130)***<br>***INVESTIGATION CARD (PD373-163)*** |

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# 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).*

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| 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 ISSUED: 01/01/20 | DATE EFFECTIVE: 01/01/20 | REVISION NUMBER: | 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.

<u>PERSONS CHARGED WITH V.T.L. 511 (1)(a) OR 511 (2)(a) MISDEMEANORS</u>

5. Prepare the following court related forms, (<u>in addition to</u> **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 – Identification Standards (P.G. 208-28)*
*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 BUREAU 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 Bureau.
4. Notify desk officer that arrestee is a foreign national.

<u>WHEN NOTIFICATION MUST BE MADE (PRISONER IS FROM A COUNTRY LISTED ABOVE)</u>:

**DESK OFFICER**

5. Direct arresting officer to contact the Intelligence Bureau 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 Bureau 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 Bureau 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 Bureau Operations Unit was made by arresting officer.

**INTELLIGENCE BUREAU 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 Bureau 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 AFFAIRS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To notify New York City Department of Consumer Affairs 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 Affairs, 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

# PATROL GUIDE

| Section: Arrests | | Procedure No: 208-58 | |
|---|---|---|---|
| **TAXICAB AND TOWING TRUCK OWNERS/OPERATORS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**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.

***RELATED PROCEDURE*** *Seizure Of Unlicensed Tow Trucks (P.G. 209-29)*

***FORMS AND REPORTS***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE (PD521-141)***
***REPORT OF VIOLATION (PD672-151)***

NYPD

| 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)*<br>*Prisoners General Procedure (P.G. 210-01)* |
| ***FORMS AND REPORTS*** | ***ARREST REPORT SUPPLEMENT (PD244-157)***<br>***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)<br>• Assault (victim likely to die)<br>• Weapons (loaded firearm)<br>• Grand Larceny (unusual cases):<br>✓ By extortion<br>✓ From senior citizens, governmental or religious organizations<br>✓ Unusual public interest<br>• 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.
   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.).

**ASSIGNED INVESTIGATOR (continued)**

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.*

***RELATED PROCEDURES***

*Complaint Reporting System (P.G. 207-01)*
*Arrest Report Preparation At Stationhouse (P.G. 208-15)*

***FORMS AND REPORTS***

***ARREST INVESTIGATION REPORT (PD244-1511)***
***CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG (PD306-140)***
***COMPLAINT REPORT (PD313-152)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***Prisoner Movement Slip***

| 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 Module - Only if arrest made by Narcotics Module 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 Bureau** |
| ♦ **FRAUDULENT ACCOSTING OR LARCENY BY PICKPOCKET** | ➢ **Special Frauds Squad** |
| ♦ **GAMBLING OFFENSE** | ➢ **Narcotics Module** |
| ♦ **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**<br>➢ **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 Affairs** |
| ♦ **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 Section. 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 Bureau** |
| • **Any offense, and prisoner possesses anarchistic literature advocating the violent overthrow of the existing government of this State or Nation** | ➢ **Intelligence Bureau** |
| • **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 Bureau** |
| ◊ **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, (518) 457-6554. (During non-business hours notify New York State Police Division Headquarters, [518] 457-6811)** |
| ◊ **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 Bureau** |
| • **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** |

ARCHIVED

**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 cjb@nypd.org** |
| • **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 Bureau, Criminal Intelligence Section twenty-four hours/seven days a week, to determine if an immediate response by a member of the Intelligence Bureau 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 (212) 274-4749 (0830-1700 hours) or (212) 274-4717 (at all other times) and State of New York, Office of the Welfare Inspector General, by telephone (212) 417-2028 (Monday to Friday, 0900-1700 hours) or (800) 682-4530 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 (212) 266-1440 or (212) 266-1942, 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 (718) 546-1384.*

*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 (212) 741-8401, 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

| Section: Arrests | | Procedure No: 208-70 |
|---|---|---|
| **PROCESSING OF NEW YORK STATE DOMESTIC INCIDENT REPORTS** | | |
| DATE EFFECTIVE: 05/27/21 | LAST REVISION: I.O. 37 | PAGE: 1 of 3 |

**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 sergeant.

**DOMESTIC VIOLENCE SERGEANT**

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.

**CHIEF OF DEPARTMENT, DOMESTIC VIOLENCE 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.*

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (P.G. 208-36)*
*Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service (P.G. 208-37)*
*Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property) (P.G. 208-39)*
*Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)*
*Requests for U Visa Certifications and/or T Visa Declarations (P.G. 212-111)*

| | |
|---|---|
| ***FORMS AND REPORTS*** | ***AIDED REPORT***<br>***COMPLAINT REPORT (PD313-152)***<br>***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***<br>***New York State Domestic Incident Report (DCJS-3221)*** |

NYPD

| 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

| 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.
2. 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, RTRD, 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.

***RELATED PROCEDURES***

*Invoicing Property-General Procedure (P.G. 218-01)*
*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings to Determine True Owner (P.G. 218-19)*
*Processing Firearms and Firearm Related Evidence (P.G. 218-23)*
*Prisoner Cellular Telephone(s) (P.G. 218-50)*
*Use of Social Networks for Investigative Purposes-General Procedure (D.G. 502-18)*
*Collecting DNA Exemplar Abandonment Suspect Samples in a Controlled Environment (D.G. 502-06)*
*Electronic Recording of Custodial Interrogations for Enhancement of Arrests for Gun Related Offenses (D.G. 502-32)*
*Collecting DNA Exemplar Consent Samples and DNA Exemplar Suspect/Arrestee Court Ordered Samples (D.G. 506-05)*
*Collection of DNA Exemplar Abandonment Suspect Samples (D.G. 506-06).*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***
***GUN ENHANCEMENT CHECKLIST (PD324-060)***
***FIREARM INFORMATION WORKSHEET (PD324-152)***

| Section: Arrests | | Procedure No: 208-78 | |
|---|---|---|---|
| **RETURNING AN INDIVIDUAL TO COURT TO VACATE A SUMMONS ADJUDICATION PART (SAP) WARRANT** | | | |
| DATE ISSUED: 09/27/18 | DATE EFFECTIVE: 09/27/18 | REVISION NUMBER: | PAGE: 1 of 2 |

**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). 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.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*
*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Arrest on a Warrant (P.G. 208-42)*

***FORMS AND REPORTS***

***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

| 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)***

| Section: Arrests | | Procedure No: 208-80 | |
|---|---|---|---|
| **VACATING SUMMONS ADJUDICATION PART (SAP) WARRANT(S) FOR VICTIMS/COMPLAINANTS AND/OR AIDED INDIVIDUALS** | | | |
| DATE ISSUED: 03/18/19 | DATE EFFECTIVE: 03/18/19 | REVISION NUMBER: | PAGE: 1 of 3 |

**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)*
*Documenting and Reporting Court Appearances Pertaining to Arrests on a Warrant (P.G. 211-08)*

***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:

1. Defendant is not properly identified as per *P.G. 208-28, "Desk Appearance Ticket - Identification Standards."*
2. Defendant has an open warrant.
3. Defendant is charged with a 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."*
4. Defendant is charged with a sex crime as defined in Article 130 of the New York State Penal Law (including all attempts or conspiracy to commit such offenses).
5. Defendant is charged with an offense that would constitute child abuse, neglect, or maltreatment (see *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children"* and *P.G. 208-36, "Family Offenses*)."
6. Defendant is charged with a crime for which the court may suspend or revoke their driver license.
   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),
   c. Any misdemeanor or felony charge under VTL 1192.
7. Defendant is charged with Escape in the Second Degree, Absconding in the First Degree, Absconding from Treatment Facility, or Bail Jumping in the Second Degree.
8. Defendant has violated an Order of Protection.
9. Defendant's condition indicates signs of distress that the defendant would face harm if released without immediate medical attention or mental health care for further detention is in the defendant's best interest.
   a. This includes a defendant under the influence of drugs/alcohol to the degree that they may endanger self or others.
   b. Uniformed members of the service considering denying a DAT based on a defendant indicating signs of distress as indicated above must contact the Legal Bureau for further guidance and document conferral (e.g., **Activity Log**, Command Log, etc.), as appropriate.
10. Defendant has failed to appear in criminal court proceedings in the last two years.

**PROCEDURE (continued)**

11. 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.
    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
        (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 of Physically Disabled Person in the First Degree
        (22) PL 260.32 - Endangering Vulnerable Elderly Person, or an an Incompetent of Physically Disabled Person in the Second Degree
        (23) AC 26-521 - Unlawful Eviction

**PROCEDURE (continued)**

(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 the New York City Transit Authority or Metropolitan Transit Authority (MTA)

(26) Any hate crime where there is an individual victim/complainant or which takes place on private property and such property owner is a complainant

***ADDITIONAL DATA***

*Defendants charged solely with violating VTL 1192.1, Driving While Ability Impaired (DWAI), shall be issued a DAT, unless another DAT disqualifying factor exists, or upon committing the offense, the defendant:*

*a. Has been convicted two or more times within the preceding ten years of any violation of VTL 1192,*

*b. Was operating a school bus carrying at least one passenger,*

*c. Was operating a taxicab or livery and carrying a passenger for compensation,*

*d. Was operating a truck with a gross vehicle weight rating of more than 18,000 pounds but not more than 26,000 pounds, and the truck is not a commercial vehicle,*

*e. Was operating a motor vehicle with a gross weight of more than 18,000 pounds containing flammable gas, radioactive materials or explosives, or*

*f. Was operating a commercial motor vehicle or any vehicle registered, or registerable, under VTL Section 401(7) (F).*

| Section: Arrests | | Procedure No: 208-82 | |
|---|---|---|---|
| **DESK APPEARANCE TICKET - CONFERRAL WITH DISTRICT ATTORNEY'S OFFICE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**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).
12. Record on **Roll Call Adjustment (Misc. 3084)**:
    a. Name of arresting/assigned officer,
    b. Arrest and DAT number(s), and
    c. Date of arresting/assigned officer's next regularly scheduled tour of duty.

**BOROUGH COURT SECTION**

13. 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**

14. Review all platoon **Roll Call Adjustments** and **Telephone Record**.
15. Finalize **ROLL CALL (PD406-144)**, 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**

16. Review **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.
17. 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.
18. 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.
19. 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**

20. 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**

21. Telephone DA's office, if uniformed member of the service has not received a phone call within two hours.
22. Record in **Telephone Record**:
    a. Name of person contacted,
    b. Name of arresting/assigned officer, and
    c. Arrest and DAT number(s).
23. 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)*<br>*"Turnover" Arrest (P.G. 208-20)*<br>*Desk Appearance Ticket – General Procedure (P.G. 208-27)* |
| ***FORMS AND REPORTS*** | ***ROLL CALL (PD406-144)***<br>***Roll Call Adjustment (Misc. 3084)*** |

NYPD

**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. 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 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.*

# PATROL GUIDE

| Section: Summonses | | Procedure No: 209-02 | |
|---|---|---|---|
| **SUMMONSES AND NOTICES OF VIOLATION RETURNABLE AGENCIES** | | | |
| DATE ISSUED: 05/31/18 | DATE EFFECTIVE: 05/31/18 | REVISION NUMBER: | PAGE: 1 of 1 |

**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) | N.Y.S. Department of Motor Vehicles, Traffic Violations Bureau. |
| 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<br>General Vendor Regulations<br>Health Code Violations<br>Public Health Law (Canine Waste)<br>Noise Code Provisions<br>Sanitation Provisions<br>Air Code Provisions<br>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)****.*

***RELATED PROCEDURES*** *Conditions of Service (P.G. 209-01)*
*Personal Service of a Summons Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*

***FORMS AND REPORTS*** ***COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)***

| Section: Summonses | | Procedure No: 209-03 | |
|---|---|---|---|
| **CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) - CRIMINAL JUSTICE REFORM ACT (CJRA)** | | | |
| DATE ISSUED: 05/06/21 | DATE EFFECTIVE: 05/06/21 | REVISION NUMBER: | PAGE: 1 of 5 |

**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.

***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.
8. Record only one violation per summons.
   a. Use separate summons for each additional offense.
9. 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.

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

10. 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**

11 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**

12. 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.

IF VIOLATOR IS REMOVED TO THE COMMAND

**DESK OFFICER**

13. 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.
14. 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.
15. 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

**DESK OFFICER (continued)**

16. 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**

17. Designate a member of the service to enter information from Civil Summons Returnable to OATH into the Finest Online Records Management System (FORMS) application.

**COMMAND CLERK**

18. 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**

19. Prepare two copies of **SUMMONS ENVELOPE RECEIPT (PD160-011)**.
20. Direct messenger to deliver envelope containing Civil Summons Returnable to OATH to the Office of Administrative Trials and Hearings.

**MESSENGER**

21. 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.*

***ADDITIONAL DATA (continued)***

*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.*

***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)*
*Electronic Summons Tracking System (P.G. 209-36)*

***FORMS AND REPORTS***

***INVESTIGATION CARD (PD373-163)***
***SUMMONS ENVELOPE RECEIPT (PD160-011)***

NYPD

# 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.*

*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. However, the operator must carry a certificate of registration.*

***ADDITIONAL DATA (continued)***

*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.*

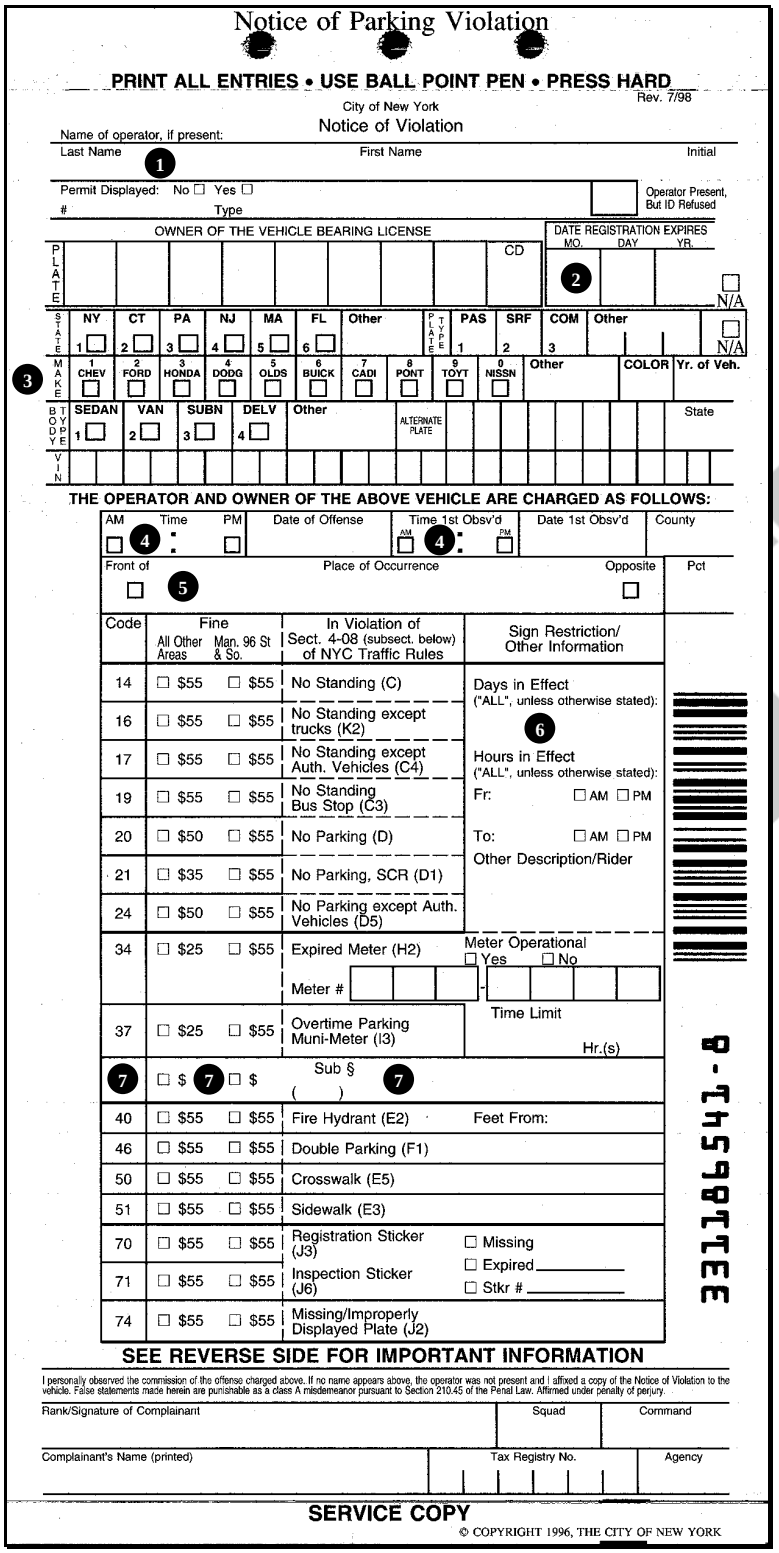
*Vehicles bearing the letter "S" for staff do not have parking immunity; however, if such vehicle is occupied, the occupants may have diplomatic immunity and will be treated accordingly (see P.G. 212-56, "Diplomatic Incidents.")*

***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**.
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
      (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., traffic infractions will be returnable to Traffic Violations Bureau; 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 at least 7 and less than 18 years of age, unless offense is a traffic infraction, violation, or VTL misdemeanor.

<u>FOR SUMMONSES RETURNABLE TO CRIMINAL COURT</u>**:**

**UNIFORMED MEMBER OF THE SERVICE**

14. Refer to Activity Log insert, **SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD260-211)**, after the violator has been released.
15. Utilize the **SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS** to properly complete the Criminal Court Information section on rear of summons.
16. SIGN Criminal Court Information section on rear of summons.

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

17. Enter the information concerning the summons(es) on **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
18. 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.
19. 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.
20. Deliver the remaining copies, intact, to command at the end of tour, or as directed by commanding officer.

**OPERATIONS COORDINATOR**

21. Designate member of the service to enter information from Criminal Court summons into Finest Online Records Management System (FORMS) application.
    a. Ensure designated member of the service reviews the "Factual Allegations" section of summons and enters required information into FORMS.

***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.*

***ADDITIONAL DATA (continued)***

*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 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*

***ADDITIONAL DATA (continued)***

*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."*

*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.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Summonses and Notices of Violation Returnable Agencies (P.G. 209-02)*<br>*Quality Control Procedures for the Processing of Summonses Returnable to Criminal Court (P.G. 209-06)* |
| ***FORMS AND REPORTS*** | ***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)***<br>***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***<br>***SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD260-211)*** |

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.**

| Section: Summonses | | Procedure No: 209-12 | |
|---|---|---|---|
| **PERSONAL SERVICE OF CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) - GENERAL PROCEDURE - NON-CJRA OFFENSES** | | | |
| DATE ISSUED: 05/06/21 | DATE EFFECTIVE: 05/06/21 | REVISION NUMBER: | PAGE: 1 of 4 |

**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)**

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 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**

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.

**MESSENGER**

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.*

*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*

***ADDITIONAL DATA (continued)***

*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 handicapped in regard to the Canine Waste Law.*

***RELATED PROCEDURES***

*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for Vehicle Alarms (P.G. 214-24)*
*Return of Summons Packet (A.G. 309-02)*
*Summonses - Records (A.G. 309-03)*

***FORMS AND REPORTS***

***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)***
***COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)***
***SUMMONS ENVELOPE RECEIPT (PD160-011)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROCEDURE FOR RECOVERING SEIZED BICYCLE/VEHICLE (PD521-148)***
***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)***

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 |

### TRANSIT ADJUDICATION BUREAU

VIOLATION NO.
**T-VOID**

FOR TAB USE

**Notice of Violation and Hearing — New York City Transit Authority vs. Respondent**

Last Name | First Name | Initial

Number | Street (1) | Apt.

City | State | Zip

Tel. Contact No. ( ) | S.S.#

DATE OF BIRTH | MONTH | DAY | YEAR | SEX | RACE | HEIGHT FT. IN. | WEIGHT

☐ School, or
☐ Name of Employer (2)

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 FARE EVASION | 2 FAIL TO PROVIDE ID. INFO | 3 LITTER/ SPIT/ URINATE | 4 SMOKING/ OPEN FLAME | 5 DRINKING/ UNSEALED ALCOHOL | 6 UNSAFE RIDING |
|---|---|---|---|---|---|
| ☐ 4(a) | ☐ 6(d)(3) | ☐ 7(a) | ☐ 7(b) | ☐ 7(g) | ☐ 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. | Post

Station/Location

Specific Location: 1 ☐ Train 2 ☐ Platform 3 ☐ Mezzanine 4 ☐ Street Stairs 5 ☐ Toilet 6 ☐ Bus 7 ☐ Other

DETAILS OF VIOLATION

**MAILABLE FINE** $25 ☐ $50 ☐ $60 ☐ $75 ☐ $100 ☐ ☐ $ _____ ☐ NONE - YOU MUST APPEAR SEE DATE AND TIME BELOW

**WARNING:** You are hereby directed, if not answering by mail, 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.)**

(6) HEARING DATE | MONTH | DAY | YEAR | 1 8:30 AM ☐ | 2 10:30 AM ☐ | 3 1:00 PM ☐

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.

OFFICER

Rank/Signature (7) | Agency | Command

(PRINT) First Name | Initial | Last Name | Officer ID

☐ COPY REFUSED ☐ WITNESS/COMPLAINANT ☐ FARE MEDIA OR PROPERTY CONFISCATED TAB

## 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 **Enter appropriate hearing date listed on TAB hearing date calendar card.**

7 **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 PROPERTY. MARK ADDITIONAL INFORMATION OR PROPERTY BOX(ES) ON FRONT OF NOTICE IF WITNESS / COMPLAINANT OR PROPERTY INFORMATION IS WRITTEN BELOW.

**IMPORTANT: REMOVE RESPONDENT COPY BEFORE COMPLETING THIS SIDE.**

WITNESS / COMPLAINANT 1: NAME (PRINT) ❶

ADDRESS | NYCTA PASS 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**

WITNESS / COMPLAINANT 2: NAME (PRINT) ❶

ADDRESS | NYCTA PASS 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**

DESCRIPTION OF CONFISCATED PROPERTY: ❷

PROPERTY VOUCHER NUMBER: ❸

**TRANSIT ADJUDICATION BUREAU**
505 FULTON STREET, 6TH FLOOR
BROOKLYN, N.Y. 11201
(718) 237-2666

1. **Enter witness/complainant information as appropriate.**
2. **Describe all confiscated property.**
3. **If property is confiscated, enter Property Clerk Invoice Number.**

**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.<br>2. Report all traffic infractions to commanding officer giving operator's name, time and place of occurrence, and whether summons was served.<br>***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.<br>2. Request representative to appear in court to sign corroborating affidavit.<br>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.<br>2. Report facts to commanding officer. |
| Sale of alcoholic beverages during prohibited hours | 1. Check time by radio, telephone or other official source.<br>2. Seize beverage as evidence.<br>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.<br>4. Deliver alcoholic evidence to desk officer, command of occurrence, for safekeeping pending delivery to property clerk.<br>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)**.<br>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.<br>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 ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | 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 Affairs 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

| Section: Summonses | | Procedure No: 209-19 | |
|---|---|---|---|
| **TRANSIT ADJUDICATION BUREAU - NOTICE OF VIOLATION AND HEARING SERVED OR PREPARED IN ERROR** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**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 Commanding Officer, Transit Bureau Investigation Unit for review and comment, when appropriate, if request is disapproved.

***NOTE*** *In other cases, return package to originating command for additional information, etc.*

REVISED

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 the Commanding Officer, Transit Bureau Investigation Unit 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)***

# PATROL GUIDE

| Section: Summonses | | Procedure No: 209-22 | |
|---|---|---|---|
| **SUMMONS NOTIFICATION** | | | |
| DATE ISSUED: 05/31/18 | DATE EFFECTIVE: 05/31/18 | REVISION NUMBER: | PAGE: 1 of 2 |

**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 Affairs or the NYC Department of Health. | ➔ | Business Integrity Commission |

2. Forward **REPORT OF VIOLATION (PD672-151)** to:
   a. Department of Consumer Affairs 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 Affairs licensing regulations. Those EXEMPT ORGANIZATIONS 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***

| Section: Summonses | | Procedure No: 209-23 | |
|---|---|---|---|
| **TAXI AND LIMOUSINE COMMISSION NOTIFICATIONS RE: VIOLATIONS AND ENFORCEMENT ACTION** | | | |
| DATE ISSUED: 05/31/18 | DATE EFFECTIVE: 05/31/18 | REVISION NUMBER: | PAGE: 1 of 2 |

**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.

**TRAFFIC SAFETY 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)***

| Section: Summonses | | Procedure No: 209-24 | |
|---|---|---|---|
| **MANDATORY DRIVER'S LICENSE CHECKS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**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 involving death or physical injury (whether injury is observed or complained of).
b. Traffic collisions regardless of injuries, if RMP is equipped with a Mobile Digital Terminal (computer).
c. Car stops and the vehicle operator does not present a New York State driver's license.
d. All car stops if the RMP is equipped with a Mobile Digital Terminal (computer).
e. Other situations, e.g., arrest, traffic violation, etc., which under the circumstances require further investigation.

**PROCEDURE** When conducting a mandatory driver's license check:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request response of RMP equipped with mobile digital terminal (computer).
   a. Request radio dispatcher to conduct driver's license check, if computer equipped vehicle is not available.
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 his/her 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. 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.*

*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***

*Suspended or Revoked Vehicle Operator's License (P.G. 209-26)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*

***FORMS AND REPORTS***

***CONSOLIDATION OF CLIENT IDENTIFICATION REQUEST (PD135-160)***

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 use of a tow truck to move a vehicle in which a fee, charge, or other consideration is directly or indirectly imposed for such moving.**

**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 Affairs.*

**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 Affairs, 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 Affairs. These licenses include the name of the driver, identification number and photo.*

***RELATED PROCEDURES***

*Arrest of Taxicab and/or Tow Truck Owners/Operators (P.G. 208-58)*
*Conditions of Service (P.G. 209-01)*
*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Summons Notifications (P.G. 209-22)*
*Appearances at Department of Consumer Affairs (P.G. 211-13)*

***FORMS AND REPORTS***

***REPORT OF VIOLATION (PD672-151)***

NYPD

**PURPOSE** To seize unlicensed tow trucks that are required to be licensed by the New York City Department of Consumer Affairs.

**DEFINITIONS** TOW TRUCK - shall mean 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 use of a tow truck to move a vehicle in which a fee, charge, or other consideration is directly or indirectly imposed for such moving.

***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.*

EXEMPT TOW TRUCK - Tow trucks owned or operated by/for the following entities are exempt from this procedure:

a. Government agency
b. Vehicle dismantler
c. Franchised public transportation
d. Bus company
e. Utility company
f. Taxi/livery vehicle owner who is licensed to operate by the Taxi and Limousine Commission
g. School bus company
h. Vehicle rental agency

***NOTE*** *Exempt tow trucks will be identified by a sticker. This exemption sticker is affixed to the right inside portion of the windshield next to the vehicle's tax stamp. In addition to the exempt vehicles listed above, there are certain tow trucks which shall not be subject to seizure under this procedure. These include company owned trucks that are used to tow only company owned vehicles, e.g., oil companies, bakeries, etc.*

*A tow truck from outside New York City that is merely passing through the City, or that is only picking up or dropping off a vehicle within New York City, is also exempt from the provisions of this procedure.*

**PROCEDURE** When a uniformed member of the service observes a tow truck not licensed by the New York City Department of Consumer Affairs or not bearing an exemption sticker, **and which is not exempt from this procedure**, engaged in towing as defined above:

**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 "CT" endorsement in order for the holder to operate a tow truck.*

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

b. Department of Consumer Affairs tow truck driver's license.
c. See ADDITIONAL DATA for description of a properly licensed tow truck and companion graphic.

2. Ascertain whether tow truck is:
   a. Exempt, or
   b. Registered in New York City or,
   c. The tow company's place of business is within New York City.
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 response of the patrol supervisor.

**PATROL SUPERVISOR**

5. Respond to the scene and verify that the tow truck to be seized meets the appropriate criteria.

***NOTE*** *If doubt exists, direct the member to prepare a **REPORT OF VIOLATION (PD672-151)** only and release the tow truck.*

6. Direct the officer to issue summons as necessary for other violations observed, if appropriate.
7. Advise the officer to obtain sufficient information regarding the tow truck and towed vehicle for preparation of a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

***NOTE*** *If the owner/operator of the vehicle being towed by the unlicensed tow truck is present, release the vehicle to the owner/operator but do not release the unlicensed tow truck. A description of the vehicle released must be entered in the "Remarks" section of the **INVOICE**. If the vehicle was involved in a collision, the officer will offer the owner of the vehicle the services of the Directed Accident Response Program (DARP). If the vehicle was merely being towed by an unlicensed tow truck and the owner is present, advise the owner of the vehicle that he may have his vehicle towed by any licensed tow company of his choice or by the responding Department of Consumer Affairs contracted tow company.*

**PATROL SUPERVISOR**

8. Provide the member with a **Department of Consumer Affairs Summons/Notice of Violation and Hearing**.

**UNIFORMED MEMBER OF THE SERVICE**

9. Prepare **Summons/Notice of Violation and Hearing**.
   a. Include in "Details of Violation" section the vehicle identification number (VIN) of the tow truck seized.
   b. Select a return date within five business days of the seizure for either 0930 or 1400 hours.
   c. Issuing officer must appear at the Department of Consumer Affairs on the selected return date.

***NOTE*** *The return date selected will not be the same day as the seizure, nor on a regularly scheduled day off (RDO) of the member issuing the summons.*

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

10. Deliver the pink copy of the summons to the tow truck driver.
    a. Retain remaining copies and bring them to the Department of Consumer Affairs hearing on the return date.
    b. Deliver the buff (hard) copy to the patrol supervisor.

**PATROL SUPERVISOR**

11. Advise member that the Department of Consumer Affairs approved towing company will be contacted to respond to the scene.

***NOTE*** *The patrol supervisor will advise the member that the responding Department of Consumer Affairs approved tow company must have a* ***Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer*** *properly signed and embossed with a raised seal. In certain instances involving heavy-duty tows the authorized Department of Consumer Affairs tow company may subcontract the tow to one of the alternate tow companies listed in the Additional Data section. The alternate tow company will present a fax copy of the* ***Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer*** *to the member. The alternate authorized company must remove the vehicle to the primary authorized tow company's storage location. The member of the service may contact the primary authorized tow company. The primary authorized tow company will, upon request, arrange to have a copy of the original Vehicle Transfer Authorization and Acknowledgment delivered to the member's command.*

12. Respond to the command and contact the Department of Consumer Affairs approved contracted towing company (see ADDITIONAL DATA for approved tow company).
13. Provide the Department of Consumer Affairs approved tow company with the following information:
    a. Location of the seizure.
    b. If the seized tow truck is an unusually large vehicle.
    c. The number of tow trucks needed.

***NOTE*** *Request one tow truck if only an unlicensed tow truck is involved and two tow trucks if the unlicensed tow truck was towing a vehicle.*

14. Ensure that the Department of Consumer Affairs tow company acknowledges that the requested tow truck is for a seizure and not any other program (e.g. Rotation Tow, etc.).
15. Enter in the **REPORT OF VIOLATION** log the name of the:
    a. Department of Consumer Affairs approved tow company notified to remove the seizure.
    b. Person at the approved tow company who was notified.

**UNIFORMED MEMBER OF THE SERVICE**

16. Inspect **Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer** provided by the responding Department of Consumer Affairs tow company operator for:
    a. Authorized signature
    b. Embossed seal.

***NOTE*** *The responding Department of Consumer Affairs tow company may only have a faxed copy of the **Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer**.*

17. Advise the Department of Consumer Affairs tow company operator to complete and sign the top portion of the **Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer** form.
18. Complete bottom portion of form and sign.
    a. Retain the completed form.
19. Allow the Department of Consumer Affairs authorized tow operator to remove the unlicensed tow truck.

***NOTE*** *The authorized tow company will also remove any vehicle being towed by the unlicensed tow truck if necessary. Such a vehicle will not be listed on the **Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer.***

20. Prepare **PROPERTY CLERK INVOICE WORKSHEET** for seized tow truck only.
    a. Check "Investigatory" caption box in category of property section on top of form.
    b. Indicate in "Remarks" section:
        (1) "F.O.A. Released to Department of Consumer Affairs"
        (2) Full description of vehicle being towed by the unlicensed tow truck and whether the vehicle was released at the scene, towed by the Department of Consumer Affairs authorized tow company, or other disposition (e.g. DARP tow).

***NOTE*** *Personal property invoiced will not be put on the same INVOICE as the seized tow truck. Personal property will be invoiced on a separate **PROPERTY CLERK INVOICE (PD521-141)**.*

21. Deliver the **INVOICE WORKSHEET** to the desk officer.
22. Advise the desk officer of the return date for the Department of Consumer Affairs hearing.

**DESK OFFICER**

23. Direct roll call to enter the return date in the diary.
    a. Roll call will notify Appearance Control Unit via the Court Appearance Control System (CACS).
24. Verify the accuracy and completeness of the **INVOICE WORKSHEET**.

**DESK OFFICER (continued)**

25. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE**.
26. Create a **PROPERTY TRANSFER REPORT (PD521-1412)**, utilizing the "External Transfer" function in the Property and Evidence Tracking System, with the destination of the authorized Department of Consumer Affairs tow company who removed the unlicensed tow truck.
    a. Enter in "Remarks" section of **PROPERTY TRANSFER REPORT** "Released to the Department of Consumer Affairs representative – RELEASED F.O.A.".

**UNIFORMED MEMBER OF THE SERVICE**

27. Electronically sign **PROPERTY TRANSFER REPORT**.

**DESK OFFICER**

28. Electronically sign **PROPERTY TRANSFER REPORT**.
29. Direct the member to:
    a. Notify the Department of Consumer Affairs of the seizure. A message can be left via voice mail 24 hours a day, if other than normal business hours.
    b. Fax to the Department of Consumer Affairs, (twenty-four hours a day):
        (1) A copy of the **Department of Consumer Affairs Vehicle Transfer Authorization-Acknowledgment of Transfer**.
        (2) A copy of the **Department of Consumer Affairs Summons/Notice of Violation and Hearing**.
30. Attach **Department of Consumer Affairs Vehicle Transfer Authorization – Acknowledgment of Transfer** to "Property Clerk" copy of **PROPERTY CLERK INVOICE**.
31. File "Property Clerk" copy of the **INVOICE** in the "Closed" file at command.
32. Direct the member seizing the tow truck to notify its owner via telephone and in writing of the location of any vehicle towed in conjunction with the seizure.
33. Make a Command Log entry of the following:
    a. Name, rank, shield and tax registry numbers of the member seizing the unlicensed tow truck.
    b. Location of seizure.
    c. Description of vehicle seized.
    d. Description and disposition of any vehicles being towed by the unlicensed tow truck.
    e. Name and location of Department of Consumer Affairs authorized tow company which accepted vehicles.
    f. **PROPERTY CLERK INVOICE** number.
    g. Return date for hearing.

**UNIFORMED MEMBER OF THE SERVICE**

34. Make a complete digital **Activity Log** entry of the seizure.

***ADDITIONAL DATA***

***PRIMARY AUTHORIZED DEPARTMENT OF CONSUMER AFFAIRS TOW COMPANY***

*SOLID GOLD*
*578 COZINE AVENUE*
*BROOKLYN, NEW YORK 11208*
*Attention: Daniel P. Danner*

*The alternate authorized Department of Consumer Affairs tow companies will only be contacted by the primary authorized tow company. The primary authorized tow company is responsible for the removal of the vehicles and contacting any alternate company that may be needed for a specialized removal. Under no circumstances will an alternate tow company be contacted by a member of this Department for the removal of an unlicensed tow truck seized by this Department. All requests for removal of seized vehicles will be made to the primary authorized tow company.*

***ALTERNATE AUTHORIZED DEPARTMENT OF CONSUMER AFFAIRS TOW COMPANY***

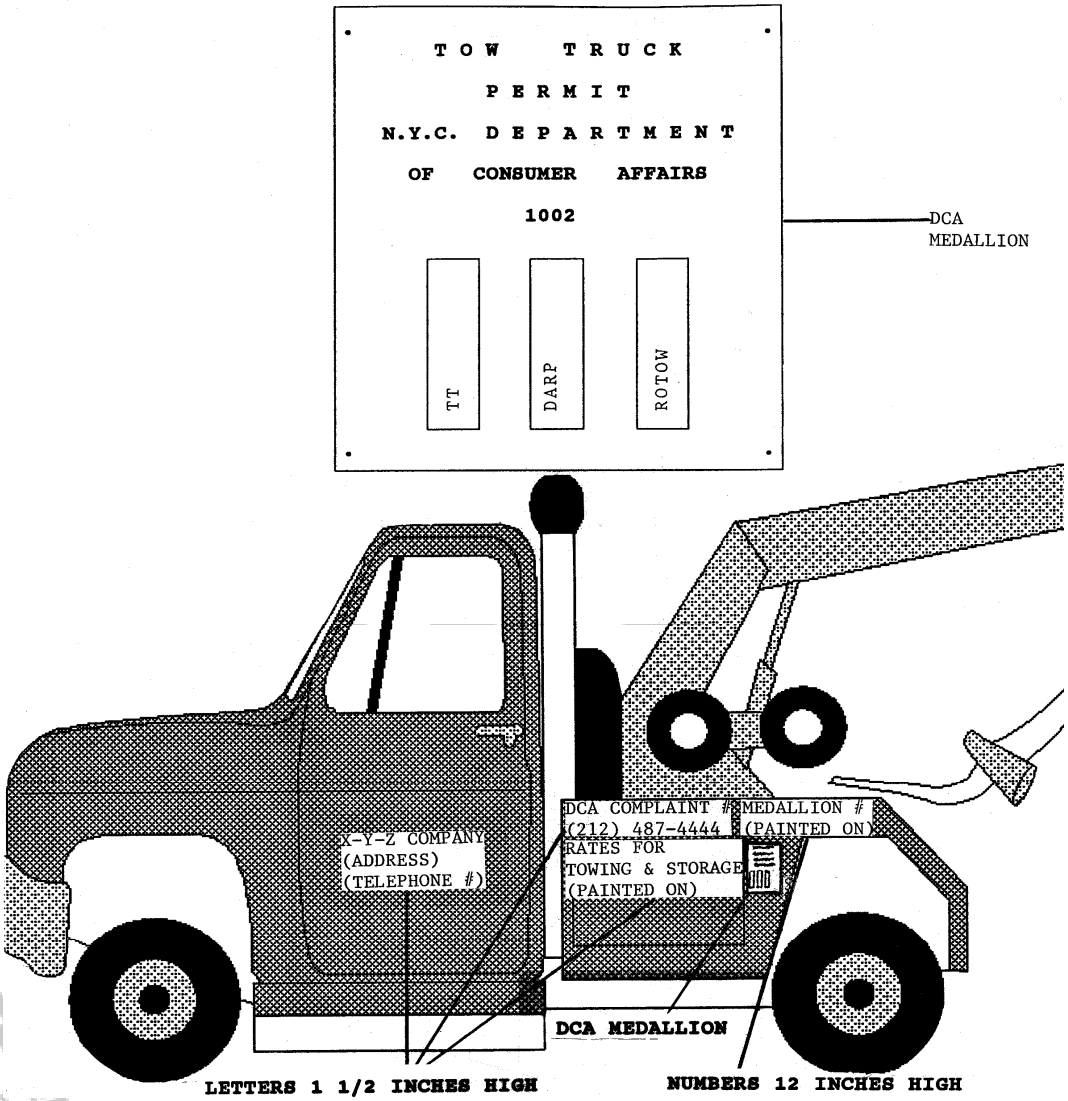
*Murray Rude Services, Inc.*
*494 Morgan Avenue*
*Brooklyn, New York 11222*

*J & J Towing Inc.*
*660 Gulf Avenue*
*Staten Island, New York 10314*

*Russo & Whitlock*
*452 Coster Street*
*Bronx, New York 10474*

***ADDITIONAL DATA (continued)***

***GRAPHIC OF CONSUMER AFFAIRS TOW TRUCK WITH PROPERLY DISPLAYED ITEMS***




*THIS IS AN EXAMPLE (NOT DRAWN TO SCALE) OF A PROPERLY DISPLAYED TOW TRUCK MEDALLION (4 INCHES WIDE X 6 1/4 INCHES HIGH, RED METAL FLAT PLATE), MEDALLION NUMBER AND OTHER INFORMATION. THE MEDALLION AND MEDALLION NUMBER ARE PERMANENTLY AFFIXED TO THE TRUCK. NOTE THAT THE MEDALLION NUMBER MUST BE RECORDED IN NUMBERS AT LEAST 12 INCHES HIGH. ALL OTHER LETTERING AND NUMBERING MUST BE RECORDED IN LETTERS AND NUMBERS AT LEAST 1 ½ INCHES HIGH. THE MEDALLION MUST BE AFFIXED TO THE DRIVER SIDE, AND THE MEDALLION NUMBER MUST BE PAINTED ON BOTH THE DRIVER SIDE AND PASSENGER SIDE.*

***RELATED PROCEDURES***

*Arrest of Taxicab and/or Tow Truck Owners/Operators (P.G. 208-58)*
*Conditions of Service (P.G. 209-01)*
*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Summons Notifications (P.G. 209-22)*
*Appearances at Department of Consumer Affairs (P.G. 211-13)*

***FORMS AND REPORTS***

***NOTICE OF VIOLATION (PD260-151)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***REPORT OF VIOLATION (PD672-151)***
***Department of Consumer Affairs Summons/Notice of Violation and Hearing***
***Department of Consumer Affairs Vehicle Transfer Authorization Acknowledgement of Transfer***

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)***

| Section: General | | Procedure No: 209-34 |
|---|---|---|
| **TOW TRUCK ENFORCEMENT/COMMON SUMMONSABLE OFFENSES** | | |
| DATE EFFECTIVE: 07/22/21 | LAST REVISION: I.O. 70 | PAGE: 1 of 4 |

**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 at least three inches high in contrasting colors to the color of all commercial vehicles.

b. Tow trucks must meet the New York State Department of Motor Vehicles requirement of a Gross Vehicle Weight Rating of 8600 pounds. This is not a requirement for tow trucks registered outside of New York State.

DEPARTMENT OF CONSUMER AFFAIRS (DCA) 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 DCA medallion or an exemption sticker as outlined in *P.G. 209-29, "Seizure of Unlicensed Tow Truck."*

d. The DCA medallion must be permanently affixed to the side of the truck as outlined in *P.G. 209-29, "Seizure of Unlicensed Tow Truck."*

***NOTE*** *The following tow trucks are exempt from the DCA licensing requirements but must display a DCA 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*
- *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 Affairs license
   (3) NYS DMV Vehicle registration
   (4) Insurance card
   (5) Tow truck identification card issued by DCA.

***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 8600 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).*

***NOTE*** *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.*

**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 DCA 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 DCA hearing.*

***ADDITIONAL DATA (continued)***

*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 the Department of Consumer Affairs (DCA) website at 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 the Department of Consumer Affairs (DCA). 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)*
*Seizure of Unlicensed Tow Trucks (P.G. 209-29)*
*Taxicab or Towing Truck Owners/Operators (P.G. 208-58)*

***FORMS AND REPORTS***

***REPORT OF VIOLATION (PD672-151)***
***TOW TRUCK VIOLATION REPORT (PD666-151)***

# 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 – For the purposes of this procedure, is any wheeled device that has handlebars and is designed to be stood or sat upon by the operator, is powered by a gasoline motor and is capable of propelling the device without human power (i.e., it has a throttle), and cannot be registered with the New York State Department of Motor Vehicles (DMV). The term does not include scooters that can be registered by the DMV, wheelchairs, or other mobility aids designed for use by persons with disabilities; or an electric scooter or an electric assist bicycle as defined below.

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

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

E-SCOOTER (ELECTRIC SCOOTER) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

***NOTE*** *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 motorized scooter, and was being operated in an endangering manner, it may be confiscated.

***NOTE*** *E-Bikes and E-Scooters may not be seized for being operated in a manner that endangers the safety of the operator, and/or the safety or property of another person.*

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(e), "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, render safe by disconnecting battery.
   b. If unable to disconnect battery, notify and request response of Emergency Service Unit.

***NOTE*** *The batteries in certain motorized scooters have the potential to overheat, creating a fire hazard. Additionally, improper wiring and/or inadequate insulation can cause a short circuit, shock hazard, or the motor to engage, resulting in unintended movement.*

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 battery is disconnected, and
   b. The motorized scooter is stored in a secure location that will minimize the risk of damage to Department and/or other stored property.

IF DETERMINED TO BE AN E-BIKE OR AN E-SCOOTER:

**UNIFORMED MEMBER OF THE SERVICE**

9. Issue Traffic Violations Bureau (TVB) summons to operator of E-Bike or E-Scooter as follows:
   a. Any observed New York State Vehicle and Traffic Law (VTL) E-Bike or E-Scooter violation(s), and/or
   b. Any other observed VTL 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.*

***RELATED PROCEDURES***

*Arrests General Processing (P.G. 208-03)*
*Desk Appearance Ticket – General Procedure (P.G. 208-27)*
*Intoxicated or Impaired Driver Arrest (P.G. 208-40)*
*Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)*
*Invoicing Property - General Procedure (P.G. 218-01)*
*Return of Property/Vehicles at Command and Processing Voided Property Invoices (P.G. 218-02)*
*Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)*

***FORMS AND REPORTS***

***E-BIKE/E-SCOOTER ENFORCEMENT (PD260-111)***
***COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

| Section: Summonses | Procedure No: 209-39 |
|---|---|

# PERSONAL SERVICE OF TRANSIT ADJUDICATION BUREAU NOTICE OF VIOLATION (TAB/NOV) IN LIEU OF ARREST FOR A QUALIFIED INDIVIDUAL

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 05/06/21 | 05/06/21 | | 1 of 4 |

**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.
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)
    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.

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

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

VIOLATOR IS THE SUBJECT OF A SAP WARRANT:

**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 and 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.

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.

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

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.*

***RELATED PROCEDURES***

*Computerized Investigation Card System (P.G. 208-23)*

***FORMS AND REPORTS***

***DESK APPEARANCE TICKET***
***INVESTIGATION CARD (PD373-163)***

NYPD

**PURPOSE** To safeguard prisoners in police custody.

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

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

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

**DESK OFFICER**

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

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR**

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

PRISONERS BEING TRANSPORTED

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR**

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

**ESCORTING OFFICER**

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

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR**

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

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR (continued)**

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

**ESCORTING OFFICER**

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

**POLICE ATTENDANT**

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

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR**

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

**ESCORTING OFFICER**

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

**DESK OFFICER, PRECINCT OF ARREST**

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

**DESK OFFICER, PRECINCT OF DETENTION**

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

**SUPERVISORY OFFICER CONCERNED**

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

HOLDOVER PRISONERS IN ADDITION TO OTHER REQUIRED ACTION LISTED ABOVE

**DESK OFFICER, PRECINCT OF DETENTION**

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

**POLICE ATTENDANT**

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

**ESCORTING OFFICER**

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

***ADDITIONAL DATA***

*"HIGH RISK" PRISONERS*

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

*USE OF LEG RESTRAINTS*

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

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

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

***ADDITIONAL DATA (continued)***

*ACTIVATION OF DETENTION FACILITIES*

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

*CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL*

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

*ARREST OF LIMITED ENGLISH PROFICIENT OR HEARING IMPAIRED PERSONS*

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

*PRISONER CONFLICTS*

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

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

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

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

***ADDITIONAL DATA (continued)***

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

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

*HANDCUFFING PROTOCOL*

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

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

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

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

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

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

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

*b. Possibility of the prisoner escaping.*

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

*RESTRAINT OF PREGNANT PRISONERS*

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

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

***ADDITIONAL DATA (continued)***

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

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

*PRISONER SECURITY SURVEY*

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

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

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

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

*PRISONERS AND VICTIMS WITH COMMUNICABLE DISEASES*

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

***ADDITIONAL DATA (continued)***

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

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

*DISRUPTION IN CELL AVAILABILITY*

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

*PRISONERS DESIGNATED AS "FOR OTHER AUTHORITY (FOA)"*

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

*SEXUAL ASSAULT AND SEXUAL HARASSMENT OF PRISONERS*

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

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

# PATROL GUIDE

| Section: Prisoners | | Procedure No: 210-03 | |
|---|---|---|---|
| **HOSPITALIZED PRISONERS - ARRESTS BY MEMBERS OF OTHER POLICE AGENCIES** | | | |
| DATE ISSUED: 11/21/14 | DATE EFFECTIVE: 11/21/14 | REVISION NUMBER: | PAGE: 1 of 2 |

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

**DEFINITION** OTHER POLICE AGENCIES:

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

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

**DESK OFFICER, PRECINCT OF ARREST/ BOROUGH COURT SECTION**

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

**DESK OFFICER, PRECINCT OF HOSPITALIZATION**

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

**DESK OFFICER CONCERNED**

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

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

***ADDITIONAL DATA (continued)***

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

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

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

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

**UNIFORMED MEMBER OF THE SERVICE**

1. Request ambulance and remove prisoner to hospital directly from place of arrest, if necessary.
   a. Accompany prisoner to hospital.
   b. Make digital **Activity Log** entry.
      (1) Include name of person notified re: Medic Alert Emblem, if worn.
      (2) Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the prisoner (obtain from responding ambulance attendant).
   c. Notify desk officer.
2. Prepare **MEDICAL TREATMENT OF PRISONER (PD244-150)** form for each prisoner who:
   a. Receives medical/psychiatric treatment, OR
   b. Refuses treatment after claiming injury or illness, OR
   c. Is in apparent need of treatment, OR
   d. May require prescribed medication, OR
   e. Volunteers his/her positive status regarding a communicable disease, if not documented on Prisoner Movement Slip, OR
   f. Already has previously treated injuries.
3. Enter data recorded in Section I of **MEDICAL TREATMENT OF PRISONER** form into the "Medical Treatment of Prisoner" application within the Finest Online Records Management System (FORMS) by selecting the "Reserve" function.
   a. Record the Medical Treatment of Prisoner number generated within the FORMS "Medical Treatment of Prisoner" application in the corresponding box of the **MEDICAL TREATMENT OF PRISONER** form.

**SUPERVISOR AT SCENE**

4. Ensure that **MEDICAL TREATMENT OF PRISONER** form is prepared in accordance with steps "2" and "3" above and accompanying ADDITIONAL DATA statements under heading, "PREPARATION OF MEDICAL TREATMENT OF PRISONER FORM," when a prisoner is removed from the scene of an arrest direct to a hospital for medical/psychiatric treatment.
   a. Review and sign Section I of **MEDICAL TREATMENT OF PRISONER** form.

**DESK OFFICER, COMMAND OF ARREST/ BOROUGH COURT SECTION**

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

**ARRESTING/ ESCORTING OFFICER**

12. Rear cuff and place leg restraints on prisoner before transporting to hospital.
    a. Handcuffs and leg restraints will be double locked.
13. Remain with prisoner at all times in hospital.
14. Notify the desk officer of prisoner status prior to transport from local hospital to Bellevue or Elmhurst General Hospital.

**ARRESTING/ ESCORTING OFFICER (continued)**

15. Ride inside the ambulance when accompanying the prisoner to either Bellevue or Elmhurst General Hospital.
16. Make digital **Activity Log** entry.
    a. Include name of person notified re: Medical Alert Emblem, if worn.
    b. Include Patient Identification Number (in place of Ambulance Call Report [ACR] number or Patient Care Report [PCR] number) related to the prisoner (obtained from hospital intake personnel).
17. Notify desk officer, precinct of arrest/Borough Court Section facility, regarding Medical Alert Emblem and Patient Identification number.

**DESK OFFICER, COMMAND OF ARREST/ BOROUGH COURT SECTION**

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

**ESCORTING OFFICER**

20. Request room change if security is inadequate.
21. Do not remove handcuffs or leg restraints, unless requested by attending physician.
    a. If requested to remove handcuffs or leg restraints, inform physician of circumstances of arrest.
    b. If physician still requests removal, request the response of the patrol supervisor to evaluate the need for additional personnel and equipment (including Emergency Service Unit) to ensure safety during prisoner treatment prior to removal of handcuffs or leg restraints.
22. Remain immediately outside room and attempt to maintain visual contact, even if requested to leave examination room after informing physician of circumstances of arrest.
23. Make appropriate entries of foregoing in digital **Activity Log** and request attending physician to sign entries.
    a. Indicate physician's refusal to sign any entries.
24. Complete entries on **MEDICAL TREATMENT OF PRISONER** form.
25. Notify desk officer, precinct of arrest, who will notify Borough Court Section concerned immediately, if prisoner is admitted to any hospital (see *P.G. 210-02, "Hospitalized Prisoners."*).

**DESK OFFICER, COMMAND OF ARREST**

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

**ESCORTING OFFICER**

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

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

**BOROUGH COURT SECTION**

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

**DESK OFFICER, COMMAND OF ARREST**

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

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

**ESCORTING OFFICER**

32. When prisoner is released to police custody, transport prisoner as follows:
    a. Return prisoner to command of arrest, if arrest processing is not completed thereat
    b. Remove prisoner to Borough Court Section facility, if arrest processing was completed at command of arrest.

**ESCORTING OFFICER (continued)**

(1) Confer with Borough Court Section supervisor prior to transporting a prisoner who is confined to a wheelchair or otherwise mobility impaired, and be guided by his/her direction regarding lodging and further processing.

33. Deliver completed **MEDICAL TREATMENT OF PRISONER** form to desk officer, Borough Court Section facility.

**DESK OFFICER, BOROUGH COURT SECTION**

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

**ESCORTING OFFICER**

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

**DESK OFFICER, COMMAND OF ARREST**

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

**OPERATIONS COORDINATOR, COMMAND OF ARREST**

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

***ADDITIONAL DATA***

*PRISONER SECURITY*

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

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

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

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

***ADDITIONAL DATA (continued)***

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

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

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

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

*LIFE-THREATENING MEDICAL SITUATIONS*

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

*SUSPECTED INGESTION OF NARCOTICS/OTHER DANGEROUS SUBSTANCES*

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

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

***ADDITIONAL DATA (continued)***

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

*RELIEF OF ARRESTING OFFICER GUARDING HOSPITALIZED PRISONER*

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

*TREATMENT OF PRISONERS DETAINED IN DETENTION FACILITIES*

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

*Whenever a member of the Criminal Justice Bureau assigned to a Borough Court Section is informed of, or otherwise becomes aware that a prisoner in the custody of that Court Section requires medical/psychiatric/drug addiction attention, that member will immediately notify the Borough Court Section desk officer. The Borough Court Section desk officer will make a Command Log entry and ensure that medical treatment is provided. In Borough Court Sections where the Emergency Medical Service is situated, the Borough Court Section desk officer will request the assistance of the assigned Emergency Medical Technicians (EMT) regarding the prisoner's medical treatment. However, if it is determined that a prisoner requires medical attention at a hospital emergency room, the supervisor is responsible to ensure that the prisoner is transported immediately for treatment.*

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

*PRE-ARRAIGNMENT PRISONERS REQUIRING PRESCRIPTION MEDICATIONS*

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

*a. Check the name of the medication against the **PROPERTY CLERK INVOICE**, as appropriate*

***ADDITIONAL DATA (continued)***

*b. Complete the "R.T.O." function utilizing the Property and Evidence Tracking System. Sign rank and name and include pertinent details under "Remarks" section including name of physician, hospital, and name of uniformed member assigned to deliver medication*

*c. Release medication to uniformed member assigned to make delivery*

*d. Make appropriate Command Log entry with all pertinent details.*

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

*If a physician at a hospital provides a pre-arraignment prisoner with medication to be taken by the prisoner during the pre-arraignment period, the uniformed member accompanying the prisoner will take custody of the medication until the member reaches the court section for processing. At this location the medication will be given to the available emergency medical technician (EMT) to hold until the prisoner needs to self-administer it. If a pre-arraignment prisoner needs further medication during the period of pre-arraignment detention in any form that is not authorized to be administered by an EMT, he or she will be taken to a hospital for that medication.*

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

*a. indicates that the prisoner has a medical condition or needs medication, AND/OR*

*b. brings medication in a pharmacy container with the prisoner's name.*

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

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

***ADDITIONAL DATA (continued)***

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

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

*PREPARATION OF MEDICAL TREATMENT OF PRISONER FORM*

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

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

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

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

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

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

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

***ADDITIONAL DATA (continued)***

*BOROUGH COURT SECTION/HOSPITAL PRISON WARD TELEPHONE NUMBERS*

*Borough Court Sections may be contacted 24 hours a day, 7 days a week at the following telephone numbers:*

| | |
|---|---|
| *Manhattan Court Section* | *(212) 374-2801/0722* |
| *Brooklyn Court Section* | *(718) 834-5368/5369* |
| *Bronx Court Section* | *(718) 590-1845/3830* |
| *Queens Court Section* | *(718) 268-5299/4899* |
| *Staten Island Court Section* | *(718) 876-8541* |

*Department of Correction prison wards may be contacted 24 hours a day, 7 days a week at the following telephone numbers:*

| | |
|---|---|
| *Bellevue Hospital Prison Ward* | *(212) 562-6083* |
| *Elmhurst Hospital Prison Ward* | *(718) 334-2106* |

***RELATED PROCEDURES***

*Arrests - General Processing (P.G. 208-03)*
*Desk Appearance Ticket - Hospitalized Prisoner (P.G. 208-30)*
*Hospitalized Prisoners (P.G. 210-02)*
*Bedside Arraignment (P.G. 210-05)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Person Dies or Sustains a Serious Injury and is Likely to Die in Police Custody or in Connection With Police Action (P.G. 221-05)*

***FORMS AND REPORTS***

***MEDICAL TREATMENT OF PRISONER (PD244-150)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PROPERTY CLERK INVOICE (PD521-141)***

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

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

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

**DESK OFFICER, PRECINCT OF ARREST**

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

**ARRESTING OFFICER**

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

**DESK OFFICER, PRECINCT OF ARREST**

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

**BOROUGH COURT SECTION SUPERVISOR CONCERNED**

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

**DESK OFFICER, PRECINCT OF DETENTION**

5. Prepare **BEDSIDE ARRAIGNMENT WORKSHEET (PD244-1411)**.
6. Ensure that a copy of all completed arrest related paperwork is kept in a folder at the desk, including:
   a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. Prisoner Movement Slip
   c. **BEDSIDE ARRAIGNMENT WORKSHEET**.
7. Have copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and fingerprint/palmprint charts, (if required), delivered to guarding officer (see *P.G. 210-02, "Hospitalized Prisoners").*
8. Assign uniformed member of the service to fingerprint/palmprint prisoner, if required.
   a. Obtain assistance from Identification Section, if fingerprints/palmprints cannot be obtained by normal means.
9. Contact hospital administrator and determine how long prisoner will be confined for treatment.

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

**GUARDING MEMBER**

10. Notify desk officer, precinct of detention, when fingerprints/palmprints have been taken.
11. Ask prisoner if he/she wants legal assistance and/or an interpreter and notify desk officer, precinct of detention, of results.

**DESK OFFICER, PRECINCT OF DETENTION**

12. Record information concerning fingerprinting, request for legal assistance and/or interpreter on **BEDSIDE ARRAIGNMENT WORKSHEET**.
13. Direct precinct messenger to deliver completed fingerprint/palmprint charts to the borough court section supervisor concerned, if necessary.
14. Request Photographic Unit to photograph prisoner.
    a. Furnish Photographic Unit with information listed on **BEDSIDE ARRAIGNMENT WORKSHEET**.

**GUARDING MEMBER**

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

**DESK OFFICER, PRECINCT OF DETENTION**

17. Record arraignment information on **BEDSIDE ARRAIGNMENT WORKSHEET** and in Telephone Record.
18. Reassign guarding officer if prisoner is released from custody or posts bond.

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

**GUARDING MEMBER**

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

**DESK OFFICER, PRECINCT OF DETENTION**

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

**BOROUGH COURT SECTION SUPERVISOR**

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

***ADDITIONAL DATA***

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

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

***BEDSIDE ARRAIGNMENT WORKSHEET (PD244-1411)***
***DESK APPEARANCE TICKET (PD260-121)***
***OFFICIAL LETTERHEAD (PD158-151)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

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

**PURPOSE** To provide meals for detained prisoners.

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

**PROCEDURE** When a prisoner is confined in a detention cell:

**POLICE ATTENDANT**

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

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

**DESK OFFICER**

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

**OPERATIONS COORDINATOR**

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

**COMMANDING OFFICER**

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

***ADDITIONAL DATA***

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

***FORMS AND REPORTS***

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

NYPD

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

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

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

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

**DESK OFFICER**

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

**COMMANDING OFFICER/ DUTY CAPTAIN**

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

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

***RELATED PROCEDURES***

*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Person Dies or Sustains a Serious Injury and Is Likely to Die in Police Custody or in Connection With Police Action (P.G. 221-05)*
*Hospitalized Prisoners (P.G. 210-02)*
*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

| Section: Prisoners | | Procedure No: 210-08 |
|---|---|---|
| **GUIDELINES FOR PRISONER HOLDING PENS** | | |
| DATE EFFECTIVE: 08/23/21 | LAST REVISION: I.O. 75 | PAGE: 1 of 3 |

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

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

**DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR**

1. Utilize Department form **PRISONER HOLDING PEN ROSTER (PD244-1410)** to maintain a record of prisoners lodged in holding pens (cages).
   a. Maintain a copy of the **PRISONER HOLDING PEN ROSTER** at the desk and detective squad office, as appropriate.
   b. File completed forms at the end of every twenty-four hour period at the desk and detective squad office, as appropriate.
2. Designate a member of the service to specifically inspect and check condition of prisoners every thirty minutes.
   a. Do not leave prisoners unattended.
3. Have assigned member enter results of inspection and action taken under the appropriate captions on **PRISONER HOLDING PEN ROSTER**.
4. Assign a supervisor to personally and periodically inspect prisoners lodged in holding pens and have supervisor enter results of inspection under appropriate captions on **PRISONER HOLDING PEN ROSTER**.
5. Make certain the following additional guidelines are complied with:
   a. Maximum period of detention for prisoners being held in holding pens will usually be three hours. If circumstances dictate a person be held for a longer period, such period must be approved by the desk officer for command holding pens or detective squad supervisor for detective squad holding pens. If a detective squad supervisor is not available, the extension period must be approved by the command desk officer. The reason for any time extension must be documented in the Command Log.
   b. Prisoners who appear to be ill, intoxicated, or emotionally disturbed shall not be detained in holding pens. If appropriate, *P.G. 210-04 "Prisoners Requiring Medical/Psychiatric Treatment*" will be complied with.
   c. At no time should more prisoners than can be reasonably accommodated be put in a holding pen. The amount of time a prisoner will be detained in the holding pen must be taken into consideration when determining what is a reasonable accommodation.
   d. Before being placed in a holding pen, the clothing and person of each prisoner must be thoroughly searched. Generally, a female prisoner will only be searched by a female police attendant or female uniformed member of the service (see *P.G. 208-05, "Arrests – General Search Guidelines"*).
   e. Comply with *P.G. 208-83, "Arrests – Religious Head Covering Guidelines*," as necessary, if prisoner is wearing a religious head covering.

**DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR (continued)**

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

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

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

(1) Juveniles classified as adolescent offenders may be detained in the command's designated juvenile area. If the safety of the adolescent offender or other juvenile prisoners would be jeopardized by placement in the designated juvenile area, an adolescent offender may be detained in adult holding pens, provided no adult prisoners are present.

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

***ADDITIONAL DATA***

*PRISONER CONFLICTS*

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

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

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

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

*The information entered on the Prisoner Movement Slip prepared at the command must also be entered on the computerized movement slip generated at the courthouse when the prisoner is*

***ADDITIONAL DATA (continued)***

*photographed. In addition to the notation on the movement slip, the arresting officer/assigned investigator/escorting officer will notify the concerned borough court section supervisor.*

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

***PRISONER HOLDING PEN ROSTER (PD244-1410)***

NYPD

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

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

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

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

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

**ARRESTING OFFICER**

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

**PATROL SUPV./ DESK OFFICER /BOROUGH COURT SECTION SUPERVISOR**

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

**ARRESTING OFFICER**

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

**SUPERVISOR AUTHORIZING /NOTIFIED OF RELEASE**

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

**ARRESTING OFFICER**

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

**DESK OFFICER /SUPERVISOR CONCERNED**

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

**DESK OFFICER /SUPERVISOR CONCERNED (continued)**

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

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

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

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

11. Notify borough court section of the voided arrest information

12. Make Command Log entry.

13. Notify precinct commanding officer.

**PATROL BOROUGH COMMANDER**

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

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

**ARRESTING OFFICER**

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

**DESK OFFICER /BOROUGH COURT SECTION SUPERVISOR**

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

**LEGAL BUREAU ATTORNEY**

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

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

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

**DESK OFFICER**

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

***ADDITIONAL DATA***

*DEPARTMENT POLICY*

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

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

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

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

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

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

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

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

NYPD

| Section: Prisoners | | Procedure No: 210-15 | |
|---|---|---|---|
| **RELEASE OF PRISONERS ARRESTED BY OTHER POLICE AGENCIES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

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

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

**DESK OFFICER/ BOROUGH COURT SECTION SUPERVISOR**

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

**PRECINCT COMMANDING OFFICER**

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

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

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

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

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

**ARRESTING OFFICER**

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

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

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

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

**DESK OFFICER**

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

**ARRESTING OFFICER**

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

**DESK OFFICER**

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

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

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

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

**DESK OFFICER (continued)**

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

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

**ARRESTING OFFICER**

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

***NOTE***

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

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

**BOROUGH COURT SECTION SUPERVISOR**

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

**BOROUGH COURT SECTION SUPERVISOR (continued)**

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

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

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

NYPD

| Section: Prisoners | | Procedure No: 210-17 | |
|---|---|---|---|
| **ARREST PROCESSING OF PRE-ARRAIGNMENT PRISONERS DESIGNATED AS "SPECIAL CATEGORY"** | | | |
| DATE ISSUED: 05/27/16 | DATE EFFECTIVE: 05/27/16 | REVISION NUMBER: | PAGE: 1 of 3 |

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

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

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

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

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

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

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

**UNIFORMED MEMBER OF THE SERVICE CONCERNED**

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

**BOROUGH COURT SECTION SUPERVISOR**

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

GUIDELINES FOR HANDLING "SPECIAL CATEGORY PRISONERS":

**BOROUGH COURT SECTION SUPERVISOR**

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

**BOROUGH COURT SECTION SUPERVISOR (continued)**

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

***ADDITIONAL DATA***

*LODGING "SPECIAL CATEGORY" PRISONERS*

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

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

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

*OPERATIONAL CONSIDERATIONS*

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

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

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

*PRISONERS CONFINED TO WHEELCHAIRS OR OTHERWISE MOBILITY IMPAIRED*

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

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Hospitalized Prisoners (P.G. 210-02)*<br>*Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)* |
| ***FORMS AND REPORTS*** | ***MEDICAL TREATMENT OF PRISONER (PD244-150)*** |

NYPD

| Section: Prisoners | | Procedure No: 210-18 | |
|---|---|---|---|
| **DEBRIEFING OF PRISONERS** | | | |
| DATE ISSUED: 07/29/16 | DATE EFFECTIVE: 07/29/16 | REVISION NUMBER: | PAGE: 1 of 4 |

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

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

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

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

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

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

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

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

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

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

**DEBRIEFING MEMBER OF THE SERVICE**

1. Document information as follows:
   a. If assigned to the Detective Bureau or as an Intelligence Bureau field intelligence officer (FIO), prepare a "Positive Debriefing" entry in ECMS
      (1) Ensure information from the positive debriefing is electronically forwarded to all required members, by email, through ECMS
   b. If not assigned to the Detective or Intelligence Bureaus, prepare a **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)**.
2. Notify, by telephone, any other units or commands that may be concerned, and record the name of the receiving member of the service in the "Details" section of the **COMPLAINT FOLLOW-UP INFORMATIONAL**.
   a. An immediate response, if appropriate, will be made by the concerned unit/command for the purposes of personally debriefing the subject.
3. Upon completion of the debriefing:
   a. If not assigned to the Detective or Intelligence Bureaus, telephone the Intelligence Bureau, Operations Desk to relay the basic information necessary for the preparation of a "Positive Debriefing" entry in ECMS by an Intelligence Bureau member.

***NOTE***

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

4. Forward copies of the **COMPLAINT FOLLOW-UP INFORMATIONAL** to the investigative unit concerned.
   a. The FIO concerned will be responsible for reviewing Intelligence Data System (IDS) entries for positive debriefings in their respective commands.
   b. Ensure a copy of the **COMPLAINT FOLLOW-UP INFORMATIONAL** has been forwarded and received by the appropriate investigative unit after reviewing the IDS.

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

**DEBRIEFING MEMBER OF THE SERVICE**

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

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

*The active case investigator/supervisor will be responsible for documenting any information pertinent to the active case on a* ***COMPLAINT FOLLOW-UP INFORMATIONAL*** *after thoroughly investigating the information, and include it in the case folder.*

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

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

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

**CRIMINAL INTELLIGENCE SECTION**

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

**PRECINCT/ BOROUGH TRANSIT/ PATROL BOROUGH HOUSING FIELD INTELLIGENCE OFFICER**

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

FOR ALL OTHER DEBRIEFINGS:

**DEBRIEFING MEMBER OF THE SERVICE**

12. Document in ECMS, as appropriate.

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

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

***ADDITIONAL DATA (continued)***

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

***FORMS AND REPORTS***

***COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)***

NYPD

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

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

**UNIFORMED MEMBER OF THE SERVICE**

1. Appear in uniform if assigned to duty in uniform except if:
   a. Off duty
   b. On sick report or restricted duty
   c. Required to arraign deferred or holdover prisoner
   d. Authorized by commanding officer.

***NOTE*** *A member is required to appear in uniform when such attendance is requested by the District Attorney providing the member concerned is NOT listed as an exception in step 1, subdivisions a through d, above. When reporting in uniform, the uniform shirt and tie MUST be worn if the outermost garment is to be removed.*

2. Report to Police Sign-In Room and submit **IDENTIFICATION CARD (PD416-091)** and **COURT ATTENDANCE RECORD (PD468-141)** to supervising member/designee.
3. Inform supervising member/designee if scheduled to appear in more than one part of court, before another government agency, or if on a court alert.
   a. Notify supervising member/designee if appearing on off duty time.

**POLICE ROOM SUPERVISOR/ DESIGNEE**

4. Notify other court part or government agency that member is present in another court part.

**UNIFORMED MEMBER OF THE SERVICE**

5. Wear appropriate business attire, if appearing in civilian clothes, at post-arraignment proceedings.
6. Wear shield on outermost garment at all times while in court building or portion of building under court jurisdiction.
7. Take meal period when court recesses for lunch and enter location of meal in digital **Activity Log**.
8. Report to police room if required to leave court building for reason other than meal (prior to leaving and upon return).
9. Refrain from discussing case with defendant, defendant's attorney or any other unauthorized person EXCEPT with the consent, and in the presence of the District Attorney.
10. State full name, rank, shield number and command when sworn as a witness.
11. Have digital **Activity Log** and evidence available at each appearance.
12. Give testimony as follows:
    a. Understand question before answering; request clarification if necessary.
    b. Remain calm, impartial and speak distinctly.
    c. Answer truthfully and completely.

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

13. Request adjournment to day when performing duty with the 2nd Platoon or if a detective, when performing day duty.
14. Inform judge when adjourned date is on scheduled day off.
15. Telephone desk officer if detained in court past end of tour.
16. Report to police room at conclusion of court appearance and obtain completed **COURT ATTENDANCE RECORD**.
17. Ascertain the status of other scheduled appearance prior to signing out of court.
18. Return evidence, if any, to Property Clerk.
19. Notify desk officer/counterpart by telephone immediately upon dismissal from Police Sign-In Room and comply with instructions received.

**DESK OFFICER**

20. Make notation of uniformed member's dismissal and instructions given on appropriate Department record.
21. Make entry on **ROLL CALL (PD406-144)** indicating time of return and assignment of member.
22. Check **COURT ATTENDANCE RECORD**.

**DESIGNATED CLERICAL MEMBER**

23. File **COURT ATTENDANCE RECORD** at command in chronological order in a separate folder.

**INTEGRITY CONTROL OFFICER**

24. Examine ROLL CALLS for the preceding week to identify uniformed members who made appearances in court, Grand Jury, etc., and compare **COURT ATTENDANCE RECORD** with **OVERTIME REPORT (PD138-064)**.
25. Ascertain if entries on **ROLL CALL** reflect time of return for those uniformed members who were not dismissed directly from court.

***NOTE*** *All of the above duties may not be applicable at every appearance in court, before Grand Jury or other government agency.*

***RELATED PROCEDURES***

*Prisoners General Procedure (P.G. 210-01)*
*Prevention of Court Appearance on Scheduled Day Off (P.G. 211-07)*
*Processing Notifications to Appear at Courts and Other Government Agencies (P.G. 211-05)*

***FORMS AND REPORTS***

***COURT ATTENDANCE RECORD (PD468-141)***
***IDENTIFICATION CARD (PD416-091)***
***OVERTIME REPORT (PD138-064)***
***ROLL CALL (PD406-144)***

**PURPOSE** To effectively monitor and control appearances by members of the service (uniformed and civilian) at various courts, other governmental agencies, the Department Advocate's Office, and for District Attorney's assignments, via a formal notification process utilizing the computerized Court Appearance Control System (CACS), except on Staten Island.

**DEFINITION** SHORT DATE NOTIFICATION – A notification for a member of the service to appear the next day, or a notification delivered on a Friday for a member to appear on the following Monday. Because these notifications are time sensitive, and may be received at an hour when the roll call office is closed, CACS has been designed to automatically transmit these notifications to the command's FINEST or LAN printer.

**PROCEDURE** When an authorized governmental agency or the Appearance Control Unit utilizes the CACS to request the appearance of a member of the service at a court (Supreme Court, Grand Jury, Civil Court, Family Court, Criminal Court, Summons Adjudication Part [SAP] Court), a governmental agency, or for a District Attorney's assignment:

**ROLL CALL CLERK**

1. Access the computerized CACS to acknowledge all outstanding notifications directed to their command, as follows:
   a. At the beginning of each business day
   b. At the midpoint of the roll call office's hours of operation for that day
   c. One half hour prior to close of roll call office.
2. Bring the notification to the attention of the operations coordinator or counterpart if the requested member is scheduled to appear on a regular day off (RDO), other than a short date notification.
3. Prepare a separate **NOTIFICATION (PD406-122)** for each court appearance.
4. Comply with *P.G. 211-05, "Processing Notifications to Appear at Courts and other Government Agencies."*
   a. If the notification is a request for Department documents comply with *P.G. 211-18, "Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels."*
5. Enter updates into the CACS, on a daily basis, or as necessary. This will normally be done:
   a. After the copy portion of the **NOTIFICATION** has been signed and returned by the member of the service concerned
   b. To indicate when attempts to notify an off duty member of the service about a court appearance have been unsuccessful
   c. Whenever a member of the service cannot appear in court due to sickness, bereavement leave, authorized annual vacation selection, etc.

***NOTE*** *In instances cited in subdivisions "5b" and "5c" above, notify the assistant district attorney concerned to enable the assistant district attorney to reschedule the case and inform the other parties involved in the proceeding that the member will not be present.*

**ROLL CALL CLERK (continued)**

6. Utilize the CACS electronic re-routing feature to forward notifications to a member's new command, when the member has been transferred.
7. Provide the desk officer/supervisor on duty with any outstanding notifications that must be made prior to the re-opening of the roll call office.

**DESK OFFICER/ SUPERVISOR**

8. Monitor FINEST or LAN printer for short date notifications.
9. Log notifications into FINEST Message Log.
10. Inform roll call personnel of notification immediately, if office is open.
11. Attempt to immediately notify member of the service.
12. Return all notifications received and processed, whether successfully served or not, to the roll call clerk the next business day for a notification update entry into CACS.
    a. When a member of the service is not at the command (e.g., regular day off (RDO), at training session, etc.) attempt to notify the member of the service by telephone. All such attempts must be documented in the Telephone Record.
13. Give incomplete short date notifications to the relieving supervisor, or if available, to roll call personnel, who will continue to attempt to notify the member of the service.

**OPERATIONS COORDINATOR/ COUNTERPART**

14. Contact the District Attorney's office concerned when informed by roll call that member is scheduled to appear in court on an RDO, other than a short date.
    a. Ascertain the necessity for the RDO court appearance.
    b. When possible have court appearance rescheduled for a date other than the member's RDO.

**MEMBER OF THE SERVICE**

15. Report to the police room as directed on the **NOTIFICATION** and follow instructions of the Court Section supervisor.
16. Use **IDENTIFICATION CARD (PD416-091)** to sign into court. (If circumstances warrant, request sign-in room personnel to record your presence via a manual computer entry.)
    a. Failure to properly sign in and out of court will result in the member of the service being considered not present for court and may result in disciplinary action.
17. Comply with *P.G. 211-01, "Duties and Conduct in Court."*
18. Report immediately to the police sign-in room at the conclusion of the court appearance and obtain the completed **COURT ATTENDANCE RECORD (PD468-141)**.
19. Notify command desk officer via telephone immediately upon dismissal from police sign-in room and comply with instructions received.
20. Deliver **COURT ATTENDANCE RECORD** to desk officer when instructed to return to command or, if otherwise instructed, at earliest possible convenience.

**DESK OFFICER**

21. Make notation of either member of the service dismissal, or instruction(s) given to member, on appropriate Department record.

**POLICE ROOM PERSONNEL**

22. Ensure that member's presence for an appearance at court is entered into the CACS immediately upon member's arrival at the sign-in room.
23. Enter the necessary court information into the CACS, when the member reports to the police room at the conclusion of the member's court appearance.
    a. This includes selecting and then entering the proper court action code to record the outcome of the court appearance (e.g., testified, District Attorney not ready, no complainant or witness, adjourned, took plea, etc.).
24. Give the **COURT ATTENDANCE RECORD** to the member of the service for return to desk officer/counterpart at the member's command.

**APPEARANCE CONTROL UNIT**

25. Enter into the CACS, notifications received from governmental agencies which are not enabled with this system.
26. Telephone commands immediately, when notifications are received, which are directed to commands not enabled in the CACS.
27. Resolve any conflicts that may occur, (e.g., member of the service unable to appear, sick, conflicting court appearance, etc.).
28. Monitor the attendance of all members of the service at court.

***ADDITIONAL DATA***

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

*A member of the service must appear in court as directed by the judge or assistant district attorney, whether or not an Appearance Control Unit or CACS notification is received, unless notified that the appearance had been cancelled.*

*If the requesting party/agency (e.g., assistant district attorney, hearing officer at the Department of Consumer Affairs, etc.) calls a command's roll call or desk officer to cancel an appearance by a member of the service, the requesting party/agency will be reminded to enter such a cancellation into the CACS system. This will prevent the member of the service from being charged with a failure to appear in court.*

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

*Every morning at 1000 hours all commands, which use the CACS, receive a computer-generated report listing the names of members who have failed to appear in court by 1000 hours that day. (This report does not include alerts that have not yet been activated.) In*

***ADDITIONAL DATA (continued)***

*precincts, PSAs, Transit Districts, etc., this report prints at the desk's or roll call's terminal. In specialized units, this report prints at the unit's FINEST or LAN printer. The desk officer/supervisor on duty who receives this report must make every effort to ensure that those members who are listed as "no shows" actually appear in court as required.*

*The commanding officer will use available computer applications or reports to investigate why each "no show" member failed to appear in court and then take appropriate disciplinary action, as necessary. If negligence or misconduct is found, or court cases are dismissed due to member's absence, the commanding officer will comply with A.G. 316-44, "Supervision of Uniformed Members of the Service at Court." Each business day, the commanding officer will forward a communication to the investigations unit in the overhead command, identifying members of the service who failed to appear in court, including the reasons for the non-appearances and the disciplinary actions taken, if any.*

***RELATED PROCEDURES***

*Duties and Conduct in Court (P.G. 211-01)*
*Processing Notifications to Appear at Courts and other Government Agencies (P.G. 211-05)*
*Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels (P.G. 211-18)*
*Supervision of Uniformed Members of the Service at Court (A.G. 316-44)*

***FORMS AND REPORTS***

***COURT ATTENDANCE RECORD (PD468-141)***
***IDENTIFICATION CARD (PD416-091)***
***NOTIFICATION (PD406-122)***

NYPD

**PURPOSE** To effectively monitor and control, via a formal notification process, appearances by members of the service (uniformed and civilian) at various courts, CCRB, other government agencies and for District Attorney's assignments. In addition, this procedure takes into account the different command structures within the Department and requires commanding officers to incorporate this procedure into the circumstances of his/her command, ensuring compliance with the notification process.

**SCOPE** With the establishment of the computerized Court Appearance Control System (CACS), the Appearance Control Unit's responsibilities were re-defined in order to more effectively monitor and control the appearance process. Appearance Control Unit functions include:

a. Processing requests and making notifications for members of the service to appear in court or other governmental agencies. (Appearance Control Unit will only make notifications for commands that have not yet been enabled in the CACS)
b. Maintaining a liaison between this Department, the District Attorney's Office and other related agencies
c. Mediating and resolving conflicting court appearances
d. Maintaining required records and statistical data.

**DEFINITIONS** DISTRICT ATTORNEY'S ASSIGNMENT – Any assignment, including field assignments, requested by the District Attorney's Office for the purpose of case or trial preparation.

ENABLED COMMAND – Commands with access to the computerized Court Appearance Control System (CACS).

NON-ENABLED COMMAND – Commands that receive their notifications through the Appearance Control Unit/Borough Court Section concerned.

DESIGNATED SUPERVISOR – Supervisor assigned by the commanding officer to ensure notifications are distributed and accounted for.

ROLL CALL CLERK/DESIGNATED MEMBER – Member assigned by the commanding officer to process notifications received from Appearance Control Unit or CACS.

**PROCEDURE** When a notification is received at the requested member's command from the Appearance Control Unit, or the CACS for commands enabled in this system, or by subpoena, or as the result of a verbal instruction given by a Judge, Assistant District Attorney, or Corporation Counsel member to appear at a Grand Jury, Court (Supreme, Civil, Criminal, or Family), for trial preparation, a government agency, or for a District Attorney's assignment:

**APPEARANCE CONTROL UNIT**

1. Notify member's command of scheduled appearance.
   a. Enter all appearances in CACS even if the command is not enabled in CACS. This includes administrative appearances and appearances at smaller courts, such as State Liquor Authority (SLA), etc.

***NOTE*** *A telephone notification for members of the service to appear will not be accepted at any command unless received from the Appearance Control Unit, or if closed, the Borough Court Section concerned. Notifications are made in this manner for commands that are not yet enabled in the CACS.*

**ASSISTANT DISTRICT ATTORNEY**

2. Notify member's command via the CACS or Appearance Control Unit.

**ROLL CALL CLERK/ DESIGNATED MEMBER**

3. Immediately notify the requesting agency and the Appearance Control Unit, if a member is unable to appear for a scheduled appearance.
   a. Cancellation will be accepted only if member is:
      (1) Sick, after conferral with district surgeon reveals member is incapable to appear
      (2) On annual vacation selection
      (3) On military leave
      (4) On bereavement leave
      (5) On terminal leave and/or other paid leave contiguous with terminal leave (e.g., vacation, lost time, chart day). Appearance Control Unit authorized appearances for uniformed members while on terminal leave will be compensated as per the appropriate overtime rate.
4. Make entry in Command Diary if the appearance notification was not received via the CACS.
5. Promptly notify the roll call clerk/designated member in member's new command:
   a. When receiving a notification for a member that has been transferred, or
   b. Re-route electronically if notification was received via the CACS.
6. Utilize the printed CACS notification or prepare a separate **NOTIFICATION (PD406-122)** slip for each court appearance received via CACS, Appearance Control Unit, Borough Court Section concerned, subpoena, or verbal instructions from a Judge, Assistant District Attorney, or a Corporation Counsel member, etc.
7. Prepare **NOTIFICATION RECAP(S) (PD168-122)**, ensure that the following captions are completed:
   a. Column "A" and Column "B"
   b. "Roll Call Clerk/Designated Member (Rank/Title, Name)", "Tax No.", "Command"
   c. "Date", "Page_of_", "Platoon/Tour."
8. Attach **NOTIFICATION(S)** to **NOTIFICATION RECAP(S)** and submit to desk officer/designated supervisor for distribution.
   a. Retain one copy of the **NOTIFICATION RECAP** at roll call.

***NOTE*** *One copy of the **NOTIFICATION RECAP** must be retained at the roll call office. This will enable roll call staff to determine what notifications are outstanding and will assist command staff to ensure compliance with notifications.*

**DESK OFFICER/ DESIGNATED SUPERVISOR**

9. Prepare the following captions on **NOTIFICATION RECAP**:
   a. "Desk Officer/Designated Supervisor (Rank/Title Name)", "Tax No.", "Command."
10. Distribute **NOTIFICATION(S)** and attach the following to **NOTIFICATION RECAP**:
   a. Appropriate copy of **NOTIFICATION(S)** served
   b. **NOTIFICATION(S)** that were unable to be served.
11. Verify distribution of **NOTIFICATION(S)** by completing the following captions on **NOTIFICATION RECAP**:
   a. Columns "C" and "D"
   b. "Verified by Desk Officer/Designated Supervisor (Rank/Title, Signature)", "Tax No.", "Command."
12. Forward **NOTIFICATION RECAP** with **NOTIFICATION(S)** to Roll Call/designated member.

**ROLL CALL CLERK/ DESIGNATED MEMBER**

13. Review **NOTIFICATION RECAP(S)** and ensure that all **NOTIFICATION**(**S**) are accounted for.
   a. Notify Appearance Control and update CACS as required and make appropriate entries in Column "E" of **NOTIFICATION RECAP(S)** as necessary.
14. Retain "Roll Call File" copy of **NOTIFICATION RECAP** and distribute remaining copies as delineated on form to the integrity control officer and operations coordinator.

**OPERATIONS COORDINATOR/ DESIGNATED SUPERVISOR**

15. Review appropriate copy of **NOTIFICATION RECAP(S)**, ensure that all members of the service are notified of their court and/or other governmental agency appearances and file.
16. Ensure that the roll call clerk/designated member promptly:
   a. Notifies Appearance Control regarding notifications(s) that require cancellation OR
   b. Enters the appropriate notification dispositions into the CACS for notifications received via that system.

***NOTE*** *This action will enable an Assistant District Attorney to know which requested members of the service will actually appear in court and/or the reason(s) why they will not.*

17. Direct that the roll call clerk/designated member inform the Appearance Control Unit and update the CACS accordingly for notifications received via that system, when the status of a notification disposition changes (i.e., member was notified to appear, but is now on sick leave).
   a. The requesting agency will also be notified.

**INTEGRITY CONTROL OFFICER**

18. Review appropriate copy of **NOTIFICATION RECAP(S)** for accuracy, completeness, compliance and file.

**MEMBER OF THE SERVICE**

19. Sign and promptly return copy portion of **NOTIFICATION** to desk officer/designated supervisor/roll call clerk/designated member.
20. Comply with instructions received from desk officer/designated supervisor/roll call clerk/designated member.

ON DATE OF COURT APPEARANCE

**MEMBER OF THE SERVICE**

21. Perform duty with second platoon.
22. Muster in command in uniform or as otherwise authorized by the commanding officer.
23. Bring all necessary arrest documents to each court appearance (i.e., **ACTIVITY LOG (PD112-145)** entries, arrest forms, requested evidence, etc.).

***NOTE***

*Members of the service should understand that the release of documents is governed by P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service." Under no circumstances will records be forwarded to an attorney (other than an Assistant District Attorney or Assistant Corporation Counsel) without prior consolation with the Subpoena Litigation Unit.*

24. Report to Police Sign-In Room at the specific time stated on appearance notification.
25. Comply with provisions of Department Manual pertaining to court appearances, as appropriate.
26. Contact the desk officer at least one hour prior to completion of tour if required to continue assignment beyond normal end of tour.
27. Notify desk officer if not interviewed within two hours after arrival at the District Attorney's Office for trial preparation.

***NOTE***

*When notified as per step "26" or "27", the desk officer will confer with the assigned Assistant District Attorney or Assistant District Attorney's Supervisor to determine if the member's services are required or if the member should return to command.*

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

**MEMBER OF THE SERVICE**

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

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

29. Immediately notify the Appearance Control Unit when informed of any of the above situations as per step "28", and
    a. Prepare **NOTIFICATION** and document on **NOTIFICATION RECAP**.
    b. Direct member of the service to appear in court as per the subpoena or verbal instructions.
    c. Direct member to sign and promptly return **NOTIFICATION**.

***NOTE*** *The Appearance Control Unit will mediate all conflicting court appearances and inform the command of the results.*

SHORT DATE NOTIFICATION

***NOTE*** *A "short date notification" is a notification for a member of the service to appear the next day, or a notification delivered on a Friday for a member to appear on the following Monday. Because these notifications are time sensitive, and may be received at an hour when the roll call office is closed, CACS has been designed to automatically transmit these notifications to the command's FINEST or LAN printer.*

**DESK OFFICER/ DESIGNATED SUPERVISOR**

30. Monitor the FINEST or LAN printer for "short date notifications."
31. Inspect Telephone Record for "short date notifications."
32. Attempt to immediately notify member of the service.
33. Inform roll call clerk/designated member immediately, if available, or on the next business day, of completed and/or incomplete "short date notifications" and provide appropriate copies of the notifications.
    a. Direct roll call clerk/designated member to account for "short date notifications," whether completed or not, on **NOTIFICATION RECAP**.
34. Give incomplete "short date notifications" to the relieving supervisor, or if available, to roll call clerk/designated member who will continue to attempt to notify the member of the service.

DISTRICT ATTORNEY'S FIELD ASSIGNMENT

**MEMBER OF THE SERVICE**

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

TEMPORARY ASSIGNMENT TO DISTRICT ATTORNEY'S OFFICE

**MEMBER OF THE SERVICE**

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

**COMMANDING OFFICER, MEMBER CONCERNED**

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

***NOTE***

*A request for extension of a temporary assignment will be reviewed and endorsed by the commanding officer, member concerned. Any further extension will be reviewed by the commanding officer, member concerned, and endorsed with recommendations (through channels) to the Chief of Department for final determination. Uniformed members of the service will not accept a verbal extension of a temporary assignment from an Assistant District Attorney, unless there is an ongoing trial and appearance is for the next day. In that case, the uniformed member of the service will contact his/her commanding officer, who in turn will notify the Appearance Control Unit. The Assistant District Attorney will be advised to request an extension through the CACS, Appearance Control Unit, or if closed, the Borough Court Section.*

***ADDITIONAL DATA***

*A member of the service who must appear in court on a scheduled day off, for an adjourned case, will be assigned to a 0900 x 1700 tour, or as otherwise appropriate for attendance at court. A member of the service who must appear in court on a scheduled day off may be excused from remainder of tour, needs of the service permitting. If excused, the member will enter "Requested Excusal" on the* ***OVERTIME REPORT (PD138-064)*** *submitted.*

*A member of the service who becomes unavailable due to a conflicting court appearance, sick leave, or other condition such as new arrest, change in assignment or duty chart, will notify the roll call clerk, designated member, sick desk supervisor, or desk officer. The desk officer/designated supervisor or roll call clerk/designated member will notify the Appearance Control Unit of the member's unavailability by telephone prior to scheduled appearance. The CACS will be updated accordingly. The requesting agency will also be notified.*

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

***ADDITIONAL DATA (continued)***

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

*In all cases where an appearance notification falls on a member's regular day off, only that member's commanding officer or designee will be permitted to cancel this notification after personally conferring with and receiving the concurrence of the person who requested the appearance, (i.e. judge, assistant district attorney, assistant corporation counsel member, or their supervisor). This includes all court subpoena and verbal instruction cases. Every effort should be made, with a few rare exceptions, in (RDO) trial preparation and (RDO) Grand Jury appearance cases, and the defendant is no longer in custody, to cancel the notification with the verbal concurrence of the assigned assistant district attorney.*

*A service by telephone message attempting to cancel the notification on the authorizing person's voice mail, or a request for a return phone call to have a follow up conversation on this matter, does not relieve the command from the responsibility of having this member report to court or other governmental agency as scheduled.*

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

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

*A Special Narcotics Appearance Control Unit is located in Queen's Special Narcotics Courts. In addition to tasks listed in this procedure, the Special Narcotics Appearance Control Unit will also place uniformed members of the service on telephone alert when requested by the Special Narcotics Assistant District Attorney.*

*CACS passwords are issued by the Criminal Justice Bureau, not Information Technology Services Division. Requests for passwords should be sent on **Typed Letterhead** to the Criminal Justice Bureau at One Police Plaza, Room 204. The request should include command code, tax number, as well as, full name and a contact name and phone number.*

***RELATED PROCEDURES***

*Duties and Conduct in Court (P.G. 211-01)*
*Prevention of Court Appearance on Scheduled Day Off (P.G. 211-07)*
*Criminal/Civil Court - Telephone Alert System (P.G. 211-06)*
*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Regular Sick (A.G. 330-01)*
*Administrative Sick (A.G.330-02)*
*First And Third Platoon Arrests (P.G. 208-25)*

***FORMS AND REPORTS***

***OVERTIME REPORT (PD138-064)***
***ACTIVITY LOG (PD112-145)***
***NOTIFICATION (PD406-122)***
***NOTIFICATION RECAP (PD168-122)***

NYPD

| Section: Court and Agency Appearances | | Procedure No: 211-06 | |
|---|---|---|---|
| **CRIMINAL/CIVIL COURT TELEPHONE ALERT SYSTEM** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 3 |

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

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

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

CRIMINAL COURT ALERT:

**ROLL CALL CLERK**

1. Verify that uniformed member of the service:
   a. Is scheduled for duty on date of alert.
   b. Is not scheduled for vacation or other leave.
   c. Is not scheduled for appearance in another court or at another agency.
2. Make entry in Command Diary under date of alert.
3. Prepare **NOTIFICATION (PD406-122)** indicating uniformed member of the service is on telephone standby alert.

***NOTE*** *This notification can also be received via Computerized Court Appearance Control System (CACS), in commands activated for CACS.*

4. Deliver **NOTIFICATION** to desk officer and note on black board that message is at desk.
5. Assign uniformed member of the service to patrol duty with second platoon.
6. Do not assign uniformed member a meal period prior to 1300 hours.

**DESK OFFICER**

7. Direct member concerned to signal command every 30 minutes between 1000 and 1300 hours if NOT equipped with portable radio or NOT assigned to a radio equipped department vehicle.

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

**APPEARANCE CONTROL UNIT**

8. Notify desk officer, command concerned, that member on telephone alert is required in court.

**DESK OFFICER**

9. Notify member concerned to report to court immediately.

CIVIL COURT ALERT:

**DESK OFFICER**

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

**ROLL CALL CLERK**

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

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

**APPEARANCE CONTROL UNIT, BOROUGH CONCERNED**

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

**COMMANDING OFFICER**

14. Have uniformed member of the service scheduled to appear in Civil Court assigned to 2nd Platoon on scheduled appearance date.
15. Direct that member concerned signal command every thirty minutes between 0900 and 1300 hours if not equipped with a portable radio or assigned to a radio equipped department vehicle.
    a. Member will not be assigned a meal period prior to 1300 hours.

**APPEARANCE CONTROL UNIT**

16. Notify desk officer, command concerned, that member on telephone alert is required in court.

**DESK OFFICER**

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

***NOTE*** *If uniformed member of the service is not directed to report to court by 1300 hours, the alert will be cancelled. In addition, if a case is adjourned and the member is not called to appear that date or the next, the subpoena must be repeated unless a notification is received by the attorney by 1400 hours, in which case the Borough Court Section, Appearance Control Unit, will place the member on alert for the next court appearance without requiring a new subpoena.*

***ADDITIONAL DATA*** *A uniformed member of the service on telephone alert who becomes unavailable due to a conflicting court appearance, sick leave, or other condition such as new arrest, change in assignment, or duty chart, will notify roll call clerk, sick desk supervisor or desk officer, as appropriate. THE DESK OFFICER OR ROLL CALL CLERK WILL NOTIFY THE APPEARANCE CONTROL UNIT, BY TELEPHONE, OF THE MEMBER'S UNAVAILABILITY.*

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

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

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Duties and Conduct in Court (P.G. 211-01)*<br>*Prevention of Court Appearance on Scheduled Day Off (P.G 211-07)*<br>*Processing Notifications to Appear at Courts and Other Government Agencies (P.G. 211-05)* |
| ***FORMS AND REPORTS*** | ***NOTIFICATION (PD406-122)*** |

NYPD

# PATROL GUIDE

| Section: Court and Agency Appearances | | Procedure No: 211-07 | |
|---|---|---|---|
| **PREVENTION OF COURT APPEARANCE ON SCHEDULED DAY OFF** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**BOROUGH COURT SECTION SUPERVISOR**

5. Request new date in accordance with member's work schedule.
   a. If unable to obtain new date, sign member's digital **Activity Log** entry and **COURT ATTENDANCE RECORD (PD468-141)**.

**ROLL CALL CLERK**

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

**OPERATIONS COORDINATOR**

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

**INTEGRITY CONTROL OFFICER**

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

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

***RELATED PROCEDURES*** *Processing Notifications to Appear at Courts and Other Government Agencies (P.G. 211-05)*

***FORMS AND REPORTS*** ***COURT ATTENDANCE RECORD (PD468-141)***
***OVERTIME REPORT (PD138-064)***

| Section: Court and Agency Appearances | | Procedure No: 211-08 | |
|---|---|---|---|
| **DOCUMENTING AND REPORTING COURT APPEARANCES PERTAINING TO ARRESTS ON A WARRANT** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To carefully document and report any appearances made in court which are related to arrests on a warrant.

**DEFINITION** ARRESTING OFFICER - For the purposes of this procedure, an arresting officer is the detective squad member or any other non-supervisory uniformed member assigned to arrest persons named on warrants issued by the court.

**PROCEDURE** When an arresting officer appears in court to process an arrest on a warrant:

**ARRESTING OFFICER**

1. Comply with provisions of *P.G. 211-01, "Duties and Conduct in Court."*
2. Accompany escorting officer with prisoner to intake area of the court section, if possible.

***NOTE*** *For officer safety considerations, the escorting officer will remain in the intake area of court section with prisoner until arresting officer returns.*

3. Report to the borough court section sign-in room.

***NOTE*** *When an arresting officer processing a fugitive warrant cannot report in person to the court section sign-in room, he/she must contact the borough court section sign-in room supervisor/personnel via telephone.*

4. Prepare and submit **COURT ATTENDANCE RECORD (PD468-141)** in all cases to borough court section sign-in room supervisor/personnel.

***NOTE*** *Borough court section sign-in room supervisor/personnel will prepare the **COURT ATTENDANCE RECORD** and make an entry in the "Live Arrest Tracking Log" when the arresting officer cannot report in person.*

5. Complete arrest processing and return to sign-in room.

***NOTE*** *Upon completing the arrest process, the arresting officer who could not report in person will once again contact the court section sign-in room supervisor/personnel by telephone and obtain a "Live Arrest Case" tracking number and dismissal time. Both will be noted in the officer's digital **Activity Log**.*

6. Return directly to command and deliver **COURT ATTENDANCE RECORD** to desk officer, except members in civilian clothes who are dismissed from court by a police room supervisor.

***NOTE*** *If dismissed from court, member concerned must notify desk officer of command, by telephone; the desk officer will make notation of dismissal on appropriate Department record.*

***ADDITIONAL DATA***

*When an arresting officer does not report in person to the borough court section sign-in room and overtime is incurred as a result of processing an arrest warrant(s), the arresting officer will prepare a typed communication. This communication must include the following: name of the borough court section sign-in room supervisor, the "Live Arrest Case" tracking serial number, the date, and time of arrival/dismissal. In addition, an* ***OVERTIME REPORT (PD138-064)*** *will be completed. Both the communication and* ***OVERTIME REPORT*** *must be attached together and forwarded to the arresting officer's commanding officer.*

***COURT SECTION SIGN-IN ROOM LOCATIONS***

***MANHATTAN***

- *Supreme and Family Court Warrants*
  *80 Baxter Street, report to basement level between 0800 hours and 1700 hours*
  *100 Centre Street, report to room 132 between 1700 hours and 0800 hours*

- *Criminal Court Warrants*
  *100 Centre Street, report to room 132 all times*

***BROOKLYN***

- *Supreme and Family Court Warrants*
  *350 Jay Street, report to 1st floor, all times*

- *Criminal Court Warrants*
  *120 Schermerhorn Street, report to room 109, all times*

***BRONX***

- *Supreme, Criminal and Family Court Warrants*
  *215 East 161 Street, main floor, room M-2B, all times*

***QUEENS***

- *Supreme , Criminal and Family Court Warrants*
  *125-01 Queens Blvd., report to basement, all times*

***STATEN ISLAND***

- *Supreme, Criminal and Family Court Warrants*
  *78 Richmond Terrace, report to second floor, all times*

***RELATED PROCEDURES***

*Arrest on a Warrant (P.G. 208-42)*
*Duties and Conduct in Court (P.G. 211-01)*
*Search Warrant Applications (P.G. 212-75)*

***FORMS AND REPORTS***

***COURT ATTENDANCE RECORD (PD468-141)***
***OVERTIME REPORT (PD138-064)***

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

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

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

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

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

**MEMBER OF THE SERVICE**

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

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

**OFFICE OF THE POLICE COMMISSIONER**

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

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

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

***ADDITIONAL DATA (continued)***

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

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

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

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Subpoenas Issued by Courts Outside New York City (P.G. 211-16)*
*Conferral With Department Attorney (P.G. 211-20)*
*Information Concerning Official Business of Department (P.G. 212-76)*
*Release of Information to News Media (P.G. 212-77)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

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

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

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

**ROLL CALL PERSONNEL**

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

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

**ROLL CALL PERSONNEL (continued)**

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

**DESK OFFICER/ SUPERVISOR**

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

**UNIFORMED MEMBER OF THE SERVICE CONCERNED**

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

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

**INTEGRITY CONTROL OFFICER**

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

**DESK OFFICER/ SUPERVISOR**

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

**ROLL CALL PERSONNEL**

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

**TVB POLICE ROOM PERSONNEL**

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

**INTEGRITY CONTROL OFFICER**

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

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

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

**COMMANDING OFFICER**

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

**BUREAU/ BOROUGH INVESTIGATIONS UNIT**

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

**IAB COURT MONITORING COORDINATOR**

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

***ADDITIONAL DATA***

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

*TVB appearances are considered court appearances. Conflicting appearances with the Civilian Complaint Review Board, investigations units, union meetings, training sessions, Medical Division appointments, etc., are not authorized excusals.*
*Commanding officers of non-Automated Roll Call System (ARCS) commands will ensure that roll call personnel forward an updated command roster to the appropriate borough TVB facility on a monthly basis. These rosters will be prepared in alphabetical order, by rank and in the following format:*

***RANK NAME TAX # STEADY RDO CHART PNS/SQD***

*TVB personnel will fax a copy of the non-ARCS command rosters to the New York State Department of Motor Vehicles in Albany via fax (518) 473-7913. In addition, a copy of all non-ARCS command rosters will be kept on file at each TVB office.*

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

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

*The following provisions will apply:*

*a. Member must attend in business attire*
*b. This Department reserves the right to reschedule members to the 2nd platoon in appropriate cases as determined by the Department. In this regard, members whose appearances will extend to more than three hours may be rescheduled to the 2nd platoon. These provisions apply only to TVB appearances, and not to other court appearances*
*c. Members are not eligible for portal to portal compensation*
*d. Members on the 1st platoon must notify their commands upon completion of the appearance. Members on the 3rd platoon must return directly to their commands upon completion of the appearance.*

***ADDITIONAL DATA (continued)***

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

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

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

***RELATED PROCEDURES***

*Duties and Conduct in Court (P.G. 211-01)*
*Traffic Violations Bureau Appearances/Computerized Time Slips (P.G. 211-11)*
*Processing Notifications to Appear at Courts and Other Government Agencies (P.G. 211-05)*

***FORMS AND REPORTS***

***ACTIVITY LOG (PD112-145)***
***AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE (PD360-121)***
***NOTIFICATION (PD406-122)***
***TVB Appearance Report***

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**UNIFORMED SUPERVISOR ASSIGNED TO T.V.B.**

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

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

**UNIFORMED SUPERVISOR ASSIGNED TO T.V.B.**

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**DESK OFFICER**

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

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

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

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

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

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

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

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

***ADDITIONAL DATA (continued)***

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

***FORMS AND REPORTS*** ***ACTIVITY LOG (PD112-145)***
***Officer Time Slip***

NYPD

| Section: Court and Agency Appearances | | Procedure No: 211-12 | |
|---|---|---|---|
| **HEARINGS AT DEPARTMENT OF MOTOR VEHICLES** | | | |
| DATE ISSUED: 08/19/13 | DATE EFFECTIVE: 08/19/13 | REVISION NUMBER: | PAGE: 1 of 1 |

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

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

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify commanding officer.

**COMMANDING OFFICER**

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

***FORMS AND REPORTS*** ***Typed Letterhead***

NYPD

**PURPOSE** To provide guidelines for uniformed members of the service requested to appear at a Department of Consumer Affairs official hearing.

***NOTE*** *The Adjudication Division, Department of Consumer Affairs will notify the member of the service who must appear, through the Court Appearance Control System (CACS).*

**PROCEDURE** When requested by the Department of Consumer Affairs to appear at an official hearing:

**APPEARANCE CONTROL UNIT**

1. Notify member's command and authorize scheduled appearance.

***NOTE*** *This notification can also be received via the Computerized Court Appearance Control System (CACS), in commands activated for CACS.*

**UNIFORMED MEMBER OF THE SERVICE**

2. Appear as scheduled, in uniform, unless assigned to non-uniformed duty, at the Department of Consumer Affairs.
3. Prepare **COURT ATTENDANCE RECORD (PD468-141)**, and sign name in the Police Log to verify presence.
   a. Upon arrival, the uniformed member of the service will notify the Manhattan Court Section's Police Room to be signed into the Court Appearance Control System (CACS).
4. Sign out in the Police Log upon completion of the hearing and obtain one copy of the completed **COURT ATTENDANCE RECORD**.
   a. Notify the Manhattan Court Section's Police Room to be signed out of the CACS.

***NOTE*** *After 1800 hours the uniformed member of the service will call the Manhattan Court Section to be signed out.*

**MANHATTAN COURT SECTION SUPERVISOR**

5. Make a Command Log entry when a uniformed member of the service calls the Manhattan Court Section, after 1800 hours, to confirm member's dismissal from the Department of Consumer Affairs.

**UNIFORMED MEMBER OF THE SERVICE**

6. Return to command and deliver **COURT ATTENDANCE RECORD** to the desk officer.
   a. Members in civilian clothes who are <u>dismissed directly</u>, from the Department of Consumer Affairs will notify the Police Room Supervisor <u>and</u> their command's desk officer. <u>Both</u> the Police Room Supervisor and the desk officer concerned will record the dismissal in their respective Command Logs.
   b. Member will submit the **COURT ATTENDANCE RECORD** to the desk officer on the next scheduled tour of duty.

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

7. Telephone the desk officer of assigned command prior to end of tour if it appears member will be detained at the Department of Consumer Affairs beyond completion of scheduled tour of duty.

***NOTE***

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

***RELATED PROCEDURES***

*Duties and Conduct in Court (P.G. 211-01)*
*Processing Notifications to Appear at Courts and Other Government Agencies (P.G. 211-05)*

***FORMS AND REPORTS***

***COURT ATTENDANCE RECORD (PD468-141)***

NYPD

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

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

**APPEARANCE CONTROL UNIT**

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

**MEMBER OF THE SERVICE**

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

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

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

**SUPERVISORY/ RANKING OFFICER CONCERNED**

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

DEPARTMENT RECORDS REQUEST:

**I.A.B. ADMINISTRATION, CCRB LIASON**

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

**COMMANDING OFFICER**

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

***NOTE***

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

**MEMBER OF THE SERVICE**

10. Forward completed request and documents, electronically, within 10 days of receipt to:
    a. IABCCRB@NYPD.ORG.

***NOTE***

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

***ADDITIONAL DATA***

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

*a. Records concerning a case that has been sealed pursuant to Criminal Procedure Law 160.50.*
*b. Records of sex crimes per Civil Rights Law 50-b.*
*c. Psychiatric records (without patient consent).*
*d. Alcohol counseling records (without patient consent).*
*e. Medical records (without patient consent).*
*f. P.G. 206-13, "Interrogation of Members of the Service" interviews (without permission of Deputy Commissioner - Legal Matters).*
*g. Personnel records of police officers as per Civil Rights Law 50-a.*
*h. Juvenile records as per Family Court Act 381.3.*

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

*Subpoenas for records received directly from the Civilian Complaint Review Board will be accepted and a telephone notification will be made to the Civilian Complaint Review Board Liaison, (212) 741-8409 or 8448. If there is no response, the Internal Affairs Bureau Command Center will be notified, at (212) 741-8401. The subpoena will then be hand delivered to the Civilian Complaint Review Board Liaison in a sealed envelope without delay.*

***ADDITIONAL DATA (continued)***

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

***RELATED PROCEDURE***

*Interrogation of Members of the Service (P.G. 206-13)*

***FORMS AND REPORTS***

***ACTIVITY LOG (PD112-145)***
***COMPLAINT REPORT(PD313-152)***

NYPD

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

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

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

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

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

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

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

**DEFINITIONS (continued)**

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

***NOTE***

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

**PROCEDURE**

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

**COMMAND LIAISON OFFICER**

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

***NOTE***

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

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

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

**COMMAND LIAISON OFFICER**

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

***NOTE***

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

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

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

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

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

**COMMAND LIAISON OFFICER (continued)**

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

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

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

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

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

***ADDITIONAL DATA***

*TYPES OF SUBPOENAS:*

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

*PHOTOCOPYING RECORDS:*

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

***ADDITIONAL DATA (continued)***

*DISTRICT ATTORNEY/CORPORATION COUNSEL REQUESTS:*

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

*RECORDS UNAVAILABLE AT RECEIVING COMMAND:*

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

*TRANSFERRED MEMBERS:*

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

*SUBPOENAS THAT CONCERN PERSONAL MATTERS:*

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

***ADDITIONAL DATA (continued)***

*NOTIFICATIONS IN UNUSUAL CASES:*

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

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

***RELATED PROCEDURES***

*Subpoena Fees and Accounting Procedures (P.G. 212-79)*
*Subpoenas Issued by Courts Outside New York City (P.G. 211-16)*
*Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)*
*Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels (P.G. 211-18)*

***FORMS AND REPORTS***

***ACTIVITY LOG (PD112-145)***
***FEE RECEIPT (PD122-017)***
***OFFICIAL LETTERHEAD (PD158-151)***

NYPD

**APPENDIX "A"**

CERTIFICATION

DATE: _____

CASE OF: _____
versus
_____

INDEX # _____

DOCKET # _____

STATE OF NEW YORK
COUNTY OF _____

This is to certify that the enclosed photocopies of:

(List records being forwarded e.g., Complaint Report No., 12345-91 124 Precinct, Activity Log of PO Smith for 01/01/91, etc.)

are true and complete copies, WITH REDACTIONS, of a record in the custody of the (enter command) of the Police Department of the City of New York.

| _____ | _____ | _____ |
|---|---|---|
| Rank | Signature | Command |
| | _____ | |
| | Name Printed | |

NYPD

**APPENDIX "B"**

CERTIFICATION

DATE: _____

CASE OF: _____
versus
_____

INDEX # _____

DOCKET # _____

STATE OF NEW YORK
COUNTY OF _____

This is to certify that the enclosed photocopies of:

(List records being forwarded e.g., Complaint Report No., 12345-91 124 Precinct, Activity Log of PO Smith for 01/01/91, etc.)

are true and complete copies in the custody of the (enter command) of the Police Department of the City of New York.

| _____ | _____ | _____ |
|---|---|---|
| Rank | Signature | Command |
| | _____ | |
| | Name Printed | |

NYPD

**APPENDIX "C"**

CERTIFICATION

DATE: _____

CASE OF: _____
versus
_____

INDEX # _____

DOCKET # _____

STATE OF NEW YORK
COUNTY OF _____

This is to certify that in response to the attached subpoena, issued in the above referenced action, the undersigned has conducted a search of New York City Police Department records and it has been determined that there are no documents within the custody, possession or control of the Police Department which are responsive to the subpoena.

| _____ | _____ | _____ |
|---|---|---|
| Rank | Signature | Command |

_____
Name Printed

NYPD

## APPENDIX "D"

RECEIPT FOR SUBPOENAED DEPARTMENT RECORDS

DATE: _____

Clerk of Court
Part _____ Room _____
Address of Courthouse
City, State, Zip Code

Dear Sir:

Enclosed please find copies of New York City Police Department records which have been subpoenaed in the case of _____
Name of Case

which bears Index # _____ and Calendar # _____ and Indictment # _____.

Please endorse this form to indicate that the Court has received the records subpoenaed and forward the endorsed form to:

Unit/Command
Address
City, State, Zip Code

Attn.: Subpoena Officer

Thank you for your attention to this matter.

Very truly yours,

_____
Rank Name Command

| Section: Court and Agency Appearances | | Procedure No: 211-16 | |
|---|---|---|---|
| **SUBPOENAS ISSUED BY COURTS OUTSIDE NEW YORK CITY** | | | |
| DATE ISSUED: 08/03/20 | DATE EFFECTIVE: 08/03/20 | REVISION NUMBER: | PAGE: 1 of 2 |

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

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

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

**MEMBER OF THE SERVICE**

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

**COMMAND LIAISON OFFICER**

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

SUBPOENA ISSUED BY A NEW YORK STATE COURT:

**COMMAND LIAISON OFFICER**

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

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

SUBPOENA ISSUED BY FEDERAL COURTS:

**COMMAND LIAISON OFFICER**

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

**COMMAND LIAISON OFFICER (continued)**

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

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

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

**COMMAND LIAISON OFFICER**

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

***NOTE***

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

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

***ADDITIONAL DATA***

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

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Subpoena Fees and Accounting Procedures (P.G. 212-79)*
*Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)*
*Processing Request for Police Department Documents Received From Assistant District Attorneys and Assistant Corporation Counsels (P.G. 211-18)*
*Leaving City on Police Business (P.G. 212-83)*

***FORMS AND REPORTS***

***FEE RECEIPT (PD122-017)***
***Typed Letterhead***

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

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

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 08/03/20 | 08/03/20 | | 1 of 4 |

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

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

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

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

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

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

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

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

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

**SUPERVISOR, SUBPOENA LITIGATION UNIT**

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

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

**SUBPOENA LITIGATION UNIT STAFF MEMBER**

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

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

**COMMAND LIAISON OFFICER**

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

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

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

**COMMAND LIAISON OFFICER (continued)**

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

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

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

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

**SUPERVISOR, SUBPOENA LITIGATION UNIT**

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

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

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

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

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

***ADDITIONAL DATA (continued)***

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

*All inquiries regarding this law will be referred to the Records Access Officer located at One Police Plaza, Room 110C, New York, NY 10038. Except as otherwise provided, the Records Access Officer can charge a fee of twenty-five cents a page for photocopying.*

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Subpoena Fees and Accounting Procedures (P.G. 212-79)*
*Subpoenas Issued by Courts Outside New York City (P.G. 211-16)*
*Processing Request for Police Department Documents Received From Assistant District Attorneys and Assistant Corporation Counsels (P.G. 211-18)*

NYPD

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

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

| DATE I/SSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 08/03/20 | 08/03/20 | | 1 of 2 |

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

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

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

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

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

**MEMBER OF THE SERVICE RECEIVING REQUEST**

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

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

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

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

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Subpoena Fees and Accounting Procedures (P.G. 212-79)*
*Subpoenas Issued by Courts Outside New York City (P.G. 211-16)*
*Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)*

***FORMS AND REPORTS***

***ACTIVITY LOG (PD 112-145)***
***DESK APPEARANCE TICKET (PD260-121)***

**PURPOSE** To establish guidelines for a cooperative transfer of information from members of the service (uniformed/civilian) to members of the New York City (NYC) Transit Law Torts Division "Quick Response" Unit at a precinct/district or at the scene of certain incidents.

**SCOPE** To make members of the service aware that the Torts Division of the New York City Transit Law Department maintains a "Quick Response" investigatory unit. The mission of the "Quick Response" unit is to respond to selected incidents which may present significant exposure of the NYC Transit to a civil law suit. These are incidents which involve multiple injuries, serious injuries, death, or that may be the subject of significant media exposure that require quick and comprehensive fact finding. On occasion, uniformed members of the service will be requested to furnish information or copies of Department reports relative to these incidents, to members of the "Quick Response" investigatory unit at the scene of an incident or at a precinct/district.

**DEFINITION** RESTRICTED MATERIAL - Documents or information that are the subject of a criminal investigation, internal disciplinary matter, or are otherwise prohibited by current orders or law may not be disclosed.

**PROCEDURE** When information is requested by a member of the NYC Transit Law Torts Division "Quick Response" Unit:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request identification and verify the identity of the individual.

***NOTE*** *Investigators working for the Torts Division must possess and display a NYC Transit employee pass and a separate law department investigator identification card. This I.D. card is blue and displays the employees photograph on the reverse side. Further verification of the investigators identity may be obtained by calling the Law Department Management Personnel.*

2. Refer or direct investigator to the precinct/district of occurrence, after the identity of the investigator has been verified.

**PRECINCT/ DISTRICT DESK OFFICER**

3. Make a Command Log entry indicating the identity of the investigator.
   a. Indicate what copies or information were given to the investigator.

**PRECINCT/ DISTRICT DESK OFFICER (continued)**

4. Provide the investigator with copies of any of the following reports provided their contents are not in conflict with the definition of RESTRICTED MATERIAL:
   a. **AIDED REPORT**
   b. **PROPERTY CLERK INVOICE (PD521-141)**
   c. **MISSING/UNIDENTIFIED REPORT (PD336-151)**
   d. **COMPLAINT REPORT (PD313-152)**
   e. **UNUSUAL OCCURRENCE REPORT (PD370-152)**
   f. **EMERGENCY SERVICE REPORT (PD304-151).**

***NOTE*** *For further reports or documents prepared in the normal course of an incident investigation see P.G. 211-18, "Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels."*

**UNIFORMED MEMBER OF THE SERVICE**

5. Refer investigator seeking to interview the involved uniformed member of the service to a supervisor for approval, prior to interview.

***NOTE*** *Interviews of uniformed members of the service are permissible upon approval of a supervisor provided that all Department provisions relative to the interview of uniformed members of the service are adhered to, and police operations are not interrupted.*

**PATROL SUPERVISOR**

6. Verify the identity of the investigator and record in digital **Activity Log**.
   a. Obtain the scope of the questions to be asked of the member of the service and ensure they do not violate Department provisions or the definition of RESTRICTED MATERIAL.

**TRANSIT BUREAU COMMUNICATIONS UNIT OPERATIONS DESK OFFICER**

7. Notify NYC Transit Law Department personnel of non-crime incidents resulting in serious injuries to members of the public, as soon as possible after the serious injury occurs. Notifications will be made in the following incidents:
   a. Death
   b. Amputation or crushed limb
   c. Fractured skull
   d. Severe bleeding
   e. Unconsciousness
   f. Admitted to hospital in critical condition
   g. Four or more persons injured
   h. Exposure to toxic substances
   i. Injury with media involvement.

***NOTE*** *During non-business hours photocopies of reports prepared in accordance with steps 4 and 7 above, will be maintained by the Operations Unit for notification to the New York City Transit Legal Department the following morning.*

***ADDITIONAL DATA*** *Notifications will be made to Manhattan, Brooklyn, and Bronx/Queens/Staten Island NYC Transit Law Department personnel, Monday through Friday (0600 - 2200 hours) and Saturday/Sunday (0800 - 2200 hours).*

| | |
|---|---|
| ***RELATED PROCEDURE*** | *Processing Request for Police Department Documents Received from Assistant District Attorneys and Assistant Corporation Counsels (P.G. 211-18)* |
| ***FORMS AND REPORTS*** | ***AIDED REPORT***<br>***PROPERTY CLERK INVOICE (PD521-141)***<br>***MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)***<br>***COMPLAINT REPORT (PD313-152)***<br>***UNUSUAL OCCURRENCE REPORT (PD370-152)***<br>***EMERGENCY SERVICE REPORT (PD304-151)*** |

NYPD

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

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

**UNIFORMED MEMBER OF THE SERVICE**

1. Present facts to the supervisory officer.

**SUPERVISORY MEMBER**

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**SUPERVISORY MEMBER**

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

**UNIFORMED MEMBER OF THE SERVICE**

7. Comply with directions received from Department attorney.

***ADDITIONAL DATA***

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

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

**PURPOSE**

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

**PROCEDURE**

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

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

**DESK OFFICER/ SUPERVISOR AT COMMAND**

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

***NOTE***

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

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

***NOTE***

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

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

***NOTE***

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

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

**OPERATIONS COORDINATOR**

6. Attach mailing envelope to the summons and complaint.

**OPERATIONS COORDINATOR (continued)**

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

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

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

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

**MEMBER CONCERNED**

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

**MEMBER'S CURRENT COMMANDING OFFICER**

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

**MEMBER'S CURRENT COMMANDING OFFICER (continued)**

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

**COMMANDING OFFICER, LEGAL BUREAU**

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

**MEMBER CONCERNED**

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

***NOTE***

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

***ADDITIONAL DATA***

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

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

***ADDITIONAL DATA* (continued)**

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

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

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*
*Subpoenas Issued by Courts Outside New York City (P.G. 211-16)*

***FORMS AND REPORTS***

***REQUEST FOR LEGAL ASSISTANCE (PD411-160)***
***OFFICIAL LETTERHEAD (PD158-151)***

**APPENDIX "A"**

*(SAMPLE LETTER)*

(Command Communication Log Serial Number) _____

Date _____

Name of Plaintiff
Address of Plaintiff

Re: CASE NAME

Dear _____:

The attached papers are being returned to you. This office is not authorized to accept service on behalf of (*name of member of the service*). As such, the attempted service is not effective. Members of the New York City Police Department must be served at their current command of assignment. The command to which an employee of the New York City Police Department is assigned to may be ascertained by calling the Verification Unit at (646) 610-5529.

Sincerely,

Name
Rank

| Section: Command Operations | | Procedure No: 212-01 |
|---|---|---|
| **ROLL CALL FORMATIONS** | | |
| DATE EFFECTIVE: 05/27/21 | LAST REVISION: I.O. 35 | PAGE: 1 of 2 |

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

**PROCEDURE** Five minutes after the start of tour of duty:

**PATROL SUPERVISOR**

1. Assemble platoon in ranks in the sitting or muster room.
2. Make assignments.
3. Inspect the platoon.
   a. Allow uniformed members concerned to reasonably demonstrate that a protective vest is being worn.
   b. List members deficient in uniform, equipment or personal appearance.
   c. Reprimand and instruct deficient members privately.
   d. Follow up to determine if corrections have been made; take disciplinary action if necessary.

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

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

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

4. Ensure steady sector officers, neighborhood coordination officers, and neighborhood coordination sergeants are not utilized as backfill for other precinct assignments (i.e., shooting posts, prisoner transports, hospital posts, patrol supervisor, desk officer, etc.).
5. Ensure steady sector officers, neighborhood coordination officers, and neighborhood coordination sergeants are not assigned to out-of-precinct details during their regularly scheduled tours of duty without permission of the Bureau Chief concerned, the Chief of Department or the Police Commissioner.
6. Ensure members are familiar with integrity concerns.
7. Ensure members are aware of active Paid Detail locations and times of assignments at these locations within the precinct.
8. Conduct a "platoon briefing," informing uniformed members of the service of:
   a. Information compiled by training sergeant,
   b. Incident critiques,
   c. Updates regarding crime patterns, crime trends, and wanted persons, and
   d. Precinct conditions and tactics for addressing the conditions, etc.

**PATROL SUPERVISOR (continued)**

9. Report personally to ranking officer, members absent and reason, if known.
10. Instruct platoon not to congregate in groups around the stationhouse.
11. Direct members of platoon to leave stationhouse for post or assignments at selected intervals.

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

**LIEUTENANT - PLATOON COMMANDER**

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

NYPD

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

**PROCEDURE** When commencing meal period:

**UNIFORMED MEMBER OF THE SERVICE**

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

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

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO FOOT/TRAIN PATROL**

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

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO RMP**

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

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

**DESK OFFICER**

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

**ASSIGNED MEAL RELIEF OFFICER**

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

**RMP OPERATOR**

13. Transport relieved member directly to meal location.

**UNIFORMED MEMBER OF THE SERVICE ON MEAL**

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

**PATROL SUPERVISOR**

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

**UNIFORMED MEMBER OF THE SERVICE PERFORMING DUTY IN CIVILIAN CLOTHES**

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

***ADDITIONAL DATA***

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

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

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

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

***ADDITIONAL DATA (continued)***

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

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

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

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

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

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

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

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

***FORMS AND REPORTS***

***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-03 | |
|---|---|---|---|
| **EXPIRATION OF TOUR** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

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

**PROCEDURE** Upon completing a tour of duty:

**UNIFORMED MEMBER OF THE SERVICE ON FOOT PATROL**

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

**RMP CREW**

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

**RMP OPERATOR**

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

**UNIFORMED MEMBER OF THE SERVICE**

11. Sign return roll call in uniform.
12. Notify desk officer if unable to report to the stationhouse at the end of the tour.

**DESK OFFICER**

13. Check return roll call to account for all members from previous tour and sign as required.
14. Conduct immediate investigation if member failed to sign return roll call.

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

*Those uniformed members of the service who are <u>not</u> notified in advance or who are already performing duty with the Fourth Platoon at the time they receive a notification to attend any court, official agency or training session the following day on the Second platoon, will be excused from duty, under normal circumstances, at 2400 hours.*

***ADDITIONAL DATA (continued)***

*If the member concerned effects an arrest and the related paperwork is not completed by 2400 hours or the member concerned is in the process of performing a police function beyond 2400 hours, that member is not entitled to be dismissed until all of the police related functions are complete.*

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

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

NYPD

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

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

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

**SICK DESK SUPERVISOR**

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

**COMMUNICATIONS SECTION**

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

**DESK OFFICER**

5. Reassign recorder.

**R.M.P. OPERATOR**

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

**DESK OFFICER**

8. Reassign recorder to RMP.

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

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

**SCOPE** All uniformed members of the service below the rank of captain, except members performing permanent administrative or clerical duties, will record their daily activities in the digital **Activity Log** application on the Department smartphone. However, when a uniformed member of the service below the rank of captain who is assigned to a permanent administrative or clerical position (e.g., Crime Analysis Officer, etc.) performs duties outside of a Department facility (e.g., detail, patrol coverage, supervisor's operator, etc.) the uniformed member will record their daily activities in the digital **Activity Log**. In addition, uniformed members of the service assigned as undercovers will record their daily activities in the **ACTIVITY LOG (PD112-145)** and not the digital **Activity Log**.

**PROCEDURE** Upon reporting for a tour of duty:

**UNIFORMED MEMBER OF THE SERVICE**

1. Use the digital **Activity Log**, accessible via the home screen on Department issued smartphone, and record the following:
   a. Required information from roll call, including:
      (1) Day, date and tour,
      (2) Assignment (post, sector, RMP number, etc.),
      (3) Meal time,
      (4) Name of operator/recorder/partner, when applicable, and
      (5) School crossing or church crossing, if applicable.
   b. Result of vehicle inspection when assigned as RMP operator, including:
      (1) Condition of vehicle,
      (2) Odometer reading, and
      (3) Amount of gas in vehicle.

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

   c. Daily activities, chronologically, including:
      (1) Assignments received - Indicate time received, type of assignment, location, origin, code signal, disposition and time completed and/or given to radio dispatcher,
      (2) Information pertinent to an assignment (e.g., action taken, narrative disposition, forms prepared with identifying serial numbers, photos, notes, diagrams, sketches, signatures, identifying information of off-duty uniformed members of the service involved in any off-duty incident, etc.),

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

      (3) Tasks performed,
      (4) Absences from post/sector or place of assignment,
      (5) Rank and surname of supervisors responding to assignment,

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

(6) Completion of tour, odometer reading, signature and shield number if any, and

(7) Other entries required by Department directives.

***NOTE***

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

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

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

**SUPERVISORY MEMBER**

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

**UNIFORMED MEMBER OF THE SERVICE**

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

***ADDITIONAL DATA***

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

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

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

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

***ADDITIONAL DATA (continued)***

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

***ACTIVITY LOG (PD112-145)***

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-09 | |
|---|---|---|---|
| **UNUSUAL OCCURRENCE REPORTS** | | | |
| DATE ISSUED: 01/04/19 | DATE EFFECTIVE: 01/04/19 | REVISION NUMBER: | PAGE: 1 of 2 |

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

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**DESK OFFICER**

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

**COMMANDING OFFICER/ DUTY CAPTAIN**

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

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

**DESK OFFICER**

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

**COMMANDING OFFICER/ DUTY CAPTAIN**

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

**COMMANDING OFFICER/ DUTY CAPTAIN (continued)**

g. Copy to Commanding Officer, Office of Management Analysis and Planning, if occurrence involves the death of a person while in police custody or death or serious injury to a person in connection with a police action or death or injury to a person as a result of a police firearms discharge.

***ADDITIONAL DATA***

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

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

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

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

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

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

***RELATED PROCEDURES***

*Bias Motivated Incidents (P.G. 207-10)*
*Prisoners - Unusual Occurrence (P.G. 210-07)*
*Emergency Incidents (P.G. 213-02)*

***FORMS AND REPORTS***

***UNUSUAL OCCURRENCE REPORT (PD370-150)***
***Typed Letterhead***

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

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

**DESK OFFICER**

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

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

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

***ADDITIONAL DATA***

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

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

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

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

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

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

**DEFINITIONS (continued)**

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

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

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

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

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

**DEFINITIONS (continued)**

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

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

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

**DEFINITIONS (continued)**

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

**PROCEDURE**

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

CONDUCTING A LEVEL 1 ENCOUNTER - A REQUEST FOR INFORMATION:

**UNIFORMED MEMBER OF THE SERVICE**

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

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

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

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

***NOTE***

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

CONDUCTING A LEVEL 3 ENCOUNTER - A TERRY STOP:

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

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

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

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

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

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

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

(2) Exigent circumstances require your immediate action

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

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

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

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

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

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

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

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

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

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

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

CONDUCTING A FRISK, AND WHEN APPROPRIATE, A SEARCH:

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

***NOTE***

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

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

REQUIRED DOCUMENTATION:

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

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

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

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

(2) Exigent circumstances require your immediate action

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

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

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

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

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

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

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

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

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

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

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

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

***NOTE***

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

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

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

50. Record details in digital **Activity Log** and include the following information in the entry:
    a. Date, time and location of stop
    b. Pedigree information (name, date of birth, address, telephone number), unless refused, and detailed description of the person stopped
    c. Document refusal to provide pedigree information, if applicable
    d. ICAD number, if applicable.
51. Prior to the end of your tour, submit the **STOP REPORT** and digital **Activity Log** printout to the patrol supervisor/unit supervisor for review.
    a. The reviewing supervisor must be at least one rank higher than the member submitting the **STOP REPORT**.
52. Inform the patrol supervisor/unit supervisor of facts of the stop and, if conducted, frisk, and/or search.

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

SUPERVISORY AND ADMINISTRATIVE FUNCTIONS:

**PATROL SUPERVISOR/ UNIT SUPERVISOR**

53. Respond to the scene of stops when feasible.
54. Discuss the circumstances of the stop with the member of the service and review the **STOP REPORT** in FORMS using a Department mobile device (e.g., cellphone, tablet, etc.), or desktop, if available, by selecting "Signoff."
    a. Determine whether all captions are completed and all relevant check boxes are checked.
    b. Confirm that the **STOP REPORT** states in plain language a specific suspected felony or Penal Law misdemeanor.
    c. Determine whether the officer's description in the "Narrative (Describe the Circumstances That Led to the Stop)" caption includes the facts and circumstances relied upon by the officer to conclude that there was reasonable suspicion that the person stopped had committed, was committing, or was about to commit a felony or Penal Law misdemeanor.
    d. If the person was frisked, determine whether the officer's description in the "Narrative (Describe the Circumstances That Led to the Frisk and/or Search, if Conducted. Include Area Searched)" caption includes the facts and circumstances relied upon by the officer to conclude that there was reasonable suspicion that the person was armed and dangerous and, if a search was conducted, the facts and circumstances that provided the basis for the search, the area searched and whether a weapon or other contraband was recovered.
    e. Complete the "Supervisory Action (Must Complete)" caption. Consider the facts and information as conveyed by the member and recorded on the **STOP REPORT** and determine whether:
        (1) The stop was based upon reasonable suspicion of a felony or Penal Law misdemeanor
        (2) If the person was frisked, whether the frisk was supported by a reasonable suspicion that the person was armed and dangerous; and
        (3) If the person was searched, whether there was a sufficient basis for the search.
    f. If appropriate, instruct member of the service and/or refer for additional training and/or other remedial action, including, disciplinary action and indicate such in the "Follow-Up Action (If appropriate)" caption.
55. Complete all captions in the "Reviewing Supervisor" section.

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**PATROL SUPERVISOR/ UNIT SUPERVISOR (continued)**

56. If, based upon review of the **STOP REPORT**, digital **Activity Log** entry and discussion with the uniformed member of the service, the **STOP REPORT** requires additional information:
    a. Check "No" following question "Report Accurate and Complete?"
    b. Enter instruction to the reporting member of the service in the "Note" section in FORMS
    c. Select the "Check" icon to return the **STOP REPORT** to the reporting member of the service for correction.
57. If the report is "Accurate and Complete" (i.e., all captions filled out and narrative contains adequate details) but after review it is determined there was not a sufficient basis for the stop and/or frisk and/or search, indicate such by checking the appropriate field(s) on the electronic form.
    a. Select the action taken from the "Follow-Up Action (If appropriate)" section, and
    b. Approve the **STOP REPORT**.
58. "Approve" and "Finalize" the **STOP REPORT** following the prompts in FORMS.
59. Review the member's digital **Activity Log** entry and ensure that the detailed description and the pedigree information of the person stopped is included, unless the person stopped refused to provide the information.
60. If force was used, determine whether the use of force was reasonable under the circumstances of the encounter.
61. Prior to the end of tour, electronically "sign-off" on **STOP REPORT** and return digital **Activity Log** back to member upon completion of the review.

***NOTE***

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

**UNIFORMED MEMBER OF THE SERVICE**

62. Upon rejection of **STOP REPORT** from the reviewing supervisor, access the report from the FORMS "Inbox," go to the "Actions" tab, select "Edit" and make the directed corrections.
    a. Select the "Check" icon to resubmit to supervisor for review and approval.
63. Prior to the end of tour, print the digital **Activity Log** entry detailing the Terry Stop and submit to the desk officer/designee.

**DESK OFFICER/ DESIGNEE**

64. Log into FORMS and select "SEARCH." A search must be conducted of all **STOP REPORTS** prepared during tour.
65. If a **STOP REPORT** was prepared, print out the "approved" **STOP REPORT** from the queue and attach it to the printed digital **Activity Log** entry submitted by the uniformed member of the service.

**DESK OFFICER/ DESIGNEE (continued)**

a. Place **STOP REPORT** and photocopy of printed digital **Activity Log** entry into the command's **STOP REPORT** binder maintained at the desk in sequential order.

**INTEGRITY CONTROL OFFICER**

66. Personally conduct, in conformance with the Quality Assurance Division's self-inspection program, the command self-inspection of **STOP REPORTS**.

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

**EXECUTIVE OFFICER**

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

**COMMANDING OFFICER**

69. Assume responsibility for the integrity of the administration of this procedure.

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

***NOTE***

*Minor or inadvertent mistakes in documentation or isolated cases of erroneous but good-faith stops or frisks by members of the service should ordinarily be addressed through instruction and training. In most instances, instruction and training should be accomplished at the command level. The application of the law in this area can be complicated, and investigative encounters are fluid situations in which one event or*

***NOTE (continued)***

*observation can alter the level of suspicion or danger. A single erroneous judgment will not generally warrant referral to the Legal Bureau for retraining. However, members of the service who evince a lack of comprehension of the core concepts of the law governing this procedure should be referred to the Legal Bureau.*

**TRAINING SERGEANT**

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

***ADDITIONAL DATA***

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

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

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

***ADDITIONAL DATA (continued)***

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

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

***RELATED PROCEDURES***

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

***FORMS AND REPORTS***

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

NYPD

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

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

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

**UNIFORMED MEMBER OF THE SERVICE**

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

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

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

**CRIMINAL INTELLIGENCE SECTION**

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

**CRIMINAL INTELLIGENCE SECTION (continued)**

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

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

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

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

**DESK OFFICER**

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

**FIELD INTELLIGENCE OFFICER**

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

**COMMANDING OFFICER, CRIMINAL INTELLIGENCE SECTION**

14. Conduct necessary review and follow up on reported information.
15. Confer with field intelligence officers frequently regarding on-going investigations, crime trends or patterns, significant crimes, etc.
    a. Notify field intelligence officers concerned when useful information is obtained regarding an ongoing investigation or crime pattern, etc., from a different NYPD command, another law-enforcement or confidential source, or as a result of analysis performed by the Intelligence Bureau.

***NOTE*** *The Commanding Officer, Criminal Intelligence Section will meet on a regular basis with all field intelligence officers. In addition, the Commanding Officer, Criminal Intelligence Section will meet on a regular basis with other members of the Intelligence Bureau and query other sources within the NYPD and other agencies to identify trends, patterns or information relevant to ongoing investigations across the City and affecting other law-enforcement agencies and jurisdictions.*

16. Confer frequently with Commanding Officer, Intelligence Operations and Analysis Section regarding intelligence information relevant to area of assignment. Request detailed intelligence analysis as needed to support investigations conducted by operational units or to support enforcement strategies.
    a. Convey results of such analysis promptly to the appropriate operational command.

**COMMANDING OFFICER, INTELLIGENCE OPERATIONS AND ANALYSIS SECTION**

17. Ensure that all intelligence reports generated by this process are forwarded to field intelligence officers and the Commanding Officer, Criminal Intelligence Section concerned without delay.
18. Meet at regular intervals with field intelligence officers concerned to provide intelligence overview briefings and to review intelligence needs of operational field commands.

***NOTE*** *The Commanding Officer, Intelligence Operations and Analysis Section will forward monthly reports to all commands concerned regarding the number of reports and type of intelligence received by the Intelligence Bureau pursuant to this procedure.*

**COMMANDING OFFICER, INTELLIGENCE OPERATIONS AND ANALYSIS SECTION (continued)**

19. Ensure timely reporting of useful intelligence to operational field commands under this procedure.
20. Ensure that all intelligence is filed chronologically within command and produced when necessary to aid an investigation or as otherwise required by law.

**COMMANDING OFFICER, INTELLIGENCE BUREAU**

21. Provide quarterly reports to the Chief of Department on the results of this procedure.

***ADDITIONAL DATA***

*Members of the service who become aware of hidden compartments (traps) in specific vehicles, regardless of whether an arrest is effected, will comply with this procedure and report this information as criminal intelligence. In addition to any other information, the following data will be obtained and reported for entry into the Intelligence Database (I-Base):*

*a. Year, make and model of vehicle (e.g., 1998 Nissan Maxima)*
*b. Registration plate number*
*c. VIN number*
*d. Location of trap (e.g., passenger side airbag compartment, floorboard, etc.)*
*e. Property in trap (e.g., guns, drugs, empty, etc.)*
*f. How trap is activated, if known (e.g., defroster 'on', emergency brake 'on', cigarette lighter 'pushed in', cruise control 'on', driver's seatbelt in 'locked position')*
*g. Name/location of trap installer, if known (e.g., 'JJ's Car Audio Systems, 1313 Tremont Avenue, Bronx, N.Y.').*

*Nothing in this procedure alters the obligation of members of the service to report complaints of public morals, narcotics and organized crime related offenses to the Investigative Support Section, Real Time Crime Center (pursuant to P.G. 207-08, "Preliminary Investigation of Vice, Narcotics or Organized Crime Related Complaints").*

*Detectives assigned to the Intelligence Bureau are available twenty-four hours a day to assist investigators and arresting officers in debriefing prisoners with regard to developing intelligence information.*

*The Intelligence Bureau may be contacted twenty-four hours a day. The Intelligence Bureau's, Criminal Intelligence Section may also be contacted 24 hours a day for investigative case support by means of performing queries in various city, state, federal and commercial computer databases.*

***RELATED PROCEDURES***

*Preliminary Investigation of Vice, Narcotics or Organized Crime Related Complaints (P.G. 207-08)*
*Reporting Gang Related Criminal Activity (P.G. 212-13)*

***FORMS AND REPORTS***

***POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)***

**PURPOSE** To establish and define the procedures required of uniformed members of the service for reporting gang-related/motivated criminal activity of suspected gangs or gang members.

**DEFINITIONS** For the purpose of this procedure, the term "gang" and "crew" are interchangeable and the same protocol will be followed for gang and/or crew members using the following definitions:

GANG - Any ongoing organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities, the commission of one or more criminal acts (including drug dealing), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

GANG-MOTIVATED INCIDENT - Any gang-related incident that is done primarily:

a. To benefit or further the interests of the gang, or
b. As part of an initiation, membership rite, or act of allegiance to or support for a gang, or
c. As a result of a conflict or fight between gang members of the same or different gangs.

GANG-RELATED INCIDENT - Any incident of unlawful conduct by a gang member or suspected gang member. All gang-motivated incidents are, by definition, also gang-related incidents.

GANG-RELATED INTELLIGENCE - Information about a gang, suspected gang, an individual gang, or suspected gang member. This includes information about gang meetings, recruiting attempts by gangs, plans by persons affiliated with a gang to organize or take part in public events, "community" events (as defined by a gang), intelligence obtained from social media networks, as well as any information useful in developing profiles and intelligence about gang activities.

**PROCEDURE** Upon becoming aware of gang-related intelligence, learning of a possible gang-related or gang-motivated incident, or upon making an arrest of a suspected or identified gang member for any offense:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take immediate action as necessary.
2. Notify the patrol supervisor.
3. Enter information in digital **Activity Log**, if appropriate.
4. Contact the Detective Borough Wheel concerned immediately, 24 hours/7 days a week.
   a. Provide all pertinent information to Detective Borough Wheel member accepting the report.

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

5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and/or **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, as necessary.
6. Enter the following information in digital **Activity Log** and/or **COMPLAINT REPORT WORKSHEET** and/or **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, as necessary:
   a. Rank, name and tax number of Detective Borough Wheel member taking notification
   b. Detective Borough Wheel log number
   c. Indication if incident was possibly gang-related
      (1) Complete "Possibly Gang Related" caption on **COMPLAINT REPORT WORKSHEET**.
7. Be guided by direction given by Detective Borough Wheel member.
   a. If requested, and when feasible, remain at command until Borough Gang Squad investigators arrive.

**DETECTIVE BOROUGH WHEEL MEMBER**

8. Obtain as much information as possible from member of the service making notification, including detailed contact information for the member of service.
9. Notify supervisor in Borough Gang Squad concerned immediately.

**BOROUGH GANG SQUAD SUPERVISOR**

10. Review information received to determine whether immediate response to command of occurrence is necessary.
11. Contact member that made notification to Detective Borough Wheel.
    a. Determine if response of Borough Gang Squad personnel is appropriate.
    b. Advise member making notification to remain available, when feasible, if it appears additional information will be needed or if Borough Gang Squad personnel are responding to member's location.

**BOROUGH GANG SQUAD MEMBER**

12. Review information received and respond to command of occurrence, if directed by Borough Gang Squad supervisor.
13. Obtain, prior to responding:
    a. Any and all information on gang incidents or activity which may have previously occurred within subject area of command in question
    b. Results of name checks on gang members involved in subject incident
    c. Results of all queries in pertinent Gang databases
    d. Photographs of gang members involved.
14. Assist and provide all pertinent intelligence to arresting officer and detective assigned.
15. Prepare **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** in the Enterprise Case Management System (ECMS) describing any intelligence gathered from the incident and attach photos of the subjects involved.

**BOROUGH GANG SQUAD MEMBER (continued)**

16. Notify Transit Bureau Wheel of all pertinent information, if appropriate.

**BOROUGH GANG SQUAD SUPERVISOR/ MEMBER**

17. Enter information in Borough Gang Squad database (ECMS).
18. Issue a Borough Gang Squad number if investigation reveals incident is gang-related or gang-motivated.
19. Enter all information obtained during debriefing, etc., into pertinent Borough Gang Squad databases (ECMS).

**DESK OFFICER**

20. Review and sign **COMPLAINT REPORT WORKSHEET** and **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, as appropriate, ensuring notification to Detective Borough Wheel was made and log number was documented.

**PRECINCT/ BUREAU DETECTIVE SQUAD MEMBER ASSIGNED**

21. Keep the Borough Gang Squad informed of developments in the investigation, particularly those that may either support or disprove that the incident was gang/crew-related or gang/crew-motivated.
    a. Document all conferrals with Borough Gang Squad personnel on a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink)** in ECMS case folder.
    b. Notify Borough Gang Squad when during the course of an investigation, an offense is determined to be gang-motivated or gang-related.

**FIELD INTELLIGENCE OFFICER**

22. Coordinate intelligence, identify gangs and maintain gang file, including the names of known members, locations, colors, rivals, etc.

**COMMANDING OFFICER, BOROUGH GANG SQUAD**

23. Determine if an incident is gang-related or gang-motivated within five days from date of occurrence, if possible.
24. Prepare and forward to Chief of Department each month the following:
    a. A statistical report summarizing all gang-related and gang-motivated incidents
    b. An analysis summarizing activity and trends concerning gangs.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Uniformed members of the service should record all pertinent information regarding vehicles (i.e., plate, state, make, model, etc.) in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.*

*All Detective Borough Wheels have a 24 hours, 7 days a week intake capability and may dispatch detectives to debrief gang members, victims and witnesses of gang-related or gang-motivated incidents.*

***ADDITIONAL DATA (continued)***

*The Borough Gang Squad will ensure that intelligence obtained regarding suspected gangs/crews or gang members is shared with Department units to further their investigations and reduce crime.*

*Intelligence information that is not gang-related/motivated must be reported to the Intelligence Bureau as described in P.G. 212-12, "Citywide Intelligence Reporting System."*

*DEPARTMENT POLICY*

*The Borough Gang Squads serve as the Department's central repository of intelligence on gangs.*

*Clerical members assigned to precincts, transit districts, police service areas, detective squads, etc., will immediately notify the desk officer when a walk-in complaint is received concerning a possible gang-related or gang-motivated incident and be guided by the supervisor's instructions including, but not limited to, ensuring that a detective interview is conducted regarding criminal activity and gang affiliation.*

***RELATED PROCEDURES***

*Citywide Intelligence Reporting System (P.G. 212-12)*
*Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)*
*On-Line Juvenile Report System (P.G. 215-08)*

***FORMS AND REPORTS***

***COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

NYPD

**PURPOSE** To report traffic conditions that need to be addressed by the New York City Police Department or other outside agencies (i.e., collision-prone locations, chronic traffic congestion-prone locations, double parking, requests for signs or signal lights, pavement markings, construction projects, etc.).

**PROCEDURE** Whenever a uniformed member of the service observes a traffic condition that is not immediately correctable and the need for further assistance is required, OR when a collision-prone location is identified by the Traffic Accident Management System (TAMS):

**UNIFORMED MEMBER OF THE SERVICE**

1. Prepare **TRAFFIC INTELLIGENCE REPORT (PD178-150)** when a traffic condition is observed and is not immediately correctable by available resources.
2. Indicate on **TRAFFIC INTELLIGENCE REPORT**:
   a. Specific type of condition(s)
   b. Times
   c. Place(s) of occurrence
   d. Any corrective measures taken or recommended.

***NOTE*** *Print clearly and fill in all captions that pertain to the condition. Use common language to describe the condition.*

3. Utilize reverse side of **TRAFFIC INTELLIGENCE REPORT** for:
   a. Detailed description
   b. Diagram(s), if applicable
   c. Additional comments.
4. Submit completed **TRAFFIC INTELLIGENCE REPORT** to the traffic safety officer, command of occurrence, before end of tour.

***NOTE*** *If the condition was observed on a limited access highway, submit the completed **TRAFFIC INTELLIGENCE REPORT** to the highway unit concerned.*

**TRAFFIC SAFETY OFFICER**

5. Review **TRAFFIC INTELLIGENCE REPORT(S)** daily and indicate in the appropriate space on the report:
   a. Any corrective action taken
   b. Recommendations
6. Maintain a Precinct/Highway Unit Traffic Intelligence Report Log to record each **TRAFFIC INTELLIGENCE REPORT** submitted, captioned as follows:

| Precinct Serial # | Date of Report | Location | Condition | Corrective Action Taken | Recommendation | Date Fwd to DOT |
|---|---|---|---|---|---|---|

***NOTE*** *__TRAFFIC INTELLIGENCE REPORTS__ concerning the same condition, at the same location, during the same week (Monday through Sunday) will be grouped together and given one precinct serial number. The traffic safety officer will forward only one __TRAFFIC INTELLIGENCE REPORT__ to the borough traffic safety coordinator, but will indicate how many other __REPORTS__ were received to report the same condition.*

**WHEN A COLLISION-PRONE LOCATION HAS BEEN IDENTIFIED BY TAMS:**

**TRAFFIC SAFETY OFFICER**

7. Conduct a survey of each collision-prone location to determine what specific factors contribute to a location's high collision rate.
8. Prepare **TRAFFIC INTELLIGENCE REPORT** as specified in step 2 above for each collision-prone location.
9. Confer with executive officer regarding conditions that can be corrected at the precinct level through use of available resources.
10. Establish liaison with outside agencies (NYC Department of Transportation, Parks Department, Department of Environmental Protection, Department of Buildings, etc.) to address conditions that cannot be corrected by precinct personnel.

***NOTE*** *If the __TRAFFIC INTELLIGENCE REPORT__ concerns an engineering recommendation, a copy of the __REPORT__ will be forwarded to the Department of Transportation borough commissioner's office. A telephone notification will also be made and indicate the date, time, and person notified at the DOT borough office on the __TRAFFIC INTELLIGENCE REPORT__. Indicate the date __REPORT__ was forwarded to DOT in the precinct Traffic Intelligence Report Log.*

11. Forward copies of **TRAFFIC INTELLIGENCE REPORTS** to the borough traffic safety coordinator WEEKLY and indicate:
    a. Corrective actions taken and/or recommendations for further measures, if necessary.
    b. File copies of the **TRAFFIC INTELLIGENCE REPORT** for precinct/highway unit records.

***NOTE*** *Conditions requiring immediate attention such as complaints of potholes, missing traffic signs, inoperable signal lights, etc., will NOT be forwarded to the borough traffic safety coordinator. Upon making an observation of a condition requiring immediate attention, corrective action must be initiated by the member of the service at the scene of the condition including a notification to the precinct telephone switchboard operator for entry on the __HIGHWAY CONDITION RECORD (PD311-151)__.*

**OPERATIONS COORDINATOR**

12. Ensure each Monday the **WEEKLY STREET CONDITIONS SURVEY (PD311-150)** is reviewed and appropriate agencies/members notified.

***NOTE*** *Preparation of a __TRAFFIC INTELLIGENCE REPORT__ does not relieve precinct personnel from taking other corrective action to expedite the flow of vehicular traffic and ensure pedestrian safety.*

**BOROUGH TRAFFIC SAFETY COORDINATOR**

13. Maintain a borough Traffic Intelligence Report Log utilizing the same format as specified above but with an additional column for the borough serial number.
14. Confer with borough executive officer regarding conditions that can be corrected at the borough level through the use of borough resources.
15. Forward copies of the **TRAFFIC INTELLIGENCE REPORT** to the Traffic Management Center ONLY where precinct or borough personnel cannot correct condition(s) and the condition(s) is not reportable on the **WEEKLY STREET CONDITIONS SURVEY** or **HIGHWAY CONDITION RECORD**.

**TRAFFIC MANAGEMENT CENTER TRAFFIC SAFETY OFFICER**

16. Review and analyze **TRAFFIC INTELLIGENCE REPORTS** and:
    a. Assist precinct or patrol borough in correcting condition(s).
    b. Confer with outside agencies, if applicable.
    c. Report findings to the commanding officer.

***ADDITIONAL DATA***

*A **TRAFFIC INTELLIGENCE REPORT** will be prepared for all incidents involving a construction site (refer to P.G. 214-16,"Construction Sites"). Include all permit numbers, indicate if a check of the New York City Department of Transportation's Management Oriented Street Attributes Information Control System (MOSAICS) computer was made and indicate the results, including any enforcement action taken. A computer check can be made twenty-four (24) hours a day through the Traffic Management Center by telephone.*

*A liaison with city, state, and federal agencies must be established at the borough and precinct level to ensure a coordinated effort to correct conditions which are considered outside the Department's purview. The borough traffic safety coordinator will be responsible for maintaining a current list of liaisons with such outside agencies.*

***RELATED PROCEDURES***

*Emergency Plans "A" - "B" - "C" (P.G. 213-13)*
*Construction Sites (P.G. 214-16)*
*Weekly Street Conditions Survey & Daily Observations Of Highway Conditions Requiring Corrective Action (P.G. 214-22)*
*Accidents and Collisions - City Involved (P.G. 217-04)*

***FORMS AND REPORTS***

***TRAFFIC INTELLIGENCE REPORT (PD178-150)***
***WEEKLY STREET CONDITIONS SURVEY (PD311-150)***
***HIGHWAY CONDITION RECORD (PD311-151)***

| Section: Command Operations | | Procedure No: 212-15 | |
|---|---|---|---|
| **LOJACK STOLEN VEHICLE RECOVERY SYSTEM AND MONTHLY REPORT** | | | |
| DATE ISSUED: 12/30/20 | DATE EFFECTIVE: 12/30/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To provide guidelines for tracking and recovering stolen vehicles when utilizing the Lojack Stolen Vehicle Recovery System (SVRS).

**DEFINITION** POLICE TRACKING UNIT (PTU) - a two officer RMP equipped with a Police Tracking Computer (PTC). The RMP Recorder is responsible for recording all tracking incidents.

TRACKING - the process of utilizing a Police Tracking Computer (PTC) in an effort to locate a vehicle emitting an active radio signal (no visual contact made).

**PROCEDURE** When an RMP crew is assigned to perform patrol duties in a Police Tracking Unit:

**RMP RECORDER**

1. Place the locking switch of the Police Tracking Computer (PTC) in the lock position to allow the system to do a complete diagnostics check before starting the RMP.
2. Place the locking switch in the unlock position upon completion of the diagnostics check.
3. Place the locking switch in the lock position immediately upon receiving a signal that a stolen vehicle is within range.

***NOTE*** *The receipt of a Lojack signal by a Police Tracking Unit (PTU) establishes reasonable suspicion that a crime has been committed. Additional information must be obtained to establish probable cause prior to arresting the vehicle occupant(s).*

4. Note the five digit alpha numeric code of the vehicle being tracked and transmit that code and your present location to the radio dispatcher.

**RADIO DISPATCHER**

5. Notify the patrol supervisor of the RMP designation engaged in tracking an active radio signal.
6. Enter the five digit code into NYSPIN and inform the requesting unit of the following vehicle information:
   a. Registration number
   b. Make and model
   c. Color and year
   d. Other relevant information regarding theft.

**PATROL SUPERVISOR**

7. Monitor tracking activities of Police Tracking Unit (PTU) and terminate tracking if required by policies of the Department, or when otherwise appropriate.

WHEN A VEHICLE IS BEING TRACKED WITHOUT VISUAL CONTACT

**RMP RECORDER**

8. Advise radio dispatcher when it is necessary to cross precinct boundaries to continue tracking. Police Tracking Units (PTU) shall not track beyond their precinct boundaries without the permission of the patrol supervisor.

***NOTE*** *Uniformed members of the service are not authorized to track vehicles beyond New York City limits under any circumstances. RMP recorders will request the radio dispatcher to notify the police department concerned about vehicle information and direction of travel when a vehicle leaves the city limits.*

**PATROL SUPERVISOR**

9. Request the radio dispatcher to assign a Police Tracking Unit (PTU) in adjoining precinct to continue tracking vehicle if no visual contact has been made, when available. If unavailable, determine whether RMP should continue tracking beyond precinct boundaries.

WHEN VISUAL CONTACT IS MADE WITH A VEHICLE RMP RECORDER

**RMP RECORDER**

10. Advise radio dispatcher whether the vehicle is occupied or unoccupied; moving or parked.
11. Take appropriate action (e.g., arrest, notification to adjoining police department, etc.), regardless of precinct boundaries. Members shall be guided by *P.G. 221-15, "Vehicle Pursuits",* whenever they are in pursuit of a vehicle emitting active radio signals.

***NOTE*** *The patrol supervisor shall ensure that the provisions of P.G. 221-15, "Vehicle Pursuits," are strictly observed. Patrol supervisors must monitor all tracking incidents within their area of assignment and must terminate pursuits/tracking whenever appropriate.*

ALL TRACKING SITUATIONS

**RADIO DISPATCHER**

12. Notify adjoining precinct when a tracking incident progresses into their boundaries.

***NOTE*** *No other RMP will participate in an on-going track unless directed to do so by the patrol supervisor.*

**RMP RECORDER**

13. Notify radio dispatcher when a signal is lost, a vehicle is recovered, or when an arrest is effected.
14. Make an appropriate digital **Activity Log** entry for each tracking incident.
15. Follow normal Patrol Guide procedures for recovery of stolen/abandoned vehicles.
16. Indicate in the "Remarks" section of the **PROPERTY CLERK INVOICE (PD521-141)** that the vehicle was recovered using the Police Tracking Computer (PTC).

**COMMANDING OFFICER**

17. Ensure that the **LOJACK MONTHLY REPORT (PD171-152)** is forwarded to the Chief of Patrol, through channels, by the third day of each month.

***ADDITIONAL DATA*** *Deactivation of Radio Transmitter - The radio transmitter in a recovered vehicle will be automatically deactivated when information is received by NYSPIN that the vehicle has been recovered or the alarm is canceled. Thus, an alarm will be canceled whenever a Lojack equipped vehicle is to be safeguarded at the stationhouse as evidence, pending transport to the auto pound.*

***ADDITIONAL DATA (continued)***

*Recovery of Vehicles on Private Property - Police officers shall not enter upon private property to track a vehicle. However, Police Tracking Units (PTU) may enter upon private property if: (1) they are in close pursuit of a vehicle which is attempting to elude apprehension and is emitting a radio signal, or (2) there is an emergency situation, or (3) there are other exigent circumstances, or (4) a search warrant is obtained. The mere fact that a vehicle on private property is emitting a radio signal does not constitute an emergency or exigent circumstances. The patrol supervisor shall notify the Auto Crime Unit, if available to determine whether a search warrant should be obtained, or whether a* ***COMPLAINT REPORT (PD313-152)*** *should be prepared or the Intelligence Bureau notified. When Auto Crime is unavailable, confer with the Precinct Detective Squad.*

*Replacement and Repair of SVRS Equipment - The Fleet Services Division will be notified whenever a Police Tracking Unit (PTU) is expected to be out of service for an extended period of time (e.g., major mechanical repairs, vehicle collision, etc.) or when broken or malfunctioning SVRS equipment needs replacement or repair.*

*All commands with vehicles equipped with Lojack Police Tracking Computers (PTC's) will prepare* ***LOJACK MONTHLY REPORT (PD171-152)****. This report will provide the Department with the information necessary to analyze and assess the Lojack System, as well as track recovery activity. Negative reports will also be forwarded.*

*The* ***LOJACK MONTHLY REPORT*** *requires a complete entry by the recovering command whenever a vehicle is recovered using a Lojack Police Tracking Computer. However, the Aviation Unit must report every tracking incident in which the unit is involved. The Aviation Unit will enter only the following information on the* ***LOJACK MONTHLY REPORT****:*

*a. Alarm number*
*b. Date/time of track*
*c. Command where Lojack signal was picked up.*

*The* ***LOJACK MONTHLY REPORT*** *will be forwarded by the third day of each month, for the previous month's activity, through channels, to the Patrol Services Bureau.*

*To maximize the effectiveness of the Department's Stolen Vehicle Recovery System, all platoon commanders (or desk officers in their absence) will ensure that at least one Lojack Police Tracking Computer equipped vehicle is on patrol on every tour. Additionally, desk officers will ensure that alarms for all complaints of stolen vehicles are promptly transmitted.*

***RELATED PROCEDURES***

*Vehicle Stolen and Recovered Within New York City (P.G. 218-14)*
*Vehicle Stolen Outside New York City - Recovered Within New York City (P.G. 218-15)*
*Photographing Stolen Evidence Vehicles When An Arrest Is Made (P.G. 218-18)*
*Vehicle Pursuits (P.G. 221-15)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***LOJACK MONTHLY REPORT (PD171-152)***
***PROPERTY CLERK INVOICE (PD521-141)***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-16 | |
|---|---|---|---|
| **EVACUATIONS OF NEW YORK CITY TRANSIT TRAINS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide procedures for the evacuation of trains.

**DEFINITIONS** REACH TRAIN - A train brought in front of or behind a stalled train, to which passengers transfer by walking through the stalled train.

RESCUE TRAIN - A train brought alongside a stalled train, to which passengers can cross by using emergency evacuation devices.

EMERGENCY EVACUATION DEVICES - located at the south end of the southbound platform near the first emergency telephone blue light for underground stations and near the twenty-four hour token booth on elevated stations. One side of the device can be used as a ramp and the other as a ladder.

**PROCEDURE** Upon receiving information that a train is to be evacuated or a discharge of passengers is ordered:

EMERGENCY SITUATIONS

**UNIFORMED MEMBER OF THE SERVICE**

1. Immediately notify the patrol supervisor/duty captain through the radio dispatcher and report who on the scene ordered the evacuation and reason.
2. Comply with instructions of duty captain regarding evacuation, including whether to evacuate passengers to a reach train, to a rescue train, or otherwise.
3. Advise passengers of the reason for the evacuation.
4. Coordinate and cooperate with New York City Transit personnel on scene.
5. Avoid unnecessary forceful confrontations with passengers.
6. Evacuate passengers as directed by patrol supervisor or duty captain.
   a. If a reach train is used, direct passengers to walk through train towards the first or last car, as appropriate.
   b. If a rescue train is used, assist passengers to cross gap between trains over emergency evacuation devices.
   c. If no reach or rescue train is used, direct passengers onto benchwall via emergency evacuation devices and lead to nearest station, or if this is not practical, to the nearest emergency exit.

***NOTE*** *If passengers are to be evacuated to the benchwall or roadbed, ensure that power is removed prior to evacuation. Power is not removed if passengers are evacuated to a rescue train or a reach train.*

7. Evacuate passengers onto the tracks via emergency evacuation devices and lead to the nearest station or emergency exit as conditions warrant, if no other means are available.

***NOTE*** *In the event that some passengers are non-ambulatory, emergency equipment shall be used.*

**PATROL SUPERVISOR**

8. Establish command post.
9. Keep radio dispatcher and duty captain informed of conditions and need for additional personnel.

**DUTY CAPTAIN**

10. Immediately contact the New York City Transit, Rapid Transit Operations Command Center via radio and inform them of the condition.
    a. Consult with Rapid Transit Operations Command Center to determine if either a reach train or rescue train will be used, or if passengers should be evacuated via benchwall or roadbed.
11. Maintain constant communication with Rapid Transit Operations Command Center and personnel at the scene.
12. Direct sufficient personnel and supervision to the scene and make appropriate notifications as required.

NON-EMERGENCY SITUATIONS

**UNIFORMED MEMBER OF THE SERVICE**

13. Coordinate activities with New York City Transit personnel on scene.
14. Use tact and courtesy and avoid unnecessary forceful confrontations with passengers remaining on the troubled train.
15. Advise passengers who are reluctant or refuse to evacuate that they will be taken to an alternate location when possible.
16. Notify the duty captain of the movement and arrival at the alternate location, when assigned to ride the affected train with passengers aboard.

**PATROL SUPERVISOR**

17. Make appropriate assignments of personnel in accordance with the number of passengers who choose to continue on the train.

**DUTY CAPTAIN**

18. Communicate with Rapid Transit Operations Command Center and field personnel on scene to ensure the assignment of sufficient personnel to effect the safe movement and discharge of passengers at the alternate terminus.

***ADDITIONAL DATA*** *For both emergency and non-emergency situations, the duty captain or ranking member in charge will ensure that a report on* ***Typed Letterhead*** *is prepared describing the circumstances of the incident and any action(s) taken. The report is to be forwarded to the Chief, Transit Bureau.*

***FORMS AND REPORTS*** ***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-17 | |
|---|---|---|---|
| **PROCEDURES AT SCENES OF CRITICAL SITUATIONS ON NEW YORK CITY TRANSIT** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide procedures to be followed at the scene of certain incidents.

**PROCEDURE** The following procedures will be followed in cases of fires, floods, collisions, derailments, persons under trains and other major disruptions of service:

**UNIFORMED MEMBER OF THE SERVICE**

1. Remove power from affected area, when necessary.
2. Post a responsible person in the street near the scene to direct responding emergency units and equipment.
3. If necessary, evacuate or remove persons from trains and/or stations.
4. DO NOT permit the removal of a sick or injured member of the Fire Department without consent of the fire officer in charge.
5. Remove person(s) from under trains except when person is deceased and possibly the victim of a crime, when possible.
6. Administer necessary first aid to victim(s).
7. Exclude unauthorized person(s) from the area.
8. Establish police/fire lines.
9. Establish a command post.
10. Obtain the names, addresses and telephone numbers of all witness(es), and their employer's names, business addresses and telephone numbers.
    a. Record this information in digital **Activity Log** together with any statement made by such witness(es).
11. Report full details to the duty captain or incident commander, unless a supervisor designates another member to report details, when assigned to post on which the incident occurred.
    a. Include the following information, where applicable:
        (1) Train operator's name, address, telephone number, pass number, run number and regular days off
        (2) Statement of train operator
        (3) Conductor-in-charge's name, address, telephone number, pass number, run number and regular days off
        (4) Statement of conductor-in-charge
        (5) Line
        (6) Northbound or southbound, express or local
        (7) Lead motor car number
        (8) Departure time
        (9) Point of departure
        (10) Terminus
        (11) Car numbers
        (12) Car(s) involved
        (13) Police Emergency Service Unit truck number
        (14) Detective handling the investigation
        (15) Power ordered off - by whom, time
        (16) Power ordered restored - by whom, time

**DUTY CAPTAIN/ INCIDENT COMMANDER**

12. Prepare a report on **Typed Letterhead**, describing circumstances of incident and any action(s) taken.
    a. Forward report to Chief, Transit Bureau.

***ADDITIONAL DATA***

*All uniformed members of the service, especially those assigned to subway patrol duty, should be cognizant of the New York City Transit (NYCT) procedure for train crews to signal for police assistance.*

*The train operator and/or conductor may utilize a train horn or whistle to request police assistance, as follows:*

*LONG SOUND immediately followed by a SHORT SOUND, and then another LONG SOUND immediately followed by a SHORT SOUND.*

*Members of the service, upon hearing the above sound signals, shall, in a tactically safe manner, immediately respond to the nearest member of the train crew (either the conductor or train operator), to investigate the police condition.*

*Members of the service are reminded that personal safety is of paramount importance and they always must exercise sound tactics and good judgement whenever they respond to a train signaling for police assistance.*

*As always, all police action will be recorded in the member's digital **Activity Log** including any reports prepared and/or notifications made.*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

**PURPOSE** To provide procedures for uniformed members of the service coming into contact with dogs or other animals on the New York City Transit system or aboard New York City Transit buses.

**SCOPE** Section 1050.9(h)(1), New York Code Rules and Regulations - "No person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers."

The following are exemptions to this section of law:

a. NYPD Canine Team dogs or other working dogs for law enforcement agencies
b. Seeing eye dogs or other service animals that are harnessed and trained to assist persons who are visually impaired
c. Hearing guide dogs or other service animals trained to assist a person with a hearing impairment
d. Support dogs or other service animals that are trained to assist a person with a physical impairment
e. Animals used to assist persons with disabilities that are not readily apparent, including epilepsy, heart disease, lung disease, and other medical conditions
f. Animals which are being trained as service animals and are accompanying persons with disabilities
g. Service animals undergoing training by professional trainers possessing the necessary identification such as:
   (1) Training school identification OR
   (2) Letter from the training school OR
   (3) A training school collar tag.

***NOTE*** *An individual with a disability who is accompanied by a service animal cannot be required to submit proof of disability or any form of documentation, or to demonstrate or otherwise prove that the animal is a service animal. An officer who is uncertain as to whether the animal is a service animal may inquire regarding whether such animal is providing assistance because of a disability.*

*Animals whose behavior poses a direct threat to the health or safety of others, or whose presence creates an undue risk to the general public, may be excluded.*

*Dogs are the most common service animals, but other animals may be utilized as service animals, provided they perform specific functions and tasks pertaining to an individual's disability. However, it should be noted that many service animals are not identified by special or colored collars or harnesses, nor is the owner required to present a license or other identification for the animal. Service animals must be harnessed or leashed (and otherwise within control of the handler).*

*For further guidance on whether an animal qualifies as a service animal under the disabilities' laws, contact the Legal Bureau.*

**PROCEDURE** Whenever a dog or other animal is observed on the system or the handler is NOT exempted as specified above:

**UNIFORMED MEMBER OF THE SERVICE**

1. Eject from the transit system any person or persons violating Section 1050.9(h), New York Code of Rules and Regulations for the use of the New York City Transit System.
   a. Issue a Criminal Court summons or Transit Adjudication Bureau (TAB) - Notice of Violation, if necessary.
2. Comply with the following, if coming upon a stray animal, excluding dogs, on the transit system:
   a. Notify the Communications Section, including:
      (1) Type of animal
      (2) Direction of flight
      (3) Assistance needed.
   b. Restrain animal in a safe place.
   c. Remain with animal until arrival of the Animal Care and Control of New York City (A.C. & C.).
3. Comply with the following, if coming upon a stray dog on the transit system:
   a. Notify radio dispatcher, including the direction of flight and assistance needed.
   b. Restrain animal in a safe place.
   c. Remain with animal until arrival of the Animal Care and Control of New York City.
   d. DO NOT chase after a dog while attempting to secure it because this may cause it to run away from the perceived threat.
   e. Request Emergency Service Unit to restrain a dog if it is causing a safety hazard and must be restrained.

***NOTE*** *If a restraining pole is necessary, it should not be held out in front of the dog, waved or presented as a weapon, as this will threaten the dog and cause it to run away. If a dog is dangerous, the use of a tranquilizer gun may be required.*

   f. Request a patrol supervisor and Emergency Service Unit, if a dog is on the roadbed.
      (1) DO NOT enter roadbed to retrieve the dog without the permission of the patrol supervisor.
   g. Notify radio dispatcher, if a dog enters a tunnel, of the station the dog is heading towards.
      (1) Patrol supervisor shall confer with Emergency Service Unit member concerned to determine the need to turn off power.
4. Notify radio dispatcher, if coming upon a dead animal.

**COMMUNICATIONS SECTION**

5. Notify the Animal Care and Control of New York City (A.C. & C.) in cases of stray or injured animals. In emergency situations between 2000 hours and 0800 hours weekdays, and twenty four hours a day on weekends and holidays contact the Operations Bureau.

***NOTE***

*Operations Bureau personnel will then notify the A.C. & C. member who is on-call for emergencies who will respond and/or provide instructions.*

6. Notify New York City Transit Maintenance-of-Way Department in cases where a dead animal is on the roadbed.
7. Notify New York City Transit Station Department to remove dead animal from the station to the street.
8. Notify the Department of Sanitation of street location where dead animal is to be removed.
9. Ensure that Emergency Service Unit vehicle equipped with a restraining device and tranquilizer gun is dispatched when it has been requested, and animal poses a safety hazard.

***RELATED PROCEDURES***

*Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)*
*Care and Disposition of Animals (P.G. 214-33)*

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-20 | |
|---|---|---|---|
| **EJECTION FROM NEW YORK CITY TRANSIT PROPERTY** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To provide procedures for uniformed members of the service having occasion to eject a passenger from New York City Transit property.

**SCOPE** Any person who violates any portion of NYCRR Part 1050, regardless of whether or not that person has also been issued a Transit Adjudication Bureau/Notice of Violation (TAB summons) or a Criminal Court Summons for that violation, is subject to ejection from New York City Transit facilities. Issuance of a Notice of Violation does not preclude a uniformed member of the service from ejecting a passenger from the transit system, if the member concerned deems it appropriate.

**PROCEDURE** When necessary to eject a passenger:

**UNIFORMED MEMBER OF THE SERVICE**

1. Advise passenger of ejection and reason.
2. Permit passenger, who voluntarily leaves the property or shows a willingness to do so, to leave without interference.
3. Use no more force than is necessary to effect the ejection, if passenger refuses to leave.
   a. Generally, grasping the upper arm and forearm to escort the person off the system is considered using reasonable force necessary to effect the ejection.

***NOTE*** *If the passenger's conduct is such that it requires more force than is ordinarily needed to assist and guide the passenger out of the transit system, an arrest may be appropriate.*

4. Make digital **Activity Log** entries and prepare a **TRANSIT SYSTEM EJECTION REPORT (PD372-140)** each time an ejection is effected.
5. Submit the completed **TRANSIT SYSTEM EJECTION REPORT** to the district desk officer prior to completion of tour.

***FORMS AND REPORTS*** ***TRANSIT SYSTEM EJECTION REPORT (PD372-140)***

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-21 |
|---|---|---|
| **PHOTOGRAPHY ON THE NEW YORK CITY TRANSIT SYSTEM** | | |
| DATE EFFECTIVE: 02/09/22 | LAST REVISION: I.O. 12 | PAGE: 1 of 1 |

**PURPOSE** To provide procedures for uniformed members of the service observing photography on the transit system.

**SCOPE** Photography, filming, or video-recording in any New York City Transit facility or conveyance is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the Mayor's Office of Media and Entertainment are authorized to use necessary ancillary equipment.

**PROCEDURE** When a uniformed member of the service observes persons engaged in photography on the transit system:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take no police action if person engaged in photography is using a camera alone, without any additional equipment such as lights, tripods, or reflectors, and if such photographic activity is creating no hazard to public safety or to the efficient operation of the transit system.
2. Ascertain whether or not person has valid press identification issued by the Mayor's Office of Media and Entertainment, if person engaged in photography is using additional equipment such as lights, tripods, or reflectors.

***NOTE*** *If a person using additional photographic equipment does not have valid press identification, or if any person engaging in photographic activity is creating a hazard to public safety or to the efficient operation of the transit system:*

*a. Warn person that he/she is in violation of the New York City Transit Rules:*
*(1) Direct person to cease.*

*b. Issue TAB/NOV or Criminal Court summons, eject from system, or arrest, as appropriate, if person does not desist from photography that violates New York City Transit Rules.*

| Section: Command Operations | | Procedure No: 212-22 | |
|---|---|---|---|
| **MALFUNCTION OF TRANSIT BUREAU RADIO NETWORK** | | | |
| DATE ISSUED: 01/13/21 | DATE EFFECTIVE: 01/13/21 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide procedures for communication when there is a malfunction of the Transit Bureau radio network.

**PROCEDURE** When the Transit Bureau radio network malfunctions and/or there is an interruption in service:

**COMMUNICATIONS DIVISION DISPATCHERS AND/OR SUPERVISORS**

1. Notify immediately, via intercom or telephone:
   a. On-staff radio technicians and direct them to identify, evaluate and correct the problem
   b. Affected transit districts
   c. Transit Bureau Operations Unit
   d. Operations Unit.
2. Notify immediately, via division citywide frequencies:
   a. Patrol Services Bureau
   b. Precincts located within and adjacent to the geographic area affected by the Transit Bureau radio network malfunction.
3. Re-route Transit Bureau calls for service to Patrol Services Bureau.
   a. Precinct personnel will be assigned transit calls for service.
   b. Dispatch another unit to the location if call for service is not finalized in thirty minutes.
4. Prioritize 911 calls from uniformed members of the service in the field.
5. Conduct a radio check of various units in strategic areas within the affected area at thirty minute intervals, until condition is corrected.
6. Notify Operations Unit, Transit Bureau Operations and district desk officer when the condition is corrected.

**OPERATIONS UNIT**

7. Notify executive staff and duty chief.
8. Notify patrol boroughs concerned and direct that patrol personnel be assigned to conduct foot patrol within subway stations and/or on platforms of elevated lines in the affected area.
   a. Direct Patrol Services Bureau officers to notify Transit Bureau officers to contact their command for instructions/reassignment.
   b. Place the Strategic Response Group concerned on "Alert" for use within Transit, if required.
9. Generate FINEST message alerting districts and Patrol Services Bureau of outage.

**TRANSIT BUREAU OPERATIONS**

10. Notify the Chief of Transit Bureau, all Transit Bureau borough commanders, New York City Transit Rail Control Center, and all Transit Bureau High Alert Captains immediately.
11. Notify Transit Bureau Special Operations Division to have their units contact their commands for instructions/reassignments.

**TRANSIT BOROUGH COMMANDS**

12. Ensure all districts/commands in the affected and adjacent areas are notified.
13. Notify Electronics Section and request adequate number of UHF division radios to be picked up by transit borough commands for distribution to affected district commands.
14. Assign a captain or above as the incident commander for that borough to monitor police operations and initiate a systematic signal system requiring MOS to telephone their command at periodic intervals and to locate a telephone on post capable of receiving and sending telephone calls for the dispatch of emergency messages from the district command.

***NOTE***

*Most times, New York City Transit system telephones, located at every token booth and at various yellow telephone boxes throughout the subway are capable of receiving incoming and outgoing telephone service.*

**TRANSIT DISTRICT DESK OFFICER**

15. Ensure that all uniformed members of the service are accounted for, notified to make hourly signals, and directed to conduct all police business via telephone.
16. Assign uniformed members of the service a UHF radio and to paired patrols until such time as the malfunction is corrected.
17. Suspend assignments in civilian clothes.

**UNIFORMED MEMBER OF THE SERVICE**

18. Make hourly signals to district/command.
19. Keep radio in the "ON" position in the event that radio repairs are made.
20. Attempt to contact the radio dispatcher utilizing the Transit Bureau VHF radio every half hour until condition is corrected.
21. Notify radio dispatcher and the district desk officer, when condition is corrected.
22. Return UHF radio to transit district desk officer at the end of tour.

***ADDITIONAL DATA***

*Sergeants assigned to the New York City Transit Rail Control Center will liaison with the Communications Division, Operations Unit, Transit Bureau Operations, and Transit boroughs during the malfunction of the Transit Bureau radio network. Sergeants assigned to the Rail Control Center will relay NYCT Department of Subways radio transmissions of interest to the Transit Bureau Wheel via landline. In addition, a request will be made to the Rail Control Center to have train operators remain alert when entering subway stations to stop the train and inform uniformed members of the service that there is a police radio malfunction in the area and request the member to "call his/her command."*

*Uniformed members of the service should remain cognizant of the fact that New York City Police Department radios, other than those normally assigned to the Transit Bureau, will not work underground (except for those few Manhattan stations equipped with underground repeaters).*

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-23 | |
|---|---|---|---|
| **INSPECTION OF RAPID TRANSIT STATIONS ON POST** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To inspect rapid transit stations (New York City Transit, Port Authority Trans-Hudson [PATH], or Staten Island Rapid Transit [SIRT]) located within a member's assigned post or sector.

**PROCEDURE** When a member's assigned post or sector includes a rapid transit station:

***NOTE*** *All uniformed members of the service will notify the Communications Section radio dispatcher prior to entering the transit system utilizing the following radio code signals depending on the nature of their assignment:*

*a. 10-75T – Transit Patrol/Inspection – By Non-Transit Bureau Personnel*
*b. 10-75S – Station Inspection – By Transit Bureau Personnel*
*c. 10-75O – Train Order Maintenance Sweep (TOMS)*
*d. 10-75M – Train Run/Mobile Order Maintenance Sweep.*

**UNIFORMED MEMBER OF THE SERVICE**

1. Confer with railroad clerk, at each station, as to conditions requiring police attention.
2. Inspect concessions, toilets, stairways, mezzanines, platforms and <u>all</u> token booths whether open or closed, for conditions requiring police attention.

***NOTE*** *Before entering a toilet used by a person of the opposite sex, member concerned will knock on the door and announce loudly "Police Inspection." If persons of the opposite sex are within, member <u>WILL NOT</u> enter until their departure, <u>UNLESS</u> informed of criminal activity therein.*

3. Visit each station on post at least once, and as often as practicable, unless otherwise directed.
4. Make digital **Activity Log** entries concerning conditions reported by railroad clerk and results of inspections.
5. Know hours of operation for concessions in the station.
6. Investigate suspicious conditions in the station.
7. Report any accident/crime prone condition, unsanitary condition, or fire hazard.
8. Prevent persons unable to care for themselves from entering the system.
   a. Ensure that necessary assistance is provided to such persons.

**RADIO MOTOR PATROL RECORDER**

9. Inspect each uncovered station and post in patrol sector.
10. Make digital **Activity Log** entries of results of such inspections.
11. Notify district desk officer of any uncovered station in sector not inspected and reason.

**DISTRICT DESK OFFICER**

12. Ensure on first platoon that any post not inspected during the previous twenty-four hours is inspected, as soon as possible.

***ADDITIONAL DATA*** *Members performing Transit Bureau assignments shall proceed immediately after roll call to the nearest station of assigned post, unless otherwise directed by competent authority.*

| Section: Command Operations | | Procedure No: 212-24 | |
|---|---|---|---|
| **REMOVAL OF POWER IN SUBWAY** | | | |
| DATE ISSUED: 02/04/15 | DATE EFFECTIVE: 02/04/15 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To establish guidelines to be adhered to when requesting the removal of power in the subway.

**SCOPE** Removal of power in the subway can be extremely hazardous, dangerous and disruptive to police personnel, passengers and New York City Transit employees and should only be requested in extreme emergencies involving life-threatening situations.

**PROCEDURE** When it becomes necessary to request the removal of power in the subway:

**UNIFORMED MEMBER OF THE SERVICE, FIRST ON THE SCENE**

1. DO NOT enter the track area, except in extreme emergencies.
2. Notify the radio dispatcher in the usual manner.
3. Provide complete details including, if applicable:
   a. Full description of the condition or suspect(s)
   b. Crime committed
   c. Type of weapon
   d. Direction of flight, etc.
4. Request response of the Patrol Services Bureau and Transit Bureau patrol supervisors, and additional units necessary to secure the platform area and points of entry to the tunnel.
5. Notify required units, e.g., Emergency Service Units, detective squad, Crime Scene Unit, etc., as necessary.

***NOTE*** *Prompt notification and timely response of specialized units will minimize the duration of the power removal and subsequent disruption.*

**PATROL SUPERVISOR**

6. Make determination whether a search or other police action will be conducted in the tunnel.
7. Determine the manner in which a police operation is conducted, including the necessity for removal of power.

***NOTE*** *Before requesting the removal of power, consider the wide scale ramifications of this action. Some of the factors to be considered, but not limited to, are:*
*a. The time of day (rush hour/non-rush hour)*
*b. Weather conditions (extreme heat)*
*c. Type of station (elevated or below ground)*
*d. Location of trains*
*e. Extent of injuries in aided cases*
*f. Risk to the riding public, if a crime is involved.*

8. Notify the Operations Unit of the time of the request for the removal of power.
   a. Notify the Operations Unit when power is restored.
9. Notify and request the response of the district commander/duty captain.

**DISTRICT COMMANDER/ DUTY CAPTAIN**

10. Respond to the scene and supervise police operations.
11. Ensure that proper notifications have been made to the Operations Unit.

***NOTE*** *The ranking officer supervising police operations will make maximum utilization of the experience and expertise of New York City Transit personnel at the scene.*

**MEMBER CONCERNED, OPERATIONS UNIT**

12. Notify the Police Commissioner's Office, the Office of Chief of Department, and the Transit Bureau Wheel of any removal of power within the transit system which occurs as a result of police action.
    a. A second notification will be made upon restoration of power.

***NOTE*** *Uniformed members of the service will not personally shut off power, unless there is a grave risk of IMMINENT danger to the officers concerned or to others and NO OTHER safe alternative is available.*

WHEN IT IS NECESSARY TO IMMEDIATELY REMOVE POWER FROM TRACK AREA DUE TO IMMINENT DANGER:

**UNIFORMED MEMBER OF THE SERVICE CONCERNED**

13. Open emergency alarm box and pull lever down as far as it will go and release the lever (located in subway tunnels, spaced about 400 to 600 feet apart, beneath the blue light).
    a. Power on all tracks in the vicinity will be immediately turned off.
14. Use the telephone (located at the alarm box), immediately after removing power, to notify the Rapid Transit Operations Command Center Desk Superintendent of the situation.

***NOTE*** *New York City Transit will automatically RESTORE THE POWER if notification is not made immediately.*

15. Notify the radio dispatcher via radio, if telephone notification cannot be made, and request that immediate notification be made to the Desk Superintendent concerned.

***NOTE*** *The train operator or conductor's New York City Transit radio can be used by police personnel for conducting direct communications with the Rapid Transit Operations Command Center.*

*The removal of power may be avoided, in many instances, by obtaining the cooperation of train motormen and riding in the lead cars of trains, in both directions, through the affected area to search for fleeing suspects.*

**PATROL SUPERVISOR/ RANKING OFFICER IN CHARGE**

16. Confer with a New York City Transit supervisor on the scene, after ensuring that all personnel are off the tracks, as to whether power can be restored immediately after the condition, which required the removal of power, has been corrected.

***ADDITIONAL DATA***

*Members of the service are reminded that the NYC Transit has the capability of limiting the removal of power to the actual tracks involved in the critical incident. Turning off the power directly from the emergency alarm boxes will remove the power in both directions and on all tracks for several stations. This can cause a major tie-up on the subway system thereby creating other hazards. Therefore, when possible, all requests for the removal or restoration of third rail power will be made directly to the Rapid Transit Operations Command Center Desk Superintendent. This request can be made via the motorman's radio, Rapid Transit Operations Radio or if no other alternative exists by the radio dispatcher in the usual manner. In all cases, an immediate follow-up notification will be made to the Communications Section.*

*In cases where a dead human body is found under circumstances indicating an apparent homicide or is otherwise suspicious, the investigating officer from the Crime Scene Unit will photograph and mark the position of the body (head, leg, arm, etc.) and any other items of evidence that must be removed to avoid destruction by passing train traffic. The body will then be removed to an area of safety for further examination so that the power and service can be restored.*

*If a suspicious death/homicide occurs on a train, the body should remain undisturbed. The car or cars involved shall be secured, and a uniformed member of the service shall be assigned to accompany the car involved as it is removed to the train yard or other place where the investigation will be completed. If the member so assigned is anyone other than the investigating officer, that member shall remain with the removed car until the investigating officer's arrival. Prior to moving the car, the investigating officer will mark its position and note the order and serial numbers of all cars in the make-up of the train. If necessary, investigators may return to the scene to conduct a search for additional evidence.*

*When a body is found in the track bed and is obstructing passenger train traffic, it will suffice to have the responding detectives photograph the body in place from several angles prior to its removal.*

***RELATED PROCEDURE***

*Searches for Armed/Dangerous Persons on New York City Transit Tracks (P.G. 212-18)*

**PURPOSE** To ensure that New York City Housing Authority facilities are being properly inspected and to suppress criminal activities therein.

**DEFINITION** N.Y.C. HOUSING AUTHORITY FACILITY - Includes, but is not limited to, community centers, child care centers, maintenance shops and areas, storerooms, health centers, senior citizen centers, tenant recreation rooms, management offices, laundry and boiler rooms, etc.

**PROCEDURE** Uniformed members of the service shall comply with the following guidelines relative to inspecting N.Y.C. Housing Authority (NYCHA) facilities:

**UNIFORMED MEMBER OF THE SERVICE**

1. Be responsible for the suppression or rapid discovery of burglaries or related crimes on assigned post.
2. Check each NYCHA facility on assigned post during the first and last hour of each tour of duty, if possible.
   a. Make appropriate digital **Activity Log** entries.
3. Frequently inspect security of NYCHA facilities on assigned post during tour of duty.
   a. Make appropriate digital **Activity Log** entries of all facility inspections.
4. Comply with any additional instructions given by supervisory officers relative to facility security measures.
   a. Give special attention to those facilities accorded "Post Condition" status.

***NOTE*** *Members of the service assigned to a high priority incident will not be required to conduct security checks as stated above.*

5. Request the response of a patrol supervisor upon discovery of a burglary or related crime committed within a NYCHA facility.

**PATROL SUPERVISOR**

6. Inspect assigned member's digital **Activity Log** during tour to ensure that NYCHA facilities have been inspected.

UPON NOTIFICATION OF A BURGLARY OR RELATED CRIME WITHIN A NYCHA FACILITY:

**PATROL SUPERVISOR**

7. Respond to scene and supervise investigation.
8. Interview members of the service at location.
9. Ascertain that location has been secured.
10. Take other appropriate action as deemed necessary.
11. Ensure that all required reports (i.e., **COMPLAINT REPORT [PD313-152]**) are prepared in connection with the incident.

***NOTE*** *Whenever an arrest is made of a perpetrator for the burglary of a NYCHA facility, the patrol supervisor will evaluate the circumstances, and when warranted, will recommend the arresting officer(s) for Departmental Recognition.*

**PSA COMMANDING OFFICER**

12. Coordinate police and N.Y.C. Housing Authority management efforts to suppress crime.
13. Solicit recommendations from assigned members on methods to deter crimes in facilities.
14. Prepare a written directive to assigned members, indicating any additional instructions concerning the frequency and manner of inspection that may be required on their posts.
15. Maintain liaison with executive members of the N.Y.C. Housing Authority to ensure coordination of efforts.

**COMMANDING OFFICER, HOUSING BOROUGH**

16. Coordinate and direct special units of the housing borough for maximum effectiveness in suppressing facility burglaries and related criminal activity.
17. Apprise the Chief of Housing Bureau of conditions within NYCHA facilities, when necessary.

***ADDITIONAL DATA***

*PSA commanding officers will work closely with Housing Authority managers concerning ongoing construction initiatives and the temporary storage of materials and equipment on Housing Authority property. Housing Authority managers will provide PSA commanding officers with a list of development addresses where materials and equipment will be stored while the development is undergoing construction and/or improvement(s). Based in this information, PSA commanding officers will ensure that all on-site storage locations are temporarily designated as NYCHA facilities, and inspected in conformance with this procedure.*

*The PSA community affairs officer will survey the physical layout of each NYCHA facility within the command, and will recommend, to the development manager concerned, measures concerning:*

*a. The proper locking/securing of facilities*
*b. Appropriate lighting for surroundings*
*c. Securing valuable items*
*d. Acquiring additional security devices that may deter crime, etc.*

*The PSA crime analysis officer will evaluate statistical data of incidents to identify specific times, locations and other patterns of crime. This information will be made available to the PSA commanding officer, on a continual basis.*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***

# PATROL GUIDE

| Section: Command Operations | Procedure No: 212-28 |
|---|---|

## DISABLED HOUSING AUTHORITY ELEVATOR CAR WITH PASSENGERS

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 04/13/21 | 04/13/21 | | 1 of 1 |

**PURPOSE** To ensure the prompt and safe removal of passengers from disabled elevator cars in Housing Authority buildings.

**PROCEDURE** Upon arriving at the scene of a disabled elevator car with passengers:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify radio dispatcher and request response of:
   a. Housing Authority Emergency Service personnel, via the PSA telephone switchboard operator, police service area of occurrence.
   b. N.Y.P.D. Emergency Service Unit and ambulance, if situation requires the immediate removal of passengers in cases involving, but not limited to:
      (1) Cardiac condition
      (2) Seriously ill passenger, etc.

***NOTE*** *If a delay in the response of Housing Authority Emergency Service personnel is expected, a request for N.Y.P.D. Emergency Service Unit personnel will be made even in situations deemed to be of a non-emergency nature.*

2. Remain at the location of a disabled elevator car with passengers and provide necessary assistance until:
   a. Properly relieved by other police personnel
   b. Condition is corrected and elevator car door, as well as the outer car door, is properly secured.

***NOTE*** *Members of the service shall NOT attempt to remove passengers from a disabled elevator car without the assistance of Housing Authority and/or N.Y.P.D. Emergency Service Unit personnel who are trained in the removal of passengers from disabled elevators.*

3. Notify radio dispatcher when condition is corrected.
4. Prepare **FIELD REPORT** and **AIDED REPORT**, if necessary, using the Finest Online Records Management System (FORMS), upon completion of assignment.
   a. Include names and addresses of passengers, and names and shield numbers of Emergency Service personnel.
      (1) A legible handwritten copy must be completed if a uniformed member of the service does not have the ability to complete a **FIELD REPORT** electronically.

***ADDITIONAL DATA*** *If the incident may involve the Housing Authority in a civil action, members shall notify the PSA desk officer and report all pertinent details in accordance with P.G. 217-11, "Accidents – New York City Housing Authority Involved."*

***RELATED PROCEDURE*** *Accidents – New York City Housing Authority Involved (P.G. 217-11)*

***FORMS AND REPORTS*** ***AIDED REPORT***
***FIELD REPORT (PD313-1511)***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-32 | |
|---|---|---|---|
| **OFF DUTY INCIDENTS INVOLVING UNIFORMED MEMBERS OF THE SERVICE** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To facilitate the preliminary investigation of off duty incidents involving uniformed members of the service.

**PROCEDURE** When an off duty uniformed member of the service is at an unusual police occurrence to which the uniformed member of the service is either a participant or a witness:

**UNIFORMED MEMBER OF THE SERVICE**

1. Remain at the scene of incident when feasible and consistent with personal safety.
2. Request response of patrol supervisor, precinct of occurrence.

***NOTE*** *For purposes of this procedure an unusual police occurrence shall include family disputes and other incidents of domestic violence in which the officer is either a participant or a witness. When remaining at the scene is inappropriate, the uniformed member of the service concerned may leave the scene; however, said member must promptly notify the desk officer, precinct of occurrence, and be guided by the desk officer's instructions. If incident occurs outside of the City the uniformed member of the service concerned will promptly notify the Operations Unit. The Operations Unit will notify the appropriate patrol borough responsible for conducting investigations in the residence county, or the appropriate authority if outside residence counties.*

**PATROL SUPERVISOR**

3. Respond to scene and assess situation.
4. Notify desk officer of available details.

**DESK OFFICER**

5. Notify precinct commander/duty captain.
6. Notify the Internal Affairs Bureau Command Center (212-741-8401) with all available details.

**COMMANDING OFFICER/ COUNTERPART**

7. Conduct investigation and take appropriate action.

***NOTE*** *Any investigation of a police incident or unusual occurrence, including domestic violence and family disputes, which involve an off duty uniformed member of the service as a participant or witness will benefit from that uniformed member's presence.*

***ADDITIONAL DATA*** *When the Internal Affairs Bureau, Command Center, is notified that an off duty uniformed member of the service has suffered a non-fatal bullet wound from a firearms discharge and he/she did not discharge a firearm and the injured member is not the subject of any allegation of misconduct, the Internal Affairs Bureau will notify the Personnel Bureau to enter the event entitled, "UMOS Victim of Bullet Wound" with a zero point value on the concerned member's Central Personnel Index (CPI).*

***RELATED PROCEDURES*** *Interrogation of Members of the Service (P.G. 206-13)*
*Unusual Occurrence Reports (P.G. 212-09)*

# PATROL GUIDE

| Section: Command Operations | Procedure No: 212-34 |
|---|---|

## PROBATIONARY POLICE OFFICER, POLICE ELIGIBLE OR CIVILIAN EMPLOYEE INVOLVED IN A POLICE INCIDENT

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 09/27/16 | 09/27/16 | | 1 of 1 |

**PURPOSE**

To ensure that commands concerned are notified when a probationary police officer, civilian employee, or a person eligible for appointment to the Department is involved in a police incident.

**PROCEDURE**

When a probationary police officer, a civilian employee or a person eligible for appointment to the Department is involved in a police incident:

**MEMBER OF THE SERVICE**

1. Report facts to commanding officer.

**COMMANDING OFFICER**

2. Conduct investigation to determine if involvement in incident would affect member's performance in the Police Department.
3. Notify the Internal Affairs Bureau Command Center (212-741-8401) with all available details.
4. Have three copies of report prepared on **Typed Letterhead**, containing all pertinent information.
5. Forward one copy of report to:
   a. Commanding Officer, Medical Division, when a person is on a police eligible list.
   b. Commanding Officer, Candidate Assessment Division, if incident involves a police eligible.
   c. Commanding Officer, Performance Analysis Section, for probationary police officers or civilian employees.

***NOTE***

*If a probationary police officer is assigned to the Police Academy:*
*a. Forward duplicated copy of report to Commanding Officer, Police Academy*
*b. Notify Recruit Operations*
*c. Notify Performance Analysis Section next business day.*

6. File remaining copy.

***ADDITIONAL DATA***

*Whenever a commanding officer, or investigative unit commander is recommending a probationary police officer or civilian member for termination or decertification, or is recommending a probationary member of the service of any rank or title for an extension of probation, the commander must confer with the Commanding Officer, Performance Analysis Section prior to forwarding the recommendation.*

*Commanding Officers concerned must recognize that the conduct of probationary police officers, both on and off duty, is subject to evaluation.*

***FORMS AND REPORTS***

***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-35 | |
|---|---|---|---|
| **INCIDENTS INVOLVING ENFORCEMENT PERSONNEL OF OTHER AGENCIES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PROCEDURE** To investigate allegations of unnecessary use of force by uniformed members of the service against on-duty enforcement personnel of specified agencies or to investigate incidents which may result in the arrest of or the issuing of a summons to such enforcement personnel.

**DEFINITION** ENFORCEMENT PERSONNEL OF SPECIFIED AGENCIES:

a. Department of Transportation Highway Inspection/Quality Assurance inspectors or Department of Transportation Parking Control Unit agents

b. Sanitation Department Enforcement agents.

**PROCEDURE** When a uniformed member of the service is alleged to have used unnecessary force against an on-duty enforcement agent of a specified agency or becomes involved in an incident that may result in such enforcement agent being arrested or issued a summons:

**UNIFORMED MEMBER OF THE SERVICE**

1. Immediately request the patrol supervisor to respond to the scene prior to taking any other action.

**PATROL SUPERVISOR**

2. Respond to the scene and attempt to obtain third party witnesses to the incident.
3. Bring all parties involved, including witnesses if possible, to precinct of occurrence.
4. Inform desk officer of all facts.

**DESK OFFICER**

5. Notify Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (twenty-four hours), if allegation of unnecessary force is made (see *P.G. 207-31, "Processing Civilian Complaints"*).
6. Notify precinct commander/duty captain and:
   a. The Department of Transportation Central Communications, <u>if incident involves</u> Department of Transportation Highway Inspection/Quality Assurance inspector or Department of Transportation Parking Control Unit agent.
   b. The Sanitation Enforcement Headquarters Division: (0600 x 1600 hours/7 days) (if closed, notify Sanitation Bureau Operations Office: <u>if</u> <u>incident involves</u> Sanitation Department enforcement personnel.

***NOTE*** *Detective squad member will make the above notifications if, while conducting an official investigation involving enforcement personnel of the specified agencies, a complaint of unnecessary force is alleged or it appears an arrest <u>must</u> be made or a summons issued to the enforcement agent.*

**PRECINCT COMMANDER/ DUTY CAPTAIN**

7. Conduct investigation.
8. Confer with supervisory/managerial personnel of enforcement personnel involved.
9. Prepare three copies of report on **Typed Letterhead** with details of incident and results of investigation and forward to:
   a. Chief of Department - Direct
   b. Chief of Department - through channels
   c. File - precinct of occurrence.

***ADDITIONAL DATA***

*If an agent of one of the above listed agencies wants to make an arrest claiming that he or she was assaulted or the subject of any other crime while performing their official duties, the officer will determine if probable cause exists to support the claim. Upon determination that probable cause exists, the officer will assist in the arrest and take the prisoner into custody. The enforcement agent involved will be the complainant.*

*No arrest may be made, nor may a summons be issued, for a violation unless the offense is personally observed by the member of the service.*

***DESK APPEARANCE TICKETS (PD260-121)** and stationhouse bail will not be issued to persons charged with Assault 3rd degree (Penal Law 120.00), Attempted Assault 3rd degree (Penal Law 110/120.00), Menacing 2nd degree (Penal Law 120.14), Menacing 3rd degree (Penal Law 120.15), Harassment 1st degree (Penal Law 240.25), Aggravated Harassment (Penal Law 240.30), and Reckless Endangerment 2nd Degree (Penal Law 120.20) when committed against a city/state enforcement agent performing official duty.*

***RELATED PROCEDURE***

*Processing Civilian Complaints (P.G. 207-31)*

***FORMS AND REPORTS***

***DESK APPEARANCE TICKET (PD260-121)***
***Typed Letterhead***

NYPD

| Section: Command Operations | Procedure No: 212-36 |
|---|---|

# INCIDENTS INVOLVING FORMER/RETIRED MEMBERS OF THE SERVICE OR OFF DUTY/RETIRED FEDERAL, STATE AND CITY LAW ENFORCEMENT AGENTS AUTHORIZED TO CARRY A WEAPON

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 06/01/16 | 06/01/16 | | 1 of 2 |

**PURPOSE** To investigate and safely resolve incidents and/or confrontations involving former/retired members of the service or off duty/retired Federal, State, and City law enforcement agents authorized to carry a weapon.

**SCOPE** The type and circumstances of encounters involving former or off duty law enforcement officers with on-duty officers and the general public are varied. Incidents which can lead to a confrontation or the potential for confrontation may include traffic collisions, personal domestic disputes, an occasion where a retired officer/agent observes criminal activity and takes police action or when he/she is the victim of a serious crime.

**PROCEDURE** When a uniformed member of the service responds to or becomes aware of an incident with the potential for a confrontation involving a former/retired member of the service or off duty/retired Federal, State or City law agent authorized to carry a weapon:

**UNIFORMED MEMBER OF THE SERVICE**

1. Ascertain identity of former/retired member of the service or the off duty/retired law enforcement agent involved.
2. Determine if individual has a weapon on his/her person.
3. Request, if armed, personal identification and pistol license, when appropriate.
4. Request to see his/her New York Police Department **IDENTIFICATION CARD (PD416-091)** or other official law enforcement identification.
5. Request patrol supervisor to respond to scene.

***NOTE*** *Any incident involving an off duty officer or member of another law enforcement agency should be treated in a comparable manner to other incidents or confrontations routinely encountered with other members of the public. These individuals should not receive preferential treatment based on their former or present status. Utilization of standardized procedures avoids unnecessary risks to responding officers, individuals directly involved in the controversy/confrontation and the general public at the scene.*

**PATROL SUPERVISOR**

6. Respond to scene and attempt to obtain all relevant information from witnesses, if any.
7. Approve an appropriate resolution of the matter, i.e., arrest, summons, court referral, no police actions, etc.
8. Note if condition/incident has caused any unusual consequences, i.e., large crowd, community unrest, etc.
9. Determine whether individual's licensed weapon should be taken for safekeeping, when appropriate.
10. Notify desk officer of available details, when necessary.

**DESK OFFICER**

11. Make additional notifications as necessary.

***NOTE*** *Where appropriate, i.e., in cases of arrest, issuance of summons, etc., to an affected agent from another governmental law enforcement agency, the desk officer will notify the Operations Unit of the relevant information. The Operations Unit will act as the Department's liaison to make the notification of this incident to the applicable governmental agency concerned.*

***RELATED PROCEDURES***
*Confrontation Situations (P.G. 221-20)*
*Verification of Pistol License (P.G. 212-84)*
*Removal of Firearms from Intoxicated Member of the Service (P.G. 206-12)*
*Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)*

***FORMS AND REPORTS*** ***IDENTIFICATION CARD (PD416-091)***

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-41 | |
|---|---|---|---|
| **ALARMS - DEPARTMENT OF EDUCATION FACILITIES** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To investigate alarms at Department of Education facilities.

**PROCEDURE** Upon receipt of a radio code signal 10-11 (Alarm Condition) at a Department of Education facility:

**RESPONDING UNIFORMED MEMBER**

1. Conduct immediate investigation.

IF INVESTIGATION REVEALS FORCED ENTRY:

**RESPONDING UNIFORMED MEMBER**

2. Request radio dispatcher to:
   a. Direct patrol supervisor to respond to scene
   b. Notify School Safety Division Alarms Unit.

**PATROL SUPERVISOR**

3. Respond to scene and supervise search of premises.
4. Request additional personnel, if necessary.
5. Assign uniformed member of the service to guard premises and safeguard property pending arrival of custodial or school security personnel.
6. Direct assigned member to obtain required information for preparation of **COMPLAINT REPORT**.

IF PREMISES ARE APPARENTLY SECURE AND THERE IS NO SIGN OF FORCED ENTRY:

**RESPONDING UNIFORMED MEMBER**

7. Transmit radio code signal 10-90N (Unnecessary Alarm).
8. Make entry in digital **Activity Log**.
9. Resume patrol.

**RADIO DISPATCHER**

10. Notify School Safety Division Alarms Unit for notification to custodian, unless premises has been classified chronic alarm location.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*A custodian, when notified, will respond to the stationhouse, precinct of occurrence, where the desk officer will designate an RMP unit to accompany the custodian to the Department of Education facility to conduct an interior search of the premises.*

*Nothing contained herein shall prevent a member of the service from taking summary or other police action, should circumstances warrant such action.*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***

**PURPOSE** To prevent injuries due to hazardous building conditions and preserve the peace during the enforcement of a residential building vacate order.

**SCOPE** A "Memorandum of Understanding" concerning the issuance and enforcement of vacate orders at residential buildings was agreed upon by the Commissioners of the Police, Fire, Buildings, and Housing Preservation and Development Departments. Vacate orders are issued to remove residents from, or prevent their return into, a building which has become a hazard. This hazard may be caused by a fire, partial building collapse, etc.

Representatives from the agency issuing the vacate order will be responsible for the service of the order. When time permits, and the assistance of the Police Department is anticipated the issuing agency will contact the Chief of Department's Investigation and Review Section, twenty-four hours in advance. In addition, if a potential for violence exists, the patrol borough command will also be notified to ensure that proper planning takes place prior the issuance of the vacate order.

**PROCEDURE** Upon being assigned to assist in the service of a residential building vacate order:

**UNIFORMED MEMBER OF THE SERVICE**

1. Verify credentials and authority of agency representative.
2. Obtain facts concerning condition which caused vacate order to be issued.
3. Assist in evacuation of building when there is:
   a. Actual immediate danger that structure will collapse, or
   b. An existing dangerous condition constituting a threat to human life requiring that occupants vacate immediately.
4. Notify Operations Unit, if above emergency conditions exist.
5. Request patrol supervisor to respond, if:
   a. Persons are actually being evacuated, or
   b. Premises are to be sealed, or
   c. For any other appropriate reason.

***NOTE*** *The patrol supervisor will consult with the duty captain if:*

*a. Reasonable doubt concerning the agency representative's authority or the validity of the vacate order exists*
*b. A large number of residents must be relocated*
*c. Occupants refuse to vacate premises*
*d. Any potential for violence*
*e. Any other sensitive or dangerous conditions exists.*

6. Accompany agency representative until completion of service or execution of order, if requested.

***NOTE*** *Personnel from the agency issuing the vacate order will be responsible for service of the vacate order and for attempting to persuade occupants who fail to comply with the vacate order that they should leave the premises. The agency issuing the vacate order will be responsible for obtaining access to the building(s) or portions of the building(s) to which entry is not available. If, however, the senior representative of the agency issuing the vacate order believes that the safety of agency personnel or the public is at risk, he/she may request the assistance of a police supervisor/commander for entry to be made by police personnel. Additionally, the police supervisor/commander may direct that entry be made by police personnel if it is determined that the safety of the public or agency personnel is at risk.*

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

7. Ascertain from agency representative any provisions made to safeguard vacated premises and property of persons evacuated.
   a. Relocations are the responsibility of the issuing agency.

***NOTE*** *Whenever an agency issuing a vacate order determines that vacated premises must be secured against re-entry, the agency concerned will notify and make arrangements with the Department of Housing Preservation and Development (DHPD) which is responsible for sealing and/or demolishing vacated premises. The Department of Housing Preservation and Development is responsible for sealing the building, or providing sufficient security to prevent it from being reoccupied, within seventy-two hours of the enforcement of the vacate order. Uniformed members of the service will take appropriate interim measures to secure the premises against re-entry. In the event that the Department of Housing Preservation and Development does not commence work in a timely manner, notify the Investigation and Review Section, Monday through Friday, 0800 to 1600 hours, or the Operations Unit at other times. The Investigation and Review Section will contact the Department of Housing Preservation and Development to ascertain when the work will commence.*

8. Make digital **Activity Log** entry including:
   a. Facts concerning premises security provisions
   b. Identify of representative of agency issuing vacate order
   c. Identify of representative of any other city agencies present.
9. Report facts to desk officer upon completion of assignment.

**DESK OFFICER**

10. Report facts to commanding officer, if condition may require special patrol coverage.

***ADDITIONAL DATA*** *Vacate orders may be issued by the Department of Buildings, Department of Health, the Fire Department and Department of Housing Preservation and Development. The agency issuing the vacate order will serve any necessary summonses. Any necessary arrests will be made by the assigned officer and the agency representative will appear as the complainant.*

***ADDITIONAL DATA (continued)***

*Agencies issuing vacate orders and anticipating the need for police assistance should contact the Chief of Department's Investigation and Review Section, twenty-four hours in advance of the initial execution time. The Investigation and Review Section will notify the patrol borough concerned which will notify the appropriate precinct of the particulars of the vacate order. In cases where the issuing agency is aware of a potential for violence at these locations, a responsible representative of the issuing agency will notify and confer with the patrol borough commander concerned or his/her designee prior to enforcement activity to assure proper planning.*

*Under exigent circumstances, i.e., building collapse or other condition constituting a threat to human life, uniformed members of the service may assist with non-residential vacate orders.*

*Each borough command and the Chief of Department, Investigation and Review Section, will obtain and have available a copy of the "Memorandum of Understanding."*

***RELATED PROCEDURES***

*Construction Sites (P.G. 214-16)*
*Vacate Buildings (P.G. 214-17)*
*Stop Work Orders (P.G. 214-18)*

NYPD

| Section: Command Operations | | Procedure No: 212-44 | |
|---|---|---|---|
| **RESPONSE TO FIREARMS DEALERS LOCATIONS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To establish a proper response to firearms dealer locations after notification via NICS and the New York State Police that a person wanted on a warrant is attempting to purchase a weapon.

**SCOPE** Federal law requires that federally licensed firearm dealers in New York City conduct an "instant background check" on any person wishing to purchase a firearm (handgun, rifle, shotgun). To do this the dealer will telephone the Federal Bureau of Investigation's National Instant Criminal Background Check System (NICS), with the person's pedigree information. Within a short time NICS will advise the dealer whether or not a firearms sale can be completed. In situations where NICS confirms that there is an outstanding arrest warrant for a person attempting to purchase a firearm, they will notify the New York State Police, who in turn will contact the N.Y.P.D.'s Operations Unit. Operations Unit will then notify both the patrol borough concerned and the Communications Section. Communications Section will advise the patrol supervisor to contact Operations Unit for an appraisal of situation i.e., the location and number of perpetrators. Based on all available information, the patrol supervisor will evaluate the situation and determine if additional resources are required, and if the duty captain should be notified.

**PROCEDURE** When a notification is received via the National Instant Criminal Background Check System (NICS) and the New York State Police, that a person attempting to purchase a firearm from a gun dealer is wanted on a warrant:

**OPERATIONS UNIT MEMBER**

1. Notify Communications Section and patrol borough concerned.

**COMMUNICATIONS DISPATCHER**

2. Notify patrol supervisor, precinct concerned, to contact Operations Unit.

***NOTE*** *If the patrol supervisor is not available, another supervisor will be directed to respond.*

**PATROL SUPERVISOR**

3. Confer with Operations Unit member regarding situation at gun dealer's location.
4. Evaluate the situation.
5. Determine if additional resources are required.
6. Notify and confer with duty captain, if necessary.
7. Devise an appropriate tactical plan, giving priority to the safety of the public and responding members of the service.

***NOTE*** *Depending upon the information available, including the seriousness of the offense for which the person in question is wanted, the patrol supervisor will assign sufficient units to respond. In addition, strong consideration will be given to notifying the patrol borough warrant team, Emergency Service Units, etc.*

**PATROL SUPERVISOR (continued)**

8. Respond to gun dealer's location and direct that the wanted person be taken into custody, if still present.

***NOTE*** *If the wanted person is not present at the store, the case will be referred to the precinct detective squad.*

9. Have subject removed to stationhouse for either further investigation or arrest processing.

***NOTE*** *A NICS "hit" on a name check is not considered conclusive and is not sufficient authority to arrest. Further inquiries must be made through the Warrant Section, twenty-four hours a day, seven days a week. In addition, New York City Pistol Permit holders are issued a* ***PISTOL PURCHASE AUTHORIZATION (PD643-053)*** *only after a name check is conducted. When appropriate, the License Division should be conferred with.*

**DESK OFFICER**

10. Supervise arrest processing and ensure that the Warrant Section is notified by the uniformed member of the service concerned to confirm the status of the warrant.

**UNIFORMED MEMBER OF THE SERVICE CONCERNED**

11. Record name of person notified at Warrant Section in the Telephone Record and other pertinent Department forms, i.e., **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

***ADDITIONAL DATA*** *If assistance regarding NICS or instant checks is needed, the uniformed member of the service (UMOS) can call toll free the NICS customer service number from 0900 to 0200 hours daily. When further information, beyond that which is available through the toll free number is needed, the UMOS can call NICS at (304) 625-7363 or (304) 625- 7361, during business hours listed above, Monday through Friday.*

***FORMS AND REPORTS*** ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-45 | |
|---|---|---|---|
| **FOREIGN NATIONAL REQUESTING ASYLUM** | | | |
| DATE ISSUED: 10/16/13 | DATE EFFECTIVE: 10/16/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To protect persons seeking asylum and notify proper agencies.

**PROCEDURE** Upon coming in contact with a foreign national seeking asylum in this country:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify desk officer.
2. Provide necessary protection.
3. Accompany person to command.

**DESK OFFICER**

4. Make immediate notification to Commanding Officer, Intelligence Bureau.
5. Interview person seeking asylum and obtain the following:
   a. Name
   b. Nationality
   c. Date and place of birth
   d. Occupation
   e. Description of documents possessed
   f. What foreign authorities, if any, are aware of his seeking asylum
   g. Circumstances surrounding request for asylum
   h. Where asylum was requested, e.g., aboard vessel, aircraft. Estimated time of arrival of next intended port or airport.
   i. Reason for requesting asylum
   j. Description of criminal charges known or alleged to be pending against asylum seekers.
6. Telephone information to Commanding Officer, Intelligence Bureau.
7. Afford the person proper protection until determination is made of his status.

| Section: Command Operations | | Procedure No: 212-46 | |
|---|---|---|---|
| **UNLAWFUL POSSESSION OF RIFLES/SHOTGUNS** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To record and process violations concerning unlawful possession of a rifle or shotgun.

**SCOPE** The following individuals are exempt from appropriate sections of the Administrative Code:

a. Persons in military service of the State of New York duly authorized by the Chief of Staff to the Governor.
b. Peace officers as defined in Section 1.20, subdivision 33, Criminal Procedure Law
c. Participants in special events when authorized by the Police Commissioner
d. Others as described in Administrative Code, Section 10-305.

**PROCEDURE** When a uniformed member of the service observes a person in custody or possession of a rifle or shotgun, loaded or unloaded, covered or uncovered in public:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if person possesses a valid permit and certificate of registration, or is exempt.
2. Inform person not possessing permit and certificate of registration, or who is not exempt that:
   a. He may accompany officer to precinct and surrender firearm, or
   b. He may surrender firearm at the scene for which a receipt will be given.
3. Conduct a name check; serve summons if eligible, returnable to the appropriate borough Criminal Court for the following violations of the Administrative Code:
   a. No permit and certificate of registration - Section 10-303
   b. Carried, not enclosed in a non-transparent cover, or is loaded - Section 10-131, subdivision (h)(2).
4. Make summary arrest if violator is not eligible for summons or if person refuses to surrender weapon.
5. Notify License Division, Rifle and Shotgun Section of action taken.
6. Prepare **PROPERTY CLERK INVOICE (PD521-141)** and invoice weapons as evidence.
   a. Forward copy of **INVOICE** to Rifle and Shotgun Section.

***NOTE*** *A resident of New York City who purchases a rifle or shotgun outside New York City must make application for a permit within seventy two hours after bringing the weapon into the City. A rifle or shotgun that is surrendered to, or confiscated by a uniformed member of the service within this time period will be invoiced for safekeeping and a summons will not be served.*

**DESK OFFICER**

7. Issue owner receipt for weapon on Prisoner/Finder Copy (pink) of **INVOICE**.
8. Forward weapon to Firearms Analysis Unit only if member concerned believes that weapon might have been used in the commission of a crime or permit holder has been accused or convicted of a serious crime.
9. Inform owner to apply for permit in person at Rifle and Shotgun Section, 120-55 Queens Boulevard, Kew Gardens, New York.

***ADDITIONAL DATA***

*Weapon held for safekeeping will be returned to owner at the borough Property Clerk's office upon presentation of a valid permit, registration and signed release from Rifle and Shotgun Section. If an owner, after surrendering a rifle/shotgun, does not wish to obtain a permit, such owner may sell the rifle/shotgun to a permit holder or any person, not required by law to possess a permit. Upon presentation of a bona fide bill of sale and a written representation by the owner that the weapon has been sold or otherwise disposed of, the Rifle and Shotgun Section will issue a release to the new lawful owner.*

***RELATED PROCEDURES***

*Voluntary Surrender of weapons with Written Notice (P.G. 207-26)*
*Voluntary Surrender of Weapons Without Prior Notice (P.G. 207-27)*
*Rifle/Shotgun Permit - Suspended, Revoked, Disapproved (P.G. 212-85)*
*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-47 | |
|---|---|---|---|
| **COUNTERFEIT MONEY** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To confiscate counterfeit money.

**PROCEDURE** When counterfeit money is detected and it is determined that the passer is an innocent victim or there is no indication who passed it:

**INVESTIGATING OFFICER**

1. Have person last in possession write his name and date across face of bill or scratch initials on a coin.
2. Sign rank, name, shield number and date on bill or scratch initials on coin.

**DESK OFFICER**

3. Prepare four copies of report on **Typed Letterhead** addressed to Chief of Patrol describing in detail how money came into possession of member of the service, including amount and serial numbers.
4. Assign messenger to deliver reports and money to patrol borough office.
5. Have messenger sign itemized receipt in Property Receipt Book.
6. Direct messenger to obtain one receipted copy of report from patrol borough office.
7. Attach receipted copy of report received from messenger, to entry in Property Receipt Book.

**PATROL BOROUGH MEMBER**

8. Direct borough messenger to deliver counterfeit money with remaining copies of report to Patrol Services Bureau.

**PATROL SERVICES BUREAU MEMBER**

9. Give borough messenger receipted copy of **Typed Letterhead** for file in borough office.
10. Deliver money and two remaining copies of letterhead to the Special Agent-In-Charge, United States Secret Service.
11. Obtain one copy of report, receipted by Special Agent, for file in the Patrol Services Bureau.

***RELATED PROCEDURE*** *Counterfeiting/Forging U.S. Government Obligations or Counterfeiting/Unauthorized Use of Access Device (P.G. 208-47)*

***FORMS AND REPORTS*** ***Typed Letterhead***

NYPD

# MOTOR VEHICLES REPOSSESSED/PARKING VIOLATIONS SCOFFLAW REMOVAL PROGRAM

**PURPOSE** To record information concerning repossessed vehicles/vehicles seized under the Parking Violations Scofflaw Removal Program.

**PROCEDURE** When a person/city marshal appears at a stationhouse and reports a repossessed vehicle/vehicle seized under Scofflaw Removal Program:

IF VEHICLE REPOSSESSED

**DESK OFFICER**

1. Request identification.
2. Examine papers authorizing seizure of vehicle.
   a. Conduct a check of the VIN through the Department of Motor Vehicles utilizing the FINEST system.
3. Make Command Log entry and notify Stolen Property Inquiry Section, utilizing the FINEST System, of the following:
   a. Time and date of repossession
   b. Location from which obtained
   c. Name, address and telephone number of firm, corporation, etc. repossessing vehicle
   d. Name, business address of person executing the repossession
   e. Year and make of vehicle
   f. Registration plate number, state and year
   g. Vehicle identification number, if known
   h. Name and address - registered owner
   i. Name of member of the service notified at Stolen Property Inquiry Section.

***NOTE*** *When the FINEST SYSTEM is inoperative, notification to Stolen Property Inquiry Section (S.P.I.S.) will be made by telephone.*

**MEMBER CONCERNED, S.P.I.S.**

4. Enter information into the NYSPIN/NCIC computer system.
   a. The information will be retained in the computer for thirty days.

IF VEHICLE SEIZED - SCOFFLAW REMOVAL PROGRAM

**DESK OFFICER**

5. Verify credentials of city marshal upon arrival.
   a. Conduct a check of the VIN through the Department of Motor Vehicles utilizing the FINEST system.

***NOTE*** *The city marshal must report as soon as possible to the stationhouse of the precinct where the vehicle was picked up and provide the desk officer with a Parking Violations preprinted two part snap-out containing pertinent information regarding the seizure.*

**DESK OFFICER (continued)**

6. Examine papers authorizing seizure of the vehicle.
7. Sign and return one copy of the form to the city marshal.
8. Make Command Log entry and notify Stolen Property Inquiry Section utilizing FINEST inquiry format "RVIE" (Request for Vehicle Impound Entry) of the following:
   a. Time and date of impound
   b. Location from where obtained
   c. City marshal's name and shield number
   d. Year and make of vehicle
   e. Registration plate number
   f. Vehicle identification number
   g. Name and address of registered owner.
9. File remaining copy of Parking Violations form in Property Receipt Book and enter relevant information.
   a. Make cross-reference in Command Log to Property Receipt Book. Discrepancies will immediately be reported to the Stolen Property Inquiry Section supervisor, by telephone.

***ADDITIONAL DATA***

*Tow trucks used in the Scofflaw Removal Program are sub-contracted by the participating city marshals, require licensing by the Department of Consumer Affairs and are subject to the rules and regulations of that agency.*

*Information concerning abandoned vehicles, which have not been reported stolen but are the subject of an investigation, is transmitted to the Stolen Property Inquiry Section for entry into the NYSPIN/NCIC computer system in the same manner as for repossessed vehicles.*

*Section 424, Vehicle and Traffic Law requires agencies who are members of the New York Statewide Police Information Network (NYSPIN) to report the impounding of motor vehicles, trailers or parts thereof to the Network. This is intended to prevent false or erroneous reports of motor vehicle theft by owners who are unaware that their vehicles have been impounded. Reports to NYSPIN shall include if possible:*

*a. Vehicle Identification Number (VIN)*
*b. Date of impoundment*
*c. License plate number*
*d. Location where the vehicle was obtained*
*e. Name, address and telephone number of the facility where the vehicle is being stored.*

*The term "impound" is defined to mean the taking into possession by an agency of any motor vehicle which has been abandoned, repossessed, seized pending forfeiture proceedings, taken into custody or held as evidence in the course of a police investigation, required to be impounded by law, or held by any agency under circumstances in which the owner might not reasonably know the status of the vehicle.*

**PURPOSE** To cooperate with media representatives by not interfering or allowing others to interfere with media personnel acting in their news gathering capacity.

***NOTE*** *A member of the press with proper credentials may not be excluded from an area where the general public has access.*

**PROCEDURE** Whenever a member of the service (uniformed or civilian) becomes involved in an incident or confrontation with media personnel or media personnel are assaulted, harassed or their vehicles/equipment are vandalized/damaged at the scene of news events:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if any threat to safety of media representatives exists and take appropriate action.
2. Request response of a supervisory officer.
3. Take enforcement action, as necessary.
   a. Comply with *P.G. 208-03, "Arrests – General Processing,"* as appropriate.

**SUPERVISORY MEMBER**

4. Cooperate with and assist media representatives and provide safe access to the scene, if possible.
5. Conduct immediate investigation if member of the media is assaulted, harassed or their vehicle/equipment is vandalized/damaged.
6. Attempt to obtain third party witnesses if confrontation with members of the service or others.
7. Request all parties, including witnesses, if possible, to report to precinct of occurrence for further investigation, when necessary.
8. Notify the Office of the Deputy Commissioner, Public Information without delay.

***NOTE*** *The Office of the Deputy Commissioner, Public Information, is available 24 hours a day, 7 days a week for consultation and/or response to incidents involving the media. Members of the service are required to immediately notify the Deputy Commissioner, Public Information of any incident involving the media, regardless of the outcome of that incident.*

**DESK OFFICER**

9. Notify:
   a. Commanding officer/duty captain
   b. Lieutenant platoon commander
   c. Operations Unit.

**LIEUTENANT PLATOON COMMANDER**

10. Respond to command, if in the field, and under the supervision of the commanding officer/duty captain, conduct investigation of incident.

***NOTE*** *The commanding officer/duty captain will perform the duties of the lieutenant platoon commander, if the platoon commander is unavailable.*

**LIEUTENANT PLATOON COMMANDER (continued)**

11. Prepare report on **Typed Letterhead** containing details of incident and results of investigation and forward to:
    a. Chief of Patrol/bureau chief concerned
    b. Borough commander concerned
    c. Commanding Officer, Public Information Division
    d. Command file.

***NOTE***

*The Office of Deputy Commissioner - Public Information will maintain a central repository of all reports received of incidents involving news media representatives.*

12. Forward supplementary report, if necessary.

**COMMANDING OFFICER/ DUTY CAPTAIN**

13. Respond to command and supervise the investigation and preparation of the report by the lieutenant platoon commander.

***ADDITIONAL DATA***

*The Mayor's Office of Media and Entertainment (MOME) is available to confirm the validity of press credentials. Members of the service needing to verify press credentials may contact the Operations Unit for the MOME phone number and any other relevant contact information.*

*Members of the service will not interfere with the video taping or the photographing of incidents in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer constitutes censorship. Working Press Cards clearly state the bearer "is entitled to cross police and fire lines." This right will be honored and access will not be denied. However, this does not include access to interior crime scenes or areas frozen for security reasons.*

*Members of the service will no longer be permitted to seize a press credential under any circumstances, except when seized in the normal course of an arrest and held for safekeeping like other types of non-evidentiary, non-investigatory personal property.*

*In order to cooperate more fully with members of the news media and provide them with access to cover newsworthy events, the following guidelines will be adhered to unless safety interests or proper performance of police duties require otherwise:*

*a. To the extent it is feasible to do so, the media's access to demonstrations on private property will not be impeded by the Department.*

*b. The media will be given access as close to the activity as possible, with a clear line of sight and within hearing range of the incident.*

*c. When incidents spill over or occur on private property, members of the media will not be arrested for criminal trespass, unless an owner or representative expressly indicates that the press is not to be permitted to enter or remain on the property.*

*d. If the ranking officer at the incident determines that press access must be restricted in certain circumstances (i.e., in order for the Department to carry out its law enforcement functions), he retains the discretion to do so.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Information Concerning Official Business of Department (P.G. 212-76)*<br>*Release of Information to News Media (P.G. 212-77)* |
| ***FORMS AND REPORTS*** | ***Typed Letterhead*** |

NYPD

**PURPOSE** To enforce laws regulating the operation of aircraft over the city.

**PROCEDURE** Upon receiving a complaint of or observing an aircraft being operated in a careless or reckless manner (e.g., performing acrobatics), advertising by towing a banner, dropping circulars, using loud speakers, landing or taking-off, except in an emergency, any place within the city other than places designated by the Department of Transportation or Port Authority of New York, or violating any other law over the city:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify the radio dispatcher and request Aviation Unit response, if necessary.
2. Record the following information:
   a. Description of aircraft, as detailed as possible, including registration number, type (airplane, helicopter, gyroplane), color, paint scheme, number of engines/propellers, wings (mounted high or low, biplane, etc.)
   b. Description of the action of the aircraft in flight, include estimate of altitude (height of known structure, if possible)
   c. Approximate location where flight action occurred
   d. Time and date when action occurred
   e. Names and addresses of witnesses
   f. Name and location of base from which the aircraft took off from, or landed, if known.
3. Serve summons, if possible.
4. Telephone information to the desk officer promptly.

**DESK OFFICER**

5. Assign a uniformed member of the service to advise complainant that a citizen may lodge a complaint with the local Federal Aviation Administration, Flight Standards District Office, if member of the service does not observe the violation.
6. Notify Aviation Unit.
7. Notify commanding officer/duty captain/operations coordinator.
8. Telephone information to Office of the Chief of Special Operations.

**AVIATION UNIT**

9. Follow aircraft after observing a violation to any airport in the metropolitan area to identify the aircraft and violator, if possible.
   a. Serve summons, if warranted.

**UNIFORMED MEMBER OF THE SERVICE**

10. Inform the complainant that they may lodge a complaint with the local Federal Aviation Administration, Flight Standards District Office.
11. Make digital **Activity Log** entry, including name, address, and telephone number of any witnesses.

**DESK OFFICER**

12. Prepare three copies of report of the circumstances on **Typed Letterhead**.
    a. Send copy to Aviation Unit
    b. Send copy to Office of the Chief of Special Operations
    c. File copy in binder at desk.

**COMMANDING OFFICER, AVIATION UNIT**

13. Investigate report of the violation.
14. Determine the identity of the aircraft and pilot.
15. Determine if violation of Federal Aviation Regulations, Administrative Code or other law has been committed and have summons prepared, if warranted.
    a. Prepare report, if violation has occurred, on **OFFICIAL LETTERHEAD (PD158-151)** describing the details of the violation and the identity of the offender to the Federal Aviation Adminstration, Flight Standards District Office, Garden City, N.Y. (through channels) for all aircraft violations in New York City, except helicopters.
        (1) Send report to Flight Standards District Office, Farmingdale, N.Y., (through channels) for all helicopter related violations.
16. Investigate and maintain complete statistics and records of all forced landings within the city.

***ADDITIONAL DATA***

*The Administrative Code, Section 10-127, makes it unlawful for the operator or owner of an aircraft to fail to report to the police department within ten hours a forced landing of aircraft within city limits or an accident to an aircraft where personal injury, property damage or serious damage to the aircraft is involved. Uniformed members of the service on the scene will direct the pilot or owner to report to the desk officer, precinct of occurrence. Failure to comply with this section is a misdemeanor.*

*When an airport, heliport or seaplane base is operating without a permit issued by the New York City Economic Development Corporation or in violation of the permit, the precinct commander will make a notification to the Economic Development Corporation and prepare and forward two copies of a report to the Chief of Department and one copy to the Commanding Officer, Aviation Unit.*

***FORMS AND REPORTS***

***OFFICIAL LETTERHEAD (PD158-151)***
***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-51 | |
|---|---|---|---|
| **RESPONSE TO WORK DISRUPTIONS AT CITY CONSTRUCTION SITES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To investigate and record complaints, effect arrests, when necessary, and provide complainants in cases involving illegal work disruptions at City construction sites.

**SCOPE** In an effort to more effectively respond to and prevent illegal activity and demonstrations which result in work disruptions at City construction sites, this Department and the Mayor's Office of Construction have developed a protocol to be followed by members of the service and City agencies concerned. The protocol requires:

a. Posting of "No Trespassing" signs at construction sites.
b. Designation of an authorized agent to act as a liaison with personnel of this Department.
c. Availability of agency representatives to act as complainants in criminal cases.

**DEFINITIONS** CONSTRUCTION SITE WORK DISRUPTION - Illegal activity by an individual or individuals at or in the vicinity of a City construction site which is either solely or in addition to other purposes intended to prevent, delay or encumber construction work activity.

AUTHORIZED AGENT - Individuals designated to act as a liaison with Police Department personnel. In addition to other duties, the authorized agent will:

a. Assist Police Department personnel in entering the site and identifying trespassers.
b. Provide eyewitnesses, if possible, to unlawful conduct in the event such conduct is alleged, but not witnessed by members of the service concerned. The identity of the authorized agent should be provided to the appropriate precinct commander by the City agency concerned.

CITY CONSTRUCTION SITE - Property owned or leased by the City of New York or agency of the City of New York upon which a physical structure (e.g., building, housing, school, park, tunnel, road, etc.) is being constructed, renovated or demolished.

**PROCEDURE** Upon receiving a report of a work disruption at a City construction site:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to location, verify disruption and ascertain extent.
2. Confer with authorized agent at construction site to determine if criminal activity has occurred.
3. Request response of patrol supervisor, if work site disruption is verified.
4. Make summary arrest if investigation reveals the commission of a criminal offense.
   a. Effect arrest for felonious assault, based on information or observation, regardless of the willingness of the victim to act as the complainant.
      (1) Identity of informant, if any, will be noted.

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

b. Effect arrest for criminal trespass and/or criminal mischief to City owned property based on information or observation.
   (1) The City agency responsible or the Mayor's Office of Construction will act as the complainant.
      (a) Identity of informant, if any, will be noted.

c. Effect arrest for criminal mischief involving property owned by any party other than the City of New York or City agency only when the party concerned requests an arrest be made and will provide a complainant.
   (1) Identity of the supervisory personnel representing the party involved and informant, if any, will be noted.

***NOTE*** *It is **not** necessary to personally communicate a notice against trespass to an individual(s) if "No Trespassing, Authorized Personnel Only" signs are posted and clearly visible from outside an enclosed construction site.*

5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** in all verified incidents and deliver to desk officer.
   a. Enter "Construction Site Disruption" in box captioned "OFFENSE."

**PATROL SUPERVISOR**

6. Respond to location.
7. Request additional personnel and equipment, if necessary.
8. Notify desk officer.

**DESK OFFICER**

9. Notify precinct commander/duty captain, patrol borough command, and Operations Unit.

**COMMANDING OFFICER/ COUNTERPART**

10. Respond to location and confer with supervisory personnel of the construction site.
11. Evaluate situation and direct the response of personnel and equipment accordingly.

***ADDITIONAL DATA*** *A representative of the City agency concerned will act as the complainant in criminal cases involving City property. The agency representative will not necessarily be the same individual identified as the "authorized agent" at the construction site. While the authorized agent should be prepared to provide information, identification, and/or eyewitnesses to the criminal action, the authorized agent is not required to act as the complainant.*

***RELATED PROCEDURES***
*Emergency Incidents (P.G. 213-02)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Labor Dispute (P.G. 212-52)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT WORKSHEET (PD313-152A)***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-52 | |
|---|---|---|---|
| **LABOR DISPUTE** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To preserve the peace and protect life and property at the scene of a strike or labor dispute.

**DEFINITIONS** PENAL LAW SECTION 240.25, HARASSMENT IN THE FIRST DEGREE - prohibits "stalking" - intentionally and repeatedly harassing another person by following him/her in a public place or by engaging in a course of conduct which places the person in reasonable fear of physical injury. However, this Penal Law section does not apply to conduct which constitutes picketing or other labor-related activity governed by federal labor statutes.

PENAL LAW SECTION 240.26, HARASSMENT IN THE SECOND DEGREE - prohibits harassing a person by following him/her in a public place or engaging in a course of conduct which alarms or seriously annoys someone and has no legitimate purpose. These provisions do not apply to conduct which constitutes picketing or other labor-related activity governed by federal labor statutes. However, the law leaves intact the prohibition against striking, shoving, kicking, or otherwise subjecting another person to physical contact, or attempting to do such acts -- no one, whether picketing or not, is permitted to engage in this behavior, which remains enforceable as Harassment in the second degree.

**PROCEDURE** Upon arriving at the scene of a strike or labor dispute:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take action to preserve the peace and prevent destruction of property.
2. Request response of patrol supervisor.
3. Notify desk officer.

**PATROL SUPERVISOR**

4. Respond to location.
5. Interview, separately, a management representative and union representative.
   a. Obtain information for a **STRIKE REPORT (PD332-151)**.
6. Advise management and union representatives that:
   a. Force or violence will not be tolerated
   b. The law will be enforced impartially
   c. Right of the public to use streets and sidewalks will be protected
   d. Striking employees may conduct orderly picketing in accordance with conditions at the location
   e. The precinct commander will designate the number of pickets permitted
   f. Professional agitators and the use of language offensive to public decency will not be permitted
   g. The carrying of sticks or poles that are affixed to signs, or other objects, which may be injurious to the public, by any individual or group, will not be permitted.
7. Telephone the desk officer for immediate assignment of personnel, if required.
8. Deliver the **STRIKE REPORT** to the desk officer.

**DESK OFFICER**

9. Confer with precinct commanding officer/duty captain concerning personnel assignments.

**PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN**

10. Determine personnel requirements.
    a. Obtain the following information, if the dispute involves a large plant and a considerable number of employees:
       (1) Location and size of plant
       (2) Location of entrances, exits, loading platforms, etc.
       (3) Employees arrival and departure times
       (4) Entrances and exits used by employees
       (5) Time of employee's meal periods and location of premises where meals taken
       (6) Transit facilities, parking lots and routes used by employees
       (7) Times merchandise is shipped or received
       (8) Other locations that may be affected by dispute
       (9) Special hazards or conditions affecting police duty.

**PATROL SUPERVISOR**

11. Set up command post, if conditions require.

***NOTE*** *Facilities of management or labor are not to be used as a command post or meal location.*

**DESK OFFICER**

12. Make assignments as directed by precinct commander/duty captain from precinct personnel, if available, or request additional personnel from patrol borough command.
13. Notify Operations Unit.
14. Have **STRIKE REPORT** prepared.
15. Sign **STRIKE REPORT** above caption "Reviewed By."
    a. Forward as indicated on form.

***ADDITIONAL DATA***

*When individuals are engaged in labor related activity such as picketing, distributing leaflets or otherwise demonstrating in a labor relations context, they are exempt from arrest for the categories of harassment discussed above. Instead, the victim may be referred to court for an injunction, or to the National Labor Relations Board. The only permissible arrest for harassment in this situation is now where the individual strikes, shoves, kicks, or otherwise subjects the victim to physical contact, or attempts or threatens to do the same. It should also be remembered that no other Penal Law section has been amended in this way, so that a person who violates other provisions such as disorderly conduct, menacing, criminal mischief, etc., will still be subject to arrest even if the violation occurred in a labor demonstration.*

***RELATED PROCEDURES***

*Unusual Occurrence Reports (P.G. 212-09)*
*Emergency Incidents (P.G. 213-02)*

***FORMS AND REPORTS***

***STRIKE REPORT (PD332-151)***

MYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-54 | |
|---|---|---|---|
| **PERSON THREATENING TO JUMP FROM STRUCTURE** | | | |
| DATE ISSUED: 06/01/16 | DATE EFFECTIVE: 06/01/16 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To prevent persons from jumping from structures.

**PROCEDURE** Upon arriving at a location where a person is threatening to jump from a structure:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify radio dispatcher and request patrol supervisor, Emergency Service and ambulance to respond.
   a. Request Harbor Unit to respond if person is over navigable waters.
2. Attempt to persuade or prevent person from jumping.
3. Seek assistance of person's relatives, friends, and clergyman.
4. Confine the person to side of the structure facing street, if possible.
5. Rope off area below and prevent persons from entering area.

**PATROL SUPERVISOR**

6. Verify that Emergency Service Unit and ambulance are responding, if required.
   a. Cancel response of Emergency Service/ambulance if no longer required.
7. Follow *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* where appropriate.

***RELATED PROCEDURE*** *Mentally Ill Or Emotionally Disturbed Persons (P.G. 221-13)*

NYPD

# PATROL GUIDE

| Section: Command Operations | Procedure No: 212-55 |
|---|---|

## INVESTIGATION OF AIDED CASES INVOLVING INJURIES RESULTING FROM ILLEGAL FIREWORKS

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 03/18/19 | 03/18/19 | | 1 of 1 |

**PURPOSE** To prevent future injuries to the public and to ascertain the source of illegal fireworks.

**PROCEDURE** Upon responding to, or otherwise becoming aware of, an incident involving a physical injury to an individual as a result of the intentional or accidental detonation of illegal fireworks:

**UNIFORMED MEMBER OF THE SERVICE**

1. Render reasonable aid to injured person.
2. Request response of ambulance, if necessary.
3. Request response of patrol supervisor and precinct detective squad.
4. Notify desk officer, precinct of occurrence, of incident.
5. Issue summons or effect arrest if fireworks were illegally possessed.
6. Prepare **COMPLAINT REPORT (PD313-152)**.
   a. Under caption "Offense," enter "Investigate Aided-Fireworks Injury," if applicable.
7. Prepare **AIDED REPORT**, if applicable.

**PATROL SUPERVISOR**

8. Review action taken and ascertain that precinct detective squad has been notified to respond, if not present at scene.

**PRECINCT DETECTIVE SQUAD MEMBER**

9. Investigate circumstances of injury to determine source of illegal fireworks.
10. Notify Intelligence Bureau and appropriate narcotics borough of results of investigation.

***NOTE*** *In addition, precinct detective squad members will notify the Detective Bureau Wheel 24 hours, seven days a week regarding all ongoing firework related investigations.*

***ADDITIONAL DATA*** *In cases where the aided is less than eighteen years of age, it is incumbent upon the investigating member to determine the extent of adult involvement in the incident. When probable cause exists to establish a charge of Endangering the Welfare of Child, an arrest will be made.*

*The Intelligence Bureau will maintain a data base containing all incidents involving a physical injury to an individual as a result of the detonation of illegal fireworks. The database will include all relevant information concerning the incident and the results of the investigation. The Commanding Officer, Intelligence Bureau, will review the results of each investigation and coordinate the distribution of intelligence obtained in the investigation. In addition, those cases requiring further investigation will be referred to the appropriate unit for follow-up investigation, as deemed necessary.*

***FORMS AND REPORTS*** ***AIDED REPORT***
***COMPLAINT REPORT (PD313-152)***

**PURPOSE** To process incidents involving persons classified as "diplomats."

**DEFINITIONS** DIPLOMATS - Members of foreign missions, delegations, embassies or consulates to the United Nations, and their families and staff (identification cards are issued by the United States Department of State).

DIPLOMATIC IMMUNITY - Diplomats with full criminal immunity shall not be arrested but may be issued a summons. Uniformed members of the service will extend every courtesy and consideration to them and provide all reasonable assistance.

**PROCEDURE** Upon arriving at the scene of an incident where a diplomat is involved:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take necessary action to protect life and property.
   a. Pending verification of diplomatic status, diplomats may be detained, particularly if they pose a danger to themselves or the public.

***NOTE*** *Do not enter headquarters district of United Nations to perform official duty without consent of Secretary General.*

2. Obtain name and title of diplomat and government he/she represents.
3. Notify Operations Unit and Intelligence Bureau immediately by telephone that an incident involving a diplomat has occurred.

***NOTE*** *The Intelligence Bureau, Criminal Intelligence Section will verify diplomatic status, through the Mayor's Office for International Affairs, the U.S. Mission to the United Nations, Host Country Affairs Duty Officer or the U.S. Department of State, Office of the Chief of Protocol.*

4. Do not detain a diplomat who is properly identified and has been verified by Intelligence Bureau personnel.
5. Request patrol supervisor to respond to scene.
6. Telephone details of the incident to the desk officer.

**OPERATIONS UNIT MEMBER**

7. Notify detective squad or detective borough command, if required.
8. Notify Police Commissioner and Chief of Department, if required.
9. Notify Intelligence Bureau, Criminal Intelligence Section in all circumstances.

**DESK OFFICER**

10. Notify:
    a. Precinct commanding officer/duty captain
    b. Patrol borough
    c. Operations Unit - to provide additional details and/or confirm incident.

**UNIFORMED MEMBER OF THE SERVICE**

11. Prepare required forms/reports.
12. Make digital **Activity Log** entry.

**INTELLIGENCE BUREAU MEMBER**

13. Transmit details of incident to:
    a. Mayor's Office for International Affairs
    b. United States Mission to the United Nations
    c. United States Department of State, Office of the Chief of Protocol.

***NOTE*** *The Mayor's Office for International Affairs may be requested to the scene or may respond when appropriate.*

**PATROL SUPERVISOR**

14. Investigate incident and interview witnesses.
15. Determine if incident is of a serious or non-serious nature.
16. Take immediate action as required by circumstances of incident.
17. Report actions taken to precinct desk officer.

***NOTE*** *The desk officer will notify the precinct commanding officer/duty captain who will perform the duties of the patrol supervisor if the incident is of a serious nature. Incidents of a non-serious nature will be investigated by the patrol supervisor.*

*Members of the service will notify commanding officer/duty captain if an emergency child removal, as described in P.G. 215-03, "Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children," has a diplomatic immunity component. Such removal will be directly supervised by the commanding officer/duty captain.*

18. Review actions already taken, conduct additional investigation as necessary.
19. Telephone results of preliminary investigation to:
    a. Operations Unit
    b. Patrol borough office concerned
    c. Intelligence Bureau - indicate whether incident is serious or non-serious.
20. Prepare four copies of report concerning results of investigation on **Typed Letterhead**, when incident is of a serious nature, and forward to:
    a. Chief of Patrol - one copy DIRECT
    b. Intelligence Bureau - two copies DIRECT
    c. File last copy in precinct desk binder.
21. Notify precinct commanding officer/duty captain of actions taken, when incident is of a non-serious nature.

**PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN**

22. Review actions taken by the patrol supervisor in non-serious incidents.

**INTELLIGENCE BUREAU MEMBER**

23. Forward one copy of report to the Mayor's Office for International Affairs.

***NOTE*** *The Mayor's Office for International Affairs will, when appropriate, present the incident to the District Attorney or other agencies for action, and follow up accordingly.*

**DESK OFFICER** 24. Review and process required reports/forms.

***ADDITIONAL DATA*** *Subsequent reports including final dispositions will be prepared and forwarded in the same manner as initial reports.*

*A parking summons placed upon a vehicle bearing "Diplomat" and "Consul" license plates for a safety hazard violation is NOT considered a diplomatic incident.*

*When a diplomat with full diplomatic immunity (verified by the Intelligence Bureau) is suspected of impaired/intoxicated driving, the uniformed member of service on the scene may ask the diplomat to submit to a sobriety test (breathalyzer). The diplomat is entitled to refuse. This request and the diplomat's response must be documented in the member's digital* ***ACTIVITY LOG*** *and in the supervisor's* ***UNUSUAL OCCURRENCE REPORT (PD370-152)****. This documentation may be used by the Mayor's Office for International Affairs at a later date for possible prosecution or administrative action against the diplomat, should the diplomat's home country waive immunity.*

*Even when a diplomat has full diplomatic immunity, the responding uniformed member of the service must prepare all of the required reports (e.g.,* ***COMPLAINT REPORT WORKSHEET [PD313-152A]****,* ***AIDED REPORT****, etc.) normally prepared for the type of incident.*

***RELATED PROCEDURES*** *Parking Summons - General Procedure (P.G. 209-07)*
*Unusual Occurrence Reports (P.G. 212-09)*

***FORMS AND REPORTS*** ***AIDED REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***
***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-57 | |
|---|---|---|---|
| **SERVICE OF FAMILY COURT/SUPREME COURT ORDERS OF PROTECTION BY UNIFORMED MEMBERS OF THE SERVICE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 4 |

**PURPOSE** To assist in the service of all orders of protection and any associated papers issued by Family Court or Supreme Court.

**PROCEDURE** When an order of protection issued by Family Court or Supreme Court is presented for service at a Department facility:

**DESK OFFICER**

1. Accept the order of protection from the member of the public or Court.

***NOTE*** *Courts and advocacy organizations encourage petitioners to contact the NYC Sheriff in the borough of issuance so that the NYC Sheriff may serve the order of protection. However, should a member of the public appear at a Departmental facility seeking assistance in the service of an order of protection, the member of the service must accept the order. Accepting the order is not the same as serving the order. The NYC Sheriff's Office, during its hours of operation, is the process server for any and all civil orders of protection to be served within New York City. During the hours when the NYC Sheriff's Office is not in operation, the Department will serve and/or attempt to serve any and all civil orders of protection within New York City, until the NYC Sheriff's Office resumes its hours of operation.*

2. Have the petitioner complete the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake (SH-0609)** form.

<u>MONDAY THROUGH THURSDAY, BETWEEN THE HOURS OF 0300 AND 2300, AND FRIDAY, BETWEEN THE HOURS OF 0500 AND 2300</u>

**DESK OFFICER**

3. Fax a copy of the order of protection and the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake** form directly to the NYC Sheriff's Operations Desk at (718) 610-0577.
4. Confirm receipt of the order and the **New York City Department of Finance, Office of the Sheriff, Service of Process Intake** form via telephone, (718) 707-2020.
5. Make an entry in the Order of Protection Log and record the petitioner's name, respondent's name, name of court, docket number, and confirmation of the NYC Sheriff's receipt of the order and relative paperwork.

***NOTE*** *The Order of Protection Log will be maintained at the desk and captioned across a double page as follows:*

*LEFT PAGE*

| *Pct. Serial #* | *Petitioner's Name* | *Respondent's Name* | *Docket #* | *1st Tour UMOS Assigned/ Desk Officer* | *Time/Date of Attempt(s)* | *2nd Tour UMOS Assigned/ Desk Officer* |
|---|---|---|---|---|---|---|

***NOTE (continued)*** *RIGHT PAGE*

| *Date & Time of Attempt(s)* | *(Through) --------->* | *6th Tour UMOS Assigned/ Desk Officer* | *Date & Time of Attempt(s)* | *Final Disposition* | *Time/Date NYC Sheriff Office Received* | *Time/Date DVP Officer Entered In Registry* |
|---|---|---|---|---|---|---|

ALL OTHER TIMES

**DESK OFFICER**

6. Make appropriate entries in the Order of Protection Log.
7. Assign a uniformed member of the service to serve the order of protection.
   a. Indicate name under caption "1st TOUR UMOS."

**UNIFORMED MEMBER OF THE SERVICE**

8. Attempt to serve the order of protection.

IF ORDER OF PROTECTION IS SERVED

**UNIFORMED MEMBER OF THE SERVICE**

9. Prepare **STATEMENT OF PERSONAL SERVICE (PD260-152)** and prepare a photocopy.
   a. Examine and account for all documents served by insuring that appropriate box is checked.
10. Make a digital **Activity Log** entry.
11. Deliver form to desk officer.
12. Forward photocopy of the **STATEMENT OF PERSONAL SERVICE** to domestic violence prevention officer.

***NOTE*** *When preparing **STATEMENT OF PERSONAL SERVICE** forms for orders issued by Supreme Court, strike out the heading reading "Family Court" and write in "Supreme Court."*

**DESK OFFICER**

13. Enter into the Order of Protection Log that the order of protection was served.

**DOMESTIC VIOLENCE PREVENTION OFFICER**

14. Coordinate all tasks relating to the service and recording of orders of protection including filing, forwarding, etc.
15. Enter applicable information for any order of protection served by the Department, into the State Order of Protection Registry, via the FINEST system, upon receipt of each photocopy of a **STATEMENT OF PERSONAL SERVICE**.
16. Enter the date and time entry into the Registry was made under the appropriate caption in the Order of Protection Log.
    a. Place initials inside same caption.

***NOTE*** *The Chief of Department's Domestic Violence Unit will be responsible for ensuring that all Domestic Violence Prevention Officers are trained in the use of the NYSPIN/FINEST system in regard to the entry of service information.*

***NOTE (continued)*** *A copy of the order of protection denoting service does not need to be faxed and confirmed to the NYC Sheriff's Office since the Registry is regularly monitored by them.*

**DOMESTIC VIOLENCE PREVENTION OFFICER (continued)**

17. Forward **STATEMENT OF PERSONAL SERVICE** to Family Court or Supreme Court clerk for any order of protection served by the Department.

IF UNABLE TO SERVE ORDER OF PROTECTION

**UNIFORMED MEMBER OF THE SERVICE**

18. Make a digital **Activity Log** entry of each attempt to serve the order of protection.
19. Return the order of protection and related forms at end of tour to the desk officer.

**DESK OFFICER**

20. Repeat steps "6" and "7" at least once each consecutive tour until the NYC Sheriff's Office reopens or the order is served.
    a. Indicate name under caption "2nd Tour UMOS Assigned/Desk Officer."
21. Repeat steps "3" and "4" for further processing when assigned member of the service is unable to serve the order of protection and the NYC Sheriff's Office has reopened.
22. Enter into the Order of Protection Log that the order of protection was forwarded to NYC Sheriff.

***ADDITIONAL DATA***

*Each attempt made to serve the order of protection shall be documented in the member's digital **Activity Log**. The digital **Activity Log** entry will include the respondent's name, the docket number of the order and any other pertinent information. Service must be attempted at least once each tour until service is effected or the order is forwarded to the NYC Sheriff.*

*The assigned uniformed member of the service will inquire of neighbors, superintendent, etc., as to respondent's whereabouts. If respondent has moved, attempt to obtain the new address. If the new address is within the precinct, service of the order of protection will be attempted at the new location. A new entry in the Order of Protection Log will be required.*

*If the new address is outside the precinct concerned, indicate such in a digital **Activity Log** entry. The order of protection will be returned to the desk officer, along with any relevant information obtained during the service attempt, for forwarding to the appropriate command if the NYC Sheriff's Office is not yet open.*

*When an exclusionary order of protection has been served, (an order that prohibits contact between the petitioner and respondent and/or excludes the respondent from being present at said location) uniformed members of the service may not assist respondents who wish to remove clothing/property (commonly known as "clothes jobs"). Instead, the respondent should be advised to return to court to have the order of protection amended, so that he/she may remove clothing/personal property from the location, or, so that the items may be delivered to the respondent or a third party. This does NOT prevent a member from accompanying the PETITIONER for whom the order was issued when the petitioner has safety concerns about returning to a shared location for the purposes of retrieving clothing/personal property.*

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

***FORMS AND REPORTS*** ***STATEMENT OF PERSONAL SERVICE (PD260-152)***
***NYC Department of Finance, Office of the Sheriff, Service of Process Intake (SH-0609)***

NYPD

**PURPOSE** To protect life and property, and facilitate fire operations.

**PROCEDURE** Upon receiving a report of a fire (10-59) through 911 or as a pick-up:

**RADIO DISPATCHER**

1. Immediately assign available unit to respond and notify patrol supervisor.
2. Broadcast any new information received via ICAD or from members on the scene. Notify the patrol supervisor and any other responding supervisor(s) of all available information (e.g., numerous calls received, affected floor, persons trapped, injuries, etc.).
3. If members of the service at scene are in immediate danger at any time from smoke, heat, or fire, notify the FDNY dispatcher for transmittal to FDNY units on the scene.

**UNIFORMED MEMBER OF THE SERVICE**

4. Park Department vehicles to prevent interference with firefighting operations.
5. Transmit signal 10-84 upon arrival on-scene of fire. Ensure FDNY is responding if not on-scene and inform dispatcher of any pertinent details.
6. Ensure area in front of building is secured for responding FDNY personnel and all fire hydrants are free of vehicles.
7. Direct responsible person to remain in front of location to direct fire apparatus if fire is not in view.
8. Warn occupants and assist evacuated persons if appropriate.
9. Prevent persons from reentering the building and secure lobby.

***NOTE*** *Uniformed members of the service should be aware that some modern buildings are fire-proof and may not exhibit conditions that are commonly believed to be observable from outside a building on fire (i.e., flames or smoke).* ***Uniformed members are not trained in, or equipped for, fire suppression or fire rescue operations and should avoid entering any building that is on fire****. In most circumstances, members should await the arrival of FDNY personnel and assist in evacuation, pedestrian/traffic control and establishing a secure perimeter around firefighting operations. Given the fluid nature of the circumstances encountered at a fire scene, members of the service are reminded to use common sense judgment.*

10. If there is imminent danger to life and member(s) determine that entering the building is necessary and prudent, notify radio dispatcher of all observations made in connection with fire prior to entry.
11. Communicate to FDNY personnel at the scene the number of members of the service who entered the building, including last known location, if possible.
12. Proceed with caution at all times and maintain communication with radio dispatcher.
    a. Frequently relay location and ascertain estimated time of FDNY arrival.

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

13. Use stairs to reach reported fire location. (DO NOT use elevator.)
    a. Members should ascend in teams of two.
14. Advise radio dispatcher of labeled staircase being used or of any other identifying characteristics of staircase, if not labeled.
15. Conduct a visual inspection of stairwell for smoke or flames prior to ascending staircase.
    a. While ascending, inspect each floor below reported fire floor for smoke and/or fire and note location and distance of other stairways, exits and/or potential areas of refuge.
16. DO NOT hold elevator cars on any floor as FDNY units will seek to recall elevators to move personnel and firefighting equipment into position.
17. Conduct a visual inspection of hallway of reported fire floor through the stairwell/hallway door window, if available.
    a. Place back of hand on door that separates stairwell from affected floor to detect the presence of heat.
        (1) An unusually warm door or the presence of smoke are indicators that there is a fire in the hallway or in an apartment where a door has been left open. This can be an extremely dangerous condition requiring personal protective equipment to enter and is considered "immediately dangerous to life and health." In these cases, members should not open the door or enter the hallway as such action can draw smoke/fire toward the stairwell.

**PATROL SUPERVISOR**

18. Respond to ALL building/structure fires in command.
19. Confer with FDNY supervisor and advise members of the service to evacuate/tactically retreat (e.g., assume a prone position and crawl or stay as low to the ground as dictated by the situation, moving close to the wall so that the wall may be used as a guide, etc.) to predetermined exit, if smoke and heat are suddenly present.
20. Notify desk officer if fire is suspicious and request precinct detective squad.
21. Immediately assign uniformed members of the service to direct and control responding emergency vehicles to allow free access to affected area.
    a. Confirm that fire hydrants remain accessible for use.
    b. Ensure a clear path of access and egress is established and maintained for ambulances.

**FIRST SUPERVISOR AT SCENE**

22. Proceed immediately to the FDNY Incident Command Post once established and remain at Incident Command Post until relieved or the Command Post is demobilized.
23. Advise the FDNY Incident Commander of the number of members of the service inside the affected building, including unit designation and last known location.

**UNIFORMED MEMBER OF THE SERVICE**

24. Establish police lines beyond the fire apparatus and hydrants in use.
    a. Establish police lines behind the building beyond fire operations, if necessary.
25. Permit only the following persons and vehicles to enter fire lines:
    a. Ambulances
    b. Police and FDNY vehicles
    c. The Mayor and vehicle
    d. Members of governmental agencies and their vehicles, in performance of duty
    e. Employees of public service corporations and their vehicles in the performance of emergency duties
    f. Persons holding valid unexpired press credentials
    g. Red Cross personnel in performance of duty.
26. Record following information in digital **Activity Log**:
    a. Relevant details surrounding the fire including the location, time and persons displaced or injured
    b. Cause of fire, extent of damage and any suspicion of arson (obtained from fire officer in charge), if available
    c. Any dangerous condition resulting from the fire.
27. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** if the fire is suspicious.
28. Prepare **AIDED REPORT** for each injured person.
29. Ensure premises are secure once firefighting operations have concluded.

**DESK OFFICER**

30. Notify Operations Unit and borough command if:
    a. Injury or death occurs
    b. Three alarms or more
    c. Unusual type of fire
    d. Cause of fire is suspicious
    e. Forced entry by FDNY
    f. Relocation of tenants required.
31. Review **COMPLAINT REPORT WORKSHEET/AIDED REPORT**, if prepared.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*Fires can spread rapidly and expand to other rooms, floors or buildings. In addition, smoke created by fire contains poisons and carcinogens including carbon monoxide. Members of the service should be aware, given the circumstances, that a high level of exertion (e.g., stair climbing, etc.) prior to or while entering a fire location could be problematic; the rapid respiration associated with a high level of physical exertion may result in an increased intake of dangerous and harmful smoke into the lungs. ABSENT EXIGENT CIRCUMSTANCES UNIFORMED MEMBERS OF THE SERVICE SHOULD NOT OPERATE ON ANY FLOOR ABOVE THE FIRE AND NOT ATTEMPT TO NAVIGATE THROUGH A SMOKE-FILLED OR FIERY ENVIRONMENT.*

***ADDITIONAL DATA (continued)***

*In fire suppression incidents, according to the CIMS Primary Agency Matrix, the ranking FDNY officer is the Incident Commander and the NYPD will co-locate its command post with the FDNY's. The highest ranking NYPD uniformed supervisor shall remain with the on-scene Incident Commander and work and coordinate with the Primary Agency. The highest ranking uniformed supervisor is responsible for site management and accountable for the inner perimeter and crowd / traffic control.*

*RESPONSE TO TWO ALARM FIRES*

*A second alarm occurs when the Fire Department dispatches additional engine companies, additional ladder companies and other necessary resources beyond the deployment of a full-scale first alarm response. While it is recognized that, in most instances, members of the NYPD are already at the scene of such fires and are aware of the second alarm, the Fire Department will notify the Operations Unit directly, when a fire reaches a second alarm. Upon notification of a two alarm fire, the Operations Unit will direct the duty captain to the scene.*

*The duty captain will respond to the scene to ensure that all appropriate coordination and police services are being provided. In addition, the duty captain will give particular attention to ensuring that traffic control is maintained and perimeters are established. When appropriate, the duty captain may direct that a ranking member be designated as the NYPD communications liaison.*

*The ranking member of the New York City Police Department on the scene will confer with the ranking fire officer to determine if additional police resources are required, e.g. Aviation Unit, Harbor Unit, etc. Supervisory members should be aware that, when conditions warrant, the Fire Department may request that a fire officer be assigned to an Aviation Unit in order to survey the fire and affected structures. Such requests should be facilitated by promptly notifying the Operations Unit and arranging for the flight, as appropriate.*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***

**PURPOSE** To reduce the occurrence of burglaries/robberies by identifying and apprehending those individuals committing burglaries/robberies.

**SCOPE** The Precinct Detective Squad/Burglary/Robbery Apprehension Module (PDS/BRAM) will maintain a dedicated focus on burglary/robbery investigations and shall be under the direct organizational control and supervision of the Precinct Detective Squad Commander.

**PROCEDURE** When a uniformed member of the service receives a complaint of a burglary or robbery:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine whether a burglary or robbery in fact has been committed by conducting preliminary investigation.
2. Broadcast description of perpetrators if available and appropriate, and conduct search for suspects, if appropriate.
3. Safeguard evidence and when necessary, follow crime scene procedures as per *P.G. 212-04, "Crime Scene."*
4. Interview complainant and initiate investigation.
   a. If perpetrator(s) can be identified, transport complainant to station house to view photos.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for robbery.
   a. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for burglary if Burglary Apprehension Team member is not working.
   b. Comply with *P.G. 207-01, "Complaint Reporting System."*

***NOTE*** *Uniformed member of the service assigned will make notification to the Borough/Bureau Evidence Collection Team (E.C.T.) to respond to all burglary incidents, including situations where an arrest is made at the scene. The member assigned will enter the notification into the* ***COMPLAINT REPORT WORKSHEET (PD313-152A).***

6. Make notification to Precinct Detective Squad who will immediately notify the designated PDS/BRAM investigator, when available.
   a. Provide all available information necessary to continue investigation.
   b. Notify Detective Borough Night Watch if PDS/BRAM office is closed (0100-0800 hours).

***NOTE*** *Copies of robbery/burglary complaints recorded on* ***COMPLAINT REPORTS (PD313-152)*** *in the precinct on late tours will be picked up at 0800 hours by a PDS/BRAM member.*

**DESK OFFICER**

7. Review and finalize the completed **COMPLAINT REPORT** in OMNIFORM System.
8. Have a copy of **COMPLAINT REPORT** forwarded to the Precinct Detective Squad/BRAM.

**DESK OFFICER (continued)**

9. Ensure that additional copies of **COMPLAINT REPORT** are sent to other units/agencies, as required.

***NOTE***

*Pattern identification is crucial to a burglary strategy. As part of this strategy, the Detective Bureau will establish burglary patterns in the same manner used to deal with robbery patterns. Where two or more incidents have common traits the Precinct Detective Squad Commander will establish a pattern. Items that should be considered in order to declare a pattern are: similar methods of entry, items stolen, proximity of crimes to each other, time/day of occurrence as well as any other distinguishable common characteristics. The Precinct Detective Squad, in which a pattern has been established, will have the primary responsibility in compiling a pattern folder and documenting their investigative steps to apprehend the perpetrator unless the pattern crosses precinct boundary lines. All information must be disseminated to members of the service in the local and surrounding precincts, detective squads and investigative units. The Borough Robbery Squad will assume responsibility for investigation of patterns affecting more than one precinct. The Patrol Borough Commander will oversee the coordination of the plan to address the pattern between Patrol Services, Detective Bureau (i.e., detective squad, warrants, gang unit etc.) and Intelligence Bureau personnel.*

**PDS/BRAM INVESTIGATOR**

10. Review burglary and robbery complaint reports and assist in identifying any Burglary/Robbery patterns or trends that may arise.
11. Confer with the Precinct Field Intelligence Officer, when assigned, prior to and following the issuance of a pattern.
12. Compile a pattern case folder for all identified patterns, documenting all investigative steps taken.
13. Maintain photo books in accordance with established Legal Bureau guidelines, containing pictures of persons previously arrested for burglary and related crimes.
14. Confer with precinct and borough patrol and investigative units and disseminate all information regarding burglary and robbery trends, patterns and wanted perpetrators.
15. Update and maintain the Precinct Crime Information Center with active **INVESTIGATION CARD (PD373-163)**, Field Information posters, serial burglar lists and photos.
16. Conduct an investigation when the subject of a "Home Visit" cannot be located by the Precinct Burglary Apprehension Team (BAT).
17. Cultivate and maintain sources of information within command (e.g., confidential informants, building superintendents, landlords, block watchers, etc).
18. Debrief all suspects arrested for crimes of burglary/robbery. Seek to:
    a. Identify accomplices
    b. Identify fencing locations
    c. Identify other victims.
19. Be responsible for reviewing the list of persons selling items to pawnshops or secondhand dealers.
    a. Conduct appropriate investigation, i.e. **INVESTIGATION CARD** check, warrant investigation, criminal record check.

**PDS/BRAM INVESTIGATOR (continued)**

20. Assist the Burglary Apprehension Team with "Fencing Sting Operations."
21. Take major case prints for every person arrested for the crime of burglary.

**PDS/BRAM SUPERVISOR**

22. Be responsible for the review of all burglary/robbery complaints received at the office to determine case status.
23. Review all **COMPLAINT REPORTS (PD313-152)**, **Omniform Complaint Revisions** and **COMPLAINT FOLLOW-UP INFORMATIONALS (PD313-081A)** prepared to determine whether the cases should remain ACTIVE or CLOSED, and to ensure that all necessary investigative steps have been taken.
24. Assign robbery and burglary cases amongst all detectives in the unit.
25. Ensure the crime information centers are updated accordingly.
26. Ensure pawnshop/secondhand dealer inspections are properly investigated.
27. Verify major case prints are taken for every person arrested for burglary.

***ADDITIONAL DATA***

*Assignment to a Precinct Detective Squad/Burglary Robbery Apprehension Module (PDS/BRAM) will be viewed solely as a Detective Bureau assignment, and not as an "investigative assignment" available to police officers under the "Police Officers Career Program."*

*Precinct Detective Squad/Burglary Robbery Apprehension Module (PDS/BRAM) team members will be assigned to the Detective Duty Chart. The squad commander, however, will have sufficient flexibility to modify scheduled tours to accommodate the needs of the command and/or for particular investigations.*

*Key elements which contribute to the success of the BRAM program:*

*a. The creation of a specialized BRAM unit within <u>every</u> Precinct Detective Squad. These units are commanded by, and are accountable to, a Precinct Detective Squad Commander who is responsible for the investigation of <u>all</u> robbery/burglary complaints committed within that precinct (unless another unit has responsibility as per Department directives, e.g., Internal Affairs Bureau - Police Impersonation Investigation Unit).*

*b. The allocation of Precinct Detective Squad personnel to the BRAM unit, commensurate with the number of reported burglary/robbery cases. Precinct Detective Squad Commanders will determine the exact complement of personnel (supervisors/detectives), in concurrence with the respective Detective Borough Commanding Officer.*

*c. One member of each PDS/BRAM will be designated as liaison with the Borough Robbery Squad and the Intelligence Bureau for the purpose of identifying emerging patterns and suspects. The Pattern Identification Module will be responsible for identifying, tracking and disseminating information between the precincts and boroughs affected and creating the pattern sheet upon conferral with both the Precinct Squad Commanders and Precinct Commanders involved.*

*d. Detective Bureau must notify the appropriate Patrol Borough Pattern Identification Module when a pattern is established and provide all relevant details. Patrol Borough Pattern Identification Modules will notify the appropriate Detective Bureau on all alerts. Detective Bureau will prepare an apprehension plan on all patterns and submit it to the Chief of Detectives and forward a copy to the appropriate Patrol Borough Commander.*

***ADDITIONAL DATA (continued)***

*e. The development and utilization of precinct Photo Books that contain photographs of persons previously arrested for burglary, robbery and grand larceny from the person, as well as all other photographable offenses within the same geographical area. Each PDS/BRAM must regularly review the precinct's arrest records and obtain all such prisoner photographs, including photos listing parolees with robbery/burglary convictions.*

*f. Uniformed members of the service on patrol are required to bring victims of robberies to the precinct in order to view the Photo Books.*

*g. An innovative Case Management System which ensures prompt, thorough and flexible investigation of burglary/ robbery complaints. Every burglary/ robbery complaint, after assignment of a precinct complaint number, will be reviewed and finalized in the OMNIFORM System by the desk officer. Desk officers will closely scrutinize robbery complaints to ensure that procedures were properly followed. An additional copy of the* ***COMPLAINT REPORT (PD313-152)*** *will be forwarded to the Precinct Detective Squad. A thorough investigation will be conducted on all burglary/robbery cases and the case status (open or closed) will be determined by the PDS/BRAM supervisor.*

*If a uniformed member of the service apprehends a person wanted by the Precinct Detective Squad, as a result of a photograph placed on the Crime Identification Center's bulletin board, the uniformed officer will deliver the prisoner to any member of that detective unit performing duty at the time of the apprehension. The detective, who assumes responsibility for the prisoner, is required to take all of the follow-up steps, including arranging for and conducting a lineup, as per Patrol Guide 208-24, "Identification Lineups/Showups," booking and arraigning the prisoner.*

*A uniformed member of the service who apprehends two PDS/BRAM wanted persons may be recommended for Departmental recognition in the appropriate grade by the Precinct Commanding Officer. (If after the first arrest the individual apprehended is of significant value, Departmental Recognition may be recommended).*

***RELATED PROCEDURES***

*Departmental Recognition – Uniformed Members of the Service (A.G. 329-03)*
*Complaint Reporting System (P.G. 207-01)*
*Identification Lineups/Showups (P.G. 208-24)*
*Crime Scene (P.G. 212-04)*

***FORMS AND REPORTS***

***COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)***
***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***INVESTIGATION CARD (PD373-163)***
***Omniform Complaint Revision***

**PURPOSE** To inform members of the service of the procedures to be followed when performing bicycle patrol.

**SCOPE** All precincts, police service areas, Strategic Response Groups and the Chief of Transportation are authorized to establish a bicycle patrol. ALL Patrol Boroughs, the Chief of Transportation, and the Housing Bureau will designate a Bicycle Coordinator.

**PROCEDURE** To perform bicycle patrol:

**COMMANDING OFFICER**

1. Select volunteer members of the service within the command to perform bicycle patrol.
2. Ensure that bicycles and related equipment usage are maximized.
3. Select a supervisor to act as the bicycle coordinator.

**MEMBER ASSIGNED TO BICYCLE PATROL**

4. Perform bicycle patrol, with the approval of an immediate supervisor.
5. Prior to performing bicycle patrol, all bicycles will be inspected using the following ABC-QUICK CHECK:
   a. **A**ir pressure
   b. **B**rakes
   c. **C**rank
   d. **QUICK** release levers
   e. **CHECK** with brief ride
6. Notify immediate supervisor, or if not available, the desk officer/counterpart if bicycle requires repair or should not be utilized (i.e., unsafe, damaged, etc.).

***NOTE*** *A digital **Activity Log** entry regarding the condition of the bicycle will be made at the start of the tour.*

7. Bicycle helmet, luminous vest and shatter-proof protective eye gear will be worn at all times while operating a Department bicycle in uniform.
8. Except in emergency situations, the Vehicle and Traffic Laws will be obeyed at all times.

**BICYCLE COORDINATING SUPERVISOR**

9. Deploy members of the service on bicycle patrol except when the following conditions exist:
   a. Rain, snow, sleet, heavy fog or any precipitation causes the ground to become slippery
   b. Patches of snow or ice remain from previous storms
   c. High winds interfere with the control of the bicycle
   d. Temperature is above 95 degrees or below 32 degrees Fahrenheit.

***NOTE*** *If bicycle coordinating supervisor is unavailable, the desk officer/counterpart will deploy bicycles to members of the service.*

**BICYCLE COORDINATING SUPERVISOR (continued)**

10. Perform supervisory duty on bicycle, if practical.
11 Ensure that bicycles are clearly marked with the command number followed by the bicycle number (e.g., 103 PCT, 1).
    a. Bicycle number is to be affixed on both sides of the fork (facing downward) below the front brake cantilever.
    b. Command designation is to be affixed at the top of the down tube on both sides.
    c. Numerals are one and one quarter inch block numbers, white in color.
    d. Requests for these stickers will be made to the respective patrol borough/bureau bicycle coordinator concerned.
12. Establish and maintain a Bicycle/Equipment Log Book divided into four sections as follows:
    a. List of trained members of the service
    b. Equipment and distribution including serial numbers of all bicycles, date the bicycles were received, and the date condemned. Indicate next to each bicycle number whether community donated or Department purchased.
    c. Bicycles needing repairs, person contacted, date sent out for servicing and date returned.
    d. A sign-in/sign-out of equipment and bicycles for use by authorized bicycle patrol personnel.
13. Ensure that bicycles utilized are listed on the A.R.C.S. Roll Call (e.g., Beat #1, bike #103-1).
14. Designate a member of the service to perform minor repairs and adjustments, not to exceed one hour per day, on bicycles assigned to the command.

***NOTE*** *Only members of the service that have received the advanced one day repair training course given by the Police Academy Driver Education and Training Unit are to be assigned.*

15. Inspect members of the service and their bicycles for proper uniform and equipment, prior to leaving the command facility.
    a. If not available, the inspection will be done by the desk officer or counterpart.
16. Prepare monthly **Bicycle Patrol Activity Reports** and forward to the special operations lieutenant/counterpart for review by the seventh day of each month.
17. Schedule repair dates with the appropriate designated repair facility.
18. Report damaged, lost or stolen Department bicycles and equipment to the operations coordinator/counterpart and comply with *P.G. 219-20 "Loss Or Theft Of Department Property."*

***NOTE*** *A copy of the equipment distribution and serial numbers for all bicycles will be forwarded to the Patrol Borough, the Chief of Transportation, or Housing Bureau Bicycle Coordinator. Lost/stolen bicycles and equipment will be reported as per P.G.219-20, "Loss Or Theft Of Department Property." A member of the service who is involved in a collision and/or is injured shall comply with the applicable Patrol Guide procedures. A bicycle involved in a collision will not be put into service until it is inspected by the Police Academy Driver Education and Training Unit and returned to service. Copies of all information regarding bicycle collisions will be forwarded to the Police Academy Driver Education and Training Unit. An additional copy will be forwarded to the Bureau concerned (Patrol Services or Housing).*

**SPECIAL OPERATIONS LIEUTENANT/ COUNTERPART**

19. Oversee operation of the bicycle patrol for auxiliary police.
20. Confer with the commanding officer to maximize utilization of equipment (e.g., search for missing persons, quality of life conditions, robbery patterns, traffic enforcement operations, etc.).
21. Review **Bicycle Patrol Activity Report**, confer with the commanding officer, and forward **Bicycle Patrol Activity Report** to the Patrol Borough by the tenth day of each month.
    a. Police Service Areas will forward their activity reports to the Housing Bureau.
22. Coordinate, through the Patrol Borough or the Housing Bureau Bicycle Coordinator (as appropriate), bicycle training for uniformed members of the command, as needed.

***NOTE*** *Chief of Transportation will coordinate bicycle training through the Chief of Patrol's Resource Management Section, Professional Development Unit.*

**PATROL BOROUGH/ BUREAU BICYCLE COORDINATOR**

23. Notify subordinate commands regarding pertinent matters relating to bicycle patrol.
24. Establish and maintain a current listing of the bicycle coordinators within subordinate commands.
25. Collect and consolidate **Bicycle Patrol Activity Reports** and forward reports to the commanding officer for review.
26. Maintain, order, receive and distribute equipment for subordinate commands.
27. Ensure that, on a yearly basis, all Department bicycles within the command have been inspected by conferring with the bicycle coordinators of subordinate commands.
    a. Scheduling for repairs and inspections should not deplete a commands' fleet of bicycles.

***NOTE*** *Patrol boroughs and Chief of Transportation will forward a consolidated **Bicycle Patrol Activity Report** to the Operational Development Unit, Chief of Patrol, by the fifteenth day of each month. Police Services Areas will forward consolidated **Bicycle Patrol Activity Reports** to the Housing Bureau Coordinator.*

***ADDITIONAL DATA***

*Once a year, all Department bicycles will be fully inspected by the Police Academy's Driver Education and Training Unit. The repair personnel will also conduct these inspections during any period of repair and make a notification to the command concerned when such an inspection is conducted. Records of inspections and repairs will be kept by the Police Academy's Driver Education and Training Unit and at the command concerned. When repairs are needed, the coordinating supervisor will contact the Police Academy's Driver Education and Training Unit.*

*ALL commands will have their bicycles repaired at:*

*Police Academy's Driver Education and Training Unit*
*Floyd Bennett Field*
*Bldg #4*
*Brooklyn, NY, 11234*

***RELATED PROCEDURES***

*Aided Cases - General Procedure (P.G. 216-01)*
*Vehicle Collisions - General Procedure (P.G. 217-01)*
*Lost Or Theft of Department Property (P.G. 219-20)*
*Department Property - Disposal Of Non-Expendable (A.G. 325-03)*
*Use Of Property (Other Than Vehicles) Held By Property Clerk (A.G. 313-04)*

***FORMS AND REPORTS***

***Bicycle Patrol Activity Report***

NYPD

# CITY POLICY CONCERNING IDENTIFYING INFORMATION AND ACCESS TO CITY SERVICES

**PURPOSE** To ensure members of the service provide essential services to all residents, regardless of immigration status, and that members of the service not inquire about the immigration status of crime victims, witnesses, or others who require police assistance.

**DEFINITIONS** IDENTIFYING INFORMATION - Any information obtained and maintained by, or on behalf of, New York City, which may be used on its own, or with other information, to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for, or receipt of, public assistance or City services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the Police Department, motor vehicle information or license plate number, biometrics (e.g., fingerprints, photographs, etc.), languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information (e.g., phone number, email address, etc.), information concerning social media accounts, date and/or time of release from custody of the Administration for Children's Services, Department of Correction, or Police Department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

FOREIGN NATIONAL - Any person who is not a citizen or national of the United States, regardless of immigration status or length of residency.

**PROCEDURE** When providing services to any individual, regardless of actual or perceived immigration status:

**MEMBER OF THE SERVICE**

1. Provide services to all individuals when necessary, regardless of actual or perceived immigration status.

INQUIRIES REGARDING IMMIGRATION STATUS

**MEMBER OF THE SERVICE**

2. Do not inquire about immigration status for the purpose of establishing immigration status as an undocumented foreign national.
   a. Inquire about an individual's immigration status only in order to investigate criminal activity.
3. Inquire about an individual's immigration status, if one of the exceptions permitting collection applies (see below listing under heading, "COLLECTION OF INFORMATION"), and such person's immigration status is necessary for determining a program, service, or benefit eligibility, or for the provision of City services, or such officer or employee is required by law to inquire about such person's immigration status.

COLLECTION OF INFORMATION

**MEMBER OF THE SERVICE**

4. Collect identifying information only, as follows:
   a. Such collection is in connection with the investigation of a crime that has been committed, or credible information about an attempted or impending crime (i.e., information necessary for preparing required Department forms/reports, etc.); or
   b. Such collection is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent; or
   c. Such collection has been pre-approved as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
   d. Such collection has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
   e. Such collection is required by law or treaty and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   f. Such collection furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau.

***NOTE***

*It is incumbent upon the Department to maintain the trust and confidence of all who depend on the services of the Department for their safety. It continues to be the policy of the Department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach seeking assistance.*

DISCLOSURE OF INFORMATION

**MEMBER OF THE SERVICE**

5. Disclose identifying information only, as follows:
   a. Such disclosure has been authorized in writing by the individual to whom such information pertains to, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   b. Such disclosure is required by law and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau or
   c. Such disclosure furthers the purpose or mission of the Department and has been approved in writing by the Agency Privacy Officer assigned to the Legal Bureau; or
   d. Such disclosure has been pre-approved as in the best interests of the City by the City Chief Privacy Officer; or
   e. Such disclosure has been designated as routine by the Agency Privacy Officer assigned to the Legal Bureau; or
   f. Such disclosure is in connection with an investigation of a crime that has been committed or credible information about an attempted or impending crime; or

**MEMBER OF THE SERVICE (continued)**

g. Such disclosure is in connection with an open investigation by a City agency concerning the welfare of a minor or an individual who is otherwise not legally competent.

***ADDITIONAL DATA***

*Members of the service are reminded that the steps found in P.G. 208-56, "Foreign Nationals" are mandatory and required by United States treaty obligations. Nothing in this procedure should limit or restrict the completion of the required inquiries regarding the nationality of arrestees and notifications to their country's embassy or consulate.*

*Any member of the service with a question related to the disclosure of identifying information under this section shall consult with the Legal Bureau.*

***RELATED PROCEDURES***

*Bias Motivated Incidents (P.G. 207-10)*
*Foreign Nationals (P.G. 208-56)*
*Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)*
*Requests to Provide City Resources for Immigration Enforcement (P.G. 122-126)*

NYPD

| Section: Command Operations | | Procedure No: 212-67 | |
|---|---|---|---|
| **POLICE/CLERGY PROGRAM** | | | |
| DATE ISSUED: 01/21/16 | DATE EFFECTIVE: 01/21/16 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To formalize police/clergy cooperation; provide instruction and direction to both police and clergy; and to aid the Department in its effort to advance the concept of Community Policing.

**DEFINITIONS** POLICE/CLERGY LIAISONS - designated members will be available to assist the Department in:

(1) Maintaining calm.
(2) Seeking cooperation from the community during and after emergencies such as bias incidents, hostage cases, and emotionally disturbed person situations.
(3) Acting as unofficial recruiters, urging young people in their congregations to seek careers with the Police Department.
(4) Attending appropriate events (e.g., Precinct Community Council meetings, Youth Councils, etc.).

POLICE/CLERGY VOLUNTEERS - will be selected by precinct commanders, in numbers based upon the individual precinct needs. These volunteers will function within precinct boundaries and will perform duties as recruiters, advisers and as a bridge between the community and the precinct.

**PROCEDURE** When a vacancy occurs in the Police/Clergy Program:

**PRECINCT COMMANDER**

1. Notify Chief, Community Affairs, in writing, as to cause of vacancy, i.e., retirement, transfer, inactivity of member, etc.
2. Nominate a member of the clergy to fill vacancy utilizing nomination form (see "*ADDITIONAL DATA*").
3. Forward nomination to Chief, Community Affairs, through channels.

***NOTE*** *Nominations should not exceed more than five per precinct. Deputy commissioners and bureau chiefs may also make nominations direct to the Chief, Community Affairs.*

4. Direct the maintenance of a log, in appropriate Department record book, listing all recruited and selected clergy, both liaisons and volunteers, captioned as follows:

| TITLE | FIELD NAME/ ADDRESS | TELEPHONE NUMBERS | RELIGIOUS INSTITUTIONS | TIMES AVAILABLE | LANGUAGES SPOKEN | OTHER SPECIAL QUALIFICATIONS |
|---|---|---|---|---|---|---|

***NOTE*** *A list of the clergy participating in the program will be forwarded to the Community Outreach Division.*

**POLICE/CLERGY REVIEW COMMITTEE**

5. Review nominations.
6. Forward recommendations to the Police Commissioner.

**CHIEF, COMMUNITY AFFAIRS**

7. Arrange for issuance of identification card to nominee after approval of Police Commissioner.

***NOTE*** *The mere possession of a Police/Clergy Liaison Identification Card does not allow the bearer access to police lines without authorization of the ranking officer in charge.*

***ADDITIONAL DATA***

*In accordance with P.G. 212-74, "Community Notification Protocol," designated clergy liaisons will be notified in the event of an incident of unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest. Clergy liaisons may be requested to respond to incidents at the discretion of the incident commander/ranking officer if their presence is deemed appropriate for possible assistance.*

*Uniformed members of the service in the ranks of captain and above will be cognizant of the provisions of the Clergy Liaison Guidelines.*

***ADDITIONAL DATA (continued)***

***SAMPLE NOMINATION FOR POLICE/CLERGY PROGRAM***

***POLICE DEPARTMENT***
***CITY OF NEW YORK***

*Date*

*From:* *Commanding Officer,* _____

*To:* *Chief, Community Affairs (through channels)*

*Subject:* *POLICE/CLERGY LIAISON PROGRAM NOMINATION*

*The undersigned hereby nominates the below named individual for the Police/Clergy Liaison Program:*

***Full Name:*** _____ ***Title:*** _____

***Religious Affiliation:*** _____ ***Denomination:*** _____

***Address of Institution:*** _____

***City:*** _____ ***State:*** _____ ***Zip Code:*** _____

***Home Address:*** _____

***City:*** _____ ***State:*** _____ ***Zip Code:*** _____

***Mailing Address*** *(if different from above)**:*** _____

***City:*** _____ ***State:*** _____ ***Zip Code:*** _____

***Home Phone: (_____)_____-_____*** ***Religious Institution Phone: (_____)_____-_____***

***Alternate Phone (beeper, cell phone, work, etc.):*** _____

***Date of Birth _____/_____/_____*** ***Social Security Number: _____-_____-_____***

***Reason for nomination:*** _____

_____

_____

_____

***For your CONSIDERATION.***

_____
***Rank/Signature***

| Section: Command Operations | | Procedure No: 212-69 | |
|---|---|---|---|
| **INVOLUNTARY PROTECTION SERVICE** | | | |
| DATE ISSUED: 06/01/16 | DATE EFFECTIVE: 06/01/16 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To assist Social Services representatives in the execution of court orders to gain access to premises to determine the need for protective services.

**PROCEDURE** When presented with a court order by Social Services representative to enter premises to conduct an assessment of an adult individual to determine the need for protective services:

**UNIFORMED MEMBER OF THE SERVICE**

1. Direct Social Services representative presenting order to deliver the order to the Office of the Deputy Commissioner - Legal Matters during regular business hours.

**MEMBER CONCERNED, OFFICE OF THE DEPUTY COMMISSIONER LEGAL MATTERS**

2. Examine order for appropriateness and return to Social Services official:
   a. Forward copy to Operations Unit.
   b. Return original to Social Services representative.

**MEMBER CONCERNED, OPERATIONS UNIT**

3. Number order and record in appropriate log.
4. Identify the address as a precinct or housing (PSA) location.
5. Notify:
   a. Patrol Services Bureau or Housing Bureau, as appropriate
   b. Patrol borough or Housing borough office concerned.

***NOTE*** *The Chief of Department's Investigation Review Section will serve as the repository for such orders and their dispositions.*

**MEMBER CONCERNED, PATROL OR HOUSING BOROUGH**

6. Notify desk officer, precinct or PSA concerned, of order.

**DESK OFFICER, PRECINCT OR PSA CONCERNED**

7. Enter notification in the Telephone Record listing the particulars of the order.

***NOTE*** *Upon the arrival at the stationhouse of the Social Services representative with the order, the Telephone Record entry will serve to verify that the order was reviewed by the Legal Bureau and authorization has been given to have a police officer accompany the representative during the execution of the order.*

**DESK OFFICER, PRECINCT OR PSA CONCERNED (continued)**

8. Direct patrol supervisor and a uniformed member of the service to accompany the representative to the specific location mentioned in the order.

***NOTE***

*The function of the uniformed members of the service is to preserve the peace. They are not to personally assist in forcing entry to the premises, securing it afterward or protecting property thereat. The Social Services representatives, if necessary, will perform those duties.*

**PATROL SUPERVISOR**

9. Prepare report, on typed letterhead, upon completion of assignment.
10. Forward to Chief of Department, Investigation Review Section:
    a. Original - DIRECT
    b. Copy - through channels

***ADDITIONAL DATA***

*Additional guidance concerning these orders can be obtained from the Legal Bureau.*

***RELATED PROCEDURES***

*Aided Cases - General Procedure (P.G. 216-01)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*

**PURPOSE** To recognize civilians other than members of the service for valuable assistance rendered to the Police Department or the community in the area of public safety, quality of life, and/or police-community relations.

**PROCEDURE** Whenever a member of the service (uniformed or civilian) recommends a civilian non-member of the service for an act worthy of a civilian commendation.

**MEMBER OF THE SERVICE**

1. Prepare request, utilizing the **CIVILIAN COMMENDATION APPLICATION (PD127-016)**.

***NOTE*** *Members of the service preparing a **CIVILIAN COMMENDATION APPLICATION (PD127-016)** must ensure that the facts reported in the **APPLICATION** are accurate, not embellished upon, and consistent with other arrest and investigatory paperwork. The **CIVILIAN COMMENDATION APPLICATION** has the potential of becoming "Rosario" material in a criminal prosecution. The arresting officer should advise the Assistant District Attorney assigned to a pending case of the existence of the **CIVILIAN COMMENDATION APPLICATION**, as well as any other recorded statements of witnesses.*

2. Forward **APPLICATION** to Operations Coordinator/Designated Supervisor.

***NOTE*** *Endorsements or nominations from outside the Department will not be considered.*

**OPERATIONS COORDINATOR/ DESIGNATED SUPERVISOR**

3. Have command serial number assigned.
4. Forward **APPLICATION** to commanding officer.

**COMMANDING OFFICER**

5. Review **APPLICATION**.
6. Make determination if Civilian Commendation is appropriate.
7. Have warrant check conducted of individual concerned and attach to **APPLICATION**. (Disapprovals based upon warrant checks will be filed at local command).
8. Indicate approval by endorsing **APPLICATION** to respective Borough/Bureau Commanding Officer.

**BOROUGH/ BUREAU COMMANDING OFFICER**

9. Have **CIVILIAN COMMENDATION APPLICATION** recorded.
10. Review request.
11. Make a determination if request for Civilian Commendation is warranted.
12. Indicate disapproval by endorsing **APPLICATION** to commanding officer concerned.
13. Indicate approval by endorsing **APPLICATION** to the Chief, Community Affairs.
14. Forward copy of approved **APPLICATION** to Bureau Chief concerned for information only.

**CHIEF, COMMUNITY AFFAIRS**

15. Have all requests for Civilian Commendations recorded.
16. Review approved **APPLICATION** endorsed by Borough/Bureau Commanding Officer.
17. Make final determination of approval.
18. Indicate disapproval by endorsing request to Borough/Bureau Commander.
19. Prepare and forward a signed Certificate of Civilian Commendation to commanding officer of originating command, along with a copy of fully endorsed **APPLICATION**.
20. File approved requests.

**COMMANDING OFFICER**

21. Sign Certificate of Civilian Commendation and coordinate presentation of civilian commendation to recipient with Borough/Bureau Commanding Officer, if applicable.

**COMMANDING OFFICER, CEREMONIAL UNIT**

22. Schedule and make all arrangements and notifications for a city-wide award ceremony when requested by the Chief, Community Affairs.

***FORMS AND REPORTS***

***CIVILIAN COMMENDATION APPLICATION (PD127-016)***

| Section: Command Operations | | Procedure No: 212-71 |
|---|---|---|
| **GUIDELINES FOR THE USE OF VIDEO/PHOTOGRAPHIC EQUIPMENT BY OPERATIONAL PERSONNEL AT DEMONSTRATIONS** | | |
| DATE EFFECTIVE: 02/09/22 | LAST REVISION: I.O. 10 | PAGE: 1 of 2 |

**PURPOSE** To describe those limited circumstances when operational personnel may use video and/or photographic equipment at demonstrations and to establish procedures for the use of such equipment, when permitted.

**SCOPE** Use of video and/or photographic equipment by operational personnel at demonstrations is appropriate only if a permissible operational objective exists. The following constitute permissible operational objectives:

a. A bona fide need exists to prepare training materials on proper crowd control techniques; or
b. When it reasonably appears that unlawful conduct is about to occur, is occurring or has occurred during the demonstration; or
c. A bona fide need exists to continuously assess crowd conditions, through the use of live video transmissions, for the proper deployment of police resources.

**PROCEDURE** When ranking personnel of this Department contemplate the use of video and/or photographic equipment at a demonstration for a permissible operational objective:

**RANKING OFFICER**

1. Submit a report, on **Typed Letterhead**, to the Deputy Commissioner, Legal Matters, through channels
2. Include in the request the following information:
   a. Date, time and location of demonstration (if known)
   b. Specific permissible operational objective to be achieved

**DEPUTY COMMISSIONER, LEGAL MATTERS**

3. Review request for use of video and/or photographic equipment to determine whether videorecording/photography is for a permissible purpose and should be approved.
4. If approved, forward copy of approved request to Chief of Department, Bureau or Borough Commander of Ranking Officer making request and Commanding Officer, Technical Assistance Response Unit.

***NOTE*** *Every approved request for the use of video/photographic equipment will be entered into a serially numbered log, maintained solely for this purpose, at the Technical Assistance Response Unit.*

**COMMANDING OFFICER, TECHNICAL ASSISTANCE RESPONSE UNIT**

5. Ensure that appropriate entries are made in log upon receipt of request.
6. Assign members of TARU to the demonstration to operate video/photographic equipment.

UPON COMPLETION OF VIDEORECORDING/PHOTOGRAPHING:

**COMMANDING OFFICER, TECHNICAL ASSISTANCE RESPONSE UNIT**

7. Ensure that all videorecordings/photographs prepared in connection with this procedure are maintained for a minimum of one year from the date the images were recorded.

**DEPUTY COMMISSIONER, LEGAL MATTERS**

8. Review recorded materials to determine whether they should continue to be preserved:
   a. If the materials contain evidence of unlawful activity, they will be considered evidence, and handled accordingly.
   b. If the materials are deemed valuable for civil litigation, training, or any other specific purpose, they will be similarly preserved in connection with that purpose.
   c. After three years, materials not meeting the criteria in (a) or (b) above shall be destroyed.

***ADDITIONAL DATA***

*Videorecordings/photographs should be consistent with the permissible operational objective. For example, videorecordings/photographs taken for training purposes or to assess crowd conditions should generally not contain close-ups of participants in the demonstration, but should focus on crowd size, police tactics and/or behavior. When the permissible objective is to record unlawful activity and/or arrest activity, videorecording /photography should commence only when there is a reasonable belief that criminal or unlawful activity is about to occur or when spontaneous criminal or unlawful activity actually occurs or has occurred.*

*Video and/or photographic equipment authorized to be used pursuant to this procedure may only be operated by TARU personnel. Personnel assigned to other commands, e.g., Strategic Response Groups, the Crowd Management Unit, shall not utilize video or photographic equipment at demonstrations pursuant to this procedure.*

*With the exception of members of the service assigned to or working under the supervision of the Intelligence Bureau, all personnel who operate video and/or photographic equipment pursuant to this procedure must be clearly identifiable as police personnel. They must wear either a police uniform or a jacket that is clearly marked "POLICE." Displaying a shield on a chain is not sufficient identification.*

*All videorecordings and photographs pertaining to this procedure, except materials invoiced as evidence, or used in connection with the preparation of training materials, will be stored at TARU. All requests to obtain or view such videorecordings or photographs will be made in writing to the Deputy Commissioner, Legal Matters, detailing the reason for the request. Commanding Officer, TARU shall maintain a record of all such requests and whether any copies were provided.*

| Section: Command Operations | | Procedure No: 212-72 | |
|---|---|---|---|
| **GUIDELINES FOR UNIFORMED MEMBERS OF THE SERVICE CONDUCTING INVESTIGATIONS INVOLVING POLITICAL ACTIVITIES** | | | |
| DATE ISSUED: 03/11/21 | DATE EFFECTIVE: 03/11/21 | REVISION NUMBER: | PAGE: 1 of 24 |

**PURPOSE** To provide guidelines for investigations of possible unlawful or terrorist related activity that involve political activity, including the collection, analysis, processing, retention, and dissemination of information concerning persons, groups, or organizations involved in political activity.

**DEFINITIONS** POLITICAL ACTIVITY – The exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.

INVESTIGATION – A police activity undertaken to obtain information or evidence.

LEAD – Information submitted to or obtained or developed by the Intelligence Bureau concerning an ongoing investigation, or, that may be used to initiate a new investigation.

INVESTIGATIVE STATEMENT – A detailed written request submitted under this procedure to obtain approval for the initiation of a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.

AUTHORIZING OFFICIAL – The Intelligence Bureau official (specifically, the Chief of Intelligence, Executive Officer of the Intelligence Bureau, or Commanding Officer of the Criminal Intelligence Section) authorized to approve requests to initiate or extend a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.

**PROCEDURE** When a Lead involving possible unlawful or terrorist related activity is received from any source involving an individual, group, or organization that is engaged in political activity which requires some follow up or further investigation:

***NOTE*** *The Handschu Consent Decree (Appendix A) and the Guidelines for Investigations Involving Political Activity (Appendix B) (together, "the Revised Handschu Guidelines," or, "the Guidelines") require that any investigation by the New York City Police Department involving political activity shall be initiated by and conducted only under the supervision of the Intelligence Bureau. Accordingly, members of the service shall not conduct investigations involving political activity without the express written approval of the Deputy Commissioner, Intelligence and Counterterrorism.*

**MOS RECEIVING INFORMATION SUGGESTING NEED FOR INVESTIGATION INVOLVING POLITICAL ACTIVITY**

1. Report information or observations concerning possible unlawful or terrorist activity involving political activity to the Criminal Intelligence Section, Operations Unit (twenty-four hours a day, seven days a week).
   a. Include details of Lead, including information suggesting need for investigation of individual, group, or organization involved in political activity.
   b. Comply with directions of Supervisor, Criminal Intelligence Section, Operations Unit, including preparation of more detailed report, if necessary.

**INTELLIGENCE BUREAU CRIMINAL INTELLIGENCE SECTION, OPERATIONS UNIT**

2. Accept and record Leads received.
   a. Contact reporter and conduct telephone interview to obtain additional details, if necessary.
3. Confer with Criminal Intelligence Section supervisor concerning assignment and disposition of Lead; if appropriate, refer for review as required by Lead processing procedures.

**CRIMINAL INTELLIGENCE SECTION SUPERVISOR**

4. Assign Lead requiring follow up by Intelligence Bureau to appropriate unit for Checking of Lead or other investigation.

**SUPERVISOR, INTELLIGENCE BUREAU UNIT ASSIGNED**

5. Supervise performance of Checking of Lead, if appropriate.
6. Submit Investigative Statement to Authorizing Official requesting approval to conduct either a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation, if the original Lead, the results of a Checking of Lead, or other information suggests the need for further investigation that involves political activity.
   a. Specify request and justification for use of undercover or confidential informant, (or other investigative technique requiring approval) as appropriate.

***NOTE*** *The Investigative Statement will be clear and precise. The subject group, organization, or individual whose political activity is to be investigated will be clearly identified. The Investigative Statement will specify the information that forms the basis for the request for a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation. In exigent circumstances, an investigation may be undertaken before an Investigative Statement has been submitted and approved. In such case, the Investigative Statement must be submitted as soon as practicable.*

**AUTHORIZING OFFICIAL**

7. Review request; determine whether requested investigation is warranted and in compliance with the Revised *Handschu* Guidelines.
   a. Indicate approval or denial of investigation and investigative technique(s) in written endorsement.
   b. Forward endorsement to Deputy Commissioner, Intelligence and Counterterrorism for final approval, if approved.

| | | |
|---|---|---|
| **DEPUTY COMMISSIONER, INTELLIGENCE AND COUNTER-TERRORISM** | 8. | Review request, determine whether requested investigation is warranted and in compliance with the Guidelines.<br>a. Indicate final approval or denial of investigation and investigative technique(s) in written endorsement. |
| **INVESTIGATIVE UNIT ASSIGNED** | 9. | Conduct approved investigation involving political activity according to the Constitution, the Revised *Handschu* Guidelines, this procedure, and other applicable law and Department procedures. |
| **ASSIGNED INVESTIGATOR** | 10.<br>11. | Confer with supervisor and prepare report of investigative activity.<br>Submit completed report to supervisor. |
| **SUPERVISOR, INVESTIGATIVE UNIT ASSIGNED** | 12.<br>13. | Review report to verify that only approved investigative activity has been undertaken.<br>Forward completed investigator's report to Commanding Officer of Investigative Unit assigned. |
| **COMMANDING OFFICER, INVESTIGATIVE UNIT ASSIGNED** | 14. | Review all reports prepared by assigned investigator and verify that the investigation was conducted in compliance with the *Guidelines*. |
| **DEPUTY COMMISSIONER, INTELLIGENCE AND COUNTER-TERRORISM** | 15.<br>16.<br>17. | At regular intervals, review the progress of approved investigations to ensure that investigations are conducted in compliance with the *Guidelines*.<br>Facilitate participation of court appointed civilian representatives to *Handschu* Committee.<br>Periodically advise the Police Commissioner concerning the status and outcome of investigations conducted under the *Guidelines*. |

***ADDITIONAL DATA*** *See attached Appendix A, Handschu Consent Decree, and Appendix B, Guidelines for Investigations Involving Political Activity.*

***ADDITIONAL DATA (continued)***

***APPENDIX A***

***HANDSCHU CONSENT DECREE; DECISION AND GUIDELINES***

*1.* ***PURPOSE***

*Pursuant to the settlement entered into by the Police Department in the case of Handschu, et al. v. Special Services Division, et al., the Department is required to comply with certain guidelines in investigative matters as set forth herein.*

*2.* ***BACKGROUND OF HANDSCHU, et al. v. SPECIAL SERVICES DIVISION, et al.***

*Handschu was commenced in 1971. The complaint alleged that certain intelligence gathering practice and conduct of the Department infringed upon the plaintiffs' constitutional rights. Such conduct included infiltration, electronic surveillance, dossier collection, and improper dissemination of collected information. In order to resolve the issues raised in Handschu, the parties agreed to the implementation of certain guidelines which were commonly referred to as the Handschu Guidelines and which have been incorporated in the Patrol Guide since that time. Pursuant to a recent court order granting the Department's request to modify those guidelines, the following "Revised Handschu Guidelines" (including the following "Guidelines for Investigations Involving Political Activity") hereby replace the old guidelines, and are now in effect.*

*3.* ***GUIDELINES***

*I. GENERAL STATEMENT OF POLICY*

*Activities of the New York City Police Department in the investigation of political activity will conform to constitutionally guaranteed rights and privileges.*

*II. DEFINITIONS*

*A. Political Activity - The exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.*

*B. Authority - A board established pursuant to Section III of these guidelines.*

*C. Investigation - A police activity undertaken to obtain information or evidence.*

*III. AUTHORITY ESTABLISHED*

*There is hereby established an Authority to conduct the review of records described in paragraph IV. It shall consist of three members who shall act as a body, to wit, the Deputy Commissioner - Legal Matters of the Police Department, the Deputy Commissioner, Internal Affairs of the Police Department, and a civilian member appointed by the Mayor upon consultation with the Police Commissioner for a term revocable at will. The decisions of the Authority as set forth herein shall be by majority vote.*

***ADDITIONAL DATA (continued)***

*IV. REVIEW OF RECORDS TO DETERMINE COMPLIANCE*

*A. At any time a person or member of a group or organization, having reason to believe that such person, group, or organization has been the subject of investigation of political activity which violates constitutionally guaranteed rights and privileges, may request in writing which sufficiently identifies the requesting party that the Authority make inquiry of the appropriate investigative officer of the NYPD. If the Authority's inquiry reflects that the investigation was conducted in conformity with the Constitution, the Authority shall notify the requesting party that if an investigation was made, it was made in accordance with the Constitution.*

*B. If the inquiry reveals or if the Authority otherwise becomes aware that an investigation was not conducted in conformity with the Constitution with respect to the requesting party, the Authority shall proceed as follows:*

*(1) The Authority shall obtain all information and documents pertaining to the requesting party developed in the course of such investigation.*

*(2) The Authority shall conduct or cause to be conducted an inquiry into the circumstances of such investigation with respect to the requesting party.*

*(3) In the event the inquiry determines that such investigation with respect to the requesting party was not conducted in accordance with the Constitution, the Authority shall so notify the requesting party and submit a report to the Police Commissioner.*

*4. DATE OF EFFECT*

*Effective immediately, no members of the service shall engage in an investigation of political activity except through the Intelligence Bureau. Requests for such investigations should be on* ***Typed Letterhead*** *addressed to the Commanding Officer, Intelligence Bureau. Where time is of the essence the request may be by telephone (646) 805-6400 to the Criminal Intelligence Section of the Intelligence Bureau. In all cases, members of the service concerned shall abide by the direction of the Intelligence Bureau. Such investigations shall be conducted pursuant to the "Guidelines for Investigations Involving Political Activity" set forth below.*

*5. INTERPRETATION*

*Any member of the service who is uncertain whether a particular investigation constitutes an "investigation involving political activity" shall consult with the Legal Bureau.*

***ADDITIONAL DATA (continued)***

***APPENDIX B***
***GUIDELINES FOR INVESTIGATIONS INVOLVING POLITICAL ACTIVITY***

***PREAMBLE***

*Subsequent to the terrorist attacks on the City of New York on September 11, 2001 which resulted in the loss of thousands of lives and the total destruction of the World Trade Center complex, it became apparent that the City faces unprecedented threats to its continued safety and security. In the view of federal, state and local law enforcement agencies, the prevention of future attacks requires the development of intelligence and the investigation of potential terrorist activity before an unlawful act occurs.*

*As a result of a federal court order entered in 1985, the New York City Police Department was bound by guidelines, known as the Handschu Guidelines, which governed the investigation of political activity. The Handschu Guidelines (i) limited the investigation of political activity to those circumstances when there was specific information of criminal activity and (ii) established the Handschu Authority to oversee compliance. After evaluating the impact of the Handschu Guidelines on the need to investigate terrorism in a changed world, the City made an application to modify the order so as to eliminate the restrictions contained in the Handschu Guidelines and the oversight of the Handschu Authority with respect to those restrictions. The City did not seek to eliminate the Handschu Authority's role to investigate an individual's complaint that the NYPD had engaged in unconstitutional conduct in the investigation of political activity.*

*The Court granted the City's application to modify the decree provided the City adopt the internal guidelines set forth below and distribute the guidelines to supervisory personnel who, in turn, were to make them known to those under their command. These guidelines were subsequently incorporated into an order of the Court in 288 F.Supp.2d 411, 420 (S.D.N.Y. 2003) and are enforceable as set out in 679 F.Supp.2d 488, 497 (S.D.N.Y. 2010). They shall remain in effect unless otherwise ordered by the Court. These guidelines are binding on all members of the service who are engaged in the investigation of political activity. It is the purpose of these guidelines to enable officers to perform their duties with greater certainty, confidence and effectiveness while at the same time protecting the guarantees of the Constitution.*

***I. STATEMENT OF POLICY***

*It is the policy of the New York City Police Department that investigations involving political activity conform to the guarantees of the Constitution, including the guarantee of equal protection. It is the policy of the New York City Police Department that care be exercised in the conduct of those investigations so as to protect constitutional rights, including the right to be free from investigation in which race, religion, or ethnicity is a substantial or motivating factor. It is the policy of the New York City Police Department that matters investigated be confined to those supported by a legitimate law enforcement purpose.*

***ADDITIONAL DATA (continued)***

***II. GENERAL PRINCIPLES***

*(1) In its effort to anticipate or prevent unlawful activity, including terrorist acts, the NYPD must, at times, initiate investigations in advance of unlawful conduct. It is important that such investigations not be based solely on activities protected by the First Amendment. It is also important that investigations not intrude upon rights of expression or association in a manner that discriminates on the basis of race, religion or ethnicity, where such discrimination is a substantial or motivating factor for the investigation. When, however, statements advocate unlawful activity, or indicate an apparent intent to engage in unlawful conduct, particularly acts of violence, an investigation under these guidelines may be warranted, unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm.*

*(2) Based upon the circumstances of a given case, investigative action may be required under exigent circumstances. Exigent circumstances are circumstances requiring action before authorization otherwise necessary under these guidelines can reasonably be obtained, in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; to prevent the hiding, destruction or alteration of evidence; or to avoid other serious impairment or hindrance of an investigation.*

*When any investigative action, taken under exigent circumstances, would require an approval under ordinary conditions, such approval shall be obtained as soon as practicable in accordance with the provisions of these guidelines. Where a regular approval or request is required to be in writing, the approval or request following exigent circumstances shall also be in writing.*

*(3) Investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement purpose justifies their continuance.*

***III. APPLICABILITY***

*These guidelines apply only to investigations which involve political activity. They do not apply to, or limit, other activities of the NYPD in the investigation or detection of unlawful conduct, the preservation of the peace and public safety or other legitimate law enforcement activities which do not involve political activity.*

***IV. ROLE OF THE INTELLIGENCE BUREAU***

*(1) Investigation of political activity shall be initiated by, and conducted under the supervision of the Intelligence Bureau. Nothing in this paragraph, however, is intended to prevent any member of the service from reporting his or her observations of suspicious conduct which involves political activity to his or her commanding officer or to the Intelligence Bureau.*

*(2) The Deputy Commissioner Intelligence and Counterterrorism shall periodically inform and advise the Police Commissioner concerning the status of any investigations conducted pursuant to these guidelines.*

***ADDITIONAL DATA (continued)***

***V. LEVELS OF INVESTIGATION***

*These guidelines provide for three levels of investigative activity. They are intended to provide the NYPD with the necessary flexibility to act well in advance of the commission of planned terrorist acts or other unlawful activity. However, if the available information shows at the outset that the threshold standard for a Preliminary Inquiry or Full Investigation is satisfied, then the appropriate investigative activity may be initiated immediately, without progressing through more limited investigative stages.*

***A. Checking of Leads***

*The lowest level of investigative activity is the "prompt and extremely limited checking out of initial leads," which should be undertaken whenever information is received of such a nature that some follow-up as to the possibility of unlawful activity is warranted. This limited activity should be conducted with an eye toward promptly determining whether further investigation (either a Preliminary Inquiry or a Full Investigation) should be conducted.*

*Example: If the NYPD receives an allegation that an individual or group has advocated the commission of violence, and no other facts are available, an appropriate first step would be Checking of Leads to determine whether the individual, group, or members of the audience have the apparent ability or intent to carry out the advocated unlawful act.*

***B. Preliminary Inquiries***

*(1) In cases where the NYPD receives information or an allegation not warranting a Full Investigation - because there is not yet a "reasonable indication" of unlawful activity – but whose responsible handling requires some further scrutiny beyond the prompt and extremely limited checking out of initial leads, the NYPD may initiate an "inquiry" in response to the allegation or information indicating the possibility of unlawful activity. The possibility of unlawful activity to initiate a Preliminary Inquiry requires an allegation or information that is articulable and factual. However, such allegation or information need not have been verified as true or accurate. Whether it is appropriate to open a Preliminary Inquiry immediately, or instead to engage first in a limited Checking of Leads, depends on the circumstances presented.*

*(2) The authority to conduct inquiries short of a Full Investigation allows the NYPD to respond in a measured way to ambiguous or incomplete information, with as little intrusion as the needs of the situation permit. This is especially important in such areas as where there is no complainant involved or when an allegation or information is received from a source of unknown reliability. Such inquiries are subject to the limitations on duration under paragraph (4) below and are carried out to obtain the information necessary to make an informed judgment as to whether a Full Investigation is warranted.*

***ADDITIONAL DATA (continued)***

*Example: Officers are not required to possess information relating to an Individual's intended unlawful use of dangerous biological agents or toxins prior to initiating investigative activity. If an individual or group has attempted to obtain such materials, or has indicated a desire to acquire them, and the reason is not apparent, investigative action, such as conducting a Checking of Leads or initiating a Preliminary Inquiry, may be appropriate to determine whether there is a legitimate purpose for the possession of the materials by the individual or group. A Preliminary Inquiry is not a required step when facts or circumstances reasonably indicating unlawful activity are already available. In such cases, a Full Investigation can be immediately opened.*

*(3) A Preliminary Inquiry may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Bureau, or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"). The Authorizing Official must assure that the allegation or other information which warranted the inquiry has been recorded in writing. Upon such authorization a notification must be made for final approval by the Deputy Commissioner, Intelligence and Counterterrorism.*

*(4) Inquiries shall be completed within 180 days after initiation of the first investigative step. The date of the first investigative step is not necessarily the same date as the date on which the first incoming information or allegation was received. An extension of time in an inquiry for succeeding 90 day periods may be granted by the Deputy Commissioner, Intelligence and Counterterrorism. Any such request for extension shall be in writing and shall include a statement of the reasons why further investigative steps are warranted when there is no reasonable indication of unlawful activity. The action taken on any such request for extension shall also be recorded in writing.*

*(5) A Preliminary Inquiry shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Bureau designated by him, to discuss the status of the Preliminary Inquiry, including, what operational steps should be taken.*

*(6) A Preliminary Inquiry shall be presumptively limited to a total duration of 18 months. This presumptive period of duration may be exceeded in the sole discretion of the Deputy Commissioner, Intelligence and Counterterrorism, in consultation with the Handschu Committee, where the allegations or information continue to indicate the possibility of unlawful activity and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Preliminary Inquiry continue to apply.*

*(7) All lawful investigative techniques, including the use of undercover operations and the development of sources and informants may be used in a Preliminary Inquiry except:*

*(a) Mail openings; and,*

*(b) Eavesdropping and Video Surveillance as those terms are defined in Article 700 of the New York State Criminal Procedure Law.*

***ADDITIONAL DATA (continued)***

*(8) The following investigative techniques may be used in a Preliminary Inquiry without any prior authorization from a supervisor:*

*(a) Examination of NYPD indices and files;*

*(b) Examination of records available to the public and other public sources of information;*

*(c) Examination of available federal, state and local government records;*

*(d) Interview of complainant, previously established informants, and other sources of information;*

*(e) Interview of the potential subject;*

*(f) Interview of persons who should readily be able to corroborate or deny the truth of the allegation, except this does not include pretext interviews or interviews of a potential subject's employer or coworkers unless the interviewee was the complainant; and*

*(g) Physical, photographic or video surveillance of any person, provided that such surveillance does not require a warrant.*

*The use of any other lawful investigative technique that is permitted in a Preliminary Inquiry shall meet the requirements and limitations of Part VII and, except in exigent circumstances, requires prior approval by a supervisor.*

*(9) Where a Preliminary Inquiry fails to disclose sufficient information to justify an investigation, the NYPD shall terminate the inquiry and make a record of the closing.*

*(10) All requirements regarding inquiries shall apply to reopened inquiries.*

***C. <u>Full Investigation</u>***

*A Full Investigation may be initiated when facts or circumstances reasonably indicate that an unlawful act has been, is being, or will be committed. A Full Investigation may be conducted to prevent, solve or prosecute such unlawful activity.*

*(1) The standard of "reasonable indication" is substantially lower than probable cause. In determining whether there is reasonable indication of an unlawful act an investigator may take into account any facts or circumstances that a prudent investigator would consider. However, the standard does require specific facts or circumstances indicating a past, current, or future violation of law. There must be an objective, factual basis for initiating the investigation; a mere hunch is insufficient.*

*(2) Where an unlawful act may be committed in the future, preparation for that act can be a current violation of the conspiracy or attempt provisions of state law. The standard for opening an investigation is satisfied where there is not yet a current substantive or preparatory unlawful act, but facts or circumstances reasonably indicate that such unlawful conduct will occur in the future.*

*(3) Any lawful investigative technique may be used in a Full Investigation, subject to the requirements and limitations of Part VII hereof.*

***ADDITIONAL DATA (continued)***

*(4) Authorization and Renewal*

*a. A Full Investigation may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Bureau or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials") upon a written recommendation setting forth the facts or circumstances reasonably indicating that an unlawful act has been, is being or will be committed. Upon such authorization a notification must be made for final approval by the Deputy Commissioner, Intelligence and Counterterrorism.*

*b. A Full Investigation may be initially authorized for a period of up to a year. An investigation may be continued upon renewed authorization for additional periods each not to exceed a year. Renewal authorization shall be obtained from the Deputy Commissioner, Intelligence and Counterterrorism. All requests for renewal authorization, and action thereon, shall be in writing.*

*c. Authorizations shall be reviewed by an Authorizing Official before the expiration of the period for which the investigation and each renewal thereof is authorized.*

*d. A Full Investigation shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Bureau designated by him, to discuss the status of the Full Investigation, including, what operational steps should be taken.*

*e. A Full Investigation shall be presumptively limited to a total duration of 3 years. This presumptive period of duration may be exceeded in the sole discretion of the Deputy Commissioner, Intelligence and Counterterrorism, in consultation with the Handschu Committee, where facts and circumstances continue to reasonably indicate that an unlawful act has been, is being, or will be committed and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Full Investigation continue to apply.*

*(5) An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation. All requirements regarding investigations shall apply to reopened investigations.*

***D. <u>Terrorism Enterprise Investigation</u>***

*A Terrorism Enterprise Investigation is a Full Investigation but differs from a general investigation of unlawful conduct in several important respects. As a general rule, an investigation of a completed unlawful act is normally confined to determining who committed that act and securing evidence to establish the elements of the particular offense. It is, in this respect, self-defining. A Terrorism Enterprise Investigation must determine the identity and nature of the individual, group, or organization involved, its geographic dimensions, its past acts and intended goals, including unlawful goals, and its capacity for harm, among other factors. While a standard investigation of unlawful conduct terminates with the decision to prosecute or not to prosecute, a Terrorism Enterprise Investigation does not necessarily end, even though one or more of the participants may have been prosecuted. In addition, groups and organizations exhibit a life and continuity of operation not normally found in other types of unlawful activity. As a consequence, these investigations may continue for several years. Furthermore, the*

***ADDITIONAL DATA (continued)***

*focus of such investigations may be less precise than that directed against more conventional types of unlawful conduct. Unlike the usual case involving unlawful conduct, there may be no completed offense to provide a framework for the investigation. A Terrorism Enterprise Investigation often requires the fitting together of bits and pieces of information, many meaningless by themselves, to determine whether a pattern of unlawful activity exists. For this reason, such investigations are broader and less discriminate than usual, involving the interrelation of various sources and types of information. This section focuses on investigations of enterprises that seek to further political or social goals through activities that involve force or violence, or that otherwise aim to engage in terrorism or terrorism-related crimes. It authorizes investigations to determine the structure and scope of the enterprise as well as the relationship of the members.*

***1. General Authority***

*a. A Terrorism Enterprise Investigation may be initiated when facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of:*

*(i) furthering political or social goals wholly or in part through activities that involve force, violence or other unlawful acts;*

*(ii) engaging in terrorism as defined in N.Y. Penal Law § 490.05, or*

*(iii) committing any offense described in N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, or 490.35, or other related statutes currently in effect or subsequently enacted.*

*The standard of "reasonable indication" is identical to that governing Full Investigations generally. In determining whether an investigation should be conducted, the NYPD shall consider all of the circumstances including:*

*(i) the magnitude of the threatened harm;*

*(ii) the likelihood that it will occur;*

*(iii) the immediacy of the threat; and*

*(iv) any danger to privacy or free expression posed by an investigation.*

*In practical terms, the "reasonable indication" standard for opening a Terrorism Enterprise Investigation could be satisfied in a number of ways.*

*Example: Direct information about statements made in furtherance of an enterprise's objectives which show a purpose of committing crimes described in N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35 or other related statutes currently in effect or subsequently enacted, would satisfy the threshold.*

*Example: Activities such as attempting to obtain dangerous biological agents, toxic chemicals, or nuclear materials, or stockpiling explosives or weapons, with no discernible lawful purpose, may be sufficient to reasonably indicate that an enterprise aims to engage in terrorism.*

***ADDITIONAL DATA (continued)***

*b. While no particular factor or combination of factors is required, considerations that will generally be relevant to the determination as to whether the threshold standard for a Terrorism Enterprise Investigation is satisfied include, as noted, a group's statements, its activities, and the nature of potential unlawful acts suggested by the statements or activities. Thus, where there are grounds for inquiry concerning a group, it may be helpful to gather information about these matters, and then to consider whether these factors, either individually or in combination, reasonably indicate that the group is pursuing terrorist activities or objectives as defined in the threshold standard. Findings that would weigh in favor of such a conclusion include, for example, the following:*

*(1) Threats or advocacy of violence or other covered unlawful acts. Statements are made in relation to or in furtherance of an enterprise's political or social objectives that threaten or advocate the use of force or violence, or statements are made in furtherance of an enterprise that otherwise threaten or advocate unlawful conduct within the scope of N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35, or other related statutes currently in effect or subsequently enacted which may concern such matters as, for example:*

*(i) engaging in attacks involving or threatening massive loss of life or injury, mass destruction, or endangerment of the national security;*

*(ii) killing or injuring public officials, or destroying public facilities, or defying lawful authority;*

*(iii) killing, injuring or intimidating individuals because of their status as United States nationals or persons, or because of their national origin, race, color, religion or sex; or*

*(iv) depriving individuals of any rights secured by the Constitution or laws of the United States or the State of New York.*

*(2) Apparent ability or intent to carry out violence or other covered activities. The enterprise manifests an apparent ability or intent to carry out violence or other activities within the scope of N.Y. Penal Law §§ 490.10, 490.15, 490.20, 490.25, 490.30, 490.35 or other related statutes currently in effect or subsequently enacted, for example:*

*(i) by acquiring or taking steps towards acquiring, biological agents or toxins, toxic chemicals or their precursors, radiological or nuclear materials, explosives or other destructive or dangerous material (or plans or formulas for such materials), or weapons, under circumstances where, by reason of the quantity or character of the items, the lawful purpose of the acquisition is not apparent;*

*(ii) by the creation, maintenance, or support of an armed paramilitary organization;*

*(iii) by paramilitary training; or*

*(iv) by other conduct demonstrating an apparent ability or intent to injure or intimidate individuals, or to interfere with the exercise of their constitutional or statutory rights.*

*(3) Potential Unlawful Act. The group's statements or activities suggest potential unlawful acts that may be relevant in applying the standard for initiating a*

***ADDITIONAL DATA (continued)***

*Terrorism Enterprise Investigation - such as crimes under the provisions of the N.Y. Penal Law that set forth specially defined terrorism or support of terrorism offenses, or that relate to such matters as aircraft hijacking or destruction, attacks on transportation, communications, or energy facilities or systems, biological or chemical weapons, nuclear or radiological materials, assassinations or other violence against public officials or facilities, or explosives.*

*c. Mere speculation that force or violence might occur during the course of an otherwise peaceable demonstration is not sufficient grounds for initiation of an investigation under this subpart. But where facts or circumstances reasonably indicate that an individual or group has engaged or aims to engage in conduct described in paragraph 1.a. above in a demonstration, an investigation may be initiated in conformity with the standards of that paragraph. This does not limit the collection of information about public demonstrations by individuals or groups that are under active investigation pursuant to paragraph 1.a. above or any other provisions of these guidelines.*

***2. Purpose***

*The immediate purpose of a Terrorism Enterprise Investigation is to obtain information concerning the nature and structure of the enterprise as specifically delineated in paragraph (3) below, with a view to the longer range objectives of detection, prevention, and prosecution of the unlawful activities of the enterprise.*

***3. Scope***

*a. A Terrorism Enterprise Investigation initiated under these guidelines may collect such information as:*

*(i) the identity and nature of an individual or group and its members, their associates, and other persons likely to be acting in furtherance of its unlawful objectives, provided that the information concerns such persons' activities on behalf of or in furtherance of the suspected unlawful activity of the individual, group, or organization;*

*(ii) the finances of the individual, group, or organization;*

*(iii) the geographical dimensions of the individual, group, or organization; and*

*(iv) past and future activities and goals of the individual, group, or organization.*

*b. In obtaining the foregoing information, any lawful investigative technique may be used in accordance with the requirements of these guidelines.*

***4. Authorization and Renewal***

*a. A Terrorism Enterprise Investigation may be authorized by the Chief of Intelligence or Executive Officer of the Intelligence Bureau or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"), upon a written recommendation setting forth the facts or circumstances reasonably indicating the existence of an enterprise as described in paragraph 1.a. above. Upon such authorization a notification must be made for final approval by the Deputy Commissioner, Intelligence and Counterterrorism. When exigent circumstances exist, as*

***ADDITIONAL DATA (continued)***

*described in these guidelines, a Terrorism Enterprise Investigation may be commenced upon the verbal authorization of an Authorizing Official. However, in such cases, the required written recommendation must be submitted as soon as practicable.*

*b. A Terrorism Enterprise Investigation may be initially authorized for a period of up to a year. An investigation may be continued upon renewed authorization for additional periods each not to exceed a year. Renewal authorization shall be obtained from the Deputy Commissioner, Intelligence and Counterterrorism. The request for renewal and action thereon shall be in writing.*

*c. Authorizations shall be reviewed by an Authorizing Official before the expiration of the period for which the investigation and each renewal thereof is authorized. In some cases, the enterprise may meet the threshold standard but be temporarily inactive in the sense that it has not engaged in recent acts of violence or other unlawful activities as described in 1.a., nor is there any immediate threat of harm - yet the composition, goals and prior history of the group suggest the need for continuing law enforcement interest. The investigation may be continued in such cases with whatever scope is warranted in light of these considerations.*

*d. All Terrorism Enterprise Investigations shall be subject to a review every 6 months by the Chief of Intelligence, or an appropriate executive of the Intelligence Bureau designated by him, to discuss the status of the Terrorism Enterprise Investigation, including, what operational steps should be taken.*

*e. A Terrorism Enterprise Investigation shall be presumptively limited to a total duration of 5 years, except where the subject of a Terrorism Enterprise Investigation is a designated foreign terrorist organization. This presumptive period of duration may be exceeded in the sole discretion of the Deputy Commissioner, Intelligence and Counterterrorism, in consultation with the Handschu Committee, where facts and circumstances continue to reasonably indicate that two or more persons are engaged in an enterprise for the purposes stated above and either that some further leads should be lawfully investigated or that there is a legitimate law enforcement purpose to be pursued further. When the presumptive period of duration is exceeded all other provisions regarding a Terrorism Enterprise Investigation continue to apply.*

*f. An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation.*

***VI. <u>HANDSCHU COMMITTEE</u>***

*(1) There is hereby established a committee (the "Handschu Committee") whose members are expected and authorized to attend and participate in monthly meetings at which investigations are presented for opening, extension or closure by the Deputy Commissioner, Intelligence and Counterterrorism. For each monthly meeting, all attending members will be provided with the investigative statement pertaining to each proposed opening, extension or closing and any corresponding requests to use or extend the use of undercover officers or confidential informants. At the monthly meeting, any member of the Handschu Committee may ask questions and offer opinions regarding the opening, extension or closure of an investigation presented.*

***ADDITIONAL DATA (continued)***

*(2) Any member of the Handschu Committee may further inquire into the status and conduct of any investigation presented at the meeting, including the use of undercover operations pursuant to section VII herein, provided however that information pertaining to the identity of participants in undercover operations, including confidential informants, shall not be disclosed. A member of the Intelligence Bureau with detailed knowledge of operational steps taken in each investigation presented shall be present at the meeting to help address any questions that arise.*

*(3) Members of the Handschu Committee from the NYPD will include the Deputy Commissioner, Intelligence and Counterterrorism, the Chief of Intelligence, the Executive Officer of the Intelligence Bureau, the Commanding Officer of IOAS (Intelligence Operations and Analysis Section), the Executive Officer of IOAS, the Commanding Officer (or the Executive Officer) of the Criminal Intelligence Section, the Assistant Commissioner for Intelligence Analysis, the Deputy Commissioner of Legal Matters, Assistant Deputy Commissioner of Legal Matters, Special Counsel for Intelligence Affairs, and/or their successors or persons who occupy similar positions of authority or expertise.*

*(4) The Special Counsel for Intelligence Affairs shall lead a quarterly discussion for the Handschu Committee related to the NYPD's compliance during that period in (i) obtaining timely approval in extending or closing investigations, (ii) obtaining timely approval of human source authorizations, and (iii) conducting reviews of Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations every 6 months, as provided in sections V(B)(5), V(C)(4)(d) and V(D)(4)(d) hereof. As part of this quarterly discussion, any member of the Handschu Committee may raise concerns regarding any other aspect of compliance with the Handschu Guidelines. The substance of these quarterly discussions shall be recorded in the minutes of the Handschu Committee meeting.*

*(5) There shall also be a Civilian Representative on the Handschu Committee who shall, unless unable to do so for good cause, attend and participate in all of the monthly meetings for opening, extension, or closure of investigations and in all of the quarterly discussions led by the Special Counsel for Intelligence Affairs on the same terms and conditions as set forth in paragraphs (1), (2) and (4) above. The Civilian Representative shall be a lawyer who has never previously been an employee of the NYPD. The Civilian Representative shall be appointed by the Mayor upon consultation with the Police Commissioner. The Civilian Representative may be replaced by the Mayor for good cause, with 14 days' advance notice to Class Counsel prior to such replacement. In the event that the Civilian Representative resigns, the Mayor in consultation with the Police Commissioner will appoint a replacement. The position of Civilian Representative will exist for a minimum of five years from the appointment of the first person to fill that role. After that initial five year period, the position of Civilian Representative will continue unless the Mayor applies to the Court for an amendment to the Revised Handschu Guidelines abolishing the position, upon 30 days' advance notice to Class Counsel prior to such application. The amendment to the Revised Handschu Guidelines abolishing the position shall be granted by the Court if the Court finds there have not been systematic and repeated violations of the Guidelines to a degree sufficient to show an NYPD policy to act in such a fashion for a period of three years immediately prior to the application, as shown in the reports submitted to the Court by the Civilian Representative.*

***ADDITIONAL DATA (continued)***

*(a) The Civilian Representative shall submit to a background investigation conducted by the Department of Investigation.*

*(b) The NYPD will facilitate an application for a federal security clearance for the Civilian Representative.*

*(c) The Civilian Representative shall execute a Non-Disclosure Agreement with the NYPD setting forth his or her undertaking that the proceedings of the Handschu Committee, as well as all materials reviewed by the Civilian Representative for or at the meetings of the Committee, shall be kept confidential and shall not be disclosed to any person except as set forth therein.*

*(d) The Civilian Representative shall be required to familiarize himself or herself with the Revised Handschu Guidelines governing the investigation of political activity by the NYPD.*

*(e) If the Civilian Representative concludes that an investigation is being opened, extended, or conducted in violation of the Revised Handschu Guidelines, or that the NYPD is otherwise violating the Revised Handschu Guidelines, the Civilian Representative shall record his or her concerns regarding the purported violation and/or his or her objection to the investigation and the grounds for the objection in the minutes of the Handschu Committee meeting.*

*(f) If the Civilian Representative concludes that an investigation is being opened, extended, or conducted in violation of the Revised Handschu Guidelines, the Civilian Representative shall bring such investigation to the attention of the Police Commissioner. The Civilian Representative shall be provided with means to present his or her conclusion to the Police Commissioner directly (hereafter, "a VI(5)(f) communication"). The Police Commissioner shall inquire into the investigation and report the findings of the inquiry to the Civilian Representative within seven (7) days after receipt of the VI(5)(f) communication.*

*(g) If the Civilian Representative has concerns about the NYPD's compliance with the Revised Handschu Guidelines, and the Police Commissioner has not provided a timely response to the Civilian Representative's VI(5)(f) communication regarding such concerns, or the Civilian Representative is not satisfied with the Police Commissioner's response, the Civilian Representative may communicate those concerns to the Judge assigned to the Handschu case in the Southern District of New York at any time. In the event the Civilian Representative decides to communicate such concerns to the Court, a copy of the communication shall first be served confidentially upon the Police Commissioner, the Deputy Commissioner, Intelligence and Counterterrorism, and the Deputy Commissioner of Legal*

***ADDITIONAL DATA (continued)***

*Matters seven (7) days prior to its submission to the Court. The Civilian Representative shall retain final authority over and responsibility for the content of the communication. Submission to the Court shall be effectuated in compliance with Section VI(5)(k) below.*

*(h) After complying with provision VI(5)(f) hereof, if the Civilian Representative concludes at any time that the NYPD is systematically and repeatedly violating the Revised Handschu Guidelines to a degree sufficient to show a NYPD policy to act in such a fashion, the Civilian Representative shall report the alleged systematic violation to the Judge assigned to the Handschu case in the Southern District of New York. In the event the Civilian Representative decides to communicate such concerns to the Court, a copy of the communication shall first be served confidentially upon the Police Commissioner, the Deputy Commissioner, Intelligence and Counterterrorism, and the Deputy Commissioner of Legal Matters seven (7) days prior to its submission to the Court, provided that the Civilian Representative shall retain final authority over and responsibility for the content of the communication. Submission to the Court shall be effectuated in compliance with Section VI(5)(k) below.*

*(i) In addition, the Civilian Representative shall file an annual report with the Court related to his or her actions and observations as a member of the Handschu Committee. The annual report will (A) indicate whether the Civilian Representative has objected to any investigations over that period and the basis for that objection; (B) state whether the NYPD has (i) substantially obtained timely approval for extending and closing investigations, (ii) substantially obtained timely approval for the use of human sources, and (iii) substantially fulfilled its obligation to review Preliminary Inquiries, Full Investigations, and Terrorism Enterprise Investigations every 6 months, as provided in sections V(B)(5), V(C)(4)(d) and V(D)(4)(d) hereof; and (C) address any communication during the annual period by the Civilian Representative to the Court under VI(5)(g) or (h). Prior to submission of the annual report to the Court, the Civilian Representative shall first serve copies confidentially to the Police Commissioner, Deputy Commissioner, Intelligence and Counterterrorism, and Deputy Commissioner of Legal Matters 21 days prior to submission to the Court, provided that the Civilian Representative shall retain final authority over and responsibility for the content of the report.*

*(j) The report and communications permitted under VI(5)(g), (h) and (i) will not include the number of investigations reviewed over the term, information deemed classified by the federal*

***ADDITIONAL DATA (continued)***

*government, information obtained from other law enforcement or government agencies, information that reveals the identity of an individual or organization, information subject to the law enforcement privilege or other applicable privileges, or information that is otherwise protected by state or federal law.*

*(k) At the time that the Civilian Representative submits a communication or report to the Court pursuant to VI(5)(g), (h) or (i), notice of the Court's receipt of a communication or report from the Civilian Representative shall be entered on the Court's docket. The content of the communication or report to the Court shall, in the first instance, be maintained by the Court confidentially and under seal. The NYPD shall have 21 days from the filing of the communication or report to notify the Court (i) whether it contains privileged information or information that is prohibited from disclosure as set forth in VI(5)(j); (ii) if it believes such information can be protected through redaction of the document; or (iii) if it asserts the need to maintain the entire document confidentially and under seal. The Court shall adjudicate the propriety and scope of any such invocation. If the NYPD does not assert any such concerns about the information contained in the document, or if the Court determines that the document should be made public without redactions despite such objections by the NYPD, a copy of the report or communication shall be filed in the public docket and served on class counsel. If the Court determines that redactions can cure the need for the sealing of the entire document, a copy of the report or communication with the redactions shall be filed in the public docket and served on Class Counsel while the original submission by the Civilian Representative shall be maintained under seal. If the Court determines that the communication or report contains privileged information or information that is prohibited from disclosure as set forth in VI(5)(j) and that redaction cannot cure the need for the sealing of the entire document, the communication or report shall be maintained under seal and there shall be an entry on the Court's docket that the communication or report is being maintained under seal.*

*(6) Nothing herein shall effect, limit, or diminish the authorization and approval provisions for investigations, which grant exclusive approval authority to the Authorizing Officials or the Deputy Commissioner, Intelligence and Counterterrorism.*

***VII. <u>INVESTIGATIVE TECHNIQUES</u>***

*(1) When conducting investigations under these guidelines, the NYPD may use any lawful investigative technique permitted by these guidelines. The choice of investigative techniques is a matter of judgment, which should take account of:*

*(i) the objectives of the investigation and available investigative resources;*

***ADDITIONAL DATA (continued)***

*(ii) the intrusiveness of a technique, considering such factors as the effect on the privacy of individuals and potential damage to reputation;*

*(iii) the potential effect on the political or religious activity of individuals, groups or organizations and the potential effect on persons who, although not a target of the investigation are affected by or subject to the technique;*

*(iv) the seriousness of the unlawful act; and*

*(v) the strength of the information indicating its existence or future commission of the unlawful act.*

*(2) Where the conduct of an investigation presents a choice between the use of more or less intrusive methods, the NYPD should consider whether the information could be obtained in a timely and effective way by the less intrusive means. The NYPD should not hesitate to use any lawful techniques consistent with these guidelines in an investigation, even if intrusive, where the intrusiveness is warranted in light of the seriousness of the crime or the strength of the information indicating its existence or future commission. This point is to be particularly observed in investigations relating to terrorist activities.*

*(3) Authorized methods in investigations include, among others, use of confidential informants, undercover activities and operations, eavesdropping and video surveillance (as defined in Article 700 of the NY Criminal Procedure Law), pen registers and trap and trace devices, consensual electronic monitoring, and searches and seizures.*

*a. Undercover Operations*

*(i) Undercover operations, including confidential informants, may be used when taking into account all the circumstances of the investigation, including the need for the information and the seriousness of the threat, it has been determined that the information sought in the investigation could not be reasonably obtained in a timely and effective way by a less intrusive means. The use of undercovers and confidential informants must be authorized by the Deputy Commissioner, Intelligence and Counterterrorism prior to commencement of the undercover operation. The request to use undercovers or confidential informants and action taken on the request must be in writing and must include a description of the facts on which the investigation is based and the role of the undercover.*

*(ii) The use of an undercover or confidential informant will be approved for a period of 90 days and may be extended for additional periods of 90 days with the approval of the Deputy Commissioner, Intelligence and Counterterrorism. Such extensions may be approved for as long as the investigation continues when it has been determined that the information sought in the*

***ADDITIONAL DATA (continued)***

*investigation could not reasonably be obtained in a timely and effective manner by less intrusive means. The request to extend the use of undercovers and action taken on the request must be in writing and must include the reason for the extension.*

*(iii) Undercovers are strictly prohibited from engaging in any conduct the sole purpose of which is to disrupt the lawful exercise of political activity, from instigating unlawful acts or engaging in unlawful or unauthorized investigative activities.*

*b. Eavesdropping and Video Surveillance (as defined in Article 700 of the NY Criminal Procedure Law), Pen Registers and Trap and Trace Devices, and Consensual Electronic Monitoring*

*(i) All requirements for the use of such methods under the Constitution, applicable statutes, and NYPD regulations or policies must be observed.*

*(4) Whenever an individual is known to be represented by counsel in a particular matter, the NYPD shall follow applicable law and Department procedure concerning contact with represented individuals in the absence of prior notice to their counsel.*

## *VIII. DISSEMINATION AND MAINTENANCE OF INFORMATION*

### *A. Dissemination*

*The NYPD may disseminate information obtained during the Checking of Leads, Preliminary Inquiries and investigations conducted pursuant to these guidelines to federal, state or local law enforcement agencies, or local criminal justice agencies when such information:*

*(i) falls within the investigative or protective jurisdiction or litigative responsibility of the agency;*

*(ii) may assist in preventing an unlawful act or the use of violence or any other conduct dangerous to human life;*

*(iii) is required to be disseminated by interagency agreement, statute, or other law.*

### *B. Maintenance*

*All documentation required under these Guidelines shall be maintained by the Intelligence Bureau in accordance with general police department practice and applicable municipal record retention and destruction rules, regulations and procedures. Under these rules and practices documents are retained for no less than five years.*

## *IX. COUNTERTERRORISM ACTIVITIES AND OTHER AUTHORIZATIONS*

*In order to carry out its mission of preventing the commission of terrorist acts in or affecting the City of New York and the United States and its people, the NYPD must proactively draw on available sources of information to identify terrorist threats and activities. It cannot be content to wait for leads to come in through the actions of others,*

***ADDITIONAL DATA (continued)***

*but rather must be vigilant in detecting terrorist activities to the full extent permitted by law, with an eye towards early intervention and prevention of acts of terrorism before they occur. This Part accordingly identifies a number of authorized activities which further this end, and which can be carried out even in the absence of a checking of leads, Preliminary Inquiry, or Full Investigation as described in these guidelines. The authorizations include both activities that are specifically focused on terrorism and activities that are useful for law enforcement purposes in both terrorism and non-terrorism contexts. The authorized law enforcement activities of the NYPD include carrying out and retaining information resulting from the following activities.*

***A. COUNTERTERRORISM ACTIVITIES***

***1. Information Systems***

*The NYPD is authorized to operate and participate in identification, tracking, and information systems for the purpose of identifying and locating potential terrorists and supporters of terrorist activity, assessing and responding to terrorist risks and threats, or otherwise detecting, prosecuting, or preventing terrorist activities. Systems within the scope of this paragraph may draw on and retain pertinent information from any source permitted by law, including information derived from past or ongoing investigative activities; other information collected or provided by governmental entities, such as foreign intelligence information and lookout list information; publicly available information, whether obtained directly or through services or resources (whether nonprofit or commercial) that compile or analyze such information; and information voluntarily provided by private entities. Any such system operated by the NYPD shall be reviewed periodically for compliance with all applicable statutory provisions and Department regulations and policies.*

***2. Visiting Public Places and Events***

*For the purpose of detecting or preventing terrorist activities, the NYPD is authorized to visit any place and attend any event that is open to the public, on the same terms and conditions as members of the public generally. No information obtained from such visits shall be retained unless it relates to potential unlawful or terrorist activity.*

***B. OTHER AUTHORIZATIONS***

***1. General Topical Research***

*The NYPD is authorized to carry out general topical research, including conducting online searches and accessing online sites and forums as part of such research on the same terms and conditions as members of the public generally. "General topical research" under this paragraph means research concerning subject areas that are relevant for the purpose of facilitating or supporting the discharge of investigative responsibilities. It does not include online searches for information by individuals' names or other individual identifiers, except where such searches are incidental to topical research, such as searching to locate writings on a topic by searching under the names of authors who write on the topic, or searching by the name of a party to a case in conducting legal research.*

***ADDITIONAL DATA (continued)***

***2. Use of Online Resources Generally***

*For the purpose of developing intelligence information to detect or prevent terrorism or other unlawful activities, the NYPD is authorized to conduct online search activity and to access online sites and forums on the same terms and conditions as members of the public generally.*

***3. Reports and Assessments***

*The NYPD is authorized to prepare general reports and assessments concerning terrorism or other unlawful activities for purposes of strategic or operational planning or in support of other legitimate law enforcement activities.*

***X. PROTECTION OF PRIVACY AND OTHER LIMITATIONS***

***A. General Limitations***

*The law enforcement activities authorized by this Part do not include maintaining files on individuals solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of any other rights secured by the Constitution or laws of the United States. Rather, all such law enforcement activities must have a valid law enforcement purpose and must be carried out in conformity with all applicable statutes and Department regulations and policies.*

***B. Construction of Part***

*This Part does not limit any activities authorized by or carried out under other Parts of these guidelines. The specification of authorized law enforcement activities under this Part is not exhaustive, and does not limit other authorized law enforcement activities of the NYPD.*

***XI. RESERVATION***

*Nothing in these guidelines shall limit the general reviews or audits of papers, files, contracts, or other records in the possession of the NYPD or City of New York, or the performance of similar services at the specific request of another government agency. Such reviews, audits, or similar services must be for the purpose of detecting or preventing violations of law which are within the investigative responsibility of the NYPD.*

*Nothing in these guidelines is intended to limit the NYPD's responsibilities to investigate certain applicants and employees, or to pursue efforts to satisfy any other of its legal rights, privileges, or obligations. These guidelines are set forth solely for the purpose of internal NYPD guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural; enforceable at law by any party in any matter, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the NYPD or City of New York.*

***RELATED PROCEDURES***

*Citywide Intelligence Reporting System (P.G 212-12)*
*Communications Between the Intelligence Bureau and Units in the Field Regarding Suspected Terrorist Activity (P.G. 212-110)*
*Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)*

NYPD
POLICE DEPARTMENT CITY OF NEW YORK

**PURPOSE** To enroll bicycles in the Bicycle Registration Program which has been established in each patrol precinct.

**SCOPE** A precinct crime prevention officer or counterpart is responsible for coordinating the Department's Bicycle Registration Program. Bicycle owners, both private and commercial (messenger services, etc.), are encouraged to enroll in the registration program. In addition, all New York City Police Department bicycles will be enrolled in this program.

**PROCEDURE** Whenever a member of the service registers a bicycle:

**MEMBER OF THE SERVICE CONCERNED**

1. Mark with engraving tools.
   a. Use a three digit number indicating precinct designation followed by a four digit number, in numerical sequence of enrollment (e.g., 103-0001).
   b. Place registration number on underside of frame, or other main component.
2. Establish a Bicycle Registration Log, utilizing a Department record book, or computerized data base with the following information:

| REGISTRATION NUMBER | DATE | OWNER'S NAME | ADDRESS | APARTMENT NUMBER | TELEPHONE NUMBER |
|---|---|---|---|---|---|

| MAKE | MODEL | MANUFACTURER'S SERIAL NO. (if any) | COLOR | REMARKS |
|---|---|---|---|---|

AT TIME OF REGISTRATION

**MEMBER OF THE SERVICE CONCERNED**

3. Inform owner to notify the precinct of registration when bicycle is sold, transferred or discarded.
4. Enter this fact in "remarks" column of the log.

SALE OR TRANSFER OF A REGISTERED BICYCLE TO A NEW OWNER

**MEMBER OF THE SERVICE CONCERNED**

5. Engrave the letter "A", after the previously issued registration, if bicycle is being registered in the same precinct, OR
6. Etch out old registration number and engrave new number, if being registered in other than original precinct of registration.

***NOTE*** *In either instance, the crime prevention officer, counterpart will cross-reference the old registration number in the "remarks" column when making required entries in the log.*

7. Prepare **COMPLAINT REPORT (PD313-152)** for lost or stolen bicycle.
   a. Determine whether bicycle was previously registered in Bicycle Registration Program.

IF REGISTERED LOST/STOLEN BICYCLE IS INVOLVED

**MEMBER OF THE SERVICE CONCERNED**

8. Comply with the following:
   a. Contact the desk officer, precinct of registration, to obtain the registration serial number and verify the description.
   b. Enter the complete Bicycle Registration Number in the "Details" section of the **COMPLAINT REPORT**.
   c. Ensure **COMPLAINT REPORT** indicates duplicate copy to the Stolen Property Inquiry Section (S.P.I.S.) so that an alarm can be transmitted for the lost/stolen registered bicycle.
   d. Notify desk officer, precinct of registration, to make an entry in the "Remarks" section of the Bicycle Registration Log or computerized database, indicating the loss/theft of the bicycle and the precinct **COMPLAINT REPORT** number.

UPON RECOVERY OF REGISTERED BICYCLE

**MEMBER OF THE SERVICE CONCERNED**

9. Do the following:
   a. Make an "article inquiry" via FINEST by using the NYSPIN Information Function, as follows:
      (1) Enter I before AINQ
      (2) Enter BICYCL after Type____
      (3) Enter MAKE OF BICYCLE after Brand____
      (4) Enter SERIAL NUMBER after SER____.
   b. Ensure duplicate copy of **Omniform Complaint Revision** is forwarded to Stolen Property Inquiry Section, if alarm was transmitted for the recovered bicycle.
   c. Determine owner of recovered bicycle from precinct where bicycle was registered.
   d. Have owner notified.
   e. Notify desk officer, precinct of registration, to make entry in "Remarks" section of the Bicycle Registration Log, indicating precinct voucher number.

REMOVAL OF DERELICT BICYCLE

**MEMBER OF THE SERVICE CONCERNED**

10. Maintain a Derelict Bicycle Removal Log, utilizing a separate section of the Department record book containing the Bicycle Registration Log or computerized database with the following information:

| | | | | |
|---|---|---|---|---|
| **LOCATION** | **COMMAND SERIAL #** | **BICYCLE DESCRIPTION** | **DATE NOTICE AFFIXED** | **DATE REMOVED** |
| **REMOVED BY** | **REMARKS** | | | |

11. Record details of derelict bicycle removal in Log when notified by New York City Department of Sanitation (DSNY).
    a. Inform appropriate members of command of bicycle removal.

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

12. Check Log when receiving complaint of stolen bicycle to ensure bicycle was not removed and disposed of by DSNY.

***ADDITIONAL DATA***

*Once DSNY makes the determination that a bicycle is derelict, a notice shall be affixed to the bicycle advising the owner that such bicycle must be removed within seven days from the date of the notice. This notice shall also state that the failure to remove such bicycle within the designated time period will result in the removal and disposal of the derelict bicycle by the DSNY. Once the derelict bicycle has been removed, DSNY will notify the precinct concerned of the removal.*

*DSNY is not authorized to remove for disposal from public property any "ghost bike" (i.e., a bicycle that has been placed on public property and apparently intended as a memorial for someone who is deceased) or bicycles that do not meet the derelict bicycle criteria. A bicycle is considered derelict when it meets two of the following four criteria:*

1. *Appears to be crushed or not usable;*
2. *Missing parts essential to its operation, other than the seat and front wheel, including, but not limited to handlebars, pedal or pedals, rear wheel or chain;*
3. *Handlebars or pedals are damaged, or the existing forks, frames or rims are bent;*
4. *Fifty percent or more of the bicycle, which includes the handlebars, pedals and frames are rusted, along with any chain affixing such bicycle to public property.*

*Additionally, nothing in this rule shall be interpreted to preclude the immediate removal of any bicycle, including, but not limited to, a derelict bicycle or ghost bike, or the taking of any other action by any City agency, if the presence of such bicycle creates a dangerous condition by restricting vehicular or pedestrian traffic or is otherwise in violation of the law.*

*<u>ALL</u> Police Department issued bicycles must be enrolled in this program. The bicycles will be engraved with the prefix NYPD followed by the three digit precinct designation and four digit precinct sequential number (e.g., NYPD 103-0001**,** indicates first bicycle registered in the 103rd Precinct is a Department issued bicycle assigned to the 103rd Precinct). Bicycles assigned to non-precinct units will be engraved with the prefix NYPD and their three digit command code followed by the registering precincts four digit sequential number.*

*Commanding officers of all Housing Bureau patrol service areas equipped with bicycles, and other non-patrol service area units, shall establish Bicycle Registration Programs, internally, for all Department owned bicycles. Housing Bureau bicycles will have "HB" and registry number engraved on the bottom of the bicycle.*

*Precinct commanding officers shall conduct bicycle registration drives during the months of May and September, each year. Uniformed members of the service assigned to bicycle patrol duties, auxiliary police and police explorers, may be utilized to assist in the Bicycle Registration Program drives. The precinct crime prevention officer/counterpart shall register bicycles upon request on a year-round basis. In addition, the precinct crime prevention officer/counterpart will ensure that the Bicycle Registration Log (Department record book or computerized database) is available to the desk officer at all times.*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***Omniform Complaint Revision***

| Section: Command Operations | | Procedure No: 212-74 | |
|---|---|---|---|
| **COMMUNITY NOTIFICATION PROTOCOL** | | | |
| DATE ISSUED: 01/21/16 | DATE EFFECTIVE: 01/21/16 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To inform community leaders and organizations in the event of an incident of an unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest.

**SCOPE** Precinct/police service area/district commanding officers are responsible for keeping community organizations and leaders informed of local conditions and occurrences. The commanding officer or designee will be required to notify community leaders of an event as described above, and the police reaction to the event. Said community leaders should include, but not be limited to, local elected officials, community board chairpersons, district managers, precinct community council board members, civic leaders, members of the clergy, superintendents and principals of local schools or school districts, local business leaders or merchant groups, tenant groups, block association leaders, City or State agencies headquartered within the precinct boundaries, etc. The primary responsibility for notifying the community leaders rests with the precinct/police service area/district commanding officer concerned. Although certain incidents may require the involvement of the borough/bureau command, this will not relieve the precinct/police service area/district commander from keeping local community leaders informed.

**PROCEDURE** To create a list of community leaders to be notified in the event of an incident of an unusual, newsworthy, or sensitive nature that has the potential for community concern and/or unrest and to perform said notifications, if necessary.

**COMMANDING OFFICER**

1. Direct the preparation of a roster of community leaders and organizations to be notified in conjunction with this procedure.
   a. Roster should include the following captions:
      (1) Name
      (2) Organization
      (3) Contact person (if other than "[1]" above)
      (4) Telephone number (office/home)
      (5) Pager/beeper/cell phone number
      (6) Address

***NOTE*** *Copies of the community notification roster should be maintained at the desk and the community affairs office, for immediate access. In addition, the commanding officer must have a copy at all times. Copies of the rosters should be forwarded to the borough concerned and the Operations Unit, as well as to the Office of the Chief, Community Affairs, through channels.*

<u>IN THE EVENT THAT COMMUNITY NOTIFICATIONS ARE REQUIRED</u>

**MEMBER OF THE SERVICE**

2. Notify community leaders/organizations concerned of event and pertinent background information, as directed by the commanding officer/duty captain.

***NOTE***

*Not all community leaders or organizations need to be notified in all situations. The nature of the event will dictate who is to be notified. In addition, commanding officers concerned will determine the method of notification, e.g., telephone call, page, fax, face-to-face notification, etc., as well as which member of the service will make the notifications. Information that is considered to be confidential will not be divulged.*

**MEMBER OF THE SERVICE (continued)**

3. Document time of notification on the community notification roster.
   a. Utilize the roster prepared as per step 1, above, to document notifications. In addition, note the time notified and the member of the service making the notification on the roster concerned.

***ADDITIONAL DATA***

*Command and borough executives should share information regarding the operation of the precinct/police service area/district. The assignment of new commanding officers, supervisors, and police officers should be publicized to local community leaders.*

*Commanding officers should encourage community leaders and organizations to share information, such as unscheduled events and demonstrations that are unusual, newsworthy or sensitive in nature, that have the potential for community concern/unrest, and incidents which have occurred in the past without prior knowledge of the local command.*

*The use of e-mail newsletters, discussion lists, and the Department's web site is encouraged. Their use should also be explored for the dissemination of information and non-emergency notifications to community members. THIS SHOULD NOT TAKE THE PLACE OF PERSONAL CONTACT IN MORE SERIOUS MATTERS.*

*Commanding officers will ensure that information contained on the community notification roster is updated as needed and updated information is forwarded to the borough concerned, the Operations Unit and the Office of the Chief, Community Affairs.*

*It is important to maintain regular contact with community leaders regardless of the occurrence of a major event. In the absence of major events, opportunities should be created to interact with community leaders. Non-Department related incidents or minor police incidents can present excellent opportunities to create such interactions and maintain a dialogue with the community.*

*Community council presidents may be requested to respond to incidents at the discretion of the incident commander/ranking officer if their presence is deemed appropriate for possible assistance.*

*Uniformed members of the service in the ranks of captain and above will be cognizant of the provisions of the Clergy Liaison Guidelines and Community Council Guidelines.*

NYPD

| Section: Command Operations | | Procedure No: 212-76 |
|---|---|---|
| **INFORMATION CONCERNING OFFICIAL BUSINESS OF DEPARTMENT** | | |
| DATE EFFECTIVE: 02/09/22 | LAST REVISION: I.O. 11 | PAGE: 1 of 3 |

**PURPOSE** To facilitate the proper release of information concerning official Department business.

**PROCEDURE** Upon receiving request for information about Department business:

1. Treat official business of the Department as confidential.
2. Understand clearly the right of the public to be informed on matters of public interest.
3. Exercise discretion when divulging authorized information.
4. Release information to a properly identified representative of:

| AGENCY | INFORMATION CONCERNING |
|---|---|
| Department of Citywide Administrative Services | ➢ Official business of that agency |
| U.S. Civil Service Commission | ➢ Applicant for a federal position |
| New York State Department of Corrections and Community Supervision (DOCCS) (request from the area director) | ➢ Persons arrested |
| State Liquor Authority | ➢ Persons arrested or summonsed who are applicants for or holders of state liquor licenses.<br>➢ Persons arrested or summonsed in premises licensed by the State Liquor Authority or in the vicinity of the premises when the cause of the arrest or summons originated there.<br>➢ Premises licensed, or for which an application has been made under the Alcoholic Beverage Control Law. |
| Waterfront Commission of New York Harbor | ➢ Person licensed or registered by Commission |
| Crime Victims Compensation Board | ➢ Official business of that agency |
| N.Y.C. Department or agency | ➢ An employee of that department or agency only if the City is not likely to become a party to an action arising out of the incident. In such cases, the investigator will be referred to the Corporation Counsel. |

***NOTE*** *When information is given to other than a representative of the press, an entry identifying the person and the subject will be made in the Command Log. A text reference to the entry will be made in the margin of the record concerned.*

***ADDITIONAL DATA*** *Requests from government agencies, private organizations, institutions of higher education, etc., for statistics, surveys, samples and other types of information concerning the Department will be forwarded to the Office of Management Analysis and Planning for preparation of a Department response.*

*ROUTINE INQUIRIES:*

*Many requests, particularly those coming to Patrol Services Bureau commands, are of a routine nature. Local commanders are expected to respond to such requests as directed by this procedure, ensuring that responses are accurate and in accord with Department policy.*

*UNUSUAL OR TIME CONSUMING REQUESTS:*

*Some requests involve surveys or samples and may be time consuming; others may be related to business of the entire Department or involve broad policy questions. Local commanders should not ordinarily undertake data gathering research to answer a request from outside the Department when it will impair their ability to perform their primary function. Time consuming requests, those involving the business of the entire Department and those which raise policy questions, should be forwarded to the Office of Management Analysis and Planning for preparation of an appropriate response. Office of Management Analysis and Planning will confer with Deputy Commissioner - Public Information on matters regarding Department policy on release of information.*

*Where additional guidance is deemed necessary to classify a particular request as routine or unusual, a commanding officer may contact the Office of Management Analysis and Planning.*

*A member of the service, active or retired, may obtain information relative to his/her medical record upon written request to the Commanding Officer, Medical Division. No fee will be charged for such information. A person or organization outside the Department may obtain such information, for a fee of $5.00, if the request is made in writing and is accompanied by a notarized authorization from the member concerned or in the event of his death, from the next of kin or representative of his estate. Requests for such information from other governmental agencies do not require notarized authorization or fee. Requests for payroll records will be directed to Director, Payroll Section for processing in a similar manner.*

*When advised that an audit of records, procedures, or operations of a command is to be conducted by any city, state or federal agency, the desk officer/supervisory head concerned will notify the Deputy Commissioner, Management and Budget, furnishing the time, date, subject of audit, identity of personnel who will conduct the audit and agency to which assigned. Auditors must possess identification cards issued by the auditing agency and/or a letter of introduction from the Deputy Commissioner, Management and Budget. All members of the service will cooperate with properly identified auditors; questions concerning identity of auditing personnel will be directed to the Deputy Commissioner, Management and Budget, those concerning confidentiality of records/information requested will be directed to the Legal Bureau. The Deputy Commissioner, Management and Budget will notify the Office of Management Analysis and Planning upon receiving notifications of audits.*

***ADDITIONAL DATA (continued)***

*When a request for sensitive information regarding the policies of the Department is received from an elected official or candidate for elective office or a member of their staffs, the requestor will be instructed to submit the request in writing to the Police Commissioner. The Police Commissioner's Office shall forward such request to the appropriate command for further attention.*

*Inquiries of a routine nature including publicly released crime statistics, constituent problems or complaints may be handled by the command concerned.*

*OFFERS OF GRANTS, EQUIPMENT OR OTHER FUNDING BY ELECTED OFFICIALS, OTHER GOVERNMENT AGENCIES OR PRIVATE ENTITIES:*

*Members of the service may not accept offers of grants, equipment or other funding from elected officials or their staffs, other government agencies or private entities. A member of the service approached with the offer of such funding or solicited for suggestions regarding how such funding could be utilized by the Department shall direct the individual or entity offering such funding to make a written proposal to the Police Commissioner.*

***RELATED PROCEDURES***

*Release of Information To News Media (P.G. 212-77)*
*Incidents Involving Media Representatives (P.G. 212-49)*
*Grant Applications, Accountability, Responsibility and Reporting Procedures (A.G. 320-38)*

NYPD

**PURPOSE** To facilitate the accurate, timely and proper dissemination of information to the public through the news media.

**SCOPE** It is the policy of this Department to keep the community informed on matters of public interest. Most media inquiries are directed to the Office of the Deputy Commissioner, Public Information. However, at the scene of a breaking news story, the media may request information from members of the service present at the scene. Information, assistance or access should be rendered to whatever extent possible, in accordance with the following procedure, when it does not:

a. Pose an undue risk to the personal safety of members of the service, media representatives, or others
b. Interfere with police operations
c. Adversely affect the rights of an accused *or* the investigation *or* prosecution of a crime.

Because it is not uncommon for local investigations, arrests, operations, etc., to overlap into other agencies, bureaus or jurisdictions it is essential that ALL media requests be channeled through the Office of the Deputy Commissioner, Public Information.

***NOTE*** *Access to incident scenes does not extend to interior crime scenes or areas frozen for security reasons.*

**PROCEDURE** Upon receiving a request for information from representatives of the media at a breaking news story:

**HIGHEST RANKING UNIFORMED MEMBER OF THE SERVICE**

1. Confer with the Office of the Deputy Commissioner, Public Information, regarding the information to be released, prior to addressing the media.
2. Briefly describe the incident (i.e., how police were called to the scene, type of job, location of occurrence, number of aided persons, etc.).
3. Do not release the following:
   a. Identity of a juvenile under 18 years of age taken into custody, unless juvenile is a juvenile offender or adolescent offender

***NOTE*** *Once a juvenile offender or adolescent offender has their case removed from criminal court to family court, then confidentiality protections will apply. Information should not be released to the public after this point.*

   b. Identity of a complainant under 18 years of age
   c. Identity of a neglected or abused child
   d. Identity of a victim of a sex crime
   e. Information which indicates that a person has a communicable disease

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

f. Information which indicates that a person is a confidential informant/witness
g. The location of occurrence where a sexual assault occurred if that location is the victim's residence or the residence of the perpetrator, if not apprehended
h. The address or telephone number of a member of the service
i. Address or telephone number of a complainant
j. Address or telephone number of a witness to a crime
k. Information that may hinder the prosecution of the crime, jeopardize the safety of a member of the service, complainant, or witness
l. Arrest or booking photographs of an individual unless the photo would serve a law enforcement purpose.

4. Release the following information after an arrest is made, if requested:
   a. Name, age, residence, employment, marital status and similar background information of the arrested person(s) after identity is confirmed
   b. Substance or text of the charge(s) such as a complaint, indictment, information, and, only when appropriate, the identity of the complainant
   c. Identity of the investigating and arresting agency and the length of the investigation
   d. Circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons and a general description of items seized at the time of arrest.

***NOTE***

*With the prior permission of the Deputy Commissioner, Public Information, certain information may be withheld if there is a legitimate concern for the safety of a witness in the "interests of justice" (i.e., release of information may compromise an ongoing investigation).*

*The Office of the Deputy Commissioner, Public Information, is available 24 hours a day, 7 days a week, for consultation and/or response to incidents involving the media. Members of the service are required to immediately notify the Deputy Commissioner, Public Information of any interaction with the media.*

***ADDITIONAL DATA***

*The following information will be released only after conferral with the Deputy Commissioner, Public Information, and the Chief of Detectives. Pretrial disclosure of the following information may have an adverse impact on a court case:*

*a. Statements concerning the reputation or character of an accused person or prospective witness*
*b. Performance of, or results of, tests or the refusal by the accused to take a test*
*c. Statements concerning the credibility or anticipated testimony of prospective witnesses*
*d. Opinions or speculation concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial*
*e. Photographs, films, videotapes, and/or mug shots.*

***ADDITIONAL DATA (continued)***

*CONFIDENTIALITY OF THE VICTIM OF A SEX CRIME*

*The Civil Rights Law, Section 50-B, was amended in 1991 to protect the identity of the victim of a sex crime. The law provides that the identity of a victim of a sex crime be provided to a defendant charged with the crime and their counsel or guardian. It also permits disclosure to public officers and employees investigating, prosecuting and keeping records relating to the offense. A new Section 50-C was also added to the law which allows victims of a sex offense to bring private action to recover for any damage suffered by the disclosure of their identities. Therefore, those members of the service (uniformed and civilian) assigned to units (Public Information Division, Identification Section, Communications Division, etc.) which may, at times, be called upon to provide information from Department records, files, tapes, etc., must ensure that the identity of a victim of a sex offense is not divulged when this information is released.*

*IDENTITY OF PERSONS WITH COMMUNICABLE DISEASE*

*It is the responsibility of this Department to protect the civil rights of persons we come in contact with. This includes prisoners, crime victims, aided cases, etc. In keeping with this obligation, any information regarding a person's status in connection with any communicable disease (HIV, AIDS, Tuberculosis, Hepatitis B, etc.) is to be treated as confidential.*

*Accordingly, members of the service should be made aware of the following guidelines:*

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

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

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

***RELATED PROCEDURES***

*Exposure of Members of the Service to Infectious Diseases (A.G. 330-09)*
*Incidents Involving Media Representatives (P.G. 212-49)*
*Information Concerning Official Business of the Department (P.G. 212-76)*

***FORMS AND REPORTS***

***MEDICAL TREATMENT OF PRISONER (PD244-150)***

| Section: Command Operations | | Procedure No: 212-78 | |
|---|---|---|---|
| **UTILIZATION OF THE REAL TIME CRIME CENTER** | | | |
| DATE ISSUED: 03/29/17 | DATE EFFECTIVE: 03/29/17 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To provide twenty-four hour, seven day a week investigative support to the Detective Bureau and other Department investigative units conducting criminal investigations.

**PROCEDURE** When an investigator seeks the assistance of the Real Time Crime Center (RTCC) during the course of investigating any crime:

**INVESTIGATOR**

1. Telephone the Real Time Crime Center to initiate "real time" crime scene support.
   a. Cases not requiring crime scene support, contact may be made either by telephone, e-mail, or facsimile.

**RTCC INVESTIGATOR**

2. Verify the identity of the investigator requesting information.
3. Record the request for investigative assistance in the intake database.
4. Confer with the RTCC Supervisor on duty.
5. Conduct comprehensive computer inquiries of related incidents, suspects, victims, locations and any other relevant information.
6. Forward results of computer investigation to the investigator concerned via wireless laptop, email, telephone or facsimile.

**RTCC SUPERVISOR**

7. Oversee and ensure thorough computer investigations and monitor ongoing priority incidents citywide.
   a. Prioritize case assignments.
   b. Review investigative results.
   c. Provide investigative direction.

**RTCC INVESTIGATOR**

8. Maintain contact with investigator concerned and determine if additional investigative steps are necessary.

***ADDITIONAL DATA*** *The RTCC applications have been created and organized to support the investigative process in the following areas:*

*a. Incident Analysis*
*b. Location Analysis*
*c. Victim/Suspect Analysis*
*d. Pattern Analysis*

*To conduct these analyses, the RTCC Investigators can access data from the NYPD, other NYC Agencies and New York State systems. Additionally, investigators can access a wide variety of investigative tools as well as public and governmental information sources. The RTCC Investigators have direct access to Department data previously unavailable for efficient searching and reporting, including advanced mapping, 311 and 911 information.*

***ADDITIONAL DATA (continued)***

*Among the many non-NYPD databases available to RTCC analysts are the following (this list is not all-inclusive):*

***PUBLIC RECORDS DATABASES*** *– Databases built from public records, commercial records and data provided by various government agencies. These databases offer a variety of searches nationwide which include: persons, addresses (past and present), phone numbers (including unlisted and cell), motor vehicles, real property, civil and criminal searches. Also available is a visual link analysis tool, to discover connections between individuals and their associates that are otherwise easy to miss. The databases are frequently updated with over twelve billion real investigative records.*

***CJA INTERVIEW REPORT*** *– Through an Arrest Number, RTCC investigators can access the Criminal Justice Agency's Interview Report. This report contains information on the arrestee to determine bail eligibility. Information includes name, address, prior address, contact names and phone numbers, employment data and other pertinent information related to the arrested person.*

***DOC*** *– Federal/NY State/NYC Department of Corrections Inmate lookup service (online databases).*

***E-JUSTICE*** *– NYS Criminal Justice information which is linked to the National Crime Information Center (NCIC).*

***PHOTO SYSTEM*** *– A consolidated law enforcement photo/mug shot system. Includes perpetrators arrested by other agencies such as ATF, FBI, DEA, Eastern District of New York, INS, IRS, Nassau County Police, Newark PD (NJ), NY State Police, Essex County Sheriff (NJ), Hudson County Sheriff (NJ), Passaic County (NJ), New York State Department of Corrections and Community Supervision (DOCCS), Suffolk County, Union County (NJ), US Postal Inspector, US Customs Service, US Marshals Service, US Secret Service, Westchester County Department of Corrections.*

***IDS*** *– NYPD Intelligence Database System.*

***JUSTICE EXCHANGE*** *– National near-real time "who's in jail" database covering twenty-nine states across the country.*

***STARS*** *– The Summons Tracking and Accounts Receivable System allows an investigator to search for NYC parking summons issued to a vehicle.*

***ISO CLAIMSEARCH*** *– Is an all-claims database incorporating over 380 million claims including property claims, bodily injury claims and automobile records. Searches can be done by name (individual or business), address, phone number, Social Security number, driver's license number, license plate number, Vehicle Identification Number (VIN), professional medical license or Tax Identification Number (TIN). Reports are returned on any matches regarding the claim(s) filed. An added feature includes VIN Decoding. This utility allows you to decode and decipher a Vehicle Identification Number (VIN) to properly identify vehicles.*

| Section: Command Operations | | Procedure No: 212-79 | |
|---|---|---|---|
| **SUBPOENA FEES AND ACCOUNTING PROCEDURES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To inform members of the service (uniformed and civilian) of the appropriate fees to be tendered by persons making service of subpoenas upon the New York City Police Department.

**SCOPE** In many cases where a subpoena is served upon the Police Department, a check, money order or cash for the statutorily mandated witness fee may also be tendered. In order to promote greater efficiency and uniformity in the processing of and accounting for subpoena fees, the following procedure will be complied with.

**PROCEDURE** Upon receipt of a subpoena (by personal service or other means of delivery):

**MEMBER OF THE SERVICE RECEIVING SUBPOENA**

1. Ascertain if fee (cash, check, or money order) is tendered with subpoena.
   a. If check or money order is made payable to an individual member of the service (uniformed or civilian), the member concerned will endorse check or money order as follows:
      "PAY TO THE ORDER OF NEW YORK CITY POLICE DEPARTMENT"
   b. If fee is tendered in connection with a subpoena which <u>does not</u> involve the Police Department or actions taken by the member concerned on behalf of the Department, the fee will be given to the member concerned and is properly payable to him/her. In such case, no fee receipt will be issued by this Department.
2. Issue **FEE RECEIPT (PD122-017)** and comply with applicable provisions of *P.G. 212-82, "Forwarding Of Fees To The Audits And Accounts Section,"* if fee is tendered.
   a. Enter title of case (e.g., Smith v. Jones, People v. Rosario) at caption entitled "FOR" of **FEE RECEIPT**.
   b. If subpoena and fee (if tendered) have been received by other than personal service, forward **FEE RECEIPT** to attorney issuing subpoena by U. S. Mail.
3. Note **FEE RECEIPT** number and dollar amount of fee tendered on rear of subpoena.
4. Forward subpoena to command liaison officer.

**COMMAND LIAISON OFFICER**

5. Comply with pertinent provisions of *P.G. 211-15, "Processing Subpoenas For Police Department Records And Testimony By Members Of The Service."*

***ADDITIONAL DATA***

*Members of the service (uniformed and civilian) are advised that the following is a schedule of appropriate fees to be tendered with the corresponding type of subpoena:*

| ***TYPE OF SUBPOENA*** | ***FEE*** |
|---|---|
| ♦ ***CIVIL CASES*** | |
| *Subpoena issued by courts of New York State* | *$15.00* |
| *Subpoena issued by Federal Courts* | *$40.00* |
| ♦ ***FAMILY COURT CASES*** | |
| *Subpoena issued in a Juvenile Delinquency Proceeding* | *NO FEE REQUIRED* |
| ➢ *All other Family Court Cases* *As per CIVIL CASE FEE SCHEDULE, above* | |
| ♦ ***CRIMINAL CASES*** | |
| *Subpoena issued by State and Federal Courts* | *NO FEE REQUIRED* |

***NOTE***

*If a subpoena requires a specific member of the service to appear AND bring certain documents with him/her, a single fee is all that is required.*

*In certain cases, travel expenses may be included with the tendered subpoena fee. Members are advised that for travel wholly within New York City, no travel fees are required.*

*If the fee tendered is not in conformity with the above listed fee schedule, a supervisor must be notified. The supervisor will ensure that the subpoena is still processed and that a notation is made on the reverse side of the subpoena of the amount actually tendered.*

*For cases involving subpoenas issued by courts outside of New York City, consult P.G. 211-16, "Processing Subpoenas Issued by Courts Outside New York City."*

***RELATED PROCEDURES***

*Forwarding Of Fees To Audits And Accounts Section (P.G. 212-82)*
*Processing Subpoenas For Police Department Records And Testimony By Members Of The Service (P.G. 211-15)*
*Processing Subpoenas Issued By Courts Outside New York City (P.G. 211-16)*
*Processing Legal Bureau Requests For Department Records Including Requests Under The Freedom Of Information Law (P.G. 211-17)*
*Processing Requests For Police Department Documents Received From Assistant Corporation Counsels And Assistant District Attorneys (P.G. 211-18)*

***FORMS AND REPORTS***

***FEE RECEIPT (PD122-017)***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-80 | |
|---|---|---|---|
| **SUSPENSION AND REVOCATION ORDERS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To process Suspension and Revocation Orders received from the Department of Motor Vehicles.

**PROCEDURE** Upon receipt of Suspension and Revocation Orders:

**DESK OFFICER**

1. Record receipt of Orders in Command Log.
2. Forward to the traffic safety sergeant/officer.

**TRAFFIC SAFETY OFFICER**

3. Prepare **SUSPENSION/REVOCATION REPORT (PD634-151)** and attach to each Order.
4. Distribute Suspension and Revocation Orders with attached **SUSPENSION/REVOCATION REPORT** to sectors/posts concerned.
5. Forward Orders to precinct concerned for service if information indicates that Order must be executed in that precinct.

**SECTOR/POST CONCERNED**

6. Record Suspension and Revocation Orders in digital **Activity Log**.
7. Execute as follows:
   a. Obtain all items listed on Suspension and Revocation Order, or
   b. Obtain signed affirmation on back of Suspension and Revocation Order for items not picked up, or
   c. Issue summons for violation of Section 510, subdivision 7 of the Vehicle and Traffic Law, returnable to the Traffic Violations Bureau, if the licensee does not turn over the required items and refuses to sign affirmation, or
   d. Enter Department of Motor Vehicles case number and date on back of Order if licensee has Notice of Restoration (Form FS34) or Notice of Compliance (Form FS112).
8. Leave lower half of **SUSPENSION/REVOCATION REPORT** with a responsible member of licensee's household, for delivery to licensee, if he cannot be located.
9. Record attempts at service on **SUSPENSION/REVOCATION REPORT** if licensee cannot be located.
10. Indicate reason for noncompliance in captioned box if Order is not executed for reasons other than temporary absence of license.
11. Report results of efforts and deliver all surrendered items along with executed and unexecuted Orders to patrol supervisor.
12. Enter facts in digital **Activity Log**.

**PATROL SUPERVISOR**

13. Reassign Orders not served because of temporary absence of licensee to next member of the service assigned to post or sector concerned on 2nd or 3rd platoons, as appropriate.
14. Deliver all surrendered items and Suspension and Revocation Orders to traffic safety officer.

**TRAFFIC SAFETY OFFICER**

15. File **SUSPENSION/REVOCATION REPORTS**.
16. Note reason for non-service on back of each Order not executed.
17. Note service of summons on back of Orders where applicable.
18. Process returned Suspension and Revocation Orders as follows:
    a. Unexecuted Orders - placed in one envelope.
    b. Executed Orders - placed one to an envelope, with surrendered items.
19. Deliver to desk officer.
20. Enter Orders in Command Log:
    a. Unexecuted Orders by statement of total number only
    b. Executed Order individually by serial number.
21. Forward envelopes to Mail and Distribution Unit for return to Department of Motor Vehicles.

***NOTE*** *An Order is considered executed only when all items listed are received, or an affirmation is obtained from the licensee.*

***FORMS AND REPORTS*** ***SUSPENSION/REVOCATION REPORT (PD634-151)***

NYPD

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-81 |
|---|---|---|
| **UNAUTHORIZED DISPLAY OF BADGES, PLATES, CARDS, ETC.** | | |
| DATE EFFECTIVE: 02/09/22 | LAST REVISION: I.O. 12 | PAGE: 1 of 1 |

**PURPOSE** To prescribe proper police action in the following situations.

**PROCEDURE** Upon observing the unauthorized display of any badge, plate, card, etc.:

**UNIFORMED MEMBER OF THE SERVICE**

1. Take the following police action, as appropriate:

| UNAUTHORIZED DISPLAY OF | POLICE ACTION |
|---|---|
| ♦ **Badge, and person displaying purports to be a public servant.** | ➢ **Arrest, Section 190.25 (3), Penal Law.**<br>➢ **Seize badge as evidence.** |
| ♦ **Plate, sign, insignia of Police or Fire Department displayed on a vehicle.** | ➢ **Summons, Section 396, V.T.L.**<br>➢ **Seize article as evidence.** |
| ♦ **Official police cards, e.g., special vehicle identification, etc.** | ➢ **Confiscate, ascertain how obtained, and deliver article and report of circumstances to desk officer.** |
| ♦ **Forged police card.** | ➢ **Arrest, Administrative Code Section 14-107.**<br>➢ **Seize card as evidence.** |

**DESK OFFICER**

2. Process arrests and summonses in the usual manner.
3. Invoice evidence seized and forward confiscated article to Property Clerk in the usual manner.
4. Notify commanding officer of all facts.
5. Prepare two copies of report on **Typed Letterhead** addressed to Chief of Department, including all facts when a police card is confiscated.

***FORMS AND REPORTS*** ***Typed Letterhead***

**PURPOSE** To safeguard fees being forwarded to Audits and Accounts Unit.

**PROCEDURE** When fees (cash and checks) that have been collected for forwarding to the Audits and Accounts Unit:

**COMMAND CLERK**

1. Affix the imprint of the command rubber stamp on the back of each certified, personal or bank teller's check, and bank or United States Postal money order and write the application serial #, the fee transmittal sheet # and the fee receipt # in the space provided prior to delivery to the Operations Coordinator.

***NOTE*** *When a fee is collected by a member of the service (uniformed or civilian), a **FEE RECEIPT (PD122-017)** will be prepared and issued. All fees must be safeguarded pending forwarding to patrol borough office. Fees collected for rifle/shotgun permits are exempt from this procedure.*

2. Prepare **FEE TRANSMITTAL SHEET (PD122-150)**.
3. Assign a separate command serial number to <u>each</u> **FEE TRANSMITTAL SHEET** beginning with number one <u>each</u> calendar year.
4. Enter the **FEE TRANSMITTAL SHEET** serial number in the margin of the Fee Receipt book next to the corresponding file copy of each **FEE RECEIPT**.
5. Request pre-numbered Plastic Security Envelope(s) from desk officer.

***NOTE*** *Utilize one Plastic Security Envelope for all fees collected, whenever possible.*

6. Enter Plastic Security Envelope serial number(s) on **FEE TRANSMITTAL SHEET** above the command serial number.
7. Close out unused portion of **FEE TRANSMITTAL SHEET** by:
   a. Drawing horizontal line across width of page on next unused line, <u>and</u>
   b. Drawing a diagonal line from left side of horizontal line, extending to bottom right of space allotted for "sub-total."
8. Sign <u>all</u> copies of the completed **FEE TRANSMITTAL SHEET** and deliver to the Operations Coordinator as soon as possible after 1600 hours, daily, with command copies of **FEE RECEIPTS**, Plastic Security Envelope(s) and all fees.

***NOTE*** *The New York City Administrative Code requires that fees be forwarded "on next business day." Fees received at commands <u>after</u> 1600 hours or on days when the Audits and Accounts Unit is closed will be safeguarded and processed the next business day. The Audits and Accounts Unit is closed for business on weekends and all civilian holidays.*

**OPERATIONS COORDINATOR**

9. Check accuracy of fees received against entries on **FEE TRANSMITTAL SHEET** and **FEE RECEIPT** book.
   a. Ensure that all the rubber stamp captions on certified, personal or bank teller's checks, and bank or United States Postal money orders have been completed as required in Step 1 above.

**OPERATIONS COORDINATOR (continued)**

10. Sign all copies of **FEE TRANSMITTAL SHEET**.
11. Make entry in **FEE RECEIPT** book in margin of last numbered receipt used, listing receipt numbers for fees forwarded, i.e., fees for receipt numbers 1057 through 1064, forwarded 3/21/98, Sgt. Petri.
12. Place all fees in pre-numbered Plastic Security Envelope(s) and seal in accordance with instructions on the envelope.
13. Attach all copies of **FEE TRANSMITTAL SHEET** to outside of Plastic Security Envelope(s).
14. Place all copies of **FEE TRANSMITTAL SHEET**, and Plastic Security Envelope(s) in a 10" x 12" envelope, addressed to the Borough Fiscal Coordinator and arrange for messenger delivery with the A.M. mail on the next business day.

***NOTE*** *If no fees were received at the command, a negative report, on **Typed Letterhead**, addressed to commanding officer of borough concerned, will be sent to the borough command with the A.M. mail.*

**COMMAND MESSENGER**

15. Sign all copies of **FEE TRANSMITTAL SHEET** and return originating command copy (buff) to operations coordinator as receipt for fees received.
16. Deliver Plastic Security Envelope(s), with remaining four copies of **FEE TRANSMITTAL SHEET** to the borough office.

**OPERATIONS COORDINATOR**

17. Have command clerk file originating command copy (buff) of **FEE TRANSMITTAL SHEET** serially in a binder.

**BOROUGH FISCAL COORDINATOR**

18. Receipt for Plastic Security Envelope(s) received by signing date, rank and name on all copies of **FEE TRANSMITTAL SHEET**, adjacent to "Total Forwarded," and return (green) copy to command messenger.

***NOTE*** *DO NOT OPEN Plastic Security Envelope(s).*

**COMMAND MESSENGER**

19. Permanently retain (green) copy of **FEE TRANSMITTAL SHEET** as personal receipt.

**BOROUGH FISCAL COORDINATOR**

20. Place borough office copy (pink) of the **FEE TRANSMITTAL SHEET** chronologically in binder maintained in borough office. (DO NOT separate and file by command).
21. Prepare pre-serialized **CONSOLIDATED FEE RECEIPT (PD122-011)** listing every command in the borough command.
    a. Enter information required by captions, for each command, utilizing data from **FEE TRANSMITTAL SHEET**.
    b. If no fees were forwarded by command ascertain that a negative report, on **Typed Letterhead**, was delivered to the borough office and write "NONE" next to command concerned under column "FEE TRANSMITTAL SHEET SERIAL NUMBER." All commands must be listed.
    c. Sign completed **CONSOLIDATED FEE RECEIPT** and submit, together with all related **FEE TRANSMITTAL SHEETS**, Plastic Security Envelope(s), and negative reports, to borough supervisor for review.

***NOTE*** *If a pre-serialized **CONSOLIDATED FEE RECEIPT** is voided, file all copies in same manner outlined in step 20.*

**BOROUGH SUPERVISOR**

22. Review items submitted for accuracy and completeness, sign **CONSOLIDATED FEE RECEIPT** and return all items to Borough Fiscal Coordinator.

**BOROUGH FISCAL COORDINATOR**

23. Give plastic security envelope, all copies of **CONSOLIDATED FEE RECEIPT** and remaining copies (white and blue) of the **FEE TRANSMITTAL SHEETS** to the borough messenger in an envelope addressed to the Audits and Accounts Unit <u>for delivery with the A.M. mail on the same day received</u>.

**BOROUGH MESSENGER**

24. Compare **FEE TRANSMITTAL SHEETS** and Plastic Security Envelopes against related **CONSOLIDATED FEE RECEIPT**.
25. Sign <u>all</u> copies of **CONSOLIDATED FEE RECEIPT** and return "blue" copy to Borough Fiscal Coordinator as receipt for Plastic Security Envelope(s) received.

**BOROUGH FISCAL COORDINATOR**

26. File blue copy of **CONSOLIDATED FEE RECEIPT** together with negative reports, where applicable, and related copies of **FEE TRANSMITTAL SHEETS** in same manner outlined in step 20.

**BOROUGH MESSENGER**

27. Deliver fees contained in sealed Plastic Security Envelopes, two copies of **CONSOLIDATED FEE RECEIPT** (pink and white) and two copies of each **FEE TRANSMITTAL SHEET** (white and blue) to the Audits and Accounts Unit with the A.M. mail.

***NOTE*** *Fees and related forms <u>must</u> be delivered before 1200 hours.*

**AUDITS AND ACCOUNTS UNIT MEMBER**

28. Compare Plastic Security Envelope number(s) to corresponding **FEE TRANSMITTAL SHEETS** and **CONSOLIDATED FEE RECEIPTS**.
    a. Ensure each command is accounted for and listed on the consolidated **FEE TRANSMITTAL SHEET**.
29. Open Plastic Security Envelope(s), total fees received and compare with **CONSOLIDATED FEE RECEIPT** and related **FEE TRANSMITTAL SHEETS** for accuracy.
30. Prepare **RECEIPT FOR FEES COLLECTED (PD122-170)** in duplicate.
31. Machine stamp **FEE TRANSMITTAL SHEETS** and both copies of **CONSOLIDATED FEE RECEIPT**.
32. Give original **RECEIPT FOR FEES COLLECTED** and one copy of **CONSOLIDATED FEE RECEIPT** (white) to borough messenger.
33. Retain original **FEE TRANSMITTAL SHEET** (white), and one copy of **CONSOLIDATED FEE RECEIPT** (pink) and forward **FEE TRANSMITTAL SHEET** (blue) to command of record through Department mail.

**BOROUGH MESSENGER**

34. Return stamped copy of **CONSOLIDATED FEE RECEIPT** and **RECEIPT FOR FEES COLLECTED** to Borough Fiscal Coordinator.

**BOROUGH FISCAL COORDINATOR**

35. Compare stamped copy of **CONSOLIDATED FEE RECEIPT** (white) and **RECEIPT FOR FEES COLLECTED** with file copy of **CONSOLIDATED FEE RECEIPT** (blue).
    a. Notify borough supervisor of any discrepancies.
    b. File all copies of related receipts with copies of **FEE TRANSMITTAL SHEETS** and negative reports as outlined in step 20.

**OPERATIONS COORDINATOR**

36. Compare **FEE TRANSMITTAL SHEET** copy (blue) received through Department mail from Audits and Accounts Unit with command file copy (buff).
    a. Notify Audits and Accounts Unit of any discrepancies, or if **FEE TRANSMITTAL SHEET** copy (blue) has not been received within ten days.
    b. File **FEE TRANSMITTAL SHEET** copy (blue) with command file copy (buff) in binder.

**COMMANDING OFFICER**

37. Conduct monthly inspection to ensure that all fees are being forwarded daily and have been received at the Audits and Accounts Unit.

***ADDITIONAL DATA***

*Non-patrol commands requesting an exemption from any of the aforementioned steps must submit a request, in writing, to the Director, Audits and Accounts Unit. Written approval of any such exemption must be maintained on file at the requesting command and available for review by authorized auditors from other agencies.*

*Requisition of additional pre-serialized **CONSOLIDATED FEE RECEIPTS** will be made direct to Audits and Accounts Unit.*

*If the command clerk, and/or operations coordinator are absent the commanding officer will designate another member of the service to assume their duties.*

***FORMS AND REPORTS***

***CONSOLIDATED FEE RECEIPT (PD122-011)***
***FEE RECEIPT (PD122-017)***
***FEE TRANSMITTAL SHEET (PD122-150)***
***RECEIPT FOR FEES COLLECTED (PD122-170)***
***TYPED LETTERHEAD***

**PURPOSE** To obtain permission and funds to leave the city on police business.

**PROCEDURE** When required to leave the city on police business:

**UNIFORMED MEMBER OF THE SERVICE**

1. Submit three copies of request on **Typed Letterhead** to Police Commissioner or Chief of Department, including:
   a. Rank, name, shield number and command
   b. Destination
   c. Purpose, including **COMPLAINT REPORT (PD313-152)** number, crime and warrant (including issuing agency)
   d. Identity of prisoner, if any
   e. Identity of escorting officer(s)
   f. Date and time of departure
   g. Estimated date of return
   h. Means of travel
   i. Estimate of expenses and who will pay them
   j. Statement indicating necessity to carry firearms, when appropriate
   k. Tour performed while out of city
   l. Overtime anticipated
   m. Next scheduled tour after return to city.

***NOTE*** *When a vehicle is to be utilized as the primary means of transportation to and from the destination (rather than by airline, railroad or bus) the member must ascertain the availability of a Department vehicle by inquiring in the following order:*

*a. At their respective command*
*b. If none is available at the command level, inquire at the member's respective bureau or overhead command*
*c. If a vehicle is not available at the bureau/overhead command, the member should contact the Confidential Rental and Lease Office (CRALO), Fleet Services Division.*

*If there is a vehicle available at Fleet Services Division, the member must submit a request on **Typed Letterhead** to the Commanding Officer, Support Services Bureau requesting approval for the assignment of a Department vehicle, by CRALO, for the pending travel.*

*This protocol does not apply to the rental of a vehicle upon arrival at a destination by airline or railroad where the vehicle is to be used only for local transportation at that site.*

*Any questions regarding this procedure should be addressed to the Director, Audits and Accounts Unit.*

*Members under the jurisdiction of the Patrol Services Bureau, Detective Bureau, Housing Bureau and Transportation Bureau will address request to Chief of Department. Other members will address request to Police Commissioner.*

2. Deliver request to commanding officer.

**COMMANDING OFFICER**

3. Endorse indicating approval/disapproval.

***NOTE*** *When applicable, include the following statement in endorsement:*

*"In compliance with Federal Aviation Authority Regulation, it is necessary that the officer retain possession of and accessibility to his weapon during flight."*

4. Forward request to next higher command.

**COMMANDING OFFICER, NEXT HIGHER COMMAND**

5. Endorse indicating approval/disapproval.
6. Forward original and first copy to Police Commissioner or Chief of Department through channels.

***NOTE*** *The original copy of a disapproved request will be returned to the originating command through channels, and an immediate telephone notification made to the commanding officer of the requesting member.*

**COMMANDING OFFICER, P.C.O. OR CHIEF OF DEPARTMENT'S OFFICE**

7. Forward approved request to originating command.

**COMMANDING OFFICER**

8. Give requesting officer(s) copy of approval.

IF TRIP IS TO BE MADE BY AIRLINE:

**COMMANDING OFFICER**

9. Instruct member(s) concerned to notify security director of airline being used and supervisor in charge, Port Authority Police, of trip and fact that firearm will be carried.

**UNIFORMED MEMBER OF THE SERVICE**

10. Show authorization, shield and **IDENTIFICATION CARD (PD416-091)** to airline official prior to boarding plane.
11. Use alternate airline if permission to board aircraft while armed is refused.
12. Do not surrender firearm for storage to anyone.
13. Request permission to pre-board flight if guarding prisoner.
14. Do not permit prisoner to sit adjacent to normal or emergency exit nor next to aisle.
15. Do not carry Oleoresin Capsicum (O.C.) pepper spray, tear gas or similar devices aboard aircraft.
16. Do not consume intoxicants at any time while aboard aircraft or allow prisoner to do so.
17. Remain with prisoner at all times.

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

18. Do not identify self or prisoner to anyone except designated airline employee or police official having jurisdiction over any phase of flight.
19. Do not take police action which might endanger aircraft or passengers.
20. Do not display firearm or other authorized equipment.
21. Leave aircraft at the direction of the flight captain or after all passengers have debarked.
22. Keep prisoner handcuffed with hands to rear when practical.

***NOTE*** *Each prisoner transported by commercial flight must be escorted by at least two officers.*

23. Obtain travel expense funds from Audits and Accounts Unit. If closed, funds may be obtained at Office of Chief of Detectives.
    a. Submit itemized account of expenditures within ten days after return to city.

***ADDITIONAL DATA***

*When emergency circumstances require an immediate trip outside the city via department vehicle, a request may be made by telephone, through channels. Standard written request, including reference to telephone message, will be forwarded as soon as possible.*

*When a trip outside the city on police business does not require any expenditure of funds, permission may be granted by:*

- *Police Commissioner*
- *Deputy Commissioners*
- *Chief of Department*
- *Chief of Patrol*
- *Chief of Housing*
- *Chief of Transportation*
- *Chief of Detectives*
- *Chief of Personnel*
- *Commanding Officer, Support Services Bureau.*

***RELATED PROCEDURE*** *Official Trips by Department Representatives (A.G. 332-16)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***
***Typed Letterhead***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-84 | |
|---|---|---|---|
| **VERIFICATION OF PISTOL LICENSE** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To verify validity of a pistol license issued by this Department.

**PROCEDURE** Uniformed members of the service inspecting pistol licenses shall:

**UNIFORMED MEMBER OF THE SERVICE**

1. Request licensee to produce documentary identification in addition to the pistol license.

***NOTE*** *A validated license has an embossed seal of the Police Department impressed thereon, is valid for a two year period, and expires on the licensee's birth date.*

2. Verify validity of pistol license, if questionable, by telephoning License Division, during business hours, 0900 to 1700, Monday through Friday or by an inquiry into the Automated License and Permit System (ALPS).

***NOTE*** *If License Division is closed or the ALPS System cannot be accessed, the desk officer on duty at 0900 hours the next business day will make the verification and make entry in appropriate records.*

3. Make entry in digital **Activity Log** of licensee's name, address, date of birth, license number and expiration date.
4. Notify desk officer of verification.

**DESK OFFICER**

5. Enter details of verification in Command Log.

WHEN VALIDITY OF PISTOL LICENSE IS QUESTIONABLE:

**UNIFORMED MEMBER OF THE SERVICE**

6. Retain pistol license and firearm(s), if available.

**DESK OFFICER**

7. Have **COMPLAINT REPORT (PD313-152)** prepared, marked for investigation.
8. Prepare report of pertinent facts on **Typed Letterhead** and forward to Commanding Officer, License Division, in next Department mail.

***RELATED PROCEDURES***
*Complaint Reporting System (P.G. 207-01)*
*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*
*Incidents Involving Holders of Handgun Licenses or Rifle/Shotgun Permits (P.G. 212-118)*

***FORMS AND REPORTS***
***COMPLAINT REPORT (PD313-152)***
***Typed Letterhead***

| Section: Command Operations | | Procedure No: 212-85 | |
|---|---|---|---|
| **RIFLE/SHOTGUN PERMIT SUSPENDED, REVOKED, DISAPPROVED** | | | |
| DATE ISSUED: 12/29/15 | DATE EFFECTIVE: 12/29/15 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To facilitate the surrender of rifles, shotguns, permits and/or certificate of registration when application for a permit and registration has been denied or previously issued permits and registrations have been suspended, revoked, or will not be renewed.

**PROCEDURE** Upon receipt of **RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)** from the License Division, Rifle and Shotgun Section:

**PRECINCT COMMANDING OFFICER**

1. Assign uniformed member of the service, preferably a sergeant, to conduct immediate investigation.

***NOTE*** *Investigations must be completed and all related forms returned to the Rifle and Shotgun Section, within sixty days.*

**UNIFORMED MEMBER OF THE SERVICE**

2. Respond to licensee's address and request surrender of firearm(s), permit and registration (if applicable) as indicated on **RIFLE/SHOTGUN SURRENDER NOTICE**.
3. Complete and sign three copies of **SURRENDER NOTICE** and distribute as follows:
   a. ORIGINAL – Rifle/Shotgun Section
   b. COPY 1 – Precinct concerned
   c. COPY 2 – Receipt to permitee.
4. Prepare **COMPLAINT REPORT (PD313-152)** if:
   a. Permit holder refuses or fails to surrender firearm after **SURRENDER NOTICE** is served and officer believes holder is violating Administrative Code by continued possession of firearm OR,
   b. Officer believes permit holder is purposely avoiding service of **SURRENDER NOTICE**.
5. Enter under "Details" on **COMPLAINT REPORT**:
   a. Identity, address and permit number of violator as it appears on original of **SURRENDER NOTICE**.
   b. Summons number, if summons served.
   c. Description and disposition of firearms, if surrendered.
   d. Disposition as related by the permit holder, if firearms are not surrendered.
6. Voucher firearms and forward to Firearms Analysis Section only if member concerned believes that weapon might have been used in commission of a crime or permit holder has been accused or convicted of a serious crime. Otherwise, forward firearm to Property Clerk.

WHEN PERMIT HOLDER FAILS TO COMPLY WITH **SURRENDER NOTICE** RE: REVOKED, SUSPENDED OR DENIED PERMITS:

**UNIFORMED MEMBER OF THE SERVICE**

7. Serve summons for violation of Administrative Code, Section 10-303, returnable to Criminal Court.

***NOTE***

*Do not serve summons for unrenewed permits. Do not serve summons if permit holder states he/she no longer possesses the firearm but is unable to produce a **DISPOSITION REPORT - REGISTRATION CERTIFICATE (PD641-121)**. Direct permit holder to contact License Division, Rifle and Shotgun Section.*

PERMIT HOLDER DOES NOT RESIDE AT ADDRESS GIVEN:

**UNIFORMED MEMBER OF THE SERVICE**

8. Attempt to obtain new address.

***NOTE***

*If new address cannot be obtained or permit holder no longer resides in precinct concerned, enter information on **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE (PD641-120A)**.*

9. Prepare appropriate captions on **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE**.
10. Deliver **RIFLE/SHOTGUN SURRENDER NOTICE**, **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE**, permit and registration, if obtained, to precinct commanding officer.

**PRECINCT COMMANDING OFFICER**

11. Endorse **RIFLE/SHOTGUN SURRENDER NOTICE**, **RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE** and forward to License Division, Rifle and Shotgun Section with permit and registration, if appropriate.

***ADDITIONAL DATA***

*Priority will be given to those cases in which the License Division, Rifle and Shotgun Section, indicates that the permit holder has been convicted of a serious crime or is mentally incompetent. All available information will be obtained from the License Division, Rifle and Shotgun Section, and, in addition, the precinct commanding officer and the Legal Bureau will be consulted regarding advisability of obtaining a search warrant.*

*Desk officers will comply with P.G. 207-26, "Voluntary Surrender of Weapons with Written Notice," and 207-27, "Voluntary Surrender of Weapons Without Prior Notice," when a permit has been revoked or denied and owner voluntary surrenders rifle and/or shotgun. "ADA Copy" of **PROPERTY CLERK INVOICE (PD521-141)** will be forwarded to the License Division, Rifle and Shotgun Section. If an owner, after surrendering a rifle/shotgun, does not wish to obtain a permit, such owner can sell the rifle/shotgun to a permit holder or any person not required, by law, to possess a permit. Upon presentation of a bona fide bill of sale and a written representation by the owner that the weapon has been sold or otherwise disposed of, the License Division, Rifle and Shotgun Section will issue a release to the new lawful owner.*

| | |
|---|---|
| ***RELATED PROCEDURES*** | *Voluntary Surrender of Weapons with Written Notice (P.G. 207-26)*<br>*Voluntary Surrender of Weapons without Prior Notice (P.G. 207-27)*<br>*Invoicing Property - General Procedure (P.G. 218-01)*<br>*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*<br>*Unlawful Possession of Rifles/Shotguns (P.G. 212-46)* |
| ***FORMS AND REPORTS*** | ***COMPLAINT REPORT (PD313-152)***<br>***PROPERTY CLERK INVOICE (PD521-141)***<br>***RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)***<br>***RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE (PD641-120A)*** |

NYPD

| Section: Command Operations | | Procedure No: 212-86 | |
|---|---|---|---|
| **PRIMARY, GENERAL AND SPECIAL ELECTION DAY DUTIES PRIOR TO OPENING OF POLLS** | | | |
| DATE ISSUED: 01/13/21 | DATE EFFECTIVE: 01/13/21 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To assist members of the Board of Elections and ensure that polls open on schedule.

**PROCEDURE** When assigned to a poll site on a Primary, General or Special Election Day:

PRIOR TO THE OPENING OF THE POLLS

**UNIFORMED MEMBER OF THE SERVICE**

1. Arrive at poll site at least one hour prior to opening of polls.
2. Deliver miscellaneous election supplies received at precinct election detail roll call to Board of Elections members.
3. Obtain receipt from Board of Elections members for supplies delivered.
4. Ascertain from Board of Elections Inspector whether all election supplies have been delivered by Board of Elections as required.
   a. Have Board of Elections Inspector request missing supplies to be delivered by borough Board of Elections representatives.
5. Conduct inspection of all Board of Elections scanner machine(s) "public counter(s)" at assigned poll site, and record results of inspection in digital **Activity Log**.
   a. Notify desk officer/precinct election supervisor/precinct election officer if any "public counter" is found to have a number other than zero (0) PRIOR TO OPENING THE POLLS (A scanner machine will NOT be used if the "public counter" is not set to zero [0]).

***NOTE*** *Members of the service assigned to each poll site shall inspect each Board of Elections scanner machine assigned to their poll site to ensure that the "public counter" is set to zero (0), PRIOR TO THE OPENING OF THE POLLS. The "public counter" can be viewed on the scanner machine LCD screen when the scanner is turned on. This inspection verifies that no votes have been cast on that particular machine prior to opening the polls. The "protective counter," also listed on the scanner LCD screen, will most likely not be set to zero, and SHOULD NOT BE MISTAKEN for the "public counter." The member of the service assigned to the poll site must document the results of their inspection in their digital* ***Activity Log****. If a "public counter" is found to be set to any number other than zero, the desk officer/precinct election supervisor/precinct election officer will be notified immediately.*

6. Observe that ballot boxes, if used, are under control of election inspectors inside the guardrail.
   a. Bring deficiencies to the attention of the Board of Elections poll site coordinator or member.
7. Conduct a thorough inspection of the interior and exterior of the poll site.
   a. Confirm that Board of Elections members have posted signs designating no electioneering within 100 feet of the poll site entrance.
   b. Remain vigilant for any suspicious packages and/or persons, violations of Election Law, and electioneering within 100 feet of the poll site entrance as designated by the Board of Elections poll site coordinator or member.

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

c. Take appropriate action to correct conditions observed, make appropriate notifications, and record notifications/actions taken in digital **Activity Log**.

8. Notify desk officer/precinct election supervisor, if polls are not open on schedule.
   a. Make an entry in digital **Activity Log** and include reason for delay.
   b. Make an additional notification every thirty minutes regarding current condition until polls open.

**DESK OFFICER**

9. Notify patrol borough command when informed that Board of Elections has not opened the poll at scheduled opening time.
   a. Make additional notification when poll does open.
10. Send precinct election supervisor/designated supervisor to investigate delay in opening of the polls.

***ADDITIONAL DATA***

*The precinct commander shall assign a supervisory officer to oversee all election activities including the maintenance of the precinct Election Log.*

*Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.*

*Operations Bureau will make appropriate notifications to the Board of Elections executive office.*

***RELATED PROCEDURES***

*Primary, General and Special Election Day Duties While Polls Are Open (P.G. 212-87)*
*Primary, General and Special Election Day Duties After Close of Polls (P.G. 212-88)*

NYPD

| Section: Command Operations | | Procedure No: 212-87 | |
|---|---|---|---|
| **PRIMARY, GENERAL AND SPECIAL ELECTION DAY DUTIES WHILE POLLS ARE OPEN** | | | |
| DATE ISSUED: 01/13/21 | DATE EFFECTIVE: 01/13/21 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To preserve the peace, protect life, property, and to ensure the public's right to vote.

**PROCEDURE** When assigned to a poll site:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify desk officer/precinct election supervisor of any condition that interferes with voting.
   a. Make additional notifications every thirty minutes regarding current status of condition.
   b. Make additional notification when the condition is corrected.

***NOTE*** *Each Elections District should have two (2) members present from each of the top two (2) political parties (four [4] total). Each Elections District may operate with only two (2) Board members present, as long as those two (2) Board members belong to different political parties.*

*A poll site may be opened by Board of Elections members if the Board of Elections poll site coordinator is not yet present. The Board of Elections borough office will be requested to send a backup poll site coordinator.*

**DESK OFFICER**

2. Notify patrol borough command when informed of any condition that interferes with voting.
   a. Make additional notifications every thirty minutes regarding current status of condition.
   b. Make additional notification when the condition is corrected.
3. Send precinct election supervisor/designated supervisor to investigate conditions which interfere with voting.

**UNIFORMED MEMBER OF THE SERVICE**

4. Remain in poll site unless required to leave for other police duty or authorized meal period.
   a. Make digital **Activity Log** entry when leaving and upon return, and notify desk officer/precinct election supervisor.
5. Remain outside guardrail except to perform duty.
6. Do not take part in election process.
7. Notify relieving officer of conditions affecting poll site.
8. Notify desk officer/precinct election supervisor and make entry in digital **Activity Log** if:
   a. An election inspector is unfit for duty
   b. Voting is interrupted for any reason
   c. Problems are encountered
   d. Unusual incident occurs within or in vicinity of poll site
   e. Police action taken at poll site
   f. Overcrowding
   g. Delay closing polls.

***NOTE*** *The following persons are permitted within the guardrail:*

*a. Election inspectors*
*b. Persons admitted for voting privilege*
*c. Properly identified representatives of New York State and New York City Board of Elections*
*d. Attorney General or assistants*
*e. Authorized poll watchers*
*f. Persons admitted by election inspectors to preserve order.*

*Members of the service assigned to each poll site shall be instructed regarding the operations of poll watchers. Poll watchers are persons who are authorized by the Board of Elections to observe the operations of a poll site on behalf of a particular candidate or political party. Poll watchers must be in possession of certificate (written letter) issued by a candidate, a chairperson of a political committee, or an independent body which will specifically state the Election District (E.D.) to which they are assigned. Poll watchers may be in possession of multiple certificates. Up to three poll watchers per candidate may be present for each Election District, but only one poll watcher per candidate may be within the "guardrail" (immediate vicinity of the voting booth and its respective table) of a specific Election District. Poll watchers may enter the poll site prior to the opening of the polls (0500 hours) and may remain after the closing of the polls. Poll watchers may not electioneer inside the poll site (including wearing campaign buttons, political items, election paraphernalia or displaying political literature), may not tamper with election materials, may not interfere with the election process, nor accompany a voter inside the voting booth. Poll watchers may communicate a challenge to a Board of Elections member regarding a prospective voter's eligibility to vote.*

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

9. Randomly conduct a thorough inspection of the interior and exterior of the poll site.
   a. Remain vigilant for any suspicious packages and/or persons, violations of Election Law, and electioneering within 100 feet of the poll site entrance as designated by Board of Elections member.
   b. Take appropriate action to correct conditions observed, make appropriate notifications, and record notifications, actions taken, and results of inspections in digital **Activity Log**.
10. Refer person alleging to be a registered voter to Supreme Court of county concerned, if Board of Elections member refuses to grant them the right to vote.

***NOTE*** *Members of the service assigned to each poll site shall assist Board of Election members in closing the poll site at 2100 hours. Persons waiting to vote immediately prior to the close of the polls will be made to form a line. Persons attempting to vote will not be allowed entry to the poll site after 2100 hours unless they are already on line at the poll site. If they are on line by 2100 hours, they <u>will</u> be afforded the opportunity to vote and WILL NOT BE EJECTED. Prevent persons from joining the line <u>after</u> polls close.*

**DESK OFFICER**

11. Send precinct election supervisor/designated supervisor to investigate voting irregularities.

**DESK OFFICER (continued)**

12. Notify patrol borough command of arrests, incidents, or unusual delays in voting.

**PRECINCT ELECTION SUPERVISOR**

13. Supervise poll sites.
14. Inspect and sign digital **Activity Log** of members assigned to poll sites.
15. Make digital **Activity Log** entry including time poll site visited and member inspected.
16. Inform desk officer of action taken regarding voting irregularities.

**DESK OFFICER**

17. Inform precinct election supervisor of complaints, time voting is interrupted, and time voting resumes, etc., for entry in precinct Election Log.

**PATROL BOROUGH COMMAND**

18. Notify Operations Unit when:
    a. A condition causes voting to be delayed or interrupted.
    b. Any arrests, incidents, or unusual delays in voting.

***ADDITIONAL DATA***

*Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.*

*Operations Bureau will make appropriate notifications to the Board of Elections executive office.*

***RELATED PROCEDURES***

*Primary, General and Special Election Day Duties Prior to Opening of Polls (P.G. 212-86)*
*Primary, General and Special Election Day Duties After Close of Polls (P.G. 212-88)*

NYPD

| Section: Command Operations | | Procedure No: 212-88 | |
|---|---|---|---|
| **PRIMARY, GENERAL AND SPECIAL ELECTION DAY DUTIES AFTER CLOSE OF POLLS** | | | |
| DATE ISSUED: 01/13/21 | DATE EFFECTIVE: 01/13/21 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To expedite delivery of election results to the precinct and the return of election materials.

**PROCEDURE** After the polls have closed:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify desk officer/precinct election supervisor if closing of polls is delayed.
2. Maintain the line of persons waiting to vote, and prevent persons arriving at the poll site after the close of the polls from joining the line.
   a. A person that is on line waiting to vote at the close of the polls will not be ejected and will be afforded the opportunity to vote.
3. Conduct inspection of ALL Board of Elections scanner machine(s) "public counter(s)" at assigned poll site, and record results of inspection in digital **Activity Log**, after all voting has been completed, and BEFORE the scanner is closed.

**DESK OFFICER**

4. Send precinct election supervisor to investigate delay in closing of polls, missing election materials, or other discrepancy.

**PRECINCT ELECTION SUPERVISOR**

5. Respond to poll site that is reporting delay in closing of the polls, missing election materials, or other discrepancy.
6. Keep desk officer and patrol borough command informed of conditions causing delays.

**UNIFORMED MEMBER OF THE SERVICE**

7. Ensure that all Board of Elections materials, as outlined in current Operations Order, are received from poll site Board of Elections members.
8. Ensure precinct election supervisor/precinct election officer is notified and precinct election transportation detail is responding, upon receipt of election materials from Board of Elections members.
9. Ensure all appropriate election materials have been turned over by Board of Elections members and wait for precinct election transportation detail personnel to pick up all election materials PRIOR to leaving poll site.
10. Bring missing envelopes, bags, or cases to the attention of the poll site Board of Elections coordinator or member immediately.
    a. If Board of Elections coordinator or member cannot produce missing envelopes, bags, or cases, notify the precinct election supervisor PRIOR to leaving the poll site.
11. Make a digital **Activity Log** entry, if any of the above required Board of Elections materials are not received, and include:
    a. Items not received from the Board of Elections
    b. Board of Elections poll site coordinator or member notified

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

c. Reasons items were not received

d. Precinct election officer/precinct election supervisor notified.

***ADDITIONAL DATA***

*Patrol borough command will make appropriate notifications to the respective Board of Elections borough office.*

*Operations Bureau will make appropriate notifications to the Board of Elections executive office.*

***RELATED PROCEDURES***

*Primary, General and Special Election Day Duties Prior to Opening of Polls (P.G. 212-86)*
*Primary, General and Special Election Day Duties While Polls Are Open (P.G. 212-87)*

NYPD

| Section: Command Operations | | Procedure No: 212-90 | |
|---|---|---|---|
| **GUIDELINES FOR INTERACTION WITH LIMITED ENGLISH PROFICIENT (LEP) PERSONS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 6 |

**PURPOSE** To provide interpretation/translation services for members of the public in the field and at Department facilities.

**SCOPE** Accurate interpretation/translation of foreign languages is important to providing police services. In furtherance of this, the Department provides two enhanced communication capabilities entitled, "Language Line Service" and "Language Initiative Program" for members of the service to accurately communicate with the diverse non-English speaking communities of New York City and enhance criminal investigations and intelligence gathering. This procedure is limited to the use of foreign language interpretation/translation services. When a member of the service has cause to interact with an individual who is hearing impaired, the provisions of *P.G. 212-104, "Interaction with Hearing Impaired Persons,"* should be followed.

**DEFINITIONS** BILINGUAL MEMBER OF THE SERVICE – An employee who is able to communicate effectively in a foreign language, or American Sign Language, in addition to English.

CERTIFIED DEPARTMENT INTERPRETER – A member of the service who has been tested and certified as being proficient in a foreign language, or American Sign Language.

EXIGENT CIRCUMSTANCES – Situations requiring immediate action, such as a threat to life, safety, property, fleeing suspect, or the potential loss or destruction of evidence (e.g., physical loss of property, witness or victim, etc.).

INTERPRETATION – The act of listening to something in one language and orally translating it into another language.

LANGUAGE INITIATIVE PROGRAM – A corps of interpreters who can be called upon to interpret or translate foreign languages for investigative or other police purposes. Interpreters from the Language Initiative Program may be requested by contacting the Operations Unit.

LANGUAGE LINE SERVICE – A certified interpreter can be accessed twenty-four hours a day/seven days a week via the Language Line Service on a Department cellular telephone or the dual handset telephone located in every precinct complaint room, detective squad, police service area (PSA) and transit district complaint room.

LIMITED ENGLISH PROFICIENT (LEP) – Refers to those individuals whose primary language is not English and who are unable to effectively read, write, speak or understand English.

**DEFINITIONS (continued)**

TRANSLATION – The replacement of a written text from one language into an equivalent written text in another language.

**PROCEDURE**

When a member of the service encounters a Limited English Proficient (LEP) person(s) and the services of an interpreter are necessary:

**MEMBER OF THE SERVICE**

1. Determine the primary language of the LEP person(s) through any of the following:
   a. Present the poster entitled "**FREE INTERPRETATION SIGN (SP 487)**," Activity Log inserts entitled "**I SPEAK… (PD112-121)**" and "**PRIMARY LANGUAGE IDENTIFIER (PD312-091)**," or the card entitled "**PRIMARY LANGUAGE IDENTIFIER – DETECTIVE BUREAU (PD312-091A)**," as appropriate, to the LEP person(s) and encourage him/her to indicate the language needed, or
   b. Contact Language Line Service for assistance, or
   c. Ascertain the LEP person(s)' country of origin, if necessary, and request the Operations Unit research the language spoken in that country.
2. Determine if a bilingual member of the service is readily available (on scene, on duty within command, etc.) to interpret and whether his/her use is appropriate. Preference should be given to a readily available certified Department interpreter.

***NOTE***

*The Department encourages members of the service who possess language skills to use their ability to speak a foreign language during the course of their work. The use of bilingual members as interpreters allows the Department to provide the public with a more timely and personalized response while simultaneously reducing inconvenience to LEP person(s).*

*A bilingual non-certified member of the service may interpret in non-domestic violence related incidents if he or she reasonably believes that his or her level of language proficiency is sufficient to accurately interpret given the totality of the circumstances surrounding the LEP person's interaction with the police. In domestic violence incidents, officers must use a certified Department interpreter or the Language Line Service to verify the details of the domestic violence incident.*

*If at any time during the interpretation the member determines that his/her level of language proficiency is insufficient to complete the interpretation, the Language Line Service or a certified Department translator must be used.*

3. If a bilingual member of the service is not readily available, but a bilingual member of the public is readily available, determine whether the individual is willing to interpret, and whether his/her use is appropriate.
   a. Document bilingual member of the public's contact information, if utilized, in digital **Activity Log**.

***NOTE*** *There are many exigent circumstances when the Department may need to utilize bilingual members of the public to assist in providing immediate services to LEP person(s). In addition, it may also be appropriate to use a bilingual member of the public to interpret during a non-emergency encounter if the use of such an interpreter will expedite the delivery of police services without adversely impacting the quality of the services provided.*

*When considering whether to use a bilingual member of the public, the member of the service should weigh four factors to determine if the use of the non-member of the service interpreter is appropriate:*

*a. The nature and importance of the police services being provided*
*b. The apparent capacity of the interpreter*
*c. The apparent impartiality of the interpreter*
*d. The sensitivity/confidentially of the topic.*

*Members of the service are reminded that bystanders are not required to follow Department guidelines/procedures. They cannot be prevented from sharing information learned during the course of the interpretation with third parties. Bystanders may inadvertently compromise an ongoing investigation. Accordingly, bystanders should be used as a last resort in investigations regarding alleged criminal incidents. Moreover, information obtained via a bystander in a criminal investigation should be verified using a certified Department or Language Line Service interpreter to confirm information obtained, whenever practical.*

*During domestic violence incidents, members of the service should avoid using bystanders and family members to interpret in order to preserve privacy and minimize the risk of faulty interpretation due to fear of arrest of a family member or other personal biases. They may be* ***temporarily*** *used for interpretation to stabilize the scene and gather preliminary information. However, responding officers must use a certified member of the service or the Language Line Service to verify the details of the domestic violence incident before finalizing the job.*

*The alleged offender in any type of incident, including domestic violence, should not be used as an interpreter. Using an alleged offender to interpret may increase the risk of purposeful misinterpretation and gives him or her control of the situation. As with all interviews, to the extent possible, the victim and offender should be interviewed separately and in a private setting. Victims may be reluctant to reveal details of an incident if the victim believes the offender may overhear the statement.*

*As possible victims or witnesses to an incident, a child should be interviewed; however, whenever feasible, a child should not be used as an interpreter for any kind of police incident, including domestic violence. Some words and concepts are difficult for a child to understand and translate into another language. Interviewees are not likely to be forthcoming if a child is used to interpret and will be especially hesitant to reveal details of a sexual assault to a police officer through a child.*

IF THE LANGUAGE LINE SERVICE IS REQUIRED IN THE FIELD:

**MEMBER OF THE SERVICE**

4. Utilize a Department cellular phone to access the Language Line Service.

***NOTE***

*In many cases, other than for ongoing investigations and document translation, an efficient method of obtaining interpretation services is through the use of the Language Line Service. Therefore, uniformed members of the service* ***MUST*** *have the Department issued cellular telephone easily accessible at all times while on patrol.*

*The use of a speaker-phone feature can enhance the effectiveness of the Language Line Service interpretation and eliminate the need for the LEP individual to handle the telephone. Members of the service are cautioned that utilizing the speaker-phone feature may enable others to listen in on the communication. Members of the service should take precautions to prevent third parties from overhearing the conversation.*

IF THE LANGUAGE LINE SERVICE IS UTILIZED AT A DEPARTMENT FACILITY:

**DESK OFFICER/ SUPERVISOR**

5. Direct a member of the service to access the Language Line Service via the dual handset telephone. If the dual handset is not available, direct member of the service to access the Language Line Service from any telephone including a Department cellular phone.

**MEMBER OF THE SERVICE**

6. Utilize the dual handset telephone to access the Language Line Service whenever possible as it maximizes privacy.

***NOTE***

*Any telephone, including a Department cellular phone, with its speaker phone feature may be used to access the Language Line Service.*

IF THE LANGUAGE INITIATIVE PROGRAM IS UTILIZED:

**MEMBER OF THE SERVICE**

7. Advise immediate supervisor of the need for an interpreter/translator.

**SUPERVISOR, MEMBER OF THE SERVICE CONCERNED**

8. Notify the Operations Unit and request available interpreter/translator. Supply as much of the following information as possible:
   a. Whether or not emergency circumstances exist
   b. Name of language and specific dialect
   c. Whether request is for speaking, reading or writing ability
   d. Name and callback number, if possible.

***NOTE***

*The Department's certified interpreter list is available through the Operations Unit twenty-four hours a day/seven days a week.*

**OPERATIONS UNIT MEMBER**

9. Ascertain from available database a list of all registered translators and interpreters.
10. Contact a registered interpreter/translator and advise him/her of the need for his/her services.
11. Instruct member of the service selected to call the on-scene supervisor to ensure linguistic ability is adequate for the situation at hand.
12. Notify the Intelligence Bureau, Criminal Intelligence Section of all inquires made into the Language Initiative Database.

***NOTE***

*Operations personnel should seek to rely on the foreign language skills of those personnel who are certified as being proficient in the foreign language requested.*

*Preference shall be given to the use of on-duty members. If no certified Department interpreter is available within the precinct, a certified Department interpreter who is available within the borough should be sought.*

*In routine or non-emergency situations, the duty captain or commanding officer of the requesting supervisor will review and authorize any request which will result in overtime or recall of an off-duty member of the service. In emergency circumstances, overtime or recall of an off-duty member of the service will be authorized by the Operations Unit supervisor.*

**SUPERVISOR, MEMBER OF THE SERVICE CONCERNED**

13. Verify with the member of the service that he or she is able to communicate in the language requested.
14. If the selected member of the service is not suitable, request Operations Unit to identify another interpreter/translator.

**OPERATIONS UNIT**

15. Authorize response of interpreter/translator by notifying member of the service and his/her desk officer or counterpart.

**SUPERVISOR REQUESTING INTERPRETER/ TRANSLATOR**

16. Submit a brief report, in triplicate, on **Typed Letterhead** to Chief of Personnel, and include the following:
    a. Identify member of the program utilized
    b. Describe translation/interpretation duties performed
    c. Indicate actual time spent on such duties
    d. Specify any noteworthy performance or initiative, and whether member demonstrated any other special aptitude or ability.

***NOTE***

*A notification to the Operations Unit is required when certified Department interpreters are utilized by their own commands ("in-house" translations) to interpret or translate in the course of police duties.*

IN ALL CASES WHEN AN INTERPRETER IS USED:

**MEMBER OF THE SERVICE**

17. Record the identity of an interpreter (bilingual member of the service, bilingual member of the public, Language Line Service, or a certified Department interpreter) utilized during a police incident in digital **Activity Log**. In addition, indicate the identity of the interpreter on any relevant Department record prepared (**COMPLAINT REPORT WORKSHEET [PD313-152A]**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET [PD244-159]**, **New York State Domestic Incident Report [DCJS-3221]**, etc.) under the appropriate captions or in the Details/Narrative section, as appropriate.

***ADDITIONAL DATA***

*When determining whether or not the person requires language assistance services, the member of the service must consider both the nature and importance of the police services being provided in addition to the person's apparent capacity to comprehend and communicate in English. A person who is considered LEP may require interpretation or translation services in one situation, but may not require those services in a different situation. For example, a person with a limited ability to understand English may be able to interact effectively with the police at the scene of a motor vehicle collision, but not be able to interact effectively with the police during a homicide investigation, due to the complex characteristics and intricacies of such an incident. If doubt exists regarding whether a person requires language assistance services, or if the person requests an interpreter, the person should be considered LEP and this procedure complied with.*

*Unit commanders should consider the members' certification or qualification status whenever members are utilized to translate or interpret. Members being assigned to perform interpretation for investigative assignments (e.g., wiretaps, interviews, debriefings, custodial interrogations, etc.) or translation duties should be certified Department interpreters. Whenever interpretation for an investigative assignment or translation skills are required, supervisors should consult the Department list of certified interpreters at the precinct or through the Operations Unit to determine if a certified member is available to perform the needed duties. It is recommended that certified members of the Language Initiative Program be used for custodial interrogations. However, not every language is represented under the Language Initiative Program. Use of non-certified members for investigative assignments in non-emergency situations must be approved by a uniformed supervisor.*

***RELATED PROCEDURES***

*Interaction with Hearing Impaired Persons (P.G. 212-104)*
*Requests for U Visa Certifications and/or T Visa Declarations (P.G. 212-111)*

***FORMS AND REPORTS***

***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***FREE INTERPRETATION SIGN (SP 487)***
***I SPEAK… (PD112-121)***
***ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***PRIMARY LANGUAGE IDENTIFIER (PD312-091)***
***PRIMARY LANGUAGE IDENTIFIER – DETECTIVE BUREAU (PD312-091A)***
***New York State Domestic Incident Report (DCJS-3221)***
***Typed Letterhead***

**PURPOSE** To provide procedures for requesting New York City Transit buses to be used for police purposes.

**SCOPE** New York Transit makes its buses available to the Department for use in a variety of situations. The assignment of buses may be scheduled ahead of time for use in such planned activities as arrest sweeps or homeless transports. Buses may also be requested as needed for use in responding to an emergency, where they can serve as transportation to hospitals for large numbers of aideds suffering from minor injuries, shelter for victims of disasters and staging/rest locations for emergency responders, etc.

**PROCEDURE** To request the use of New York City Transit buses in future planned operations, or in unplanned emergency operations:

**COMMANDING OFFICER/ COUNTERPART**

1. Make request to appropriate Patrol, Transit or Housing Borough.

**IF FUTURE PLANNED OPERATION**

**COMMANDING OFFICER/ COUNTERPART**

2. Prepare written request to the Commanding Officer of the Operations Unit specifying the following:
   a. The nature of the activity
   b. The time and date of the activity
   c. The location where the bus is to be used
   d. Whether a New York City Transit bus operator is needed or whether the bus will be driven by a member of the service.
3. Forward request to borough commander.

**BOROUGH COMMAND CONCERNED**

4. Endorse approved request and forward to Operations Unit.

**IF UNPLANNED EMERGENCY OPERATION**

**COMMANDING OFFICER/ COUNTERPART**

5. Telephone request to appropriate Borough Command.
   a. Provide the information as described in step 2a., above.

**BOROUGH COMMAND CONCERNED**

6. Upon approval, forward telephone request directly to the Operations Unit.

**OPERATIONS UNIT MEMBER CONCERNED**

7. Forward requests for New York City Transit buses to the New York City Bus Command Center.
   a. Provide the information as described in step 2a., above.

***NOTE***

*The New York City Transit Bus Command Center will make the necessary arrangements for securing the requesting bus or buses. The Bus Command Center will notify the Operations Unit when the arrangements are complete, and the Operations Unit will then relay the information to the requesting Borough.*

***ADDITIONAL DATA***

*When possible, requests for buses should be made sufficiently in advance to allow the time necessary for making arrangements, scheduling New York City Transit bus drivers, etc. It is often difficult for New York City Transit* to *supply buses for use during rush hours without adversely affecting regular bus service. Consequently, when a choice is available, the off-peak usage of buses is recommended.*

NYPD

**PURPOSE** To provide rapid and widespread dissemination of information in the event of child abduction with special circumstances, the Amber Alert program has been adopted.

**DEFINITION** AMBER ALERT SYSTEM: Amber Alert is a statewide response program targeting the abduction of children during which life-threatening circumstances are suspected. An Amber Alert may be activated whether the child was abducted by vehicle, on foot, or by any other means. The protocol for determining whether a case qualifies for an Amber Alert is as follows:

a. The child must be 17 years old or younger, AND,
b. Police must believe that the child is in imminent danger of serious bodily harm or death, either at the hands of another or due to proven mental or physical disability.

**PROCEDURE** When responding to a report of a missing child and information received indicates that the case may qualify for an Amber Alert:

**UNIFORMED MEMBER OF THE SERVICE**

1. Comply with appropriate missing persons procedures.
2. Request the response of the Patrol Supervisor.
3. Notify Desk Officer and request response of Precinct Detective Squad supervisor.

***NOTE*** *Patrol supervisor will implement Missing Person/Special Category procedure and/or Mobilization as necessary, depending on the details of the situation.*

**DESK OFFICER**

4. Request Precinct Detective Squad supervisor to respond to the scene of the abduction.

**PRECINCT DETECTIVE SQUAD INVESTIGATOR /SUPERVISOR**

5. Conduct a preliminary investigation and ascertain if abduction may fit criteria for activation of Amber Alert system.
   a. Notify Detective Bureau Duty Captain, if abduction meets criteria for the activation of an Amber Alert.
   b. Request that Detective Bureau Duty Captain respond to the scene.

***NOTE*** *Only a Captain or above from the Detective Bureau may request activation of the Amber Alert System through the New York State Police Communications Section.*

**DETECTIVE BUREAU, DUTY CAPTAIN**

6. Notify New York State Police of a possible Amber Alert through the New York State Police Communications Section.
7. Notify Operations Unit of details. If it is believed that the abductor and missing child may be traveling via public transportation, request Operations personnel to notify the Transit Bureau Wheel.
   a. Notify NYPD Communications Section and have description of abducted child disseminated over each Department radio division.

**DETECTIVE BUREAU, DUTY CAPTAIN (continued)**

b. Have Communications Section personnel read the following message over each Department radio division if a vehicle is involved in the abduction: "The following vehicle is wanted in connection with a New York State Amber Alert (*Provide license plate number and description of vehicle*). Personnel assigned to Department vehicles equipped with the License Plate Reader System are instructed to manually enter this plate number in order to expedite the search for this vehicle." (*Repeat license plate number and description of vehicle*).

8. Notify Major Case Unit.

9. Direct that precinct detective squad member:

   a. Notify Missing Persons NCIC Unit and request that a NCIC File 6 be completed and transmitted.

   b. Notify Inter-City Correspondence Unit to generate a NYSPIN File 11A (Abduction Message) to ensure that other law enforcement agencies are aware of the abduction and related details.

      (1) Fax completed ***Amber Alert Submission form*** along with a cover sheet including the notifying member's rank, name, tax #, command and callback number.

   c. Prepare and immediately fax the following form to the New York State Police:

      (1) ***Amber Alert Submission Form***

   d. Conduct follow-up phone call to New York State Police to confirm receipt of fax.

***ADDITIONAL DATA***

*When sending photographs via E-Mail to the New York State Police, attach only ONE photograph to each E-Mail. Each additional photograph should be sent in a separate E-Mail.*

*The **Amber Alert Submission Form** should also be faxed to the Traffic Management Center, IF a vehicle description and a plate number are available. Once confirmation of activation is received from New York State Police Communications Section, the Traffic Management Center will initiate the use of Variable Message Signs throughout the metropolitan area.*

*In the event that the child is recovered or the case is determined to no longer qualify (i.e., false report, determined to be a custodial situation), immediately notify the New York State Police in writing (by fax) so that a cancellation may be broadcast. Cancellations will be broadcast only if requested within eight hours of the original activation request. They will be brief and will not include any information about the status of the child or the case. Cancellations required after the eight hour period can be accomplished via normal media notification through the Deputy Commissioner, Public Information. The Detective Bureau Duty Captain will ensure that Amber Alerts are canceled in the proper manner.*

***ADDITIONAL DATA (continued)***

*When investigation assistance is requested by another agency concerning an Amber Alert, the requesting agency will be directed to contact the Detective Bureau, Major Case Unit or if unavailable, the Detective Bureau Wheel.* ***All requests for broadcast of an Amber Alert will be referred to the New York State Police Communications Section.***

*While most runaway and abductions by non-custodial parents do not qualify, individual consideration may be given, depending on case circumstances. Activation should be requested within the shortest period of time possible following an abduction, but not before a preliminary investigation has been conducted. In most instances activation will not be practical if an extended period of time has passed since the disappearance. Inter-agency cooperation and assistance will greatly enhance the effectiveness of this tool.*

*The office of the Deputy Commissioner, Public Information is available on a 24 hour x 7-day basis concerning cases* ***NOT ELIGIBLE*** *for Amber Alerts or as needed by members of the service. D.C.P.I. has the ability to simultaneously notify a variety of local and national media outlets in cases where the immediate assistance of or notification to the public is deemed necessary.*

***RELATED PROCEDURES***

*Missing Persons (P.G. 207-23)*
*Apprehension Plan (P.G. 213-12)*

***FORMS AND REPORTS***

***Amber Alert Submission Form (NYS)***

NYPD

| Section: Command Operations | | Procedure No: 212-100 | |
|---|---|---|---|
| **AUXILIARY POLICE SUPERVISION AND DEPLOYMENT OF PERSONNEL** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To ensure proper supervision and deployment of auxiliary police personnel on patrol.

**DEFINITIONS** COMMAND AUXILIARY POLICE COORDINATOR - uniformed member of the service assigned to oversee the Auxiliary Police Program within a precinct, police service area, transit district, harbor or highway unit.

ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR - A uniformed member of the service selected, in advance for training purposes, by the commanding officer to perform the above duties when the command auxiliary police coordinator is not working.

**PROCEDURE** When deploying auxiliary police personnel assigned to a precinct, police service area, transit district, harbor or highway unit:

**COMMAND AUXILIARY POLICE COORDINATOR/ ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR**

1. Assemble auxiliary police officers for roll call, when practical.
2. Conduct roll call as per *P.G. 212-01, "Roll Call Formations."*
3. Inspect the platoon.
   a. Allow members assigned to patrol duty to reasonably demonstrate that a protective vest is being worn
   b. List members deficient in uniform, equipment or personal appearance
   c. Reprimand and instruct deficient members privately
   d. Follow up to determine if corrections have been made and take disciplinary action if necessary.

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

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

*Auxiliary members are reminded that only authorized/approved protective vests will be worn.*

4. Ensure that auxiliary police officers who are under eighteen years of age are not assigned to patrol duties or undercover "Quality of Life" operations.
5. Ensure that members who are seventeen years of age are only assigned to administrative functions within the command.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ SPECIAL OPERATIONS LIEUTENANT**

6. Attend auxiliary roll call periodically and provide instructions.
7. Inform members of any patterns or trends within the command.

**COMMAND AUXILIARY POLICE COORDINATOR/ ALTERNATE COMMAND AUXILIARY POLICE COORDINATOR**

8. Deliver original copy of **Auxiliary Roll Call (Form APS # 10)** listing personnel assignments to the command desk officer.
9. Monitor the command radio when auxiliary members are assigned to patrol.
10. Visit auxiliary officers assigned to foot and radio motor patrol frequently and at irregular intervals during tour and indicate visit by signing **MEMORANDUM PAD (PD112-141)** of each member.
11. Maintain digital **Activity Log** and make entries listing times, names and assignments of auxiliary officers visited.

**DESK OFFICER**

12. Ensure a copy of **Auxiliary Roll Call** is given to the command platoon commander and/or command patrol supervisor.
13. Attach original copy of **Auxiliary Roll Call** to the desk copy of the command roll call.

***NOTE*** *If auxiliary police officers are present to perform a scheduled tour and the command auxiliary police coordinator or an alternate command auxiliary police coordinator is unavailable, auxiliary police officers will be assigned by the command desk officer to auxiliary related duties within the command facility. Under no circumstances will auxiliary police officers be assigned to perform patrol duties when the command auxiliary police coordinator or an alternate command auxiliary police coordinator is not present.*

**SPECIAL OPERATIONS LIEUTENANT/ PLATOON COMMANDER**

14. Designate a sergeant, other than the patrol supervisor, to oversee auxiliary police personnel when performing duties within the command facility.

**DESIGNATED SERGEANT**

15. Supervise auxiliary police personnel assigned to perform duty within the command facility.

**DESK OFFICER / PATROL SUPERVISOR**

16. During command roll call, inform uniformed members of the service of auxiliary assignments and locations.

**PLATOON COMMANDER**

17. Be aware of all auxiliary police personnel performing duty on assigned tour.

**UNIFORMED MEMBER OF THE SERVICE**

18. Be cognizant of auxiliary police personnel on patrol within assigned sector or foot post.

**SPECIAL OPERATIONS LIEUTENANT**

19. Confer with command auxiliary police coordinator regarding any issues related to auxiliary police duties and responsibilities.

***ADDITIONAL DATA***

*The Harbor Unit operations supervisor will oversee auxiliary launch deployment in the absence of the command auxiliary police coordinator or an alternate command auxiliary police coordinator.*

*Auxiliary police assignments shall be determined in advance by the special operations lieutenant in consultation with the commanding officer/executive officer. Priority patrol posts, command facility assignments and other information that maximizes safety and/or increases the efficiency of the Auxiliary Police Program will be kept at the command desk. The command auxiliary police coordinator and ranking auxiliary officers will maintain a copy of this information in the unit's office and in the Command Auxiliary Reference Library.*

*Commanding officers will ensure that the command auxiliary police coordinator performs tours that coincide with the tours of auxiliary police personnel, when possible.*

*The special operations lieutenant and command auxiliary police coordinator shall confer with the command training sergeant to obtain training material relevant to auxiliary police duties.*

***RELATED PROCEDURES***

*Roll Call Formations (P.G. 212-01)*
*Command Auxiliary Police Coordinator (P.G. 202-34)*
*Selection and Utilization of Auxiliary Police Officer Volunteers as Undercovers for "Quality of Life" Enforcement (P.G. 214-05)*
*Line of Duty Injury or Death - Auxiliary Police Officers (P.G. 216-13)*

***FORMS AND REPORTS***

***MEMORANDUM PAD (PD112-141)***
***Auxiliary Roll Call (Form APS # 10)***

**DEFINITIONS**

CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR (CBRN)/ HAZARDOUS MATERIAL INCIDENTS - **Any incident** involving an unknown substance suspected of being a (i) biological weapon agent or hazardous biological organism/toxin; or, (ii) military chemical agent or toxic industrial chemical; or, (iii) radiological/nuclear material, must be considered a criminal/terrorism incident (even if it appears that the incident may be the result of an accident), an investigation must be conducted, the unknown substance must be assessed in order to identify its hazardous properties and the unknown substance and related property must be evaluated/processed as evidence.

NON-HAZARDOUS SUBSTANCE - Packaging materials, cleaning/detergent products, pesticides, insecticides, insulation materials, garden products, dried food products, controlled substances, pet care items, sweeteners, pharmaceuticals, cooking/baking products, candy, tea/coffee, hygiene/grooming products, stuffing/filler items, etc.

CITYWIDE INCIDENT MANAGEMENT SYSTEM (CIMS) - The Mayor's Citywide Incident Management System (CIMS) states that the, "NYPD will be the *Primary Agency* at all CBRN/Haz-Mat incidents, with the responsibility for overall site management, assessment and investigations (crime-scene/terrorism)."

PRIMARY AGENCY - The Agency authorized by Mayoral Directive to have overall responsibility of an incident. The Primary Agency will coordinate with Support Agencies to mitigate the incident.

INNER PERIMETER - Area surrounding all of the locations that may have been contaminated by the unknown substance suspected of being a Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Material.

CRIME SCENE - Area surrounding all of the locations that may contain physical evidence that may have forensic, investigative, demonstrative, etc., value.

OUTER PERIMETER - Area sufficiently removed from the Inner Perimeter or the Crime Scene if larger, so as to ensure that only authorized and necessary personnel are allowed access and that they enter in a controlled and coordinated manner.

**PROCEDURE**

Upon discovering or being directed to the scene of an incident involving an unknown substance suspected of being a Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Material other than an explosive substance or a conventional, radiological or nuclear explosive device:

**UNIFORMED MEMBER OF THE SERVICE**

1. Conduct preliminary investigation.
   a. Interview complainant(s) and other involved persons.
2. Evaluate the totality of the circumstances.
3. Utilize common sense standards to determine if the nature of the unknown substance can be readily identified as a non-hazardous substance.
   a. Many assignments may be properly classified as unfounded or unnecessary based upon an evaluation of the totality of the circumstances and the application of common sense standards to the facts discovered during the preliminary investigation.

***NOTE***

*If a member of the service suspects that an explosive substance or any type of conventional, radiological or nuclear explosive device may be present, follow P.G. 212-40, "Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes."*

4. Confer with the patrol supervisor regarding the nature of the unknown substance.
   a. Comply with the directions provided.

**COMMUNICATIONS SECTION DISPATCHER**

5. Dispatch the patrol supervisor to the scene of an incident involving an unknown substance suspected of being a CBRN/Hazardous Material.

**UNIFORMED MEMBER OF THE SERVICE**

6. If the nature of the unknown substance cannot be determined:
   a. Notify the Communications Section dispatcher
   b. Request the response of the Emergency Service Unit
   c. Notify Operations Division and request the response of the NYC Department of Environmental Protection, Hazardous Materials Response Unit (DEP/HMRU)
   d. Notify Operations Division and request the response of the NYC Fire Department (FDNY) if needed for life safety operations and/or mass decontamination. If FDNY is requested or is responding or is present, request the immediate response of the Duty Captain
   e. Evacuate individuals an appropriate distance from the unknown substance and contaminated areas
   f. Identify and isolate individuals apparently suffering ill effects from the unknown substance and immediately request Communications Section dispatcher to send medical assistance
   g. Identify and isolate individuals who have been exposed to the unknown substance
   h. Identify and isolate individuals who may require decontamination
   i. Establish an appropriately sized Inner Perimeter and take appropriate measures to isolate, contain and safeguard the unknown substance so as to prevent any further dispersal/dissemination and to prevent contamination of additional persons and/or the surrounding areas
   j. Establish an appropriately sized Crime Scene
   k. Establish an appropriately sized Outer Perimeter.

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

7. Attempt to limit movement and other activity within potentially contaminated areas to minimize dispersal/dissemination of the unknown substance and/or contamination of additional persons and/or the surrounding areas.

**OPERATIONS BUREAU SUPERVISOR**

8. Notify the following agencies immediately regarding details of the incident if it is determined that the suspicious substance represents a credible threat regardless of whether the actual response of the individual agency is required at the scene:
   a. New York City Office of Emergency Management
   b. New York City Fire Department
   c. New York City Department of Health and Mental Hygiene
   d. New York City Department of Environmental Protection
   e. FBI/NYPD Joint Terrorist Task Force.

**PATROL SUPERVISOR**

9. Respond and review the actions of the assigned members of service.
10. Ensure that all required notifications have been made.
    a. Confer with Operations Division supervisor and ensure that DEP/HMRU has been notified and is responding to the incident scene.
11. Ensure that life safety operations are initiated by the first responding resources capable of performing rescue, if necessary.
12. Ensure that any individuals requiring medical attention are promptly examined/treated by responding medical personnel, and if appropriate, are expeditiously removed from the incident scene, if necessary.
13. Request personnel to secure the incident scene.
    a. Comply with *P.G. 213-03, "Rapid Mobilization,"* if necessary.
14. Notify the Intelligence Bureau, Criminal Intelligence Section (IBCIS) and confer with the supervisor.
    a. IBCIS will immediately notify the FBI/NYPD Joint Terrorist Task Force Call Center.
15. Ensure that an appropriately sized Inner Perimeter has been established.
    a. Permit only authorized/necessary personnel who are properly trained and wearing the appropriate Personal Protective Equipment (PPE) access.
16. Adequately isolate, contain and safeguard the unknown substance.
17. Ensure that an appropriately sized Crime Scene has been established and access thereto is strictly controlled in order to prevent the entry of unnecessary or unauthorized persons.
    a. Expand the original Crime Scene, if necessary. Initially, the size of the Crime Scene should be no smaller than the size of the Inner Perimeter.
    b. Absent extraordinary circumstances and/or circumstances involving the life or safety of involved persons or the public, only Emergency Service Unit personnel, DEP/HMRU personnel, Department of Health and Mental Hygiene (DOHMH) personnel and those appropriately trained and equipped law enforcement personnel who are involved in the investigation of the incident and have an absolute need to enter will be allowed access within the Crime Scene.

**PATROL SUPERVISOR (continued)**

18. Maintain a record identifying the rank/title, name, command/agency, etc., of all personnel entering the Crime Scene.
19. Request the response of the Crime Scene Unit, if the circumstances dictate that the Crime Scene must be processed by forensic specialists.
20. Do not release control of the Crime Scene without proper authorization from a ranking uniformed member of the service.
21. Ensure that an appropriately sized Outer Perimeter has been established.
22. Notify the desk officer, precinct of occurrence.
23. Request the response of the Duty Captain when:
    a. There are any questions or problems involving responding City/state/federal agencies or private organizations or,
    b. FDNY has been requested for life safety operations and/or mass decontamination or,
    c. FDNY is responding to or present at the incident scene.

**DUTY CAPTAIN**

24. Immediately respond when requested as listed in step "23."

**PATROL SUPERVISOR**

25. Request Detective Squad to respond if:
    a. An immediate investigation should be conducted, or,
    b. To assist in the identification of the unknown substance, i.e., identify and interview the individual or company that sent, delivered, abandoned, etc., the unknown substance.

**EMERGENCY SERVICE UNIT PERSONNEL**

26. Respond to the scene and comply with all applicable Emergency Service Unit (ESU) procedures regarding:
    a. Assessment of the incident scene, environment, atmosphere, etc., for chemical, radiological, explosive/flammable, and other applicable hazards
        (1) Recommend the need to shutdown any HVAC systems, if necessary
    b. Documentation, sampling, marking, collection, packaging, sealing, etc., of unknown substances and related items/evidence
    c. Decontamination of persons, objects and areas
    d. Packaging, sealing and disposal of contaminated non-evidence waste items, e.g., personal protective equipment (PPE), items used for decontamination
    e. Collaboration and conferral with DEP/HMRU personnel, and when applicable, personnel from DOHMH, FDNY, other City, state, federal agencies and private organizations.

**DEP/HMRU PERSONNEL**

27. Analyze the unknown substance for hazards and explosive properties.
28. Identify the chemical compound(s) and hazardous materials that are present in the unknown substance.

**DEP/HMRU PERSONNEL (continued)**

29. Document, sample, mark, collect, package, seal, establish a chain of custody for and transport samples of the unknown substance and/or related evidence/items to the DEP Hazardous Materials Laboratory for examination, analysis, safeguarding, disposal and/or other appropriate action, when necessary and after conferral with ESU personnel.
30. Conduct the following when necessary and after conferral with ESU personnel, based upon the circumstances of the incident:
    a. Perform air, water and/or soil sampling and analysis
    b. Conduct air plume dispersion modeling
    c. Identify and monitor contamination zones
    d. Determine the appropriate mitigation, containment, collection, disposal, decontamination, remediation, etc., plans, procedures and methods
    e. Perform or direct the appropriate governmental and/or private assets to perform all or part of the required mitigation, containment, collection, disposal, decontamination, remediation actions.
31. Confer with ESU personnel and advise regarding analytical results, technical determinations and any other relevant findings and recommendations.

**EMERGENCY SERVICE UNIT PERSONNEL**

32. Notify IBCIS supervisor if:
    a. Radioactive material/contamination may be present and the assistance and/or response of personnel assigned to the DOHMH Office of Radiological Health is required
    b. Based upon the circumstances of the incident, the assistance and/or response of appropriate DOHMH personnel may be required
    c. DOHMH personnel **must** be notified and requested to provide assistance and/or respond in the following situations: (i) there is a credible threat of the presence of a biological weapon agent or hazardous biological organism/toxin; or, (ii) a civilian(s) is transported to a hospital(s); or, (iii) there is contamination or decontamination of civilians; or, (iv) any involved individual states that he is ill and believes that the unknown substance may be the cause of the illness; or, (v) there is a public health related question/problem involving the extent of the contamination and/or the appropriate decontamination plans, procedures, methods, etc., to be used with respect to any persons, objects, rooms, buildings, areas, etc.; or, (vi) there is any public health related question/problem regarding the safeguarding, evacuation, closing/sealing, entering/reentering, habitation, etc., of the room, building, location, area, etc., in question; or, (vii) any involved individual has a public health related question/problem that requires the expertise of DOHMH personnel to resolve; or, (viii) the nature of the complainant, location or facts surrounding the incident creates extenuating circumstances
    d. Technical or scientific assistance/response is required from any federal, state, City agency or private organization
    e. Immediate response of investigators assigned to the Intelligence Bureau and/or the FBI/NYPD Joint Terrorist Task Force is required.

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**IBCIS SUPERVISOR**

33. **Immediately** notify the Operations Bureau regarding **any** additional assistance that has been requested by the Emergency Service Unit personnel and **immediately** inform Operations Division personnel of **any** additional facts and circumstances as well as **any** issues or problems related to the incident.

**EMERGENCY SERVICE UNIT PERSONNEL**

34. Determine whether samples of the unknown substance and/or the related evidence/items should be collected and subsequently delivered to the NYC Department of Health and Mental Hygiene, Public Health Laboratory (DOHMH/PHL) for analysis to determine whether the unknown substance is a biological weapon agent or hazardous biological organism/toxin.

35. Avoid unnecessary submissions to the DOHMH/PHL by:
    a. Evaluating the totality of the circumstances regarding the incident in question
    b. Considering the results of any preliminary investigation
    c. Conferring with DEP/HMRU personnel, and when applicable, personnel from DOHMH, FDNY, other City, state, federal agencies and private organizations
    d. Assessing any other relevant facts and circumstances.

36. Submit samples of the unknown substance and/or the related evidence/items (e.g., envelope, package, container, letter, contents, etc.) to the DOHMH/PHL in the following situations:
    a. Express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance is present and visible
    b. Express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance may be present but it is not visible
    c. No express or implied CBRN/Hazardous Material threat made against the complainant/location in question but an unknown substance is present and visible and it cannot be logically explained by packaging, labels, contents of letter/package/container, nature of the location, nature of recipient/sender/resident or other facts and circumstances
    d. No express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance may be present but it is not visible, however, the circumstances (including the nature of the envelope, package, container, letter, contents, etc.) are suspicious and the unknown substance was found in the proximity of or delivered to a senior government official or a high profile public figure or a sensitive location (e.g., government agency, utility company, electronic/print media company, major transportation center, high profile financial institution, large high profile business, etc.); or, was found on a publicly or privately owned/operated bus, train, subway, watercraft, aircraft, etc.

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**EMERGENCY SERVICE UNIT PERSONNEL (continued)**

37. Notify the IBCIS supervisor and confer with DOHMH/PHL personnel regarding the submission of samples of the unknown substance and the related evidence/items (e.g., envelope, package, container, letter, contents, etc.) to the DOHMH/PHL for analysis in those situations where there is no express or implied CBRN/Hazardous Material threat made against the complainant/location in question and an unknown substance may be present, whether it is visible or not, and the complainant(s) states that they are ill and believes that the unknown substance may be the cause of the illness.
38. Advise the patrol supervisor whether samples of the unknown substance(s) and/or the related evidence/items and any contaminated non-evidence waste items must be collected and transported to the DOHMH/PHL by an assigned uniformed member of the service.
39. Comply with the following if samples of the unknown substance(s) and/or the related evidence/items must be collected and transported to the DOHMH/PHL for analysis to determine whether the unknown substance is a biological weapon agent or hazardous biological organism/toxin:
    a. Immediately request the response of an Emergency Service Unit supervisor
    b. Collect and separately package/seal each of the samples of the unknown substance and/or each of the related evidence/items and any contaminated non-evidence waste items in conformance with appropriate ESU procedures. The packaging/sealing methodology utilized by ESU personnel strictly complies with all applicable federal, state and City health/safety laws and regulations
    c. Complete ALL CAPTIONS on the **Evidence Collection/Tracking Form (Misc. 4237)**. Enter N/A, UNK, NONE, etc., when applicable
    d. Comply with all other applicable ESU and Department procedures.

**EMERGENCY SERVICE UNIT SUPERVISOR**

40. Review the **Evidence Collection/Tracking Form** for completeness and accuracy.
41. Ensure that the sample(s) of unknown substance(s), the related evidence/items and any contaminated non-evidence waste items have been properly and safely packaged/sealed.

**PATROL SUPERVISOR**

42. Designate a uniformed member of the service to deliver any packaged/sealed samples of the unknown substance and/or related evidence/items and contaminated non-evidence waste items to the DOHMH/PHL.

**DESIGNATED UNIFORMED MEMBER OF THE SERVICE**

43. Remain at the incident location until the packages/sealed samples are ready to be transported to the DOHMH/PHL.

**PATROL SUPERVISOR**

44. Comply with the following if packaged/sealed samples of the unknown substance and/or related evidence/items have to be delivered to the DOHMH/PHL and/or the DEP Hazardous Materials Laboratory for analysis:
    a. Direct that a separate **AIDED REPORT** be prepared for ***each*** individual who was exposed to the unknown substance
        (1) An **AIDED REPORT** MUST be prepared for an individual that was exposed to the unknown substance even if the individual did not have to be decontaminated
        (2) Under the "Details" section of the **AIDED REPORT**, describe the circumstances, manner, duration, extent, etc., regarding the exposure of the aided to the unknown substance. Specifically indicate whether the aided had *direct* contact with the unknown substance
    b. Have a **COMPLAINT REPORT WORKSHEET (PD313-152A)** prepared and classify it as open – "Investigate Suspicious Substance" and any other offense(s) that may have been committed, e.g., aggravated harassment, disorderly conduct, harassment, reckless endangerment, menacing
        (1) Refer the **COMPLAINT REPORT** to the Detective Squad, precinct of occurrence, for: (i) appropriate investigation; and, (ii) required notification(s) regarding the results of the DOHMH/PHL analysis and/or DEP Hazardous Materials Laboratory analysis.
45. Comply with *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials"* and any other applicable Patrol Guide procedures, if a member of the service has been exposed to an unknown substance suspected of being a CBRN/Hazardous Material.

**EMERGENCY SERVICE UNIT PERSONNEL**

46. Identify the person who will be notified by the Detective Squad, precinct of occurrence, of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the samples of the unknown substance, i.e., complainant, office manager, security director/coordinator, medical/safety coordinator, building superintendent, building manager/owner or other appropriate designated contact person.
    a. Enter the designated contact person's name, title, home/work/cell telephone numbers and other required contact information in the appropriate captions on the **Evidence Collection/Tracking Form**.
47. Notify the IBCIS from the scene if packaged/sealed samples of the unknown substance and/or related evidence/items are being delivered to the DOHMH/PHL and/or to the DEP Hazardous Materials Laboratory and:
    a. Provide ESU Hammer number
    b. Plastic Security Envelope Property and Evidence Tracking System bar-code number(s), if applicable

**EMERGENCY SERVICE UNIT PERSONNEL (continued)**

c. Obtain the next WMD Log number
   (1) Enter the IBCIS WMD Log number in the appropriate caption of the **Evidence Collection/Tracking Form**, if packaged/sealed samples of the unknown substance and/or related evidence/items are being delivered to the DOHMH/PHL
   (2) Provide the DEP/HMRU personnel with the WMD Log number, if packaged/sealed samples of the unknown substance and/or related evidence/items are being delivered to the DEP Hazardous Materials Laboratory.

***NOTE*** *DOHMH/PHL will not accept samples of the unknown substance and the related evidence/items unless an **Evidence Collection/Tracking Form** has been prepared and a WMD Log number has been issued by the IBCIS and entered on the form.*

**IBCIS SUPERVISOR**

48. Respond to scene and confer with investigative staff.
49. Interview, document and report on facts concerning incident in the Intelligence Information System.
50. Notify the FBI/NYPD Joint Terrorist Task Force Call Center and request the immediate response of investigators if they are not already responding or present, if packaged/sealed samples of the unknown substance and/or related evidence/items are being delivered to the DOHMH/PHL and/or to the DEP Hazardous Materials Laboratory.
51. Comply with the following if packaged/sealed samples of the unknown substance and/or related evidence/items are being delivered to the DOHMH/PHL:
    a. Notify the DOHMH/PHL and explain the facts and circumstances:
       (1) Monday – Friday, 0900 to 1700 hours, telephone DOHMH/PHL and ask to speak to the "BT Lab Duty Officer"
       (2) Other times, telephone the Poison Control Center and ask to speak to the "On-Call BT Lab Duty Officer"
    b. Notify the DOHMH/PHL Law Enforcement Receiving Intake Area by telephone and ask to speak to the DOHMH uniformed Officer.

**EMERGENCY SERVICE UNIT PERSONNEL**

52. Deliver the packaged/sealed samples of the unknown substance, the related evidence/items and the contaminated non-evidence waste items to the designated transporting uniformed member of the service for IMMEDIATE delivery DIRECT to the DOHMH/PHL.
53. Obtain the signature of the designated transporting officer on the **Evidence Collection/Tracking Form** as a receipt and to establish a chain of custody for the packaged/sealed samples of the unknown substance and/or the related evidence/items.
    a. Retain the ESU copy of the **Evidence Collection/Tracking Form** (third copy).

**EMERGENCY SERVICE UNIT PERSONNEL (continued)**

b. Give the remaining four copies of the **Evidence Collection/Tracking Form** to the designated transporting officer, to be immediately delivered direct to the DOHMH/PHL with the packaged/sealed samples of the unknown substance, the related evidence/items and the contaminated non-evidence waste items.

**TRANSPORTING UNIFORMED MEMBER OF THE SERVICE**

54. Take custody of the packaged/sealed samples of the unknown substance, the related evidence/items and the contaminated non-evidence waste items from the ESU personnel.
    a. Do not open the seals/packages.
    b. Exercise caution so as not to accidentally damage, break, puncture, tear, etc., the seals/packages.
55. Confer with the ESU personnel and examine the **Evidence Collection/Tracking Form** to verify the number and type of packages that are being accepted for IMMEDIATE delivery DIRECT to the DOHMH/PHL.
    a. Sign the **Evidence Collection/Tracking Form** in the appropriate section.
56. Make digital **Activity Log** entry that will record the chain of custody for the samples of the unknown substance and the related evidence/items and include:
    a. The rank, name, tax number and command of the collecting/packaging ESU officers
    b. Total number and type of packages that are being delivered to the DOHMH/PHL
    c. Plastic Security Envelope Property and Evidence Tracking System bar-code number(s) and ESU Hammer number and WMD Log number.

**PATROL SUPERVISOR**

57. Verify that the designated transporting officer's digital **Activity Log** entry is complete and accurate.
    a. Indicate verification by signing the digital **Activity Log**.
58. Make appropriate digital **Activity Log** entries and include statement indicating that an appropriate record of the chain of custody has been made.
59. Direct the designated transporting officer to IMMEDIATELY deliver the packaged samples of the unknown substance, the related evidence/items, the contaminated non-evidence waste items and **Evidence Collection/ Tracking Form** DIRECTLY to the DOHMH/PHL.

**TRANSPORTING UNIFORMED MEMBER OF THE SERVICE**

60. IMMEDIATELY transport and deliver all of the packaged/sealed samples of the unknown substance, the related evidence/items, the contaminated non-evidence waste items and **Evidence Collection/Tracking Form** DIRECT to the NYC Department of Health and Mental Hygiene, Public Health Laboratory (DOHMH/PHL), Law Enforcement Receiving Intake Area, located at 455 1st Avenue, New York, NY (use entrance on 26th Street between 2nd Ave and 1st Ave).

***NOTE*** *The transporting officer will NOT proceed to the precinct of occurrence to invoice the packaged/sealed samples of the unknown substance and/or the related evidence/items prior to transporting/delivering them to the DOHMH/PHL.*

AFTER ARRIVAL AT THE DOHMH/PHL EVIDENCE INTAKE AREA

**TRANSPORTING UNIFORMED MEMBER OF THE SERVICE**

61. Obtain DOHMH/PHL "Accession Number" from the DOHMH uniformed Officer assigned to the evidence intake area and enter it on the **Evidence Collection/Tracking Form** in the appropriate caption.
62. Obtain signature of the receiving DOHMH evidence intake area Officer on the **Evidence Collection/Tracking Form** in order to establish a chain of custody for the packaged/sealed samples of the unknown substance and the related evidence/items.
63. Submit original copy of the **Evidence Collection/Tracking Form** to the DOHMH evidence intake area Officer.
64. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** maintained at the DOHMH/PHL evidence intake area. List the packaged/sealed samples of the unknown substance and the related evidence/items that are being submitted to the DOHMH/PHL, and categorize the property as "Investigatory." **DO NOT** list the packaged/sealed contaminated non-evidence waste items on the **WORKSHEET**.
    a. Telephone desk officer, precinct of occurrence, and obtain a **PROPERTY CLERK INVOICE (PD521-141**) number utilizing the "Reserve Invoice Number" function in the Property and Evidence Tracking System in order to invoice the packaged/sealed samples of the unknown substance and the related evidence/items that have been delivered to the DOHMH/PHL. Write the invoice number on the **WORKSHEET**.
    b. Complete ALL captions on the **WORKSHEET**. Enter N/A, UNK, NONE, etc., when applicable.
    c. Enter NYPD Plastic Security Envelope Property and Evidence Tracking System bar-code number(s) adjacent to the associated ITEM(s) on the **WORKSHEET**.
    d. Write the following in the "Remarks" section of the **WORKSHEET**: "The above property was invoiced as possible CBRN/Hazardous Material evidence for investigation. DOHMH/PHL Laboratory Accession # _____. Receipted for by DOHMH Officer _____."
    e. Request DOHMH evidence intake area Officer to sign the statement in the "Remarks" section of the **WORKSHEET** as a receipt; or, enter "Refused Signature."
    f. Prepare and sign DOHMH form **Evidence/Property Custody Document** and all other required DOHMH forms, reports, receipts, etc.

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

65. Notify the IBCIS by telephone and provide the following information prior to leaving the DOHMH/PHL evidence intake area:
    a. DOHMH/PHL "Accession Number"
    b. **PROPERTY CLERK INVOICE** number
    c. Plastic Security Envelope Property and Evidence Tracking System bar-code number(s).
66. Deliver to the desk officer, precinct of occurrence:
    a. Remaining copies of the **Evidence Collection/Tracking Form**
    b. Original **PROPERTY CLERK INVOICE WORKSHEET**.

**DESK OFFICER**

67. Review the **Evidence Collection/Tracking Form** and **PROPERTY CLERK INVOICE WORKSHEET** for accuracy and completeness.
68. Distribute the remaining copies of the **Evidence Collection/Tracking Form** as indicated on the bottom of the form:
    a. Send second copy to the IBCIS Weapons of Mass Destruction Desk, One Police Plaza, Room 1109, in the next outgoing mail
    b. Fifth copy to the designated transporting officer who delivered the packages to the DOHMH/PHL.
69. Direct entry of approved **WORKSHEET** into the Property and Evidence Tracking System.

**TRANSPORTING UNIFORMED MEMBER OF THE SERVICE**

70. Digitally sign **INVOICE** verifying accuracy and completeness.

**DESK OFFICER**

71. Review the **INVOICE** for accuracy and completeness.
    a. Utilize digital **Activity Log** entry of delivering member of the service; and, **Evidence Collection/Tracking Form**; and, **WORKSHEET** to verify the accuracy of the **INVOICE**.
    b. Digitally sign the **INVOICE**.
72. Have the **WORKSHEET** attached to the "Property Clerk" copy of the **INVOICE**.
73. Direct property officer to safeguard/file the **INVOICE** and attached **WORKSHEET** until notified by the IBCIS that the unknown substance was analyzed by the DOHMH/PHL.
74. Ensure the information from the **AIDED REPORT** that was previously prepared for ***each*** individual who was exposed to the unknown substance is entered into Finest Online Records Management System (FORMS).
    a. Review the **AIDED REPORT** for accuracy and completeness.
    b. Ensure that a separate **AIDED REPORT** was prepared for ***each*** individual who was exposed to the unknown substance even if the individual did not have to be decontaminated.
    c. Ensure that all of the required information regarding the circumstances, manner, duration, extent, etc., of the aided's exposure to the unknown substance is recorded under the "Details" section of

**DESK OFFICER (continued)**

the **AIDED REPORT**, including whether the aided had *direct* contact with the unknown substance.

75. Have the information from the previously prepared **COMPLAINT REPORT WORKSHEET** entered into Omniform.
    a. Review the Omniform computer generated copy of the **COMPLAINT REPORT** for accuracy and completeness.
76. Ensure that all of the **AIDED REPORT** numbers are recorded on the related **COMPLAINT REPORT** and that the **COMPLAINT REPORT** number is recorded on all of the related **AIDED REPORTS**.
77. Notify the Detective Squad, precinct of occurrence and forward to them the following documents:
    a. Fourth copy of the **Evidence Collection/Tracking Form**
    b. Appropriate copies of the **PROPERTY CLERK INVOICE**
    c. Copy of <u>all</u> of the related **AIDED REPORTS**
    d. Copy of the Omniform computer generated **COMPLAINT REPORT**.
78. Fax the following documents to the IBCIS and call the IBCIS supervisor to verify that the fax was received:
    a. Second copy of the completed **Evidence Collection/Tracking Form**
    b. "Property Clerk" copy of the **PROPERTY CLERK INVOICE**
    c. Copy of the Omniform computer generated **COMPLAINT REPORT**
    d. Copy of <u>all</u> of the related **AIDED REPORTS**.
79. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the "External Transfer" function in the Property and Evidence Tracking System, with the destination of DOHMH/PHL, ensuring all invoiced packaged/sealed samples of the unknown substance and the related evidence/items are appropriately entered in compliance with Department procedures.

**TRANSPORTING UNIFORMED MEMBER OF THE SERVICE**

80. Digitally sign **PROPERTY TRANSFER REPORT**.

**DESK OFFICER**

81. Digitally sign **PROPERTY TRANSFER REPORT**.

<u>AFTER NOTIFICATION TO IBCIS FROM DOHMH/PHL AND/OR DEP HAZARDOUS MATERIALS LABORATORY REGARDING RESULTS OF ANALYSIS OF UNKNOWN SUBSTANCE</u>

**IBCIS SUPERVISOR**

82. Inform the Operations Coordinator, precinct of occurrence, of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance.

**OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE**

83. Have involved members of the service notified of the results of the analysis of the unknown substance.

84. After being notified of the results of a DEP Hazardous Materials Laboratory analysis of the unknown substance comply with the instructions of the IBCIS supervisor.

85. Ensure the following is complied with after being notified of the results of a DOHMH/PHL analysis of the unknown substance:

a. If the results of the analysis are *NEGATIVE*, a member of the service:

(1) MUST respond within seventy two hours to the DOHMH/PHL, Room 203, from Monday to Friday, between 0800 and 1600 hours, with the copies of the **PROPERTY CLERK INVOICE** to retrieve the invoiced packages

(2) Identify any invoiced items/packages that cannot be retrieved from DOHMH/PHL. Make appropriate entries on the **PROPERTY CLERK INVOICE** utilizing the "Add Remarks/Documents" function in the Property and Evidence Tracking System, to account for the missing invoiced items/packages and explain the reason why the items/packages are missing and are not being retrieved, e.g., consumed during sample analysis, destroyed during decontamination, transferred to another laboratory

(3) At the bottom of the faxed Property and Evidence Tracking System **INVOICE**, print the rank, name and tax number of the DOHMH evidence Officer. Have the DOHMH evidence Officer sign the entry as a receipt for the invoiced items/packages being retrieved and a verification of the missing invoiced items/packages; or, enter "Refused Signature"

(4) Prepare and sign DOHMH form **Evidence/Property Custody Document** and all other required DOHMH forms, reports, receipts, etc.

(5) Deliver the retrieved invoiced items/packages and **PROPERTY CLERK INVOICE** to the desk officer, precinct of occurrence, for processing according to the applicable Department guidelines.

**DESK OFFICER**

86. Intake retrieved invoiced items/packages, utilizing the "Intake from an External Agency" function in the Property and Evidence Tracking System.

**OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE**

87. Comply with the instructions that are provided by the ranking member of the service making the notification, when results of the analysis are *POSITIVE*.

88. Notify the Detective Squad supervisor, precinct of occurrence, of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance.

**OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE (continued)**

89. Notify Medical Division of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance in compliance with *A.G. 330-09, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials,"* if necessary.

**PRECINCT DETECTIVE SQUAD SUPERVISOR**

90. Ensure that the individual identified as the designated contact person on the **Evidence Collection/Tracking Form** is notified of the results of the DOHMH/PHL and/or DEP Hazardous Materials Laboratory analysis of the unknown substance.
    a. When the laboratory analysis results are negative, if other offense(s) may have been committed, it will be the responsibility of the assigned detective to fully investigate the incident.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The Mayor's Citywide Incident Management System (CIMS) states that the NYPD will be the "Primary Agency" at **all** CBRN/Haz-Mat incidents, with the responsibility for overall site management, assessment and investigations (crime-scene/terrorism). Furthermore, **ALL** incidents that involve an unknown substance suspected of being a CBRN/Hazardous Material must be considered a criminal/terrorism incident (even if it appears that the incident may be the result of an accident), an investigation must be conducted, the unknown substance must be assessed in order to identify its hazardous properties and the unknown substance and related property must be evaluated/processed as evidence. Therefore, the patrol supervisor or highest-ranking uniformed member of the Patrol Services Bureau at the scene will be the NYPD Incident Commander, who will be responsible for ensuring overall site management and will take appropriate action to ensure that only authorized and necessary personnel are allowed access within the Outer Perimeter and that they enter within the Outer Perimeter in a controlled and coordinated manner.*

*The life and safety of all involved persons and the public is of paramount concern. The CIMS states that, "life safety operations are the highest priority Incident Objectives and will be initiated by the first responding resources capable of performing rescue." Therefore, when necessary, all appropriate agencies will be notified, resources requested, and access of all required personnel to the incident scene will be permitted in order to ensure that the life and safety of all involved persons are protected.*

*In the event that there is an ongoing uncontrolled release/leak **or** a functioning device is actively "disseminating" an unknown substance, the first appropriately trained and equipped personnel will be allowed access to the incident/crime scene to stop/control the release/leak or deactivate the dissemination device. Absent extraordinary circumstances, an envelope or parcel containing an unknown substance is NOT considered an uncontrolled release/leak or a functioning/active "disseminating" device. If a member of the service suspects that the dissemination device may be "booby trapped" and/or may be some type of explosive device and/or may contain an explosive substance, follow P.G. 212-40, "Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes."*

***ADDITIONAL DATA (continued)***

*When members of the NYPD respond and determine that an unknown substance is not CBRN/Hazardous Material evidence and does not otherwise have to be collected/packaged and/or invoiced/safeguarded, if another agency responds and collects/packages the unknown substance, then the NYPD will NOT take custody of the package(s) from the involved agency absent new or additional information indicating the unknown substance is CBRN/Hazardous Material evidence and/or must be collected/packaged and/or invoiced/safeguarded by the NYPD. The patrol supervisor will respond and interview the involved agency supervisor and confer with the Emergency Service Unit supervisor and the IBCIS supervisor. If there is an issue that cannot be resolved, the patrol supervisor will request the immediate response of the Duty Captain.*

*Inner Perimeter Site Management*

*Absent emergency circumstances, only authorized and necessary personnel who are properly trained and wearing the appropriate type of Personal Protective Equipment (PPE) will be allowed to enter the Inner Perimeter. The establishment of an appropriately sized Inner Perimeter is a component of the NYPD responsibility for providing "overall site management."*

*Crime Scene Site Management*

*The size of the Crime Scene will depend upon the circumstances of the incident. Initially the size of the Crime Scene should be large and as time progresses and additional facts are discovered, it may be reduced in size. Initially, the size of the Crime Scene should be no smaller than the size of the Inner Perimeter. In order to minimize or avoid the alteration, loss, contamination, degradation, destruction, etc., of physical evidence, civilians and City, state, federal agency personnel who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Crime Scene. The establishment of an appropriately sized Crime Scene is a component of the NYPD responsibility for providing "overall site management."*

*Outer Perimeter Site Management*

*Civilians and City/state/federal agency personnel who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Outer Perimeter. The Outer Perimeter is established so as to ensure that when necessary: (i) a sufficient level of force protection is provided; (ii) individuals may be safely and expeditiously evacuated; (iii) expeditious access/egress routes are provided for the authorized and necessary responding emergency vehicles; (iv) pedestrian, vehicular and mass transit traffic is appropriately controlled; (v) witnesses and investigative evidence are expeditiously identified and secured/safeguarded; (vi) crowds are properly managed; and, (vii) the affected area, buildings, property, etc., are appropriately secured. The establishment of an appropriately sized Outer Perimeter is a component of the NYPD responsibility for providing "overall site management."*

*AGENCIES/UNITS INVOLVED IN A CBRN/HAZARDOUS MATERIAL INCIDENT*

*NYPD Emergency Service Unit - The Emergency Service Unit will be the lead unit in the NYPD with respect to assessing an unknown substance suspected of being a CBRN/Hazardous Material and will be assisted at the incident site by the NYC Department of Environmental Protection.*

***ADDITIONAL DATA (continued)***

*NYC Fire Department - The Mayor's Citywide Incident Management System states that the core competencies of the NYC Fire Department include fire suppression; patient care and transport; search and rescue; and, CBRN/Hazardous Material life safety and mass decontamination. The Mayor's Citywide Incident Management System also states that at a CBRN/Hazardous Material incident the NYC Fire Department, "will be responsible for life safety operations and mass decontamination."*

*NYC Department of Environmental Protection - Personnel are engineers/scientists who are experts regarding military chemical agents, toxic industrial chemicals, and other types of chemical compounds. Personnel are also highly trained and experienced CBRN/Hazardous Materials first responders who utilize scientific instruments and laboratory techniques in the field to identify the chemical composition of unknown substances; and, they are supported by a New York State accredited Hazardous Materials laboratory. Personnel also perform air, water and soil sampling/analysis; conduct air plume dispersion modeling; identify/monitor contamination zones; determine the appropriate mitigation, containment, collection, disposal, decontamination, remediation, etc., plans, procedures and methods; and perform or direct the appropriate governmental and/or private assets to perform all or part of the required mitigation, containment, collection, disposal, decontamination, remediation actions.*

*NYC Department of Health and Mental Hygiene - Personnel are medical doctors, scientists, health care providers and public health professionals who are experts regarding biological weapon agents and hazardous biological organisms/toxins, communicable diseases, epidemiology, radioactive materials/contamination, laboratory sciences, environmental science/engineering, poisons, contaminated food/water, veterinary/pest control, decontamination plans/methods, and other public health related subjects. Personnel are supported by a nationally accredited "Bio-Threat Response" Public Health Laboratory whose function is to determine whether an unknown substance is a biological weapon agent or hazardous biological organism/toxin. Personnel will provide assistance and/or respond to an incident scene when specifically requested or when particular pre-designated circumstances exist.*

***RELATED PROCEDURES***

*Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (A.G. 330-09)*
*Hazardous Materials (P.G. 212-37)*
*Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G.213-03)*
*Citywide Incident Management System (P.G. 220 Series)*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***PROPERTY CLERK INVOICE (PD521-141)***
***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
***PROPERTY TRANSFER REPORT (PD521-1412)***
***Evidence Collection/Tracking Form (Misc 4237)***
***Evidence/Property Custody Document***

| Section: Command Operations | | Procedure No: 212-102 | |
|---|---|---|---|
| **PERSONAL RADIATION DETECTION PAGER ALARMS** | | | |
| DATE ISSUED: 01/13/21 | DATE EFFECTIVE: 01/13/21 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To investigate personal radiation detection pager alarms emanating from radiological materials that may endanger the public, and to establish a process to record occurrences of radiation alerts for the purpose of:

a. Investigating elevated readings
b. Determining if further investigation or action is warranted
c. Documenting locations where activations have occurred.

**SCOPE** Personal radiation detection pagers, designed as early warning devices, will be issued ONLY to trained supervisors/designated members in order to detect/investigate the presence of hazardous radiological materials that may endanger the public and members of the service.

**DEFINITIONS** For the purpose of this procedure, the following definitions will apply:

PERSONAL RADIATION DETECTION PAGER ALARM - A sensitive search device, usually pager sized, designed to alert increased levels of gamma radiation. The alerts allow the wearer to track, isolate and identify sources emitting gamma radiation. Personal radiation detection pager alarms are designed as interdiction tools alerting officers to the presence of radiation fields that they would not normally be aware of.

***NOTE*** *Personal radiation detection pager alarms shall be deployed in accordance with P.G. 219-27, "Issuance and Maintenance of Radiation Detection Pagers Assigned to Commands."*

HOSTILE ALARM – Through investigation, interview, and/or personal experience, the trained supervisor/designated member determines that the alarm activation resulted from a reading emanating from a substance or device that is suspicious or criminal in nature or if the member cannot identify the source of an alarm.

IDENTIFIED ALARM – Through investigation, interview and/or personal experience, trained supervisor/designated member identifies alarm as both non-criminal and non-threatening. Examples of sources that may cause an identified alarm include, but are not limited to: licensed medical transporters, power plants, research/medical facilities, naturally occurring background radiation and common construction materials.

INNOCENT ALARM – Through investigation, trained supervisor/designated member determines that the alarm activation was due to the proximity to an individual following, or who is in the course of receiving medical radiation treatment.

**PROCEDURE** Upon alarm activation of the personal radiation detection pager, and detection of elevated radiation readings:

IF ABLE TO LOCATE SOURCE AND IDENTIFY AS AN "IDENTIFIED" OR "INNOCENT" ALARM

***NOTE*** *Supervisors of specialized units present at the scene will perform the duties of the platoon commander/patrol supervisor regarding necessary reporting requirements.*

**TRAINED MEMBER UTILIZING PAGER**

1. Make appropriate digital **Activity Log** entries.
2. Notify platoon commander/patrol supervisor.

**PLATOON COMMANDER/ PATROL SUPERVISOR**

3. Respond to scene and conduct investigation.
4. Notify Counterterrorism Bureau, Lower Manhattan Security Coordination Center (LMSCC), for ALL alarms, including "Innocent," "Identified," or "Hostile" alarms.
5. Make appropriate digital **Activity Log** entries.

IF UNABLE TO IDENTIFY OR LOCATE SOURCE, OR ABLE TO IDENTIFY AS A "HOSTILE" ALARM

**TRAINED MEMBER UTILIZING PAGER**

6. Conduct preliminary field investigation to determine source.
7. Request the response of the platoon commander/patrol supervisor.
8. Establish the boundary where the alarm no longer signals radiation levels and isolate and contain all persons inside boundary line and possible contaminated area.
   a. Immediately request the response of Emergency Service Unit personnel.
   b. Do not allow persons to enter affected area pending a determination by ESU as to whether or not decontamination is necessary. An **AIDED REPORT** will be completed for any persons who may have been exposed. Comply with *P.G. 212-37, "Hazardous Materials," P.G. 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence,"* and *P.G. 220 Series, "Citywide Incident Management System (CIMS),"* if appropriate.

**PLATOON COMMANDER/ PATROL SUPERVISOR**

9. Respond to scene and take appropriate action in accordance with the nature or severity of the perceived threat.
   a. Determine if additional personnel/equipment is needed.

**PLATOON COMMANDER/ PATROL SUPERVISOR (continued)**

b. Assume role as initial Incident Commander and comply with *P.G. 212-37, "Hazardous Materials," P.G. 212-40, "Bomb Threats /Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes," P.G. 213-03*, "*Rapid Mobilization," P.G. 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence,"* and *P.G. 220 Series, "Citywide Incident Management System (CIMS),"* if appropriate.

10. Confer with a supervisor from patrol precinct concerned if the trained member utilizing the radiation pager is not assigned to that patrol command prior to making a determination that an alarm is hostile.

***NOTE*** *Supervisory officers of patrol commands may have previous knowledge of the source location of the alarm and may know the cause to be non hostile.*

11. Notify police service area (PSA) or transit district desk officer if an alarm was activated on police service area (PSA) or transit district property.
12. Notify duty captain concerned via Patrol Borough Wheel.
13. Notify Counterterrorism Bureau, Lower Manhattan Security Coordination Center (LMSCC) for ALL alarms, including "Innocent," "Identified," or "Hostile" alarms.
14. Notify Operations Bureau.
15. Notify Intelligence Bureau WMD Desk to obtain log number.
16. Conduct investigation.
17. Make digital **Activity Log** entry.
18. Direct the preparation of **COMPLAINT REPORT (PD313-152)** if incident requires further investigation.

**ESU MEMBER**

19. Respond, identify source and take appropriate action.
20. Ensure ESU supervisor is responding.

***RELATED PROCEDURES***

*Hazardous Materials (P.G. 212-37)*
*Bomb Threats/Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)*
*Rapid Mobilization (P.G. 213-03)*
*Issuance and Maintenance of Radiation Detection Pagers Assigned to Commands (P.G. 219-27)*
*Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)*
*Citywide Incident Management System (CIMS) (P.G. 220 SERIES)*

***FORMS AND REPORTS***

***AIDED REPORT***
***COMPLAINT REPORT (PD313-152)***

| Section: Command Operations | | Procedure No: 212-104 | |
|---|---|---|---|
| **INTERACTION WITH HEARING IMPAIRED PERSONS** | | | |
| DATE ISSUED: 07/01/20 | DATE EFFECTIVE: 07/01/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To facilitate the process of effective communication with members of the public who are hearing impaired, including aided cases, crime victims, witnesses, suspects or arrestees, and to obtain information from such individuals, through the use of sign language interpreters or other auxiliary aids and services.

**SCOPE** The Americans with Disabilities Act, state and local law, in addition to Department policy and procedure, requires that the Department maintain effective services, practices and policies to ensure that the needs of hearing impaired individuals are protected.

**DEFINITIONS** HEARING IMPAIRED – A person who possesses hearing abilities that are limited to the extent that it constitutes a substantial limitation of an individual's activities. The impairment is to such a degree that it will be readily apparent to a member of the service that the individual has difficulty understanding what is communicated orally.

AUXILIARY AIDS – In addition to the services of a qualified sign language interpreter, the use of gestures or visual aids to supplement oral communication, use of a notepad and pen/pencil to exchange written notes, use of an assistive listening system or device to amplify sound or other effective methods of delivering information or communicating with an individual who is hearing impaired. Auxiliary aids may also include the use of text telephones or other devices, accessed via use of a Telecommunications Relay Service (TRS), or an individual's personal communication device (such as a personal digital assistant [PDA], telephone with text capability, etc.).

***NOTE*** *The type of aid that will be required for effective communication will depend on the hearing impaired person's usual method of communication. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual. Persons with hearing impairments must not be charged for the cost of an auxiliary aid or service which is needed for effective communication.*

QUALIFIED SIGN LANGUAGE INTERPRETER – A qualified sign language interpreter is one who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter must be able to interpret impartially, therefore, under some circumstances (e.g., a domestic dispute, etc.), a family member, child or friend of the individual with a hearing impairment may not be qualified to render the necessary interpretation.

***NOTE*** *Every effort should be made to have a person not connected with the incident serve as an interpreter. In exigent circumstances, the need to immediately communicate may take precedence over the effort to secure an interpreter not involved in the incident.*

**DEFINITIONS (continued)**

TELECOMMUNICATIONS RELAY SERVICE (TRS) – The Federal Communications Commission (FCC) has adopted use of the "711" dialing code for access to TRS. This permits persons with a hearing or speech disability to use the telephone system via a telephone typewriter (TTY) or other device to call persons with or without such disabilities. Conversely, voice users can also dial "711" to be connected to a TRS operator, who will then relay the message to a person with a hearing or speech disability via a TTY or other device.

311 SYSTEM FOR INDIVIDUALS WITH HEARING IMPAIRMENTS – The City of New York also maintains a "311" non-emergency system for individuals with hearing impairments. Persons with hearing impairments who wish to inquire about City services or make complaints regarding a specific City agency or service, can be directed to TTY number (212) 504-4115. The "311" operator will then direct the inquiry/complaint to the appropriate City agency.

**PROCEDURE**

When a member of the service has cause to interact with an individual who is hearing impaired:

**MEMBER OF THE SERVICE**

1. Ascertain from the person with the hearing impairment the type of auxiliary aid or services he/she requires.
2. Utilize appropriate auxiliary aids to facilitate communication.
3. Contact the desk officer if the services of a qualified sign language interpreter are needed.
4. Follow *P.G. 208-03, "Arrests – General Processing"* in arrest situations where probable cause has been established.

***NOTE***

*In cases where probable cause has been developed, the arrest of a hearing impaired person shall proceed in accordance with standard arrest and safety procedures. Should communication with a hearing impaired suspect be necessary to establish probable cause, or for a pre-arrest interview, etc., the appropriate auxiliary aid should be employed. When dealing with hearing impaired arrestees, auxiliary aids will be used to communicate with the arrestee (e.g., informing arrestee of charges and nature of the offense, interrogation, etc.). In situations where an arrestee would be permitted use of a telephone, a qualified sign language interpreter can be used to communicate for a hearing impaired arrestee, and the use of the TRS can be employed where the recipient of a call uses a TTY.*

5. Document in detail any auxiliary aids utilized in digital **Activity Log**.

**DESK OFFICER**

6. Ensure that auxiliary aids are utilized, if necessary.
7. Evaluate whether the services of a qualified sign language interpreter are necessary.

***NOTE***

*In cases where the services of a qualified sign language interpreter are needed, the Operations Unit should be contacted.*

**DESK OFFICER (continued)**

8. Make entry in the Command Log regarding:
   a. Type of auxiliary aid used; or
   b. Reason(s) for not using auxiliary aid(s) (i.e., qualified sign language interpreter, etc.).

***RELATED PROCEDURES***

*Preliminary Investigation of Complaints (Other than Vice Related or Narcotics Complaints) (P.G. 207-07)*
*Arrests – General Processing (P.G. 208-03)*
*Rights of Persons Taken into Custody (P.G. 208-09)*
*Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)*
*Grievance Procedure for Members of the Public with Disabilities (A.G. 308-06)*

NYPD

| Section: Command Operations | | Procedure No: 212-108 |
|---|---|---|
| **NOTIFICATIONS TO THE INTELLIGENCE BUREAU PURSUANT TO ALERTS TRANSMITTED FROM THE NATIONAL CRIME INFORMATION CENTER (NCIC)** | | |
| DATE EFFECTIVE: 06/24/21 | LAST REVISION: I.O. 57 | PAGE: 1 of 3 |

**PURPOSE** To ensure that the Intelligence Bureau is notified of any contact made by members of the service with individuals contained in the National Crime Information Center (NCIC) Violent Gang and Terrorist Organization File (VGTOF).

**DEFINITIONS** VIOLENT GANG AND TERRORIST ORGANIZATION FILE (VGTOF) – a compilation of federal terrorist watch lists contained within the NCIC database. Brief descriptions of the potential VGTOF positive "hit" handling codes used by the NCIC are as follows:

HANDLING CODE 1 – ARREST – "WARNING – APPROACH WITH CAUTION. ARREST THIS INDIVIDUAL. THIS INDIVIDUAL IS ASSOCIATED WITH TERRORISM." ***This individual is the subject of a formal indictment or criminal charge and a warrant has been issued.***

HANDLING CODE 2 – DETAIN – "WARNING – APPROACH WITH CAUTION. PLEASE DETAIN THIS INDIVIDUAL FOR A REASONABLE AMOUNT OF TIME FOR QUESTIONING. THIS INDIVIDUAL IS OF INVESTIGATIVE INTEREST TO LAW ENFORCEMENT REGARDING ASSOCIATION WITH TERRORISM." ***This individual is the subject of an active investigation and "reasonable suspicion" exists to detain this individual.***

HANDLING CODE 3 – INVESTIGATION – **DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.** "WARNING – APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM."

HANDLING CODE 4 – INFORMATION GATHERING – **DO NOT ALERT THIS INDIVIDUAL TO THIS NOTICE.** "WARNING – APPROACH WITH CAUTION. THE PERSON QUERIED THROUGH THIS SEARCH MAY BE AN INDIVIDUAL IDENTIFIED BY INTELLIGENCE INFORMATION AS HAVING POSSIBLE TIES WITH TERRORISM."

NO HIT – If NCIC file checks come back NEGATIVE and the police officer still believes that this incident or investigation is terrorism related, the police officer will immediately contact the Intelligence Bureau – Criminal Intelligence Section supervisor for further checks, instruction and access to the Federal Bureau of Investigation (FBI) Counter Terrorism Watch (CTW) through existing protocols.

***NOTE*** *There may be cases in which the FBI is unable to confirm at the time of inquiry whether or not the subject of the query / hit may have possible ties to terrorism.* ***DO NOT ARREST THIS INDIVIDUAL*** *unless there is probable cause to believe that a federal, state or local law has been violated. Provide all relevant information to the Intelligence Bureau - Criminal Intelligence Section supervisor and comply with the instructions provided.*

**PROCEDURE** When a member of the service makes a computerized query of a person or vehicle registration for an official law enforcement purpose (e.g., arrest, warrant check, driver's license/motor vehicle check, summons, etc.) and receives a response from NCIC that the individual that they have queried matches data contained in NCIC/VGTOF files, in addition to other required actions, will comply with the following:

QUERIES CONDUCTED THROUGH THE COMMUNICATIONS SECTION

**RADIO DISPATCHER**

1. Conduct query and read the NCIC/VGTOF hit information *verbatim* to the requesting member of the service in the field.
2. In all cases of terrorism alerts/hits received from NCIC/VGTOF, immediately notify the patrol supervisor concerned of the handling codes and their accompanying instructions.
3. Direct the involved member of the service to make an **immediate** notification to the Intelligence Bureau, Criminal Intelligence Section supervisor.

**MEMBER OF THE SERVICE**

4. Verify the identity of the involved individual and confirm that he/she is in fact the same individual listed in the NCIC/VGTOF terrorism files.
5. Comply with the instructions contained in the NCIC/VGTOF handling codes provided by the Communications Section dispatcher.

***NOTE*** *If conducting query via radio dispatcher, to enhance MOS safety, take steps to ensure subject of inquiry cannot ascertain results transmitted by dispatcher.*

6. Immediately notify the Intelligence Bureau, Criminal Intelligence Section supervisor and comply with the instructions provided.
7. Request the response of the patrol supervisor.
8. Notify the desk officer, precinct of occurrence.

**PATROL SUPERVISOR**

9. Confirm the identity of the individual in question and take appropriate action as indicated in the applicable NCIC/VGTOF instructions.
10. Immediately notify the Intelligence Bureau, Criminal Intelligence Section supervisor for further checks and instruction.

**DESK OFFICER**

11. Ensure that an immediate notification is made to the Intelligence Bureau, Criminal Intelligence Section supervisor.

**INTELLIGENCE BUREAU CRIMINAL INTELLIGENCE SECTION SUPERVISOR**

12. Obtain all relevant information.
13. Have Intelligence Bureau investigative personnel notified and immediately respond.
14. Have pertinent information entered into the Intelligence Data System.
15. Notify the local FBI/Joint Terrorist Task Force (JTTF) and other authorities of incident, as appropriate.

QUERIES CONDUCTED BY MEMBERS OF THE SERVICE IN THE STATIONHOUSE

**MEMBER OF THE SERVICE**

16. Verify the identity of the involved individual and confirm that he/she is in fact the same individual listed in the NCIC/VGTOF terrorism files.
17. Comply with the instructions received in the NCIC/VGTOF handling codes received in the reply from NCIC.
18. Immediately notify the Intelligence Bureau, Criminal Intelligence Section supervisor and comply with the instructions provided.
19. Notify the desk officer, precinct of occurrence.

**DESK OFFICER**

20. Confirm the identity of the individual in question and take appropriate action as indicated in the applicable NCIC/VGTOF instructions.
21. Immediately notify the Intelligence Bureau, Criminal Intelligence Section supervisor for further checks and instruction.

**INTELLIGENCE BUREAU CRIMINAL INTELLIGENCE SECTION SUPERVISOR**

22. Obtain all relevant information.
23. Have Intelligence Bureau investigative personnel notified and immediately respond.
24. Have pertinent information entered into the Intelligence Data System.
25. Notify the local FBI/JTTF and other authorities of incident, as appropriate.

***ADDITIONAL DATA***

*Department form entitled **"POSSIBLE INDICATORS OF TERRORIST ACTIVITY" (PD 378-111)** includes information contained in this procedure and is available via the digital **Activity Log** application.*

***RELATED PROCEDURES***

*Arrests – General Processing (P.G. 208-03)*
*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
*Notifications in Certain Arrest Situations (P.G. 208-69)*
*Notification to the Detective Bureau when a Specified Condition Exists/is Suspected (P.G. 208-73)*
*Processing Warrant Checks Over Citywide I and II Radio (P.G. 209-25)*

***FORMS AND REPORTS***

***POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD 378-111)***

| Section: Command Operations | | Procedure No: 212-111 | |
|---|---|---|---|
| **REQUESTS FOR U VISA CERTIFICATIONS AND/OR T VISA DECLARATIONS** | | | |
| DATE ISSUED: 12/30/20 | DATE EFFECTIVE: 12/30/20 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To provide members of the service with guidance on how to assist a person who is requesting a U visa certification and/or a T visa declaration.

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

U VISA CERTIFICATION:

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

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

T VISA DECLARATION:

T VISA DECLARATION – USCIS **Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons**, a document that the Department may, at its discretion, complete free of charge for eligible victims of severe forms of human trafficking who are petitioning USCIS for T nonimmigrant status.

T NONIMMIGRANT STATUS (T VISA) – Temporary, four-year nonimmigrant status granted to victims of a severe form of human trafficking, as designated by USCIS.

**PROCEDURE** When a person requests a U visa certification (USCIS **Form I-918, Supplement B, U Nonimmigrant Status Certification)** and/or T visa declaration (USCIS **Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons)**:

**UNIFORMED MEMBER OF THE SERVICE**

1. Provide reasonable assistance to requesting person (e.g., medical aid, etc.).

WHEN REQUESTING A U VISA CERTIFICATION

**UNIFORMED MEMBER OF THE SERVICE**

2. Inform requesting person(s) that they can obtain information on how to request a certification as follows:
   a. Visit the Department's public internet website and enter "U visa" into the search caption.
3. Contact Domestic Violence Unit for assistance, if necessary.
4. Refer to *A.G. 308-07, "Review of Requests for U Visa Certifications"* for further information.

***NOTE***

*Uniformed members of the service should not directly collect, handle, or forward any documents related to a certification request from members of the public.*

*The Chief of Department's Domestic Violence Unit is the Department's designated U Visa Certification Office. This office reviews all certification requests regardless of the qualifying criminal activity. Uniformed members of the service should be aware that members of the public may not be familiar with the word "certification," and may instead ask for a "U visa," "U status," or the "U." The Department does not give or assign any immigration status. Uniformed members of the service should follow the applicable portions of this procedure when asked about U status, U certifications, U visas, or any related colloquial terms for U nonimmigrant status.*

WHEN REQUESTING A T VISA DECLARATION

**UNIFORMED MEMBER OF THE SERVICE**

5. Inform requesting person(s) that they can obtain information on how to request a declaration as follows:
   a. Visit the Department's public internet website and enter "T visa" into the search caption
6. Contact Vice Enforcement Unit for assistance, if necessary.
7. Refer to *D.G. 502-34, "Review of Requests for T Visa Declarations for Victims of Severe Human Trafficking"* for further information.

***NOTE***

*Uniformed members of the service should not directly collect, handle, or forward any documents related to a declaration request from members of the public.*

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

IN ALL CASES

**UNIFORMED MEMBER OF THE SERVICE**

8. Comply with New York City's policy regarding immigrants, as delineated in *P.G. 212-66, "City Policy Concerning Identifying Information and Access to City Services."*

***ADDITIONAL DATA***

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

***RELATED PROCEDURES***

*City Policy Concerning Identifying Information and Access to City Services (P.G. 212-66)*
*Review of Requests for U Visa Certifications (A.G. 308-07)*
*Review of Requests for T Visa Declarations for Victims of Severe Human Trafficking (D.G. 502-34)*

***FORMS AND REPORTS***

***USCIS Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons***
***USCIS Form I-918, Supplement B, U Nonimmigrant Status Certification***

NYPD

| Section: Command Operations | | Procedure No: 212-114 | |
|---|---|---|---|
| **AUTHORIZATION/NOTIFICATION REGARDING DEPARTMENT CEREMONIES** | | | |
| DATE ISSUED: 12/04/18 | DATE EFFECTIVE: 12/04/18 | REVISION NUMBER: | PAGE: 1 of 3 |

**PURPOSE** To initiate timely notification to the Ceremonial Unit to ensure appropriate Department participation in ceremonies and eliminate scheduling conflicts.

**PROCEDURE** When a Department unit is requesting permission to host a ceremony or when a member of the service becomes aware of a ceremony being coordinated by a private organization to honor a member of the service (e.g., Street Renaming Dedication Ceremony).

**UNIT COMMANDER/ MEMBER CONCERNED**

1. Prepare a **Typed Letterhead** outlining the particulars of the event, at least thirty days prior to the event, when possible, and forward through channels to the Ceremonial Unit, Police Academy, Room 761.

***NOTE*** *To ensure that the Ceremonial Unit is apprised of the event in a timely fashion, immediately fax a copy of the report/request directly to the Ceremonial Unit. A sample of the **Typed Letterhead** has been included in the Additional Data statement.*

**CEREMONIAL UNIT PERSONNEL**

2. Review the report/request and determine if any scheduling conflicts exist.
3. Forward report/request, with recommendations to the Commanding Officer, Deputy Commissioner, Employee Relations for final approval.

**COMMANDING OFFICER, DEPUTY COMMISSIONER, EMPLOYEE RELATIONS**

4. Review report/request and notify Ceremonial Unit if the request has been approved or disapproved.

**CEREMONIAL UNIT PERSONNEL**

5. Notify command concerned of Department's decision regarding the event.
6. Coordinate Department resources regarding all approved events.

***ADDITIONAL DATA*** *No Department unit is authorized to participate or host any ceremony prior to obtaining approval. No additional Department resources, other than those approved, will participate in the event.*

*Commanders will make every effort to ensure that their commands remain operational during the ceremony. Indicate in the **Typed Letterhead** if the unit will remain operational during the ceremony and if it will be staffed with command personnel or by personnel from outside commands.(i.e., Strategic Response Group)*

*The **Typed Letterhead** should provide an overview of the command resources participating in the event as follows:*

*a. Include the number of members attending the event, how many will be in uniform or civilian clothes and how many will be on or off-duty.*

*b. Indicate if the ceremony is an annual or one time event and the type of Department resources the command requests to participate in the ceremony (i.e., Chaplain, bugler, helicopter, etc.).*

***ADDITIONAL DATA (continued)***

*c. Address issues such as, alternate dates, alternate site if inclement weather, etc., and provide a guest list and contact person.*

*To enable as many family members and friends of the honoree to attend the event, every effort will be made to schedule the event on a weekend. Commanders must articulate the reason why the event is not scheduled on a weekend in their* ***Typed Letterhead****.*

***Sample Typed Letterhead***

*002 Precinct #100-2005*

*POLICE DEPARTMENT*
*CITY OF NEW YORK*

*May 15, 2005*

*From: Commanding Officer, 002 Precinct*

*To: Commanding Officer, Ceremonial Unit (Through Channels)*

*Subject: REQUEST AUTHORIZATION TO HOST A STREET RENAMING CEREMONY*

*1. The undersigned requests authorization for this command to host a Street Renaming Ceremony to honor fallen Police Officer John Smith, Tax Registry #000000, Shield #00000, 002 Precinct (include details of incident).*

*2. Below are the details regarding this ceremony:*

*a. Day: Tuesday*
*(Not scheduled on a weekend due to the family's request)*

*b. Date: July 19, 2005*
*(Alternate dates Sunday, July 24 and Saturday, August 20)*

*c. Time: 1000 hours*
*(Refreshments immediately following at 002 Precinct)*

*d. Location: In the street in front of the 002 Precinct*
*(In the lobby of the 002 Precinct if inclement weather)*

*e. Type of Ceremony: Street Renaming Ceremony*

*f. List of Distinguished Guests (i.e., family members, City Councilman, etc.)*

*g. The 002 Precinct will remain operational during the ceremony, however a total of twenty members from Strategic Response Group will be utilized to provide patrol coverage from 0930 hours to 1230 hours.*

*h. Approximately 75 members of the 002 Precinct will participate in the event, 25 will be on-duty and in uniform and 50 members will be off-duty and in uniform. Approximately 30 retired members from the 002 Precinct will attend the event in civilian clothes. Additionally, it is anticipated that approximately 50 people from the community will also attend the ceremony.*

*i. This ceremony is a one time event and not held on an annual basis.*

*j. The following Department resources are requested to participate:*

*(1) One member from the Ceremonial Unit to coordinate the event*
*(2) Color Guard*
*(3) Bugler*
*(4) Two bagpipers*
*(5) Department singer*
*(6) Department Chaplain*
*(7) Member of the Photo Unit*
*(8) One helicopter from Aviation Unit for a fly over*
*(9) Two Highway Units to escort family members*
*(10) Four Traffic Agents for traffic control*
*(11) Two members from the Mounted Unit*

*k. Detective Sonia Rivera, 002 Precinct Community Affairs Unit, (646) 610-0000, Cell #(917) 111-1000, Monday- Fridays 1000 x 1800 hours, is the individual responsible for coordinating this ceremony.*

*l. Request that the Mayor, Police Commissioner and the Executive Staff be invited to attend the ceremony.*

*3. For your information and consideration.*

*Brian James*
*Inspector*

***FORMS AND REPORTS*** ***Typed Letterhead***

NYPD

| Section: Command Operations | | Procedure No: 212-118 | |
|---|---|---|---|
| **INCIDENTS INVOLVING HOLDERS OF HANDGUN LICENSES OR RIFLE/SHOTGUN PERMITS** | | | |
| DATE ISSUED: 12/16/19 | DATE EFFECTIVE: 12/16/19 | REVISION NUMBER: | PAGE: 1 of 5 |

**PURPOSE** To report incidents involving holders of handgun licenses or rifle/shotgun permits.

**PROCEDURE** When a holder of a handgun license or rifle/shotgun permit is involved in an incident coming to the attention of the Department:

**COMMANDING OFFICER/ DUTY CAPTAIN**

1. Assign supervisor to conduct investigation and ascertain facts when a holder of a handgun license or rifle/shotgun permit is involved in an incident (see "*ADDITIONAL DATA*" statement for incidents that require an investigation).

**DESK OFFICER**

2. Make an immediate telephone notification in ALL incidents involving holders of handgun licenses or rifle/shotgun permits to License Division, Incident Section.
   a. Make notification directly to a License Division, Incident Section member or License Division supervisor, Monday though Friday 0630 x 1700 hours.
   b. All other hours, leave a detailed message on the License Division, Incident Section voicemail and include:
      (1) Type of incident, date, time, location of incident and identity of handgun licensee or rifle/shotgun permit holder
      (2) Name and rank of investigating supervisor and/or reporting officer
      (3) Identify the Department reports prepared to document the incident and include relevant Department report numbers, if available.
3. Ensure all appropriate reports are prepared to document the incident, including but not limited to:
   a. **PROPERTY CLERK INVOICE (PD521-141)**
   b. **COMPLAINT REPORT (PD313-152)**
   c. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   d. **New York State Domestic Incident Report (DCJS-3221**)
   e. **UNUSUAL OCCURRENCE REPORT (PD370-152)**
   f. Other **Typed Letterhead**, as appropriate.
4. Direct holder of handgun license or rifle/shotgun permit reporting loss of a license/permit to report to the License Division for a new license/permit.
   a. Direct the preparation of a **COMPLAINT REPORT**.
5. Direct the handgun licensee or rifle/shotgun permit holder to contact the License Division, Incident Section, when involved in any incident.

**INVESTIGATING SUPERVISOR ASSIGNED**

6. Investigate the circumstances surrounding the incident and ascertain the following information to be included in the Department report(s) prepared:

**INVESTIGATING SUPERVISOR ASSIGNED (continued)**

a. If the licensee has a Carry Guard license, ascertain whether the handgun was possessed while actually engaged in the security related employment that corresponds with the address listed on the license, or if possessed when traveling directly between that place of employment and residence

b. If the licensee has a Carry Business or Special Carry license, ascertain whether the licensee is employed by, or operating a business that corresponds with the address listed on the license at the time of incident

c. If the licensee has a Premise Residence or Premise Business license, ascertain whether the handgun was possessed at the premise listed on the license, and determine whether the handgun was unloaded in a locked container (not a vehicle console or glove compartment) with ammunition carried separately, if licensee claims to have been traveling directly to or from their licensed dwelling or place of business and:

(1) Another dwelling or place of business where licensee is authorized to possess the firearm,

(2) An indoor or outdoor shooting range authorized by law,

(3) A lawful shooting competition, or

(4) Any other location where licensee may legally possess the handgun.

***NOTE*** *While traveling between the above referenced locations, only brief necessary stops are permitted (i.e., to eat, use a restroom, purchase gas, for medical emergency, etc.).*

d. If a licensee has a Limited Carry license, ascertain whether the handgun was possessed at the address listed on the license, or if carried elsewhere, whether the licensee was in compliance with time, day of week, and place restrictions listed on rear of the license

e. If a firearm is reported lost or stolen, or for any other incident, ascertain whether or not the firearm was properly safeguarded. Include statement as to whether any unauthorized person(s) had access to the handgun

f. If an allegation exists that the licensee made threatening statements, improperly displayed a firearm, was involved in a firearms discharge or for any ongoing disputes, ascertain whether all relevant parties/witnesses have been identified and interviewed.

7. Seize handgun license or rifle/shotgun permit and all firearms listed if:

a. The licensee/permit holder is arrested, regardless of charge

b. An Order of Protection exists against the licensee/permit holder

c. The incident involves physical force or the threat of physical force

d. Circumstances lead to the belief that continued presence of a firearm would create an unjustifiable risk of unlawful use or possession of the firearm, or injury to licensee/permit holder or another person

e. Further investigation by the License Division is needed to determine whether the actions of the licensee/permit holder affect their qualifications for the license or permit

**INVESTIGATING SUPERVISOR ASSIGNED (continued)**

f. Any other situation that may affect public safety.
   (1) Members are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.

8. Invoice firearms only on **PROPERTY CLERK INVOICE**.
   a. Include the following statement in the "Remarks" section of the **PROPERTY CLERK INVOICE** "Firearms shall not be released without written authorization of the Commanding Officer, License Division."

9. Prepare a **Typed Letterhead** to the Commanding Officer, License Division for all incidents unless a **COMPLAINT REPORT**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **New York State Domestic Incident Report**, **UNUSUAL OCCURRENCE REPORT**, or other **Typed Letterhead** was prepared detailing an explanation of the licensee's/permit holder's actions and includes the information ascertained from the investigation of the incident.

10. Prepare a **Typed Letterhead** to Commanding Officer, License Division upon a voluntary surrender of a firearm, unless the reason for the surrender is explained in either the "Remarks" section of the **PROPERTY CLERK INVOICE** or on another report, as appropriate.

11. Forward the following to the License Division, Incident Section:
   a. Copy of all Department reports prepared in relation to incident
   b. Any seized license(s)/permit(s), if applicable
   c. **Typed Letterhead**, if applicable.

***ADDITIONAL DATA***

*INCIDENTS INVOLVING A HOLDER OF A HANDGUN LICENSE OR RIFLE/SHOTGUN PERMIT THAT REQUIRE AN INVESTIGATION TO BE CONDUCTED:*

*Incidents involving a holder of a handgun license or rifle/shotgun permit that require an investigation to be conducted include:*

*a. Lost firearms*
*b. Stolen firearms (burglary or larceny)*
*c. Voluntary surrender of firearms*
*d. Allegations of improper display of firearm*
*e. Violating terms, conditions, or rules relating to the license/permit (including but not limited to carrying a firearm in public with a premise license, transporting a firearm on a premise license for use at an authorized range that is not unloaded in locked box, and exceeding time or place restrictions on a Limited Carry license)*
*f. All domestic incidents coming to the attention of the Department*
*g. An Order of Protection in existence or being sought by or against the license/permit holder*
*h. Ongoing or recurring disputes that have potential for violence or allegations of threatening statements*
*i. Co-habitating with a known criminal or other dangerous person*
*j. Eviction or damage to premise (such as fire) that affects ability to safeguard firearm at approved premise*
*k. Suicide or other devastating incidents in the home*
*l. Mental health issues*

***ADDITIONAL DATA (continued)***

*m. Any firearm discharge (except target practice at an authorized range)*
*n. Any arrest or criminal court summons*
*o. Other incident or allegation that requires a follow-up investigation by the License Division.*

*REMOVAL OF FIREARMS FROM LICENSEE/PERMIT HOLDER*

*The Department has broad authority to remove firearms and temporarily suspend a license/permit during the investigation of an incident as outlined above. Prior conferral with the License Division, Incident Section is not required in order to remove firearms and a license/permit from a licensee or permit holder. Members are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.*

*If the firearm cannot be readily obtained at the time the decision to remove firearm is made, the licensee or permit holder shall be advised that he or she must surrender said firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily. In the case of an arrest, or an Order of Protection, or any assessment of imminent danger, if the firearm(s) cannot be obtained by consent, and there is probable cause to believe that they are in a particular location, a search warrant will be obtained prior to seizure of the firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) either by consent or with a search warrant.*

*In all cases, the investigating supervisor and reporting officer(s) must be made available upon request of the License Division investigators to discuss the incident and provide assistance during follow-up investigations and possible hearings at the License Division.*

*A check of the Automated License Permit System (ALPS) can be conducted to determine whether a person (or any person at a given address) has an active handgun license or rifle/shotgun permit. Members of the service can access the system through the Department's Intranet site under "NYPD Applications."*

*WRITTEN AUTHORIZATION REQUIRED FOR NEW YORK STATE NON-NEW YORK CITY LICENSEES TO TRAVEL WITHIN NEW YORK CITY*

*If a licensee is transporting their firearm pursuant to step "6," subdivision "c," of this procedure, ascertain if the licensee holds a license that was issued by the NYPD License Division, or holds a license that was issued outside of New York City. A New York State, non-New York City, licensee may only transport to a specific New York City location with prior written authorization from the License Division. Review the furnished authorization to determine if the licensee is acting within its conditions – including whether the licensee is at the New York City location on the date(s) specified, or is traveling directly from the authorized New York State location to the specified New York City location, or from the authorized New York City location back to the authorized New York State location.*

***ADDITIONAL DATA (continued)***

*EXCEPTION FOR NON-NEW YORK CITY RESIDENTS WHO ARE TRAVELING THROUGH NEW YORK CITY TO A LOCATION OUTSIDE OF NEW YORK CITY*

*A non-New York City resident may travel from a location where they are authorized to possess a firearm to another such location where also authorized outside of New York City. The individual must transport the firearm unloaded in a locked container (not a vehicle console or glove compartment), with ammunition carried separately, and may not stop within New York City except for brief necessary stops as described in the 'NOTE' following step "6," subdivision "c," of this procedure.*

*EXCEPTION FOR RETIRED LAW ENFORCEMENT OFFICERS*

*New York State (non-New York City licensees) who hold a Carry license stamped, "Retired Police Officer," or "Retired Federal Law Enforcement Officer," do not need written authorization to transport their firearm(s) in New York City. Additionally, these licensees may carry their firearm(s) loaded.*

*CRIMINAL CHARGES*

*Handgun transport by any New York State handgun licensee (including New York City licensees) that is not in conformity with the above requirements is an "A" misdemeanor under New York State Penal Law Section 400.00(15).*

***RELATED PROCEDURES***

*Complaint Reporting System (P.G. 207-01)*
*Arrest-General Search Guidelines (P.G. 208-05)*
*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***PROPERTY CLERK INVOICE (PD521-141)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***UNUSUAL OCCURRENCE REPORT (PD370-152)***
***New York State Domestic Incident Report (DCJS-3221)***
***Typed Letterhead***

**PURPOSE** To properly investigate complaints of animal abuse.

**SCOPE** Pursuant to Agriculture and Markets Law, Article 26, Section 371, entitled "Power of Police Officer," police officers may arrest any person violating any provisions of this article and may lawfully take animals into custody to prevent the perpetration of any act of cruelty upon any animal. Upon arrest for such violation, the arresting officer will issue a **DESK APPEARANCE TICKET** or summons (if the arrestee is qualified) except for those offenses designated as Unclassified Felonies.

**DEFINITIONS** ANIMAL ABUSE PREVENTION LIAISON – Executive member of the service designated by the Chief of Patrol to collaborate and share information with the American Society for the Prevention of Cruelty to Animals (ASPCA) regarding animal abuse complaints. The Liaison will be responsible for the coordination of all Department training related to Animal Abuse involving the ASPCA and will be responsible for compiling all data related to animal abuse complaints to be shared with the ASPCA.

ASPCA – A non-profit corporation organized under the laws of the State of New York.

**PROCEDURE** When a uniformed member of the service receives a complaint of animal abuse:

COMPLAINTS RECEIVED VIA THE ASPCA

**ANIMAL ABUSE PREVENTION LIAISON**

1. Forward all complaints of animal abuse received from the ASPCA to the special operations lieutenant of the command concerned.

**SPECIAL OPERATIONS LIEUTENANT**

2. Assign a member of the service to investigate complaints received from the Animal Abuse Prevention Liaison.

COMPLAINTS RECEIVED VIA 311

**TELEPHONE SWITCHBOARD OPERATOR**

3. Comply with *Patrol Guide 214-35, "Processing Quality of Life Complaints Using the 311 System"* and have the 311 complaint dispatched as a command assignment.

IN ALL CASES

**UNIFORMED MEMBER OF THE SERVICE**

4. Respond to location and ascertain all facts.
   a. Interview involved parties concerning the animal abuse allegations.
   b. Observe condition of the animal and its living conditions.
5. Determine if any applicable laws have been violated (i.e., Agriculture and Markets Law, Penal Law, etc.) and take enforcement action, including summary arrest.
   a. If no violation has occurred, attempt to correct the condition by instructing the owner/custodian on proper care and handling of animals.
   b. If there is probable cause to believe an offense has occurred, prepare a **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   c. If no further action is required, the condition was corrected, or all investigative avenues have been exhausted and no known perpetrator has been identified, close complaint to patrol.
   d. If the ends of justice will not be met by taking enforcement action (i.e., unintentional neglect due to hoarding), notify ASPCA Hotline for referral to Cruelty Intervention Advocacy Program and close the complaint to patrol.
   e. Refer major cases or cases requiring the expertise of the Detective Bureau to the precinct detective squad.
   f. Refer complaints of organized crime involving animal abuse (e.g., animal fighting for the purpose of gambling) to the Detective Bureau.
6. Determine if the animal needs to be removed from the location.
   a. Request response of the patrol supervisor when the removal of the animal is required.
   b. Apparently abused animals will be transported to an ASPCA facility for examination.
7. Document removal of any animal in digital **Activity Log**.
   a. Have person receiving animal at ASPCA intake facility sign digital **Activity Log** as receipt to document chain of custody.

**PATROL SUPERVISOR**

8. Respond to the scene if requested and verify that the animal needs to be removed from the location.
   a. Ensure compliance with *Patrol Guide 214-33, "Care and Disposition of Animals."*
   b. If it is necessary to remove an animal for further investigation, but probable cause does not exist, ask the owner if they are willing to voluntarily surrender the animal.
   c. Confer with Legal Bureau before attempting to obtain a warrant to remove an animal.

**SPECIAL OPERATIONS LIEUTENANT**

9. Query Omniform and 311 System weekly to ensure complaints of animal abuse are being investigated and/or referred as appropriate and take corrective action, if necessary.

**ANIMAL ABUSE PREVENTION LIAISON**

10. Confer with the ASPCA Liaison on a monthly basis to discuss the previous month's animal cruelty activity.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*The ASPCA has established a hotline to assist members of the service while in the field. Members of the service should contact the newly established hotline if assistance is needed in determining charges to be filed or if information is needed on proper care and handling of an animal.*

*When a member of the service accepts voluntary surrender of an animal, the member of the service will make a digital **Activity Log** entry utilizing the following language and ensure that the owner of the animal signs the digital **Activity Log** entry:*

*I [insert name] am over eighteen years old and the owner of [describe animal]. I voluntarily surrender ownership of my [describe animal] to the New York Police Department. I understand that ownership of my [describe animal] will be immediately transferred to the ASPCA. I understand that I am giving up all my rights to this animal, now and in the future. I have not been threatened or promised anything in exchange for my agreement to surrender my animal.*

*Date. Sign.*

*LEGAL CONSIDERATIONS*

*An animal is considered private property, therefore, if probable cause does not exist and/or if the owner does not voluntarily surrender the animal, a member of service must obtain a warrant to remove the animal.*

***RELATED PROCEDURES***

*Force Guidelines (P.G. 221-01)*
*Desk Appearance Ticket – General Appearance (P.G. 208-27)*
*Care and Disposition of Animals (P.G. 214-33)*
*Processing Quality of Life Complaints Using the 311 System (P.G. 214-35)*

***FORMS AND REPORTS***

***COMPLAINT REPORT***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***
***DESK APPEARANCE TICKET***

| Section: Command Operations | | Procedure No: 212-121 | |
|---|---|---|---|
| **UNAUTHORIZED RADIO TRANSMISSION** | | | |
| DATE ISSUED: 12/02/15 | DATE EFFECTIVE: 12/02/15 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To enhance the safety of uniformed members of the service and to properly investigate unauthorized radio transmissions.

**SCOPE** The Communications Division, Tape and Records Unit is the only Department unit that is authorized to produce and disseminate official reproductions of Department 911 call audios, radio dispatch audios and ICAD Event Information Reports.

Department 911 call audios and radio dispatch audios are retained for 180 days and ICAD Event Information Reports are retained for ten years.

**PROCEDURE** When requesting a unit identification regarding an unauthorized radio transmission:

**COMMANDING OFFICER, REQUESTING COMMAND**

1. Request recording(s) of the "Main CEB Receive" audio and "Combined Console" audio from the Commanding Officer, Tape and Records Unit on Department form **REQUEST REPRODUCTION OF SUSPECTED UNAUTHORIZED TRANSMISSION (PD347-161)**.
   a. All necessary captions must be completed with special attention given to the date and time of occurrence, channel/frequency of the suspected unauthorized transmission, and nature of the suspected unauthorized transmission (e.g., whistling, multiple key ups, and/or statements, etc.).
2. Pick up a copy of the recording(s) from the Tape and Records Unit, One Police Plaza, Room 910A.
3. Review the audio recording(s) and prepare a report on **Typed Letterhead** to the Commanding Officer, Electronics Section indicating the exact substance of the suspected transmission (e.g., whistling, multiple key ups, and/or statements, etc.) and the specific time it appears on the recording.
4. Forward all documents along with the recorded audio from the Tape and Records Unit to the Electronic Section for further investigation.

**ELECTRONICS SECTION**

5. Review the recording(s) and all documentation from Commanding Officer, requesting command.
6. Prepare a report on **Typed Letterhead**, with findings.
   a. All information regarding the Department radio used in the unauthorized transmission will be included in the report (e.g., unique identifiers, member of service, command and/or vehicle the radio is assigned to, etc.).

**COMMANDING OFFICER, REQUESTING COMMAND**

7. Pick up report from the Electronics Section.

TYPED

***ADDITIONAL DATA***

*LEGAL CONSIDERATIONS*

*911 call audios, radio dispatch audios, ICAD Event Information Reports obtained from the Tape and Records Unit and/or Electronics Section should not be reproduced, duplicated, copied, etc., and will not be provided to any non-Department personnel. When applicable, direct any non-Department personnel requesting audios and records, to the Communications Division, Tape and Records Unit.*

***RELATED PROCEDURES***

*Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*

***FORMS AND REPORTS***

***REQUEST REPRODUCTION OF SUSPECTED UNAUTHORIZED TRANSMISSION (PD347-161)***
***Typed Letterhead***

NYPD

# PATROL GUIDE

| Section: Command Operations | Procedure No: 212-122 |
|---|---|

## REQUEST TO ARCHIVE AND/OR OBTAIN FOOTAGE FROM CLOSED CIRCUIT TELEVISION (CCTV) CAMERAS ACCESSIBLE THROUGH THE DOMAIN AWARENESS SYSTEM (DAS)

| DATE ISSUED: | DATE EFFECTIVE: | REVISION NUMBER: | PAGE: |
|---|---|---|---|
| 12/11/17 | 12/11/17 | | 1 of 1 |

**PURPOSE** To establish guidelines to archive and/or obtain a copy of footage from closed circuit television (CCTV) cameras accessible through the Domain Awareness System (DAS).

**PROCEDURE** When a member of the service seeks to archive and/or obtain a copy of footage from a CCTV camera accessible through DAS for official Department business:

**INVESTIGATING OFFICER/ SUPERVISOR CONCERNED**

1. Submit request to retrieve CCTV video through the Lower Manhattan Security Initiative (LMSI) application via the Department Intranet within 30 days from the date of recording to the Video Retrieval Unit (VRU) of the Lower Manhattan Security Initiative.

***NOTE*** *Video for which no request for retention is made will be retained for only 30 days from date of recording. If, due to exigent circumstances, a copy of footage is required immediately, the VRU may be contacted directly at 55 Broadway, 28th floor, New York, N.Y. 10004 or at (646) 826-7201. In such cases, making the request by telephone does not replace the need to submit the request through the LMSI application.*

2. Comply with *Patrol Guide 218-01, "Invoicing Property – General Procedure,"* if request is approved.

***ADDITIONAL DATA*** *All members of the service are reminded that footage from CCTV cameras are intended for legitimate law enforcement purposes only. Use of footage for personal or non-Departmental business is strictly prohibited.*

*Requests for footage from cameras within Department facilities must be submitted in the above manner by the commanding/executive officer concerned.*

***RELATED PROCEDURES*** *Invoicing Property – General Procedure (P.G. 218-01)*
*Lower Manhattan Security Coordination Center Domain Awareness System Video (D.G. 503-12)*

**PURPOSE** To visually and audibly record certain interactions between uniformed members of the service and the public for official law enforcement purposes.

**PROCEDURE** When a uniformed member of the service is assigned a Body-Worn Camera (BWC):

**UNIFORMED MEMBER OF THE SERVICE**

1. Prior to roll call:
   a. Retrieve assigned BWC from docking station,
   b. Turn power on and inspect BWC to ensure that battery is charged and the device is operational, and
   c. Position BWC to facilitate the optimal recording field of view.
      (1) This will normally entail attaching it to the outermost garment in the vicinity of the breast pocket of a uniform shirt, duty jacket, or garment used for plain clothes assignment, using appropriate mounting hardware provided.
2. Utilize BWC only when personally issued and authorized by the Department to record official activity while on-duty.
   a. The use of any non-Department issued recording device is strictly prohibited.
3. Notify desk officer if a BWC is not functioning properly, becomes damaged or is otherwise unaccounted for at any point during the tour and document notification in digital **Activity Log**.

<u>MANDATORY ACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:</u>

**UNIFORMED MEMBER OF THE SERVICE**

4. Activate BWC prior to engaging in, or assisting another uniformed member of the service with the following police actions:
   a. Potential crime-in-progress assignments, including:
      (1) All 10-10s (except missing persons),
      (2) 10-12 police officer/security holding,
      (3) 10-30 series,
      (4) 10-50 disorderly person or group,
      (5) 10-52 dispute,
      (6) 10-53 (with injuries) when Highway District Collision Investigation Squad or Evidence Collection Team is requested to respond to scene,
      (7) 10-85 (excluding administrative assistance) and 10-13
      (8) Any incident involving a weapon, and
      (9) ShotSpotter Activation.
   b. Interior patrols of New York City Housing Authority buildings as well as any privately owned buildings,

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

(1) The BWC must be activated upon entering the building and will not be deactivated until exiting building and terminating interior patrol, along with any associated police action.

c. Public interactions that escalate and become adversarial,
d. Interactions with an emotionally disturbed person,
e. Interactions with persons suspected of criminal activity,
f. A search of an individual and/or their belongings, vehicle, and/or home, except for strip searches,
g. Vehicle stops,
h. Vehicle checkpoints,
i. Summonses, except for a Notice of Parking Violation, unless the owner/operator is present,
j. Use of force as defined in *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"*
k. Bag checks,
l. Transit system ejections,
m. Transit system sleeping passenger checks,
n. Arrests,
o. Request from a member of the public to make shield number or rank designation visible,
p. All levels of investigative encounters, as defined by *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* except for vehicle collisions, missing persons, aided cases not involving an emotionally disturbed person and past crime investigations (10-20 series), and
q. Reading Miranda warnings to juveniles.

***NOTE*** *When an individual is under arrest or otherwise in custody, immediately inquire if medical and/or psychological treatment is necessary. Ensure that BWC is activated when asking if medical and/or psychological treatment is necessary. Request EMS to the scene to provide medical and/or psychological health care, as appropriate.*

5. Notify patrol/unit supervisor when there is a failure to record a mandatory event as described in step "4."
   a. Document notification in digital **Activity Log**.

MANDATORY ACTIVATION OF BWC FOR UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO EMERGENCY SERVICE UNIT (ESU):

**EMERGENCY SERVICE UNIT PERSONNEL**

6. Comply with steps "4" and "5," in addition to activating BWC as follows:
   a. Cell extractions,
   b. Use of mesh restraint,
   c. Perpetrator searches,
   d. Jumpers,
   e. Arrest and search warrants,
      (1) Vehicle movement to the target location

**EMERGENCY SERVICE UNIT PERSONNEL (continued)**

(2) ESU personnel will not record tactical discussion and briefings.

f. Barricaded emotionally disturbed person/perpetrator, and

(1) Prior to making entry to location of barricaded emotionally disturbed person/perpetrator, whether or not ESU supervisor is present, and

(2) If barricaded person/perpetrator is voluntarily surrendering, whether or not ESU supervisor is present.

g. When directed by ranking ESU supervisor or ranking member of the Department serving as Incident Commander.

***NOTE*** *In the event that additional resources or tactical briefings must take place after ESU personnel has already activated their BWCs, the ESU captain or above may order a temporary deactivation of BWCs. Any decision made regarding the activation and/or deactivation of BWCs by ESU personnel will be made in conjunction with established protocols, consistent with officer safety.*

*In the event that a briefing or tactical discussion regarding resource capabilities or after-action debriefing is recorded on BWC, the Commanding Officer, Emergency Service Unit will confer with the Commanding Officer, Legal Bureau in regard to the content of the recording and action to be taken to safeguard sensitive tactical information.*

**EMERGENCY SERVICE UNIT SUPERVISOR/ INCIDENT COMMANDER**

7. Ensure uniformed members of the service assigned to ESU activate BWC, as appropriate.

<u>BWC ACTIVATION, NOTICE OF RECORDING AND EXIGENT CIRCUMSTANCES FOR ALL UNIFORMED MEMBERS OF THE SERVICE:</u>

**UNIFORMED MEMBER OF THE SERVICE**

8. Begin recording prior to arrival at incident location when mandatory activation is required.

***NOTE*** *Vehicle operators may activate their BWC immediately after arrival at incident location in order to ensure the safe operation of Department vehicle.*

9. In the event of an unanticipated or exigent occurrence, activate the BWC as soon as it is feasible and safe to do so after taking necessary police action to preserve human health and safety. At no time should proper tactics be compromised to begin a recording.

10. As soon as reasonably practical, notify members of the public that an interaction is being recorded, unless notification could compromise the safety of any person or impede an investigation.

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

a. Suggested notification: "Sir/Ma'am, I am wearing a body-camera and this encounter is being recorded," and
b. Consent is not required to start or continue recording.

DISCRETIONARY ACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

**UNIFORMED MEMBER OF THE SERVICE**

11. Uniformed members of the service may record other official activities when, in the uniformed member's judgment, it would be beneficial to record, so long as it is not one of the prohibited recordings described in step "13."

DEACTIVATION OF BWC FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

**UNIFORMED MEMBER OF THE SERVICE**

12. Once the BWC has been activated, continue recording until the investigative, enforcement, or other police action is concluded. Recording should include complainant/witness statements unless prohibited as described in step "13."
    a. In the case of an arrest, continue recording until the prisoner is lodged at the command for arrest processing, and
    b. The uniformed member of the service may choose to deactivate the BWC upon the request of a member of the public if a suspect is not present, and it is safe and advisable to do so after considering all the circumstances, including the requester's desire for privacy or confidentiality.

PROHIBITED BWC RECORDINGS FOR ALL UNIFORMED MEMBERS OF THE SERVICE:

**UNIFORMED MEMBER OF THE SERVICE**

13. Do not activate the BWC for any of the following:
    a. Performance of administrative duties or non-enforcement functions,
    b. Routine activities within Department facilities,
    c. Departmental meetings or training,
    d. Off-duty employment including paid detail assignments,
    e. Interviewing a current or potential confidential informant,
    f. Undercover officers,
    g. Interviewing the victim of a sex crime, as soon as the nature of the offense becomes apparent,
    h. Strip searches,
    i. When present in a court facility, except for the immediate lodging of a prisoner,
    j. The inside of a medical facility, and
    k. Briefings and tactical discussions regarding resource capabilities, or after-action debriefings involving ESU personnel.

***NOTE*** *The mandatory activation of a BWC will take precedence over prohibited BWC recordings (i.e., an arrest in a medical facility should be recorded).*

*When Highway District, Intoxicated Driver Testing Unit (I.D.T.U.) personnel respond to a hospital or medical facility to conduct testing, the technician and the arresting officer will both activate their body-worn cameras to record the reading of the interrogation warnings and questions on Department form* ***INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY (PD244-1414)****, and capture the subject's consent or refusal to submit to a chemical or blood test. The officers will record a blood draw on their body-worn cameras, whether the sample is taken by consent or by an order of the court. If requested by medical personnel to stop recording, officers will capture the request if possible, turn off their body-worn cameras, and make digital* ***Activity Log*** *entries detailing the circumstances.*

**UNIFORMED MEMBER OF THE SERVICE**

14. Notify patrol/unit supervisor if a prohibited event as described in step "13" was recorded.
    a. Document notification in digital **Activity Log**.

DEMONSTRATIONS AND CIVIL DISOBEDIENCE:

**UNIFORMED MEMBER OF THE SERVICE**

15. Record only if engaged in one of the actions listed in step "4" above (Mandatory Activation of BWC) and in uniform.
    a. The Technical Assistance and Response Unit (TARU) remains solely responsible for documenting protests, demonstrations, political events, etc., by means of photos and/or video.

DOCUMENTATION AND MAINTENANCE OF BWCS:

**UNIFORMED MEMBER OF THE SERVICE**

16. Access the video management system on the Department Intranet or Department smartphone to classify videos based upon the nature of the event.
    a. Select one category for BWC video retention from the dropdown list in the following priority order:
        (1) Arrest,
        (2) Homicide,
        (3) Summons,
        (4) Investigative Encounter, and
        (5) Uncategorized.
    b. Document the nature of event from dropdown list (e.g., EDP, DV incident, home visit, etc.),
        (1) If the nature of the event cannot be selected from the dropdown list, enter a description of the event and include the associated ICAD number.
    c. If related to an arrest, enter the complete arrest number, beginning with the borough letter designation in the appropriate field, and/or
    d. If related to a Terry Stop/Level 3 Encounter not involving an arrest, enter the Stop Report number in the appropriate field.
    e. For all investigative encounters that are captured on BWC that do not end in an arrest or summons:

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

(1) Select "Investigative Encounter" as category for BWC video retention.

(2) Select applicable final level of encounter from dropdown list (e.g., Level 1 encounter escalates to a Level 2 encounter, select "Level 2 encounter.").

f. For all Level 2 encounters that are captured on BWC, but do not escalate beyond Level 2:

(1) Select race and gender of primary person encountered

(2) Select whether or not encounter was with more than one individual.

17. Categorize all BWC videos by the end of next scheduled tour.

18. Document in digital **Activity Log** and in the appropriate caption, or in the narrative of, any Department report prepared (e.g., **STOP REPORT [PD383-151]**, **THREAT, RESISTANCE OR INJURY [T.R.I.] INTERACTION REPORT**, **AIDED REPORT, COMPLAINT REPORT [PD313-152]**, **ON LINE BOOKING SYSTEM ARREST WORKSHEET [PD244-159]**, etc.) when an incident has been captured on a BWC recording.

a. Include the identity of member(s) recording the event.

19. Insert the BWC into the docking station at the station house for transfer of data and to recharge the battery at the completion of the tour.

ARREST PROCESSING AND SHARING OF BWC VIDEOS:

**ARRESTING OFFICER/ ASSIGNED OFFICER**

20. Comply with *P.G. 208-03, "Arrests – General Processing"* and *P.G. 208-15, "Arrest Processing Preparation at Stationhouse."*

21. Identify all BWC videos associated with the arrest, and if known, any other pertinent BWC video from previous incidents that can enhance the arrest case.

a. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)**.

***NOTE*** *When arresting officer/assigned officer becomes aware of any pertinent BWC video that is associated with their arrest case (e.g., BWC video containing suspect information, complainant/victim/witness statements, or are of any investigative value in regard to the establishment of probable cause, etc.), regardless of when the video was recorded, will ensure that those BWC video files are properly identified and shared with the District Attorney's office or special prosecutor.*

22. Ensure all associated BWC videos are properly classified as per step "16."

23. Use the appropriate functions in the video management system to share all BWC videos associated with the arrest to the District Attorney's office or special prosecutor.

24. Share BWC video as follows:

a. With the Legal Bureau, any time a member of the service becomes aware of potential or actual civil litigation involving a matter captured by a BWC, and/or

b. With assigned detective/investigator anytime that any portion of an incident under investigation is captured by a BWC.

VIEWING OF BWC RECORDINGS:

**UNIFORMED MEMBER OF THE SERVICE**

25. In the performance of their duties, uniformed members of the service may view the following BWC recordings:
    a. Their own BWC recordings, subject to steps "25(c)" and "25(d),"
    b. BWC recordings made by other uniformed members of the service, if the viewing is in furtherance of an investigation, preparation of a case or other official purpose, subject to steps "25(c)" and "25(d),"
    c. When a uniformed member of the service is the subject of an official Departmental investigation, or is a witness in an official Departmental investigation, the member may view his/her own BWC recording of the incident prior to making a statement under the provisions of *P.G. 206-13, "Interrogation of Members of the Service,"* at a time and place deemed appropriate by the supervisor in charge of the investigation, and
    d. When a recording is related to a police firearms discharge, a Level 4 use of force, or a serious injury/death in custody as defined in *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* the member may view their own BWC recording of the incident prior to making a statement under the provisions of *P.G. 206-13, "Interrogation of Members of the Service,"* at a time and place deemed appropriate by the supervisor in charge of the investigation.

FIREARMS DISCHARGES, LEVEL 3 AND LEVEL 4 USE OF FORCE, AND DEATH/ SERIOUS INJURY IN CUSTODY INCIDENTS:

**PATROL SUPERVISOR/ UNIT SUPERVISOR**

26. Respond to police firearms discharges, Levels 3 and 4 uses of force, and death in-custody/serious injury in custody incidents and assume command.
    a. In addition to other necessary actions, obtain and secure BWCs from all members of the service who were on scene, documenting which officer had each camera,
    b. Confer with Internal Affairs Bureau for Level 3 uses of force and determine whether to secure BWC pending their response, and
    c. In all cases involving a police firearm discharge or level 4 use of force, secure BWCs and provide BWCs to Force Investigation Division upon their arrival.
27. Instruct members of the service to deactivate BWC if enforcement action has terminated, the event has been stabilized and interaction with the subject(s) of the police activity has concluded.

SUPERVISORY AND ADMINISTRATIVE FUNCTIONS FOR BWC:

**SUPERVISOR CONDUCTING ROLL CALL**

28. Provide members performing duty with the platoon sufficient time after the start of their tour, but prior to roll call, to retrieve their assigned BWC from the docking station.

**SUPERVISOR CONDUCTING ROLL CALL (continued)**

29. Inspect members for their assigned BWCs and ensure that they are properly affixed to their uniform or outer-most garment, powered on, and functioning properly.

**PATROL SUPERVISOR/ UNIT SUPERVISOR**

30. Visit members of the service equipped with BWCs while on assignment and ensure they are recording events and activities.
31. Instruct members of the service to deactivate BWC if enforcement action has terminated, the event has been stabilized and interaction with the subject(s) of the police activity has concluded.
32. Conduct an investigation when notified that a member failed to record all or part of an encounter as mandated in step "4."
    a. Make determination regarding the propriety of the circumstances surrounding the failure to record and notify the desk officer to document results in Command Log,
    b. Ensure that any resulting failure to record is documented in the uniformed member's digital **Activity Log**, and
    c. Prepare and forward a report on **Typed Letterhead** detailing the investigation, findings, and actions taken to the Chief of Department (through channels).
        (1) Forward additional copies to the Deputy Commissioner, Information Technology and the Commanding Officer, Risk Management Bureau.
33. Notify desk officer whenever notified that a member made a prohibited recording as described in step "13."
34. Periodically review BWC video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.

**DESK OFFICER/UNIT SUPERVISOR**

35. Account for all BWCs assigned to command at start of tour.
    a. Enter details in the Command Log.
36. Conduct an immediate investigation when notified that a BWC is not functioning properly, has become damaged, or is otherwise unaccounted for, and comply with *P.G. 217-10, "Accidents – Department Property"* or *P.G. 219-20, "Loss or Theft of Department Property,"* as appropriate, and make entries in Command Log.
    a. Notify Information Technology Bureau Service Desk and follow guidance for obtaining a replacement BWC.
37. Ensure that all BWCs are returned to their docking station for video upload and battery recharging at end of tour.
38. Ensure arresting officer/assigned officer has shared all BWC videos associated with arrest to with District Attorney's office or special prosecutor.
    a. Ensure **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST** is prepared, as appropriate.
39. Log into BWC video management system at least once per tour, and identify BWC video recorded by command personnel that have not been categorized properly.
    a. Instruct BWC user to categorize their BWC video, as appropriate.

**DESK OFFICER/UNIT SUPERVISOR (continued)**

40. Notify the commanding officer/duty captain whenever notified that a member made a prohibited recording as described in step "13."

**TRAINING SERGEANT**

41. Periodically review BWC video as appropriate, to provide positive feedback and address any performance or tactical deficiencies observed.
42. Assess compliance with the procedure and take necessary remedial action to correct deficiencies.
43. Prepare and submit monthly BWC inspection report to Compliance Division's Body-Worn Camera Unit by the 20th of each month for videos reviewed during the previous month.
44. Ensure new personnel assigned to command are BWC trained and are equipped with a BWC compatible with the command.
    a. Notify Information Technology Bureau, Strategic Technology Division, if a new BWC is needed.

**INTEGRITY CONTROL OFFICER**

45. Be responsible for the integrity and security of the BWCs, related hardware and the video management system.
    a. When a member of the service transfers to another BWC command, ensure member takes their BWC with them, and
    b. When a member of the service transfers to a non-BWC command, ensure member's BWC is returned to ITB, Strategic Technology Division.
46. Supervise review of BWC video by supervisors assigned to command.
47. Periodically review BWC video as appropriate, to provide positive feedback and address any performance deficiencies observed.
48. Ensure distribution of command's "Quarterly" Body-Worn Camera Self-Inspections to command staff and ensure "Monthly" Body-Worn Camera Self-Inspections are conducted and made available for review by the Quality Assurance Division.
49. Complete all investigatory communications sent by the Compliance Division in regard to BWC usage.

**COMMANDING OFFICER**

50. Designate a secure area within the muster room/desk area and under the control of desk officer for storage of BWCs not being used.
51. Ensure compliance with BWC procedure.
    a. Designate a point person within command to monitor compliance with Department BWC policies.
52. Conduct an investigation when notified of the recording of an event which is prohibited in step "13."
    a. Prepare and forward a report on ***Typed Letterhead*** detailing the investigation, findings, and actions taken to the Chief of Department (through channels), and

**COMMANDING OFFICER (continued)**

b. Forward additional copies to the Deputy Commissioner, Information Technology and the Commanding Officer, Risk Management Bureau.

**PATROL BOROUGH ADJUTANT/ COUNTERPART**

53. Be responsible and provide oversight for the BWC program.
54. Evaluate compliance with BWC procedure and manage systems to address deficiencies.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*When entering a Department facility equipped with an electronic access control system, uniformed members of the service should cover the lens of their BWC while entering the access code into the keypad to prevent the inadvertent recording of access information.*

*The BWC and related hardware/software, as well as video, audio and data captured by the BWC, irrespective of the content, are at all times the property of the Department. Other than providing copies of BWC video to members of the Department for official purposes (e.g., arresting officers processing an arrest, detectives conducting criminal investigation, etc.) and prosecutors as described above, uniformed members of the service may not copy, publish, share or disseminate any audio, video, image or data to anyone unless authorized by the Police Commissioner. Furthermore, members of the service may not edit, delete or alter any video or audio captured by the BWC or stored on the Department's network or approved storage media. The video management system maintains an audit trail for all transactions conducted in the system.*

*The default preservation period for BWC video is eighteen months, at which time it will be automatically deleted. Depending upon the "category" assigned to the video, certain videos (e.g., arrests) may be retained for longer periods. Commanding officers may request that a BWC recording be retained beyond the prescribed retention period, if necessary. Requests should be submitted through channels to the Deputy Commissioner, Information Technology, detailing the reasons for the request and expected duration of the preservation.*

*LEGAL CONSIDERATIONS*

*The Department is required by law to disclose certain information and material related to criminal and civil proceedings pursuant to the New York Criminal Procedure Law, People v. Rosario, rules governing discovery in civil cases, The Freedom of Information Law (F.O.I.L.), subpoenas, and court orders. The Legal Bureau's Subpoena Litigation Unit will respond to subpoenas, court orders, and F.O.I.L. requests as per P.G. 211-17, "Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law." The Internal Affairs Bureau will process requests from the Civilian Complaint Review Board for body-worn camera video as per P.G. 211-14, "Investigations by Civilian Complaint Review Board." Arresting officers will provide the assigned prosecutor with access to all BWC video related to an arrest utilizing the BWC video management system.*

*Confirmatory identifications ("show-ups") must be done in person and not by the witness viewing a BWC video of the suspect. An image of a suspect depicted in a BWC video may be used in a photo array for identification. A still shot of the BWC footage depicting the subject*

***ADDITIONAL DATA (continued)***

*may be taken on a Department computer, printed, and thereafter affixed to a photo array for identification. Requests by a witness or victim to view a BWC recording must be declined and referred to the appropriate prosecutor handling the case. Requests by civilians to view a BWC recording that is not related to a criminal case must be declined and referred to the Legal Bureau's Subpoena Litigation Unit. Requests for BWC recordings can be made by emailing FOIL@NYPD.ORG or by making a request on New York City's FOIL website at https://a860-openrecords.nyc.gov.*

*Any member of the service requiring BWC footage to be downloaded to a digital video disc (DVD), as part of their case work or investigation, should email such request to the Legal Bureau's Body-Worn Camera Unit at bwc-legal@nypd.org. All requests should include pertinent information regarding the specific BWC video(s) or specific details of the incident to ensure all necessary BWC footage is identified and downloaded.*

***RELATED PROCEDURES***

*Interrogation of Members of the Service (P.G. 206-13)*
*Arrests – General Processing (P.G. 208-03)*
*Arrest Processing Preparation at Stationhouse (P.G. 208-15)*
*Intoxicated or Impaired Driver Arrest (P.G.208-40)*
*Investigations by Civilian Complaint Review Board (P.G. 211-14)*
*Processing Legal Bureau Requests for Department Records Including Requests Under the Freedom of Information Law (P.G. 211-17)*
*Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)*
*Interior Patrol of Housing Authority Buildings (P.G. 212-60)*
*Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)*
*Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)*
*Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)*
*Accidents – Department Property (P.G. 217-10)*
*Loss or Theft of Department Property (P.G. 219-20)*
*Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)*
*Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)***
***INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY (PD 244-1414)***
***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)***
***STOP REPORT (PD383-151)***
***THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT***
***AIDED REPORT***
***Typed Letterhead***

**PURPOSE** To inform uniformed members of the service of the circumstances under which a Department unmanned aircraft system (UAS) may be utilized.

**SCOPE** There are limited circumstances in which a UAS can be used. A UAS may be used for the following purposes:

a. Search and rescue operations
b. Documentation of collisions and crime scenes
c. Evidence searches at large or inaccessible scenes
d. Hazardous material incidents
e. Monitoring vehicular traffic and pedestrian congestion at large scale events
f. Visual assistance at hostage/barricaded suspect situations
g. Rooftop security observation at shootings or large scale events at the direction of the Incident Commander
h. Public safety, emergency, or other situation with the approval of the Chief of Department
i. Pre-warrant execution safety survey and during execution of search warrant, as appropriate (see *ADDITIONAL DATA*).

**DEFINITION** UNMANNED AIRCRAFT SYSTEM (UAS) - An aircraft without a human pilot onboard which is controlled remotely by an operator by use of a transmitter. Commonly referred to as a drone.

**PROCEDURE** When necessary to utilize a Department unmanned aircraft system (UAS):

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

1. Request response of trained TARU member via telephone, in circumstances dictating the feasibility of utilizing a UAS.

**MOS ASSIGNED TO TARU**

2. Act as operator of UAS.
   a. UAS operator must hold a remote pilot certificate with a small UAS rating.
3. Make determination as to whether to utilize UAS, based on the totality of the circumstances.
   a. Confer with TARU supervisor, if there is a disagreement concerning permissible uses of UAS.
      (1) If disagreement cannot be resolved, the duty chief will make final determination.
   b. If other operational concerns arise, such as weather, airspace, or safety, confer with TARU supervisor who will make final determination.

**MOS ASSIGNED TO TARU (continued)**

4. Operate UAS within the guidelines of Title 14 Code of Federal Regulations, Part 107, or the Certificate of Authorization (COA) issued to the Department by the Federal Aviation Administration (FAA), and in compliance with all other applicable FAA, federal, state, and local laws.
5. Contact FAA and request emergency COA, if exigent circumstances exist and operating parameters are outside of existing COA.
   a. Await authorization prior to commencing operation.
6. Make notifications, as necessary, including:
   a. Aviation Unit of time, location, and flight path prior to deployment of UAS in order to avoid any airspace conflict with Department aircraft operating in the area
   b. Operations Unit of time, location, and flight path prior to deployment, when appropriate
   c. Radio dispatcher to alert responding members of the service of Department UAS operations in the area, when practical.
7. Maintain log of each UAS flight by date, time, location, purpose, flight time, pilot name, and authorizing member.
8. Prepare **UNMANNED AIRCRAFT SYSTEM (UAS) DEPLOYMENT REPORT (PD620-151)** for all UAS flights and enter information into the Finest Online Records Management System (FORMS).

***ADDITIONAL DATA***

*Recorded images will be retained for 30 days. Images that contain evidence of a crime will be preserved for criminal prosecution. The Legal Bureau may extend the retention period, if the images are needed for civil litigation, subpoena production, FOIL requests or other legal processes.*

*Furthermore, certain restrictions apply to the use of a UAS, consistent with the mission of the Department and privacy considerations for the public. These include:*

*a. A UAS cannot be used for the following purposes:*
   *(1) Warrantless surveillance*
   *(2) Routine patrol*
   *(3) Traffic enforcement*
   *(4) Immobilizing vehicles or suspects.*

*b. Absent exigent circumstances, a UAS will **NOT** be deployed in areas where there is a reasonable expectation of privacy (e.g., to look inside of residences), without first obtaining a search warrant. A UAS may be used for a pre-warrant execution safety survey, as well as, during the execution of the search warrant. When conducting a pre-warrant execution safety survey, UAS operators shall take all necessary precautions to avoid capturing video or images of areas not named in the search warrant*

*c. A UAS will **NOT** be used as a weapon or equipped with any weapons*

*d. A UAS will **NOT** be equipped with facial recognition software*

*e. UAS footage will not be subject to facial recognition analysis, absent a public safety concern*

*f. Use of a UAS must be consistent with the Handschu Guidelines outlined in P.G. 212-71, "Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations."*

***ADDITIONAL DATA (continued)***

*The Legal Bureau is also available to assist members of the service in determining permissible uses of UAS.*

***RELATED PROCEDURES***

*Conferral with Department Attorney (P.G. 211-20)*
*Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)*

***FORMS AND REPORTS***

***UNMANNED AIRCRAFT SYSTEM (UAS) DEPLOYMENT REPORT (PD620-151)***

NYPD

**PURPOSE** To provide guidelines to members of the service regarding the Crime Victim Assistance Program (CVAP).

**DEFINITIONS** CRIME VICTIM ASSISTANCE PROGRAM (CVAP) – The Department, in collaboration with Safe Horizon, has implemented a program that places trained victim advocates inside Department facilities Citywide, in order to expeditiously connect crime victims with relevant services, including counseling, financial compensation, etc.

CVAP ADVOCATE – Crime victim and domestic violence advocate who is part of CVAP, and is employed by Safe Horizon to work in precincts and police service areas to provide support to victims after crimes are reported.

COMMUNITY ASSISTANT – Civilian member of the service who assists CVAP Advocate and performs clerical duties.

**PROCEDURE** When relevant services are to be offered to crime victims in regard to CVAP:

**OPERATIONS COORDINATOR**

1. Supervise command Crime Victim Assistance Program (CVAP).
2. Confer with Police Academy Vest Unit to procure protective vest for CVAP Advocate.
   a. Comply with *A.G. 305-15, "Protective Vests"* as required.
   b. Store vests in a secure location, as appropriate.
3. Direct CVAP Advocate to wear ballistic vest while conducting visits with domestic violence officers or neighborhood coordination officers.
   a. CVAP Advocates are not permitted to accompany uniformed members of the service on visits to a location where there is an open **COMPLAINT REPORT (PD313-152)**, or where a wanted perpetrator may be present.

**PRINCIPAL ADMINISTRATIVE ASSOCIATE**

4. Assist operations coordinator in supervision of CVAP, as appropriate.

**DESK OFFICER**

5. Make Command Log entry when CVAP Advocate is present for duty, leaves or returns to precinct or police service area for any reason, and at end of tour.

**COMMUNITY ASSISTANT**

6. Report to desk officer at commencement and end of tour.
7. Advise desk officer when leaving command for any reason.
8. Review **COMPLAINT REPORTS** and **New York State Domestic Incident Reports (DCJS-3221)** in Finest Online Records Management System (FORMS) at beginning of tour.

**COMMUNITY ASSISTANT (continued)**

9. Print **COMPLAINT REPORTS** and **New York State Domestic Incident Reports**, except for sex crimes and any crimes including child victims, and deliver to CVAP Advocate daily.
10. Send outreach letters to crime victims, as appropriate.
    a. Create and update spreadsheet indicating **COMPLAINT REPORT** numbers, and when and where outreach letters were sent.
11. Send spreadsheet to borough designee weekly.
12. Answer telephone in CVAP office promptly, stating in a courteous manner, command, Crime Victim Assistance Program, rank/title, surname, and, "May I help you?"

**DOMESTIC VIOLENCE SERGEANT**

13. Ensure CVAP Advocate accompanies domestic violence officer or neighborhood coordination officer on home or other visits, except at locations where there is an open **COMPLAINT REPORT**, or where a wanted perpetrator may be present.
14. Liaise with CVAP Advocate when referral to social services or other assistance is needed.
15. Coordinate community outreach with CVAP Advocate.

**DETECTIVE SQUAD MEMBER**

16. Liaise with CVAP Advocate, as appropriate.
17. Notify detective squad supervisor, CVAP Advocate, and commanding officer, if CVAP Advocate contacting a victim could have negative effects on investigation.

**UNIFORMED MEMBER OF THE SERVICE**

18. Refer victims to CVAP directly, as appropriate.
19. Present victims with CVAP handout explaining available resources.

**COMMANDING OFFICER**

20. Sign outreach letters, as appropriate.
    a. Designate executive officer to sign outreach letters, when unavailable.

**COMMANDING OFFICER, PATROL BOROUGH CONCERNED**

21. Supervise CVAP operations within borough.
22. Designate supervisory member as borough CVAP liaison.

**BOROUGH CVAP LIAISON**

23. Conduct precinct and police service area visits in order to ensure CVAP tasks are performed as required.

***RELATED PROCEDURES*** *Complaint Reporting System (P.G. 207-01)*

***FORMS AND REPORTS*** ***COMPLAINT REPORT (PD313-152)***
***New York State Domestic Incident Report (DCJS-3221)***
***Typed Letterhead***

# PATROL GUIDE

| Section: Command Operations | | Procedure No: 212-126 | |
|---|---|---|---|
| **REQUESTS TO PROVIDE CITY RESOURCES FOR IMMIGRATION ENFORCEMENT** | | | |
| DATE ISSUED: 06/24/20 | DATE EFFECTIVE: 06/24/20 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE**

To provide members of the service with guidelines when a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State Department of Motor Vehicles [DMV], etc.) to support or assist in immigration enforcement.

**DEFINITIONS**

CITY PROPERTY - Any real property leased or owned by the City that serves a City governmental purpose and over which the City has operational control.

CITY RESOURCES - Including, but not limited to, time spent by members of the service while on duty, use of City owned equipment, or use of City property.

IMMIGRATION ENFORCEMENT - The enforcement of any civil provision of the Immigration and Nationality Act and any provision of such law that penalizes a person's presence in, entry into, or reentry into the United States.

**SCOPE**

Members of the service may not use City resources to support or assist in immigration enforcement, except in certain circumstances, as described below.

**PROCEDURE**

When a non-local law enforcement agency requests, or a member of the service proposes, that the Department provide City resources (i.e., traffic control, vehicle escorts, site security, information or records under the control of the New York State DMV, etc.) to support or assist in immigration enforcement:

**MEMBER OF THE SERVICE RECEIVING REQUEST OR MAKING PROPOSAL**

1. Notify desk officer, command of occurrence.
2. Provide details of request, or proposed use, including:
   a. Agency requesting assistance
   b. Type of assistance requested or proposed
   c. Reason for request or proposal.

**DESK OFFICER, COMMAND OF OCCURRENCE**

3. Notify Operations Unit.
4. Provide details of request or proposal.
5. Make Command Log entry with pertinent details.

**OPERATIONS UNIT**

6. Notify duty chief.
7. Provide details of request or proposal.

**DUTY CHIEF**

8. Confer with Legal Bureau regarding request or proposal.
9. Determine action to be taken after reviewing the grounds of the request or proposal, considering the need to ensure public safety.
10. Notify Operations Unit of action taken.

***NOTE***

*In emergency, public safety related situations, the decision to support the non-local law enforcement agency will be made by the highest ranking uniformed member of the service at the scene, or in the absence of a supervisor, the senior uniformed member of the service at the scene. That member must immediately notify the Operations Unit of this decision and include details of the circumstances.*

*There is no emergency exception regarding DMV records. Criminal liability for disclosing these records still applies and is prohibited prior to consultation with the Legal Bureau.*

*Whenever a uniformed member of the service enforces a State or local criminal law at the scene of an immigration enforcement incident, the highest ranking uniformed member of the service at the scene must notify the Operations Unit regarding details of incident.*

**OPERATIONS UNIT**

11. Notify desk officer, command of occurrence, of action taken or to be taken.
12. Record notifications and actions in a database that will be accessible for statistical analysis.

***ADDITIONAL DATA***

*Members of the service are not required to follow this procedure when performing duties with non-local law enforcement agencies in connection with a cooperative agreement, such as a task force that is not primarily intended to further immigration enforcement, or when responding to requests from the Department of Homeland Security (DHS) for detention of a person in custody beyond the time s/he would be released under state or local law or for advance notice of such person's release.*

*It is a class E felony under the Vehicle and Traffic Law (VTL), to use DMV records in furtherance of immigration enforcement, or to disclose such records to any non-local law enforcement agency that primarily conducts immigration enforcement. The only exception to the law is if DMV records are to be disclosed in connection with a cooperative agreement (e.g., a task force that is not primarily intended to further immigration enforcement). When a member of the service receives a request from a non-local law enforcement agency that primarily conducts immigration enforcement, and is a member of a taskforce or other cooperative agreement, the member of the service must ascertain the purpose for which the information is sought. Conferrals between the duty chief and the Legal Bureau will focus on whether such requests, and the production of records fall within the mission or scope of the taskforce or agreement.*

*Members of the services are reminded of Patrol Guide 212-66, "City Policy Concerning Identifying Information and Access to City Services" that affirms the City's policy of providing essential services to all residents regardless of immigration status.*

***RELATED PROCEDURES***

*City Policy Concerning Identifying Information and Access to City Services (P.G. 212-66)*

**PURPOSE** To ensure an appropriate response to, and a thorough investigation of, a gunshot detection alert.

**DEFINITIONS**

GUNSHOT DETECTION TECHNOLOGY - Refers to an array of acoustic devices, computer software, and experts in audio analysis to approximate the location of gunfire in order to alert law enforcement agencies for response. This includes the use of acoustic sensors in strategic locations that are experiencing shootings, calls for shots fired radio runs, or other gun violence.

GUNSHOT DETECTION ALERT - An alert transmitted via the Communications Section to the command concerned, which provides a notification of the activation of the gunshot detection system that shots may have been fired at a given location.

CONFIRMED SHOT(S) ACTIVATION - Confirmed activations occur when responding officers:

a. Discover a person shot or evidence that someone was shot (e.g., blood or blood trail),
b. Recover ballistic evidence or firearms evidence,
c. Find property damage indicative of gunfire,
d. Receive one, or more, 911 call(s) for shots fired in addition to a gunshot detection alert, or
e. Find an eyewitness/earwitness to the shooting.

**PROCEDURE** When a gunshot detection alert is transmitted via the Communications Section:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to scene and initiate canvass for perpetrators, victims, evidence and witnesses.
   a. Ensure Body-Worn Camera (BWC) is activated, as per *P.G. 212-123, "Use of Body-Worn Cameras."*
2. Ascertain whether alert is confirmed, or unconfirmed, and take police action, as appropriate.
   a. Establish crime scene as per *P.G. 212-04, "Crime Scene,"* if necessary.
3. Notify patrol supervisor and Communications Section, and report whether alert is confirmed or unconfirmed.
4. Safeguard any potential evidence indicative of a possible shooting.
   a. Request response of Technical Assistance Response Unit (TARU), if assistance is required to retrieve video evidence.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for all gunshot detection alerts (confirmed or unconfirmed), and leave open to precinct detective squad.

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

a. Note in narrative section of **COMPLAINT REPORT WORKSHEET** that incident originated as a response to a gunshot detection alert.
b. Ensure "Shots Fired" caption is checked in all cases, regardless of report classification.
c. For confirmed gunshot detection alerts, prepare **COMPLAINT REPORT WORKSHEET** and classify complaint, as appropriate.
d. For unconfirmed gunshot detection alerts, prepare **COMPLAINT REPORT WORKSHEET** and classify as "Investigate Gunshot Detection Alert," and indicate cause of unconfirmed alert, if known.

6. Ensure ICAD job number is entered on all forms and documents prepared.

**PATROL SUPERVISOR**

7. Respond to all confirmed gunshot detection alerts.
8. Notify desk officer and provide pertinent details.
9. Notify precinct detective squad for confirmed gunshot detection alerts and request response.
10. Request Crime Scene Unit or Evidence Collection Team, as appropriate.
11. Request response of precinct commanding officer, executive officer, or duty captain, via Communications Section, for confirmed gunshot detection alerts.

**DESK OFFICER**

12. Provide updates regarding confirmed gunshot detection alerts to the following:
    a. Operations Unit,
    b. Patrol borough command, and
    c. Precinct/PSA/transit district commanding officer/executive officer, or duty captain, as appropriate.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

13. Respond to all confirmed gunshot detection alerts.
14. Supervise response and ensure a thorough canvass for evidence and victims is conducted.

**DESK OFFICER FIRST PLATOON**

15. Determine if a daylight canvass is necessary after reviewing the following:
    a. **COMPLAINT REPORT (PD313-152)** narrative,
    b. Audio recording of gunshot detection alert, and
    c. ICAD job assignment narrative.
16. Review all **COMPLAINT REPORTS** for previous twenty-four hours.
    a. Ensure all gunshot detection alert incidents remain open to precinct detective squad.
    b. Review gunshot detection alert and determine if there were additional 911 calls, if **COMPLAINT REPORT** notes no evidence was recovered.

**DESK OFFICER FIRST PLATOON (continued)**

c. Electronically sign off **COMPLAINT REPORTS**, as appropriate.

17. Direct neighborhood coordination officer to conduct daylight canvass, if necessary.

**NEIGHBORHOOD COORDINATION OFFICER**

18. Open companion case for confirmed gunshot detection alerts in Enterprise Case Management System (ECMS).
19. Conduct daylight canvass for cameras, ballistics, witnesses, etc., if necessary.

**COMMANDING OFFICER**

20. Review copies of gunshot detection alert reports to identify problematic shooting locations that may require deployment of additional resources.
21. Document possible chronic false alerts and notify Information Technology Bureau (ITB).

***RELATED PROCEDURES***

*Enhancement of Offenses Involving Firearms (P.G. 208-75)*
*Crime Scene (P.G. 212-04)*
*Use of Body-Worn Cameras (P.G. 212-123)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***COMPLAINT REPORT WORKSHEET (PD313-152A)***

NYPD

**PURPOSE** To establish guidelines for uniformed members of the service who apply for, serve, and remove firearms pursuant to an Extreme Risk Protection Order.

**DEFINITIONS** EXTREME RISK PROTECTION ORDER – A court issued Order of Protection, either temporary or final, prohibiting a person from purchasing, possessing, or attempting to purchase or possess firearms.

FIREARM – A handgun, revolver, pistol, rifle or shotgun.

RESPONDENT – A person against whom an Extreme Risk Protection Order is sought.

**PROCEDURE** When a uniformed member of the service has reasonable cause to believe that an individual who has access to, or intends to acquire a firearm, is likely to engage in conduct that would result in serious harm to themself or others, and an Extreme Risk Protection Order should be sought:

WHEN AN EXTREME RISK PROTECTION ORDER IS SOUGHT:

**UNIFORMED MEMBER OF THE SERVICE**

1. Determine if individual is likely to engage in conduct that would result in serious harm to themself or others, after considering any relevant factors, including, but not limited to:
   a. Any threat or act of violence, stalking, menacing, or use of physical force by individual against themself or another person,
   b. Any violation or alleged violation of an Order of Protection,
   c. Any pending charge or conviction for an offense involving use of a weapon,
   d. The reckless use or display of a firearm,
   e. Any history of violating an Extreme Risk Protection Order,
   f. Evidence of recent or ongoing use of a controlled substance and/or alcohol, and
   g. Evidence of acquiring, or attempting to acquire, a firearm, or other deadly weapon, within the preceding six months, and one or more of the factors listed in subdivisions "a" through "f."

***NOTE*** *The existence, or non-existence, of any of the above factors listed in step "1" does not automatically indicate whether or not an Extreme Risk Protection Order should be sought. All of these factors, and any other relevant information, should be weighed when assessing whether an individual is likely to engage in conduct that would result in serious harm to themself, or others.*

2. Determine if criminal conduct occurred and take appropriate police action.

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

3. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if individual is acting in a manner that would lead the uniformed member of the service to believe that the individual is emotionally disturbed, as appropriate.
4. Ascertain if respondent owns, possesses, or has access to a firearm, and if so, determine location of firearm(s).
5. Comply with *P.G. 208-36, "Family Offenses/Domestic Violence,"* if firearms are to be seized in domestic incidents involving firearm permit/license holders.
6. Conduct interviews and obtain statements, as well as, all other evidence which may be presented when applying for an Extreme Risk Protection Order.
7. Confer with immediate supervisor and articulate the basis for believing that the individual is likely to engage in conduct that would result in serious harm to themself or others.

**IMMEDIATE SUPERVISOR**

8. Ensure appropriate police action is taken.
9. Evaluate, confirm, and record all information obtained.
10. Determine whether there is reasonable cause to believe that an individual is likely to engage in conduct that would result in serious harm to themself or others.
    a. Notify commanding officer/executive officer/duty captain and provide details of underlying circumstances, if reasonable cause is established.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

11. Evaluate all information pertaining to request for Extreme Risk Protection Order, and confer with Civil Enforcement Unit, Monday through Friday, from 0700 to 1700 hours.
    a. Contact Legal Bureau for assistance, Monday through Friday, from 1700 to 2300 hours.
    b. Contact duty attorney for assistance, via the Operations Unit, Monday through Friday, 2300 to 0700 hours, and on weekends.
12. Direct immediate supervisor to notify License Division, Incident Section, of all applications for an Extreme Risk Protection Order.
    a. Direct notification to be made next business day, if License Division is unavailable.
13. Ensure immediate supervisor directs uniformed member of the service concerned, to contact Civil Enforcement Unit to prepare application for Extreme Risk Protection Order.
    a. If assistance is required Monday through Friday, from 1700 to 0700 hours, or on weekends, comply with contact information provided above in step "11."

***NOTE*** *The uniformed member of the service shall record their findings, and basis for such, in their digital **Activity Log**, whether or not an Extreme Risk Protection Order is sought.*

**UNIFORMED MEMBER OF THE SERVICE**

14. Contact Civil Enforcement Unit for preparation of application for Extreme Risk Protection Order, and provide pertinent details.
    a. If assistance is required Monday through Friday, from 1700 to 0700 hours, or on weekends, comply with contact information provided above in step "11."

**DEPARTMENT ATTORNEY, CIVIL ENFORCEMENT UNIT**

15. Prepare application for Extreme Risk Protection Order, if request meets legal threshold to proceed.
16. Appear with uniformed member of the service at court to apply for temporary Extreme Risk Protection Order.

***NOTE***

*The Civil Enforcement Unit shall ensure that a Department Attorney appears with the uniformed member of the service at the subsequent hearing for a final Extreme Risk Protection Order. There will be a final Extreme Risk Protection Order hearing, whether temporary Extreme Risk Protection Order is approved or denied.*

TEMPORARY EXTREME RISK PROTECTION ORDER GRANTED:

**UNIFORMED MEMBER OF THE SERVICE**

17. Appear at temporary Extreme Risk Protection Order hearing.
    a. Notify immediate supervisor, without delay, if temporary Extreme Risk Protection Order has been granted.
18. Respond to location indicated on temporary Extreme Risk Protection Order and:
    a. Attempt to personally serve the following court documents:
        (1) Temporary Extreme Risk Protection Order,
        (2) Notification of Hearing for Final Extreme Risk Protection Order,
        (3) Respondent Listing of Firearms, Rifles and Shotguns,
        (4) Denial Order, and/or
        (5) Other court related documents, as necessary.
    b. Request respondent to sign court related documents,
    c. Request respondent to immediately surrender all firearms in their possession,
    d. Comply with *P.G. 221-17, "Search Warrant Execution,"* if Extreme Risk Protection Order is designated as a "Search Order," and
    e. Notify desk officer, if unable to personally serve temporary Extreme Risk Protection Order, and related court documents.

**DESK OFFICER**

19. Ensure for three consecutive tours, that a uniformed member of the service responds to location indicated on temporary Extreme Risk Protection Order and complies with the following:
    a. Attempts to personally serve the following court documents:
        (1) Temporary Extreme Risk Protection Order,
        (2) Notification of Hearing for Final Extreme Risk Protection Order,
        (3) Respondent Listing of Firearms, Rifles and Shotguns,

**DESK OFFICER (continued)**

(4) Denial Order, and/or
(5) Other court related documents, as necessary.

b. Notify Civil Enforcement Unit after three unsuccessful attempts, and
c. Ensure proper entries are made in the command's Order of Protection log.

TEMPORARY EXTREME RISK PROTECTION ORDER SERVED:

**UNIFORMED MEMBER OF THE SERVICE**

20. Complete appropriate fields on related court documents.
21. Forward completed court documents to Civil Enforcement Unit.
22. Make digital **Activity Log** entry, including pertinent details.
23. Prepare **PROPERTY CLERK INVOICE (PD521-141)** using the Property and Evidence Tracking System (PETS), and process firearm as per *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if firearm recovered.
    a. Include the following statement in the "Remarks" section of the **PROPERTY CLERK INVOICE**: "Firearms shall not be released without written authorization of the Commanding Officer, License Division."

***NOTE***

*If a temporary Extreme Risk Protection Order is denied, the respondent must be served with a Denial Order, and a notice to appear at a hearing for a final Extreme Risk Protection Order. The uniformed member of the service shall be guided by the Civil Enforcement Unit, if a temporary Extreme Risk Protection Order is denied.*

**CIVIL ENFORCEMENT UNIT**

24. Maintain record of all Extreme Risk Protection Order applications initiated by uniformed members of the service, including, but not limited to:
    a. Respondent's full name,
    b. Uniformed member's rank, name, tax number, and command,
    c. Whether a temporary Extreme Risk Protection Order was issued,
    d. Whether a final Extreme Risk Protection Order was issued, and if so, date of expiration, and
    e. Whether firearm was removed.
25. Ensure Department attorney, uniformed member of the service, and all necessary witnesses appear at final Extreme Risk Protection Order hearing.
    a. Confirm whether License Division conducted appropriate background investigation prior to hearing.

COURT ORDERED BACKGROUND CHECKS IN PREPARATION FOR HEARINGS FOR A FINAL EXTREME RISK PROTECTION ORDER:

**LICENSE DIVISION**

26. Conduct background checks on respondent, including whether respondent:
    a. Has any prior criminal convictions for an offense involving domestic violence, use of a weapon, or other violence,

**LICENSE DIVISION (continued)**

b. Has any criminal charge or violation currently pending against them,
c. Is currently on parole or probation,
d. Possesses any registered firearms, and
e. If respondent has been, or is, subject to any Order of Protection, or has violated, or allegedly violated, any Order of Protection.

FINAL EXTREME RISK PROTECTION ORDER GRANTED:

**UNIFORMED MEMBER OF THE SERVICE**

27. Appear at final Extreme Risk Protection Order hearing.
    a. Notify immediate supervisor, without delay, if final Extreme Risk Protection Order has been granted.
28. Respond to location indicated on final Extreme Risk Protection Order, if respondent is not served at hearing.
    a. Attempt to personally serve the following court documents:
        (1) Final Extreme Risk Protection Order,
        (2) Notification of Hearing for Final Extreme Risk Protection Order,
        (3) Respondent Listing of Firearms, Rifles and Shotguns,
        (4) Denial Order, and/or
        (5) Other court related documents, as necessary.
    b. Comply with step "18," subdivisions "b" through "d," as detailed above, as required.
    c. Notify desk officer, if unable to personally serve final Extreme Risk Protection Order, and relevant court documents.

**CIVIL ENFORCEMENT UNIT**

29. Forward all court forms and Orders served by uniformed members of the service, to appropriate borough court clerk.
30. Ascertain if circumstances that prompted application for Extreme Risk Protection Order still exist, sixty days prior to expiration:
    a. If so, initiate a request to renew the Extreme Risk Protection Order with appropriate court, or
    b. If not, notify Central Records Division, Identification Section, to seal records of the Extreme Risk Protection Order in the Department's Order of Protection database upon expiration.

**PROPERTY CLERK**

31. Retain firearms invoiced for at least two years.
    a. Do not release any firearms recovered to any individual, under any circumstances, without written authorization from Commanding Officer, License Division.

REQUEST TO SERVE AN EXTREME RISK PROTECTION ORDER BY AN INDIVIDUAL OTHER THAN A UNIFORMED MEMBER OF THE SERVICE:

**UNIFORMED MEMBER OF THE SERVICE**

32. Accept request to serve an Extreme Risk Protection Order, and all other related court documents.
33. Forward all court documents to command concerned, via email and/or facsimile.

**DESK OFFICER**

34. Assign uniformed members of the service to serve Extreme Risk Protection Order and all related court documents.
    a. Ensure compliance with the provisions of this procedure in regard to the service of an Extreme Risk Protection Order.
35. Notify Civil Enforcement Unit and License Division, Incident Section, upon receiving request.

***ADDITIONAL DATA***

*The Department has broad authority to remove firearms from license/permit holders. Neither an Extreme Risk Protection Order, nor a prior conferral with the License Division, Incident Section, is required in order to remove firearms and a license/permit from a licensee, or permit holder. Uniformed members of the service are reminded that public safety is the overriding concern when considering the removal of a licensed firearm.*

*To maximize the safety of all persons concerned, uniformed members of the service are reminded to comply with P.G. 221-14, "Hostage/Barricaded Person(s)," and P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons," as necessary.*

*Where a uniformed member of the service observes, learns, or has reasonable cause to believe that an individual is engaged in conduct that would result in imminent harm to themself or others, and has probable cause that the individual possesses a firearm on their person, or at a readily accessible location, the uniformed member of the service may conduct a search for the limited purpose of retrieving such firearm. An Extreme Risk Protection Order is not required to conduct a search where exigent circumstances exist.*

*In addition, school safety agents are also to confer with school administrators regarding any students that they have reasonable cause to believe is likely to engage in conduct that would result in serious harm to themself or others, after considering the factors listed in step "1" above.*

***RELATED PROCEDURES***

*Family Offenses/Domestic Violence (P.G. 208-36)*
*Service of Family Court/Supreme Court Orders of Protection by Uniformed Members of the Service (P.G. 212-57)*
*Search Warrant Applications (P.G. 212-75)*
*Verification of Pistol License (P.G. 212-84)*
*Incidents Involving Holders of Handgun Licenses or Rifle-Shotgun Permits (P.G. 212-118)*
*Processing Firearms and Firearm-Related Evidence (P.G. 218-23)*
*Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)*
*Hostage/Barricaded Person(s) (P.G. 221-14)*
*Search Warrant Execution (P.G. 221-17)*

***FORMS AND REPORTS***

***PROPERTY CLERK INVOICE (PD521-141)***

**PURPOSE** To ensure the use of facial recognition technology balances the need for effective, accurate law enforcement investigations, and the need to respect the privacy of citizens.

**SCOPE** Facial recognition technology enhances the ability to investigate criminal activity and increases public safety. The facial recognition process does not by itself establish probable cause to arrest or obtain a search warrant, but it may generate investigative leads through a combination of automated biometric comparisons and human analysis.

**DEFINITIONS** AUTHORIZED USES - Facial recognition technology must only be used for legitimate law enforcement purposes. Specifically, the following are the only authorized uses for employing facial recognition technology:

a. To identify an individual when there is a basis to believe that such individual has committed, is committing, or is about to commit a crime,
b. To identify an individual when there is a basis to believe that such individual is a missing person, crime victim, or witness to criminal activity,
c. To identify a deceased person,
d. To identify a person who is incapacitated or otherwise unable to identify themselves,
e. To identify an individual who is under arrest and does not possess valid identification, is not forthcoming with valid identification, or who appears to be using someone else's identification, or a false identification, or
f. To mitigate an imminent threat to health or public safety (e.g., to thwart an active terrorism scheme or plot, etc.).

PROBE IMAGE - An image of an unidentified person obtained by the assigned investigator from witnesses, victims, or other reliable sources.

PHOTO REPOSITORY - The controlled and limited group of images against which the probe image is compared. The photo repository only contains arrest and parole photographs. It is stored in a designated, and approved, law enforcement database, and access is restricted to authorized users.

BACKGROUND CHECK - A Real Time Crime Center, Facial Identification Section (RTCC-FIS) investigator evaluates the reliability of a potential match between the probe image and an image from the photo repository. This includes an assessment of available information about the potential match, and relevant details of the investigation.

**DEFINITIONS (continued)**

VISUAL COMPARISON - A RTCC-FIS investigator visually compares the differences and similarities between a probe image and a potential match from the photo repository for the purpose of evaluating whether they represent the same person. In general, during this process, an investigator/supervisor compares facial characteristics (e.g., eyes, ears, nose, chin, mouth, hair, overall facial structure, any scars, marks, blemishes, or tattoos, etc.) and general characteristics, such as overall complexion, gender, and age.

POSSIBLE MATCH CANDIDATE - A potential suspect who is identified through a complete facial recognition analysis, which includes facial recognition technology, visual comparison, background investigation and supervisory review. A possible match candidate shall be treated as an investigative lead only. It does not by itself establish probable cause to make an arrest, or obtain an arrest or search warrant. Corroborating information must be developed through additional investigation by the assigned investigator.

**PROCEDURE**

When an investigator obtains an image depicting the face of an unidentified suspect, victim or witness, and intends to identify the individual using facial recognition technology, which includes any digital comparison of the probe image to photos stored in the photo repository, the assigned investigator must submit a request to the RTCC-FIS for facial recognition analysis:

FACIAL IDENTIFICATION SECTION PERFORMS FACIAL RECOGNITION ANALYSIS:

**ASSIGNED INVESTIGATOR**

1. Obtain image(s)/video(s) of individual to be identified.
   a. If video is submitted, include associated software/player.
   b. If image is from internet/social media, include site link.
2. Upload image(s) to Enterprise Case Management System (ECMS) and submit request to Real Time Crime Center-Facial Identification Section (RTCC-FIS) for facial recognition analysis via an **FIS Request DD5**.

***NOTE*** *Investigators who do not have access to the Enterprise Case Management System (ECMS) may contact RTCC-FIS via phone or email. Investigators must provide a case or* ***COMPLAINT REPORT (PD313-152)*** *number. RTCC-FIS will generate an* ***FIS Request DD5****.*

**RTCC-FIS SUPERVISOR**

3. Assign FIS number to request upon receipt of **FIS Request DD5** via ECMS, and direct RTCC-FIS investigator to review request.

**RTCC-FIS INVESTIGATOR**

4. Confirm underlying basis for request is in compliance with authorized uses of facial recognition technology.
   a. Document confirmation in ECMS.
5. Select probe image of individual to be identified from images submitted.
   a. If image quality is unsuitable for facial recognition comparison, notify the assigned investigator via **FIS Image Rejection Report**.
   b. Permit assigned investigator to submit additional images.

**RTCC-FIS INVESTIGATOR (continued)**

6. Run query using facial recognition technology for comparison of probe image to images stored in photo repository, and generate pool of possible match candidates.
7. Review and analyze results by performing a visual comparison.
8. Perform detailed background check to confirm reliability of match, if possible match candidate is identified.
9. Submit possible match candidate for peer review.

**RTCC-FIS SUPERVISOR**

10. Conduct final review of possible match candidate, and approve, if appropriate.
11. Direct RTCC-FIS investigator to provide possible match candidate to assigned investigator via **FIS Possible Match Report**, if in agreement with findings.
12. Direct RTCC-FIS investigator to continue investigation for possible match candidate, if not in agreement with findings of RTCC-FIS investigator.
    a. Direct RTCC-FIS investigator to report negative results to assigned investigator via **FIS No Match Report**, if possible match candidate is not identified or approved by supervisor.

**RTCC-FIS INVESTIGATOR**

13. Prepare **FIS Possible Match Report** and upload to assigned investigator's ECMS case file, if supervisor confirms possible match candidate.
    a. **FIS Possible Match Report** shall include probe image, and notification stating that determination of a possible match candidate alone does not constitute probable cause to effect an arrest, or obtain an arrest or search warrant, and that further investigation is needed to establish probable cause.
    b. Forward **FIS Possible Match Report** using same method used to submit request for facial recognition analysis, if request is from outside law enforcement agency.
14. Retain all records of facial recognition searches, including associated FIS case number, reason each search was requested, details, and search results, and upload them into the ECMS case file.

**ASSIGNED INVESTIGATOR**

15. Conduct further investigation to determine whether possible match candidate is connected to, or involved in, incident under investigation, upon receipt of **FIS Possible Match Report** in order to establish probable cause.
16. Continue investigation, (i.e., obtaining additional suitable images for another submission to RTCC-FIS), if no possible match candidate was determined, or image was rejected.

***ADDITIONAL DATA***

*The use of facial recognition technology that compares probe images against images outside the photo repository is prohibited, unless approval is granted for such analysis in a specific case for an articulable reason by the Chief of Detectives or Deputy Commissioner, Intelligence and Counterterrorism.*

*RTCC-FIS and Detective Squad supervisors shall comply with P.G. 219-14, "Department Computer Systems" to evaluate and monitor compliance with this procedure by investigators who utilize facial recognition technology.*

***ADDITIONAL DATA (continued)***

*All records related to facial recognition requests and results will be subject to privacy, confidentiality, and dissemination restrictions, as per P.G. 212-76, "Information Concerning Official Business of Department," as well as all related procedures and applicable local and federal laws/rules.*

*Members of the Detective Bureau should direct all requests from outside agencies to RTCC-FIS on an "FIS Outside Agency Form." A copy of a complaint report from another law enforcement agency must be submitted with the "FIS Outside Agency Form."*

*The Intelligence Bureau shall also follow an analogous procedure when Intelligence Bureau investigators utilize facial recognition technology and will abide by Handschu Guidelines whenever they apply.*

***RELATED PROCEDURES***

*Information Concerning Official Business of Department (P.G. 212-76)*
*Department Computer Systems (P.G. 219-14)*

***FORMS AND REPORTS***

***COMPLAINT REPORT (PD313-152)***
***FIS Request DD5***
***FIS Possible Match Report***
***FIS No Match Report***
***FIS Image Rejection Report***

NYPD

| Section: Command Operations | | Procedure No: 212-130 |
|---|---|---|
| **ACCESSING NEW YORK CITY DEPARTMENT OF EDUCATION CAMERAS IN EMERGENCY SITUATIONS** | | |
| DATE EFFECTIVE: 01/19/22 | LAST REVISION: I.O. 6 | PAGE: 1 of 3 |

**PURPOSE** To establish protocols when the Department requires remote access to New York City Department of Education Internet Protocol Digital Video Surveillance (IPDVS) camera systems in emergency situations.

**SCOPE** This procedure does not apply to obtaining video footage from Department of Education facilities in non-emergency situations. Members of the service are reminded to comply with D.G. 503-05, "Obtaining Video Footage From New York City Department of Education in Non-Emergency Situations" when an emergency situation does not exist.

**DEFINITIONS** EMERGENCY SITUATION - An emergency presenting an imminent threat to the life or safety of one or more students, and/or other individuals within a Department of Education premises, or on property adjacent to a Department of Education premise that may be in view of an IPDVS camera, including the following:

a. A report, or reasonable suspicion of, an active shooter, or a person in possession of an explosive device, biological weapon/agent, or dangerous instrument,
b. Any situation where access is needed to help prevent or respond to an act of terrorism,
c. Persons barricaded and/or hostages taken,
d. Student missing from school, and/or
e. Any event deemed to be of the same severity as the situations listed in subdivisions "a" through "d" above.

AUTHORIZED MEMBER OF THE SERVICE - Access to Department of Education IPDVS camera systems in emergency situations will be granted to the following:

a. Police Commissioner,
b. First Deputy Commissioner,
c. Deputy Commissioner, Intelligence and Counterterrorism,
d. Chief of Department,
e. Chief of Patrol,
f. Chief of Special Operations,
g. Chief of Counterterrorism,
h. Chief of Community Affairs,
i. Commanding Officer, Emergency Service Unit,
j. Commanding Officer, Aviation Unit,
k. Commanding Officer, Harbor Unit,
l. Commanding Officer, Operations Unit,
m. Commanding Officer/Executive Officer/Assistant Commissioner, School Safety Division,
n. Commanding Officer of borough in which event is occurring, and
o. Citywide Duty Chief.

***NOTE*** *Authorized members of the service may permit other members of the service to view Department of Education IPDVS camera footage, as necessary. Members of the service shall not permit non-Department personnel to view IPDVS footage during an emergency situation without Department of Education consent.*

**PROCEDURE** When a member of the service requires remote access to a New York City Department of Education IPDVS camera system in an emergency situation:

**UNIFORMED MEMBER OF THE SERVICE**

1. Respond to Department of Education facility and take police action, as necessary.
2. Request response of patrol supervisor.
3. Obtain details concerning the nature of the emergency situation.
4. Comply with *P.G. 221-12, "Active Shooter Response Protocol,"* and *P.G. 221-14, "Hostage Barricaded Person(s),"* as necessary.

**PATROL SUPERVISOR**

5. Make assessment of circumstances immediately, and determine whether remote access to IPDVS camera system is necessary.
6. Request response of precinct commanding officer/executive officer/duty captain, if access to IPDVS camera system is necessary.
7. Notify desk officer of pertinent details.

**DESK OFFICER**

8. Notify the following, if access to IPDVS camera system is required:
   a. Patrol borough command,
   b. Operations Unit, and
   c. School Safety Division Operations Unit.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

9. Respond to scene and assume command of incident.
10. Notify Operations Unit, if remote access to IPDVS camera system is necessary.

**OPERATIONS UNIT**

11. Notify authorized member of the service regarding access to IPDVS camera system.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

12. Confer with authorized member of the service.
13. Direct Lower Manhattan Security Initiative (LMSI) to access IPDVS camera system.
14. Ensure only necessary members of the service are present to view camera system footage.

**LOWER MANHATTAN SECURITY INITIATIVE**

15. Provide access to IPDVS camera system to authorized member of the service at incident scene via Department workstation, as appropriate.
16. Cease access to IPDVS camera system when emergency situation no longer exists.

**COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN**

17. Prepare a report on **Typed Letterhead** detailing circumstances regarding access to IPDVS camera system, and forward to Commanding Officer, School Safety Division.

**COMMANDING OFFICER, SCHOOL SAFETY DIVISION**

18. Ensure Department of Education is notified of details of incident within 24 hours.

***ADDITIONAL DATA***

*OPERATIONAL CONSIDERATIONS*

*In instances, other than emergency situations, the New York City Police Department will be prohibited from accessing IPDVS camera systems, absent prior written consent from the Department of Education, or the service of a judicial order mandating such access.*

*No personally identifiable information about a student, or their families, gathered from viewing an IPDVS camera system shall be shared with non-Department personnel without obtaining permission from the NYC Department of Education, adult students, or parents of students who are minors.*

*Footage from IPDVS camera systems is not automatically copied into Department databases, however, authorized members of the service are able to access such systems from Department workstations*

*Members of the service are to comply with A.G. 304-06, "Prohibited Conduct" regarding the transmission or distribution of recorded media.*

***RELATED PROCEDURES***

*Release of Information to News Media (P.G. 212-77)*
*Police Actions, Related Questioning, Arrests and Investigations at Department of Education Facilities (P.G. 215-17)*
*School-Related Threats at a NYC Department of Education School/Property (P.G. 215-27)*
*Active Shooter Response Protocol (P.G. 221-12)*
*Hostage Barricaded Person(s) (P.G. 221-14)*

***FORMS AND REPORTS***

***Typed Letterhead***

**PURPOSE** To ensure the prompt response of personnel and equipment to the scene of an emergency incident.

**DEFINITION** EMERGENCY INCIDENTS - a serious accident, vehicle collision, explosion, civil disorder, demonstration, or similar incident.

**PROCEDURE** Upon arriving at the scene of an emergency incident:

**UNIFORMED MEMBER OF THE SERVICE**

1. Radio Communications Section and request:
   a. Personnel and equipment, if necessary
   b. Patrol supervisor/platoon commander.
2. Take other police action indicated by the situation.

**PATROL SUPERVISOR/ PLATOON COMMANDER**

3. Review action taken and determine if additional personnel/equipment is needed.
4. Activate a Level 1 mobilization, when appropriate, through:
   a. Radio dispatcher, OR
   b. Operations Unit by telephone.
5. Establish command post with telephone, if necessary.
6. Notify precinct desk officer, Operations Unit, Communications Section and patrol borough office wheel of:
   a. Location and nature of emergency incident
   b. Location and telephone number of command post
   c. Location of mobilization point and route to be used by responding units.

***NOTE*** *Mobilization point should be of sufficient size to accommodate a Level 3 or 4 mobilization. Mobilization point and route should be transmitted to Communications Section.*

7. Request command post flag and log, as necessary.
8. Assign uniformed members of the service as:
   a. Operations officer
   b. Intelligence officer
   c. Personnel officer
   d. Logistics officer.
9. Supervise uniformed members of the service, as required.
10. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)**, if applicable.
11. Keep the precinct desk officer and Operations Unit informed of facts.
12. Inform responding commanding officer/duty captain of:
    a. Details of emergency
    b. Action taken
    c. Personnel and equipment on scene or requested.

**COMMANDING OFFICER/ DUTY CAPTAIN**

13. Assume command and review action taken.
14. Contact command post by telephone for update and determine if additional personnel/equipment are required.
15. Activate a Level 2, 3 or 4 mobilization, as necessary.
16. Develop a plan and deploy personnel to return normalcy to area affected by emergency.
17. Return uniformed members of the service to regular duty when presence is no longer required.
    a. Notify and confer with Operations Unit supervisor relative to other citywide conditions before returning personnel to regular duty.

***ADDITIONAL DATA***

*At the scene of an emergency incident to which a uniformed member of the service in the rank of captain or above is not responding, the platoon commander, or if not available, the patrol supervisor precinct / PSA / transit district of occurrence will assume command as the Incident Commander / Agency Incident Commander until a transfer of command or demobilization occurs.*

*Based upon the nature and size of the emergency incident, the patrol Duty Captain or Duty Inspector or Duty Chief or Patrol Borough Commanding Officer / Executive Officer may respond. The Patrol Borough Commanding Officer / Executive Officer or if not available, highest ranking patrol Duty supervisor at the scene of the emergency incident will:*

*1. assume command, or*
*2. designate the appropriate Incident Commander / Agency Incident Commander, or*
*3. direct that a transfer of command to an appropriate Incident Commander/Agency Incident Commander occurs.*

*The Incident Commander / Agency Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner, Chief of Department or senior ranking operational Bureau Chief. Other deputy commissioners may render advice and assistance to the Incident Commander / Agency Incident Commander but may not assume command of the incident.*

*If the incident is of a nature where specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, etc.), the Incident Commander shall designate an appropriate ranking member with the aforementioned skills as the Operations Section chief. In most cases, the designee will be the highest ranking member from the appropriate bureau or division involved (e.g., Housing Bureau for public housing incidents, Transit Bureau for subway incidents, etc.).*

*The Police and Fire Departments maintain underwater diving units (SCUBA Divers) for response to waterborne accidents, fires and other emergencies. Police Department units, Harbor and Emergency Service personnel are available twenty-four hours daily, and will respond to any submersion or accidents involving occupied vehicles, boats or aircraft or evidence searches. The Aviation Unit is available twenty-four hours a day, seven days a week with scuba team divers for near and offshore air-sea rescues. The Fire Department unit is available on a daily basis, twenty-four hours a day and will respond to fire incidents requiring the use of divers. Requests for Police Department divers from Harbor SCUBA team or Emergency Service unit will be made to the Chief of Special Operations for routine dives and to the Communications Section in emergencies.*

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Rapid Mobilization (P.G. 213-03)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Duties At Unusual Disorder (P.G. 213-05)*
*Unusual Disorder Plan-Formulating Plan (P.G. 213-08)*
*Unusual Disorder Maps (P.G. 213-07)*
*Unusual Disorder Kits (P.G. 213-09)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)*

***FORMS AND REPORTS***

***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***

NYPD

**PURPOSE** To have personnel respond rapidly to the scene of an unusual disorder/emergency incident.

**PROCEDURE** When IMMEDIATE assistance is required at the scene of an unusual disorder/ emergency incident:

**PATROL SUPERVISOR**

1. Assess situation and, if needed, activate Mobilization Level 1 through radio dispatcher.
   a. Patrol supervisors are authorized to activate a Mobilization Level 1.
   b. Consult with commanding officer/duty captain prior to activating a Level 1 mobilization for a missing person investigation, absent exigent circumstances.
2. Notify commanding officer/duty captain, if assistance is required beyond a Level 1 mobilization.
   a. Upon activation, commanding officer/duty captain will immediately respond to scene.

**PLATOON COMMANDER**

3. Respond to scene of incident and assume duties of the Incident Commander.
   a. Upon arrival of the commanding officer/duty captain, assume the duties of the Operations Officer in the field command post, and
   b. Advise Incident Commander, as necessary.

***NOTE*** *For incidents occurring in areas that are the responsibility of the Housing Bureau or Transit Bureau, the Housing Bureau or Transit Bureau platoon commander should, if not on scene, respond and assume the duties and responsibilities as described in step 3 above.*

**DUTY CAPTAIN**

4. Respond to scene.
   a. Contact the command post, while enroute, and get an estimation of the situation from the patrol supervisor/platoon commander at scene.
   b. Assess situation and activate a further mobilization (see pages 7 through 11), after conferral, if necessary.
      (1) Communicate the number of personnel and the level of mobilization required to the patrol borough, Communications Section or the Operations Unit.

***NOTE*** *Mobilization Levels 2, 3 or 4 require the authorization of a captain or above. The captain need not be on the scene, but if authorizing any further mobilization while not at the scene, he/she must communicate with one of the following:*
*a. Patrol supervisor/platoon commander*
*b. Patrol borough concerned*
*c. Operations Unit.*

***NOTE (continued)***

*Mobilization levels need not be utilized in consecutive order. Circumstances may dictate activating Mobilization Level 3 before Level 2 or Level 2 before Level 1. HOWEVER, CAUTION SHOULD BE TAKEN WHEN UTILIZING THESE CODES IN OTHER THAN CONSECUTIVE ORDER BECAUSE PERSONNEL AND EQUIPMENT IN THE OMITTED MOBILIZATION LEVEL WILL NOT RESPOND.*

*The supervisor activating a mobilization should notify the Operations Unit of personnel and/or equipment that is NOT required. The Operations Unit will then notify units concerned.*

*All units will comply with duties as listed in the applicable Patrol Guide (213 Series), Operations Unit directions and their respective unit unusual disorder plans.*

**ACTIVATING SUPERVISOR**

5. Notify Operations Unit and patrol borough concerned of the situation that resulted in mobilization.
6. Maintain control of members of the service.
7. Be prepared to brief ranking members of the service.
8. Designate a mobilization point and advise Communications Section of mobilization point and route to be used by responding members.
9. Provide for security of Department resources at the mobilization point and any staging areas utilized.
10. Provide traffic post coverage to allow for the quick access of responding units.
11. Update the Operations Unit and the patrol borough concerned.
12. Act as "Incident Commander" until relieved or until a higher ranking uniformed member from the Patrol Services Bureau, Housing Bureau, or Transit Bureau, assumes command.

***NOTE***

*At the scene of an emergency incident to which a uniformed member of the service in the rank of captain or above is not responding, the platoon commander, or if not available, the patrol supervisor precinct / PSA / transit district of occurrence will assume command as the Incident Commander / Agency Incident Commander until a transfer of command or demobilization occurs.*

*Based upon the nature and size of the emergency incident, the patrol Duty Captain or Duty Inspector or Duty Chief or Patrol Borough Commanding Officer / Executive Officer may respond. The Patrol Borough Commanding Officer / Executive Officer or if not available, highest ranking patrol Duty supervisor at the scene of the emergency incident will:*

*1. assume command, or*
*2. designate the appropriate Incident Commander / Agency Incident Commander, or*
*3. direct that a transfer of command to an appropriate Incident Commander / Agency Incident Commander occurs.*

*The Incident Commander / Agency Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner, Chief of Department or senior ranking operational Bureau Chief. Other deputy commissioners may render advice and assistance to the Incident Commander / Agency Incident Commander but may not assume command of the incident.*

*If the incident is of a nature where specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, etc.), the Incident Commander shall designate an appropriate ranking member with the*

***NOTE (continued)*** *aforementioned skills as the Operations Section chief. In most cases, the designee will be the highest ranking member from the appropriate bureau or division involved (e.g., Housing Bureau for public housing incidents, Transit Bureau for subway incidents, etc.).*

**DESK OFFICER, OPERATIONS UNIT**

13. Notify:
    a. Affected patrol boroughs, divisions and/or bureaus concerned, (i.e., Housing Bureau, Transit Bureau, Office of the Chief of Special Operations, Traffic Management Center, etc.) to stage required personnel (see pages 7 through 11).
    b. Transit Bureau Patrol Operations Wheel to identify and stage Transit Bureau equipment vehicles necessary.

**AFTER ACTIVATION OF A LEVEL 2, 3 OR 4 MOBILIZATION**

**TRANSIT BUREAU, PATROL OPERATIONS WHEEL**

14. Confer, by telephone, with the desk officer of each Transit District concerned regarding the Transit Bureau location to which mobilized Transit Bureau personnel and equipment will respond.
    a. Stage disorder equipment vehicle(s), as required.

***NOTE*** *Disorder equipment vehicles are available through the Operations Unit, twenty-four hours a day, seven days a week.*

**DESK OFFICER, TRANSIT BUREAU**

15. Notify affected patrol personnel of transit facility designated for response (see pages 7 through 11).
    a. Have notified personnel respond by transit system to chosen Transit Bureau location
    b. Notify command post of number of personnel available at chosen Transit Bureau location.

**DESK OFFICER, ALL OTHER BUREAUS**

16. Stage required personnel.
17. Inspect responding members for proper equipment.
18. Supply members with a van to respond to mobilization point.

***NOTE*** *Housing Bureau and Transit Bureau personnel mobilized on a Level 3 mobilization will ONLY be utilized to secure their own respective facilities/developments. Housing Bureau and Transit Bureau personnel mobilized on a Level 4 mobilization can be used for other duties.*

19. Inspect responding members for proper equipment and direct members to respond to mobilization point.

**MOBILIZED SERGEANTS**

20. Respond, with necessary personnel, promptly, to the mobilization point, upon notification.
21. Ensure all responding members are properly equipped.

**MOBILIZED SERGEANTS (continued)**

22. Ascertain response route and radio frequency to be used from Communications Section dispatcher.
23. Advise members of the nature of the emergency and radio frequency to be used.

***NOTE*** *Supervisors will direct members to tune radios to the frequency designated, although only the vehicle operator and the supervisor will have their radios on while responding to the scene. Transit Bureau supervisor at command post will coordinate communications between the command post and the mobilized Transit Bureau personnel present without citywide frequencies tuned into their radios.*

24. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** prior to arrival at the mobilization point.

FIRST PLATOON RESPONSE EXCEPTION

***NOTE*** *One sergeant per mobile field force will respond to mobilization point with two police officers from the same precinct and a van. The patrol borough concerned will designate which precincts will supply sergeants and lieutenants. Patrol Borough Staten Island will send **only** one sergeant. All other bureaus/divisions will supply personnel as required (see pages 7 through 11).*

**MOBILIZED SERGEANTS**

25. Gather members from precincts as required to form a squad.
26. Receive instructions at mobilization point and proceed with squad to the staging area or post in van provided.
27. Comply with steps 21, 22 and 23, above.

***NOTE*** *Mobilized lieutenants will be designated by their local patrol borough. On the 2nd and 3rd Platoon, three lieutenants per patrol borough will respond to the mobilization point and form their respective precinct squads into mobile field forces (see pages 12 and 13). On the 1st Platoon **only**, one lieutenant per patrol borough will respond with an RMP and form their respective precinct squads into patrol borough platoons. Patrol Borough Staten Island will supply one lieutenant on the 2nd and 3rd Platoons and no lieutenants on the 1st Platoon. Patrol Boroughs Queens North and Queens South will send only two lieutenants on the 2nd and 3rd Platoon and only one lieutenant on the 1st Platoon.*

ALL PLATOONS

**MOBILIZED LIEUTENANTS**

28. Respond to mobilization point when notified by patrol borough or Operations Unit of a Mobilization Level Three or Level Four (ALL PLATOONS).
29. Form uniformed members from precincts into mobile field forces as per "Mobile Field Force Assignments - Patrol Services Bureau" (pages 12 and 13).

***NOTE*** *Patrol boroughs/Operations Unit are responsible to reallocate resources within the affected borough or throughout the City to maintain adequate levels of police service and adequate levels of supervision.*

***ADDITIONAL DATA***

*PATROL BOROUGH OPERATIONAL COMMAND IN THE EVENT OF AN EMERGENCY RESPONSE PLAN ACTIVATION*

*1. Patrol Guide procedure 213-03, "Rapid Mobilization," states as follows, "At the scene of a large scale unusual disorder or other emergency incident, the highest ranking uniformed police supervisor is in command and will be designated as Incident Commander." It further states, "In most cases, the designee will be the highest ranking member from the bureau involved (e.g., the Housing Bureau for public housing incidents, the Transit Bureau for subway incidents, the Chief of Transportation for traffic emergencies, etc.)." Designating an Incident Commander provides centralized command at the scene of an emergency.*

*2. If an incident occurs under the "stand-alone" model concept, patrol borough commander(s) will assume operational command of **ALL** Department resources within their geographical area of responsibility with the exception of Chief of Citywide Operations personnel, Facilities Management Division Personnel, and the Transit Bureau.*

*a. The Transit Bureau will initiate citywide "stand-alone" operations at the Transit Bureau headquarters in Brooklyn.*

*3. Under this concept, the Chief of Department/designee will confer with the Deputy Commissioner, Management & Budget to determine which resources assigned to the Facilities Management Division can be made available to the appropriate patrol borough commander. As an event unfolds, follow-up conferrals can be conducted to adjust the availability of resources accordingly. The decision(s) reached by the Chief of Department/designee will be communicated to the appropriate patrol borough commander.*

*4. When it is determined that patrol borough(s) will operate under the "stand-alone" concept, patrol borough commands will activate borough command posts in accordance with standard operating procedures. Additionally, representatives will be assigned from the Detective Borough, Intelligence Bureau, Housing Bureau, Chief of Transportation, School Safety Division, Chief of Citywide Operations, and any other unit deemed appropriate by the patrol borough commander. An operational plan should be developed by each patrol borough to facilitate "stand-alone" operations. It should include, at minimum, pre-designated assignments among the borough staff and outside command representatives, identification of necessary equipment and support staff, as well as providing for a relief factor. Since each patrol borough is unique, the borough commander should tailor plans that will address the needs of that particular patrol borough, i.e., potential for civil disorder, public panic, the threat of secondary events, etc. However, patrol borough commanders must recognize that the NYPD Emergency Operations Center retains the authority to direct movement and allocation of resources out of the patrol borough in response to incidents elsewhere throughout the City.*

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Duties At Unusual Disorders (P.G. 213-05)*
*Unusual Disorder Plan-Formulating Plan (P.G. 213-08)*
*Unusual Disorder Maps (P.G. 213-07)*

| | |
|---|---|
| ***RELATED PROCEDURES (continued)*** | *Unusual Disorder Kits (P.G. 213-09)*<br>*Unusual Occurrence Reports (P.G. 212-09)*<br>*Mayor's Plan for Coordinated Action at Emergencies (A.G. 316-06)* |
| ***FORMS AND REPORTS*** | ***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)*** |

**LEVEL 1** STRATEGIC RESPONSE GROUP MOBILIZATION

**AUTHORITY TO CALL**
- PATROL SUPERVISOR

**RESPONDING UNITS**
- STRATEGIC RESPONSE GROUP
- 1-RADIO EMERGENCY PATROL (REP)
- 1-PATROL SUPERVISOR HOUSING PSA AND TRANSIT DISTRICT CONCERNED

**ADDITIONAL SUPERVISORS**
- DUTY CAPTAIN AND COMMAND POST STAFF

**LEVEL 2** CITYWIDE STRATEGIC RESPONSE GROUPS MOBILIZATION

**AUTHORITY TO CALL**
- CAPTAIN OR ABOVE

**RESPONDING UNITS**
- STRATEGIC RESPONSE GROUP(S) AS DESIGNATED BY OPERATIONS UNIT
- 1-ESU SUPERVISOR AND TRUCK
- 1-REP PER STRATEGIC RESPONSE GROUP ACTIVATED
- 1-HELICOPTER
- 1-COMMAND POST VEHICLE
- 1-DECON TRUCK
- 1-BARRIER TRUCK (LOCAL PATROL BOROUGH)
- 1-SGT. AND 2 DETS. - TARU
- 1-ARREST PROCESSING VEHICLE
- 1-PATROL WAGON
- 1-PATROL SUPERVISOR HOUSING PSA AND TRANSIT DISTRICT CONCERNED, IF NOT ALREADY PRESENT
- 1-TRAFFIC OPERATIONS DISTRICT SUPERVISOR

***NOTE*** *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

**ADDITIONAL SUPERVISORS**
- DUTY INSPECTOR BOROUGH OF INCIDENT
- DUTY CAPTAIN AND COMMAND POST STAFF WITH EACH STRATEGIC RESPONSE GROUP MOBILIZED

**LEVEL 3** LOCAL BOROUGH MOBILIZATION 2ND AND 3RD PLATOON

**AUTHORITY TO CALL** CAPTAIN OR ABOVE

**RESPONDING UNITS**

- 3 LIEUTENANTS (1 PER MOBILE FIELD FORCE) (PBQN AND PBQS ONLY 2 LIEUTENANTS EACH, PBSI SUPPLIES ONLY 1 LIEUTENANT, HOUSING BUREAU 1 LIEUTENANT PER 3 PSAs AND TRANSIT BUREAU 1 LIEUTENANT PER BOROUGH)
- 1 SERGEANT AND 8 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED
- 1 SERGEANT AND 8 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 2 SERGEANTS AND 20 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs)
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT)
- 2 SERGEANTS AND 10 POLICE OFFICERS (MOUNTED UNIT)
- 1 SERGEANT AND 2 DETECTIVES TARU (IF NOT ALREADY PRESENT)
- 1-ESU SUPERVISOR
- 1-POT TRUCK OR PEACEKEEPER
- 1-MLG OR HELP CAR
- 1-REP OR TRUCK
- 1-PATROL WAGON
- 1-HELICOPTER (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (IF NOT ALREADY PRESENT)
- 1-DECON TRUCK (IF NOT ALREADY PRESENT)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-ARREST PROCESSING VEHICLE (IF NOT ALREADY PRESENT)

***NOTE*** *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

**ADDITIONAL SUPERVISORS**

- DUTY CAPTAIN AND COMMAND POST STAFF (IF NOT ALREADY PRESENT)
- STAFF RESPONSIBLE FOR ASSISTING THE INCIDENT COMMANDER, AS NECESSARY
- TRAFFIC OPERATIONS DISTRICT SUPERVISOR (IF NOT ALREADY PRESENT)

**LEVEL 3** LOCAL BOROUGH MOBILIZATION 1ST PLATOON

**AUTHORITY TO CALL**

- CAPTAIN OR ABOVE

**RESPONDING UNITS**

- 3 SERGEANTS PER PATROL BOROUGH (1 PER MOBILE FIELD FORCE WITH VAN) (PBQN AND PBQS WILL SEND 2 SERGEANTS EACH, PBSI, HOUSING BUREAU AND TRANSIT BUREAU WILL SEND 1 SERGEANT EACH)
- 2 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED BY RMP
- 2 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 8 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs)
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT)
- 1-ARREST PROCESSING VEHICLE (IF NOT ALREADY PRESENT)
- 1-ESU SUPERVISOR
- 1-REP AND TRUCK
- 1-MLG OR HELP CAR
- 1-PATROL WAGON
- 1-HELICOPTER
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (IF NOT ALREADY PRESENT)

***NOTE*** *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

**ADDITIONAL SUPERVISORS**

- DUTY CAPTAIN AND COMMAND POST STAFF
- 1 LIEUTENANT (SELECTED BY PATROL BOROUGH CONCERNED EXCEPT PBSI)

**LEVEL 4** CITY WIDE PRECINCT MOBILIZATION 2ND AND 3RD PLATOON

**AUTHORITY TO CALL**

- CAPTAIN OR ABOVE

**RESPONDING UNITS**

- 3 LIEUTENANTS (1 PER MOBILE FIELD FORCE) (PBQN AND PBQS ONLY 2 LIEUTENANTS EACH, PBSI SUPPLIES ONLY 1 LIEUTENANT, TRANSIT BUREAU 1 LIEUTENANT PER BOROUGH MOBILIZED)
- 1 HOUSING BUREAU LIEUTENANT PER 3 PSAs
- 1 SERGEANT AND 8 POLICE OFFICERS PER PRECINCT AND HOUSING PSA PER BOROUGH MOBILIZED
- 1 SERGEANT AND 8 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 10 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs [ADDITIONAL])
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT [IF NOT ALREADY PRESENT])
- 2 SERGEANTS AND 10 POLICE OFFICERS (MOUNTED UNIT [ADDITIONAL])
- 1-ARREST PROCESS VEHICLE (ADDITIONAL)
- 1-SERGEANT AND 4 POLICE OFFICERS - PAFTS
- 1-ESU SUPERVISOR (ADDITIONAL)
- 1-POT TRUCK OR PEACEKEEPER (ADDITIONAL)
- 1-MLG OR HELP CAR (ADDITIONAL)
- 1-REP OR TRUCK (ADDITIONAL)
- 1-SERGEANT AND 2 DETECTIVES - TARU (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (ADDITIONAL)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-DECON TRUCK (IF NOT ALREADY PRESENT)
- 1-PATROL WAGON (ADDITIONAL)

***NOTE*** *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

**ADDITIONAL SUPERVISORS**

- DUTY CHIEF
- DUTY INSPECTOR (BOROUGH OF INCIDENT)
- DUTY CAPTAIN AND COMMAND POST STAFF WITH EACH BOROUGH MOBILIZED, UNLESS ALREADY ON SCENE FROM LEVEL 2
- STAFF RESPONSIBLE FOR ASSISTING INCIDENT COMMANDER, AS NECESSARY
- 1 CAPTAIN HOUSING BUREAU AND TRANSIT BUREAU, IF AVAILABLE
- 1 TRAFFIC OPERATIONS DISTRICT SUPERVISOR (IF NOT ALREADY PRESENT)

**LEVEL 4** CITY WIDE PRECINCT MOBILIZATION 1ST PLATOON

**AUTHORITY TO CALL** CAPTAIN OR ABOVE

**RESPONDING UNITS** EACH DESIGNATED BOROUGH WILL SEND (PER PATROL BOROUGH):

- 3 SERGEANTS PER PATROL BOROUGH (1 PER MOBILE FIELD FORCE WITH VAN), PBQN AND PBQS WILL SEND 2 SERGEANTS EACH, PBSI, HOUSING BUREAU AND TRANSIT BUREAU WILL SEND 1 SERGEANT EACH
- 2 POLICE OFFICERS PER PRECINCT AND HOUSING PSA WITHIN PATROL BOROUGH CONCERNED BY RMP
- 2 POLICE OFFICERS PER TRANSIT DISTRICT PURSUANT TO THEIR PLAN (SEE PAGE 13)
- 1 SERGEANT AND 8 POLICE OFFICERS (HIGHWAY DISTRICT WITH RMPs [IF NOT ALREADY PRESENT])
- 1 SERGEANT AND 10 POLICE OFFICERS (STREET CRIME UNIT [IF NOT ALREADY PRESENT])
- 1-ESU SUPERVISOR (IF NOT ALREADY PRESENT)
- 1-REP AND TRUCK (IF NOT ALREADY PRESENT)
- 1-MLG OR HELP CAR (IF NOT ALREADY PRESENT)
- 1-PATROL WAGON (ADDITIONAL)
- 1-POT TRUCK OR PEACEKEEPER (ADDITIONAL)
- 1-HELICOPTER (IF NOT ALREADY PRESENT)
- 1-BARRIER TRUCK (IF NOT ALREADY PRESENT)
- 1-COMMAND POST VEHICLE (ADDITIONAL)

***NOTE*** *OPERATIONS UNIT IS RESPONSIBLE FOR MAKING REQUIRED NOTIFICATIONS.*

**ADDITIONAL SUPERVISORS**

- DUTY CAPTAIN AND COMMAND POST STAFF
- 1 LIEUTENANT (SELECTED BY PATROL BOROUGH CONCERNED, EXCEPT PBSI)
- 1 CAPTAIN HOUSING BUREAU AND TRANSIT BUREAU, IF AVAILABLE

## MOBILE FIELD FORCE ASSIGNMENTS
## PATROL SERVICES BUREAU

| | | 2ND & 3RD PLATOONS (1 SGT AND 8 POs PER PRECINCT) | | 1ST PLATOON (1 SGT PER MOBILE FIELD FORCE 2 POs PER PRECINCT) | | |
|---|---|---|---|---|---|---|
| **MOBILE FIELD FORCE NUMBER** | | **SGTs** | **POs** | **SGTs** | **POs** | **PCTS ASSIGNED** |
| PBMS | 1 | 3 | 24 | 1 | 6 | 1-5-7 |
| | 2 | 4 | 32 | 1 | 8 | 6-9-10-13 |
| | 3 | 3 | 24 | 1 | 6 | MTS-17-MTN |
| | **SUB TOTAL** | **10** | **80** | **3** | **20** | |
| PBMN | 4 | 4 | 32 | 1 | 8 | 19-20-CPP-24 |
| | 5 | 4 | 32 | 1 | 8 | 26-30-33-34 |
| | 6 | 4 | 32 | 1 | 8 | 23-25-28-32 |
| | **SUB TOTAL** | **12** | **96** | **3** | **24** | |
| PBBX | 7 | 4 | 32 | 1 | 8 | 40-42-44-48 |
| | 8 | 4 | 32 | 1 | 8 | 41-43-45-49 |
| | 9 | 4 | 32 | 1 | 8 | 46-47-50-52 |
| | **SUB TOTAL** | **12** | **96** | **3** | **24** | |
| PBBS | 10 | 4 | 32 | 1 | 8 | 60-61-62-70 |
| | 11 | 5 | 40 | 1 | 10 | 66-68-72-76-78 |
| | 12 | 4 | 32 | 1 | 8 | 63-67-69-71 |
| | **SUB TOTAL** | **13** | **104** | **3** | **26** | |
| PBBN | 13 | 3 | 24 | 1 | 6 | 73-75-81 |
| | 14 | 4 | 32 | 1 | 8 | 77-79-84-88 |
| | 15 | 3 | 24 | 1 | 6 | 83-90-94 |
| | **SUB TOTAL** | **10** | **80** | **3** | **20** | |
| PBQS | 16 | 4 | 32 | 1 | 8 | 102-103-106-107 |
| | 17 | 4 | 32 | 1 | 8 | 100-101-105-113 |
| | **SUB TOTAL** | **8** | **64** | **2** | **16** | |
| PBQN | 18 | 4 | 32 | 1 | 8 | 104-108-114-115 |
| | 19 | 4 | 32 | 1 | 8 | 109-110-111-112 |
| | **SUB TOTAL** | **8** | **64** | **2** | **16** | |
| PBSI | **20** | **3** | **24** | **1** | **6** | 120-122-123 |
| SUB TOTAL PSB | | 76 | 608 | 20 | 152 | |

**TRANSIT BUREAU**

| | | | | | | |
|---|---|---|---|---|---|---|
| MFF BELOW | 1 | 3 | 24 | 1 | 6 | PER TRANSIT PLAN |
| | 2 | 4 | 32 | 1 | 8 | DO |
| | 3 | 4 | 32 | 1 | 8 | DO |
| | **SUB TOTAL** | **11** | **88** | **3** | **22** | |

**HOUSING BUREAU**

| | | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 3 | 24 | 1 | 6 | ANY 3 PSAs |
| | 2 | 3 | 24 | 1 | 6 | DO |
| | 3 | 3 | 24 | 1 | 6 | DO |
| | **SUB TOTAL** | **9** | **72** | **3** | **18** | |
| | **GRAND TOTAL** | | **96** | **768** | **26** | **192** |

***NOTE*** *Mobile Field Forces are a method of organizing personnel into groups utilizing the "old" geographical patrol division format with the exception of Patrol Borough Queens North and Queens South. The Housing Bureau and Transit Bureau will organize their own mobile field forces as per their own in bureau plans.*

## TRANSIT BUREAU RESPONSE PLAN

The Transit Bureau Patrol Boroughs do not currently correspond to the geographic and administrative patrol boroughs of the Patrol Services Bureau.

To address this the following response plan will be utilized:

| PATROL BOROUGH MOBILIZED | 2ND & 3RD PLATOON RESPONSE PER DISTRICT | 1ST PLATOON RESPONSE PER DISTRICT | DISTRICT(S) REQUIRED TO RESPOND |
|---|---|---|---|
| PBMS | 1 SGT & 8 POs | 2 POs | 2 & 4 |
| PBMN | 1 SGT & 8 POs | 2 POs | 1 & 3 |
| PBBX | 1 SGT & 8 POs | 2 POs | 11 & 12 |
| PBBS | 1 SGT & 8 POs | 2 POs | 32 & 34 |
| PBBN | 1 SGT & 8 POs | 2 POs | 30 & 33 |
| PBQN AND PBQS | 1 SGT & 8 POs | 2 POs | 20 |
| PBSI | NONE | NONE | NONE |

**PURPOSE** To alert units concerned that a mobilization has occurred and its companion readiness levels have been initiated.

**PROCEDURE** When a mobilization level has been activated and a readiness level is automatically initiated:

READINESS LEVEL 1

**INCIDENT COMMANDER**

1. Activate "Field Command Post."

**COMMUNICATIONS SECTION**

2. Notify Operations Unit of details, broadcast "Readiness Level One" on all frequencies within affected patrol borough and notify Strategic Response Group concerned.

**OPERATIONS UNIT**

3. Notify local patrol borough, Housing Bureau, Transit Bureau, Chief of Transportation and Office of the Chief of Special Operations.
4. Place all non-affected Strategic Response Groups and Transit Bureau task forces on alert.

**PATROL BOROUGH COMMAND**

5. Monitor incident and notify the following commands of the situation:
   a. Local Strategic Response Group, if not already on the scene
   b. Patrol borough duty inspector/captain
   c. Patrol borough community affairs personnel
   d. Patrol borough command post personnel (Alert Status Only)
   e. Community Affairs personnel - precincts concerned
   f. Detective borough concerned
   g. Platoon commander, precinct concerned, to respond.
      (1) If unavailable, notify platoon commander adjoining precinct to respond.

READINESS LEVEL 2

**COMMUNICATIONS SECTION**

6. Notify Operations Unit and broadcast "Readiness Level Two" on all frequencies.

**OPERATIONS UNIT**

7. Alert all non-mobilized Strategic Response Groups, including Transit Bureau task forces, as well as precinct and Housing Bureau personnel within patrol borough concerned, holding same beyond expiration of tour.

***NOTE*** *The Operations Unit will release Strategic Response Groups, including Transit Bureau task forces, and precinct and Housing Bureau personnel ONLY after conferral between the Incident Commander and a supervisor from the Operations Unit.*

**OPERATIONS UNIT (continued)**

8. Staff Operations Unit command post and monitor situation.
9. Notify the following commands of the situation and their required response of equipment, supervisors and personnel:
   a. All patrol boroughs, Transit Bureau task forces, and Strategic Response Group to remain on alert or respond to scene
   b. Duty chief
   c. Office of the Chief of Special Operations
   d. Chief of Transportation
   e. First Deputy Commissioner
   f. Chief of Crime Control Strategies
   g. Deputy Commissioner - Legal Matters
   h. Chief of Community Affairs
   i. Deputy Commissioner - Public Information
   j. Chief of Department
   k. Chief of Patrol
   l. Chief of Housing Bureau
   m. Chief of Detectives
   n. Deputy Commissioner, Internal Affairs
   o. Chief of Transit Bureau
   p. Criminal Justice Bureau
   q. Property Clerk Division
   r. Fleet Services Division
   s. Communications Section
   t. Candidate Assessment Division
   u. Police Academy
   v. Quartermaster Section.

**PATROL, HOUSING, AND TRANSIT BOROUGH COMMANDS**

10. Notify the following commands of the situation:
    a. Precincts, police service areas, transit districts within affected patrol borough - alert for possible mobilization. (A response of one sergeant and eight police officers, with Department van, will stand-by at each precinct or affected command).
    b. Patrol borough, police service area or transit district commanding officer
    c. Duty inspector/captain
    d. Detective borough concerned
    e. Patrol borough and precinct community affairs personnel
    f. Precinct detective squads
    g. Chief of Transportation and precincts concerned - to staff route to mobilization point.

**DETECTIVE BOROUGH**

11. Designate one sergeant and three detectives to respond to Field Command Post to serve as intelligence staff.

READINESS LEVEL 3

**COMMUNICATIONS SECTION**

12. Notify Operations Unit and broadcast "Readiness Level Three" on all frequencies.

**OPERATIONS UNIT**

13. Staff Operations Unit command post and monitor situation.

***NOTE*** *All uniformed members of the service assigned to commands within Patrol Services Bureau, Housing Bureau or Transit Bureau will be alerted and held beyond the expiration of their tour, if necessary. The Operations Unit will release such personnel ONLY after conferral between the Incident Commander and a supervisor assigned to the Operations Unit.*

14. Notify the following of developments and the need to staff the Operations Unit command post:
    a. Office of Chief of Community Affairs
    b. Office of Deputy Commissioner - Public Information
    c. Office of the Chief of Department
    d. Office of the Chief of Patrol
    e. Office of the Chief of Housing Bureau
    f. Office of the Chief of Detectives
    g. Office of the Chief of Personnel
    h. Office of the Chief of Transit Bureau
    i. Duty Chief
    j. Director, Office of Support Services Bureau.

***NOTE*** *Citywide units previously notified, as per Readiness Level 2 will await deployment, as required, by the Operations Unit.*

**PATROL BOROUGH COMMAND**

15. Activate borough command post and staff with pre-designated or members designated by the Tactical Operations Coordinator.

***NOTE*** *Members will fill positions as follows:*
*a. Tactical Operations Coordinator*
*b. Operations Officer*
*c. Personnel/Administrative Officer*
*d. Logistics Officer*
*e. Intelligence Officer.*

*For further information regarding the above titles, see ADDITIONAL DATA.*

**DETECTIVE BUREAU**

16. Assign one detective supervisor from detective borough to respond to the borough command post.

**INTELLIGENCE BUREAU**

17. Assign one uniformed member to respond to the borough command post.

***NOTE*** *On duty uniformed members of the service assigned to non-uniformed units (e.g., Candidate Assessment Division, Detective Bureau, Police Academy, etc.) will respond to their command, change into uniform, and await deployment. Parent commands are responsible to consolidate personnel staffing figures and locations and notify the Operations Unit. Support units, such as the Property Clerk Division, Criminal Justice Bureau, Quartermaster Section, Community Outreach Division, Crime Prevention Division, Office of the Deputy Commissioner-Public Information, etc., will recall identified key personnel, contact the Operations Unit for instructions, and await deployment.*

**PATROL BOROUGH COMMAND**

18. Notify the following:
    a. Commanding officer - patrol borough concerned
    b. Duty inspector/captain - patrol borough concerned
    c. Operations Unit
    d. Precinct/borough detective units
    e. Precinct/borough community affairs personnel.

<u>READINESS LEVEL 4</u>

**COMMUNI-CATIONS SECTION**

19. Notify Operations Unit and broadcast "Readiness Level Four" on all frequencies.

**OPERATIONS UNIT**

20. Activate Operations Unit command post.
    a. Staff with previously designated members or those selected by Tactical Operations Coordinator to serve as:
        (1) Tactical Operations Coordinator
        (2) Operations Officer
        (3) Personnel/Administrative Officer
        (4) Logistics Officer
        (5) Intelligence Officer.

***NOTE*** *For further information regarding the above titles, see ADDITIONAL DATA.*

21. Deploy personnel on stand-by as needed.

**OPERATIONS UNIT (continued)**

22. Notify:
    a. Police Commissioner
    b. First Deputy Commissioner
    c. Chief of Department
    d. Chief of Patrol
    e. Chief of Housing Bureau
    f. Chief of Detectives
    g. Chief of Personnel
    h. Deputy Commissioner, Internal Affairs
    i. Chief of Transit Bureau

***NOTE*** *The Operations Unit will release personnel ONLY after conferral between the Incident Commander and a supervisor assigned to the Operations Unit.*

**DETECTIVE BOROUGH CONCERNED**

23. Assign one captain, one additional sergeant and three additional detectives to field command post to augment the Intelligence staff.

***NOTE*** *Citywide units previously identified as per "Readiness Levels" will be deployed as required by the Operations Unit command post.*

***ADDITIONAL DATA*** *The following are synopses of duties of ranking uniformed members of the service in connection with mobilizations and command post operations:*

***INCIDENT COMMANDER*** *- the one position that will always be filled at every incident, regardless of size, by the* ***HIGHEST UNIFORMED RANKING POLICE SUPERVISOR ASSUMING COMMAND****, who has responsibility for overall management of incident in question.*

***TACTICAL OPERATIONS COORDINATOR*** *- directs, supervises and ensures coordination of tasks performed by command post staff, except those areas reserved by Incident Commander.*

***OPERATIONS OFFICER*** *- principal staff officer on matters pertaining to strategy, tactics and overall operations.*

***PERSONNEL/ADMINISTRATIVE OFFICER*** *- primary advisor to the Incident Commander or the Tactical Operations Coordinator in all aspects of unit strength, management, personnel services support, administrative support and medical support. Responsible for prisoner issues and security of command posts.*

***INTELLIGENCE OFFICER*** *- principal advisor to the Incident Commander on all intelligence and investigative matters relating to the disorder. Responsible for coordinating and directing efforts of detectives, community affairs, Deputy Commissioner - Public Information and Intelligence Bureau personnel.*

***LOGISTICS OFFICER*** *- principal staff officer for the Incident Commander in matters of supply, maintenance, transportation and services. Responsible for security of all mobilization points, staging areas and designating the support corridor for staging the support units.*

***RELATED PROCEDURES***
*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G. 213-03)*
*Duties At Unusual Disorders (P.G. 213-05)*
*Unusual Disorder Plan - Formulating Plan (P.G. 213-08)*
*Unusual Disorder Maps (P.G. 213-07)*
*Unusual Disorder Kits (P.G. 213-09)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)*

**PURPOSE** To establish specific duties and responsibilities with respect to uniformed members assigned to unusual disorders.

**PROCEDURE** When directed to respond to a scene of an unusual disorder:

UPON REPORT OF A LEVEL ONE OR HIGHER MOBILIZATION:

**PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK**

1. Report to the command post.
   a. Contact the command post by radio or telephone, while enroute, to get an assessment of the situation.
2. Upon arrival at command post:
   a. Assume the role of Incident Commander as per *P.G. 213-03, "Rapid Mobilization."*
   b. Designate suitable mobilization point.
      (1) Arrange for traffic posts and security posts at that location.
   c. Authorize the mobilization of additional personnel, if necessary, after briefing by patrol supervisor, borough wheel, or Operations Unit.
   d. Debrief highest-ranking supervisor on scene.

***NOTE*** *The responding uniformed member concerned need not be present at the scene to authorize a higher level of mobilization.*

3. Ensure that a properly staffed and operating command post has been established and:
   a. Identify location for command post.
   b. Request precinct, police service area, or transit district disorder plan be delivered to the command post.
   c. Organize the command post staff, if not already established, from available personnel to perform as:
      (1) Operations Officer - Tactical advisor
      (2) Intelligence Officer - Intelligence advisor
      (3) Personnel and Administrative Officer - Staffing advisor
      (4) Logistics Officer - Equipment advisor.
   d. Review disorder area.
      (1) Utilize maps, if unable to personally inspect area.
4. Establish communications by:
   a. Conferring with Communications Section for an appropriate citywide frequency.
   b. Having special or additional frequencies used for conversation between captains and above.
   c. Using cellular telephones at command post to improve communications.
   d. Having RMPs with mobile digital terminals utilized to bolster communication and deployed, by the personnel officer, where needed, e.g., mobilization point, borough and command post.
   e. Implementing dual dispatch system, (i.e., high priority calls go to disorder control personnel; lower priority calls to precinct units).

***NOTE*** *Communications Section must be conferred with regarding the frequency to be used during mobilization.*

**PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK (continued)**

5. Deploy responding uniformed members by:
   a. Formulating a plan of action.
   b. Estimating the size, movement, motivation, intent, and leadership of the disorderly group.
   c. Identifying:
      (1) The participants of the crowd or disorderly group,
      (2) Whether the majority of participants are engaged in disorderly behavior or the disorderly behavior is attributable to smaller groups and/or specific individuals,
      (3) Whether the disorder has escalated to violence or property damage, and
      (4) The geographical boundaries of the areas involved.
   d. Estimating the duration and intensity of the disorder.
   e. Beginning efforts to control the spread of rumors.

***NOTE*** *Community affairs personnel with community leaders, as listed in Appendix "H" of the command's unusual disorder plan, can be used to dispel rumors and disseminate accurate information.*

   f. Identifying future locations the crowd or disorderly group may target, if applicable, by utilizing community affairs and detective personnel.
   g. Dividing the disorder area into sectors for mobile patrol by Strategic Response Group personnel, preferably in vans.
   h. Containing or excluding disorderly groups from specific areas, ordering disorderly groups to disperse, and making arrests when necessary and appropriate.
      (1) Contain and isolate disorderly groups by sectoring, perimeter security, or other appropriate manner when necessary.
   i. Having Strategic Response Group personnel use mobile tactics of speed, surprise and deception to accomplish their assignment.
      (1) Deploy personnel as a unit, when possible, to mobile or foot posts within the designated sectors.
   j. Directing that arrests be made, when appropriate.
   k. Deploying two-thirds of available enforcement personnel and holding one-third personnel in reserve.
   l. Assigning additional personnel, if needed, when sufficient mobile forces are deployed in sectors, as follows:
      (1) Foot posts - assign one sergeant and eight police officers to posts of sufficient size.
      (2) Perimeter security posts - assign at least one disorder control squad, consisting of one sergeant and eight police officers, to each security post to perform the following:

**PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK (continued)**

(a) Prevent disorderly persons from entering particular areas, creating dangerous crowding conditions, impeding traffic, etc.

(b) Keep curiosity seekers and unauthorized persons out of area when dangerous conditions exist.

(c) Reroute public or private transportation vehicles around the area as necessary.

(d) Provide rooftop and overhead security.

6. MUST provide patrol borough and Operations Unit with regular updates on the progress of disorder control efforts, as well as unusual developments, or the need for additional resources.

7. Instruct all supervisors on the following:
   a. Nature of the disorder.
   b. Mission and objectives, including specific objectives for specialized units.
   c. Reminder that independent or unauthorized actions will not be tolerated.
   d. Use minimum force necessary to achieve objectives.
   e. Location of arrest processing areas.
   f. Location of command post and appropriate telephone numbers.
   g. Post or sector boundaries, radio call signals and designated frequency.
   h. Use of specialized equipment.
   i. Tactics that will be utilized.
   j. Reporting ring schedules for command post, staggered for enforcement units every thirty minutes; hourly for all other concerned units.
   k. Need to immediately report important or unusual events.

***NOTE*** *Captains may be assigned as commanders of Strategic Response Groups or borough sized precinct personnel contingents and will maintain unity of assignment for the particular unit commanded. (Team assignments are listed in ADDITIONAL DATA).*

8. Prepare for relief as follows:
   a. Have commander ending his/her tour confer with new Incident Commander.
   b. Have both commanders debrief all field commanders concerning:
      (1) Changing patterns of disorder
      (2) Strength of disorderly groups
      (3) Any police related incidents occurring during tour
      (4) Any recommendation as to changes in overall strategies, etc.

**LIEUTENANT**

9. Respond quickly and safely to stationhouse, ascertain the mobilization point, and respond promptly by RMP.

10. Assume duties as mobile field force commander.

***NOTE*** *Lieutenants will be responsible for the performance of squads under their command. Squads will consist of one sergeant and eight police officers from each precinct in the assigned mobile field force.*

**LIEUTENANT (continued)**

11. Assist Incident Commander, in the operation of the field command post, if directed.
12. Assume duty as either the Operations, Personnel, Intelligence or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
13. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** and disorder control guidelines available on patrol in RMP.
14. Direct that Department vehicles be parked in designated spaces only, at mobilization point.
15. Follow instructions of captain/incident commander, instruct responding sergeants and collect **DETAIL ROSTER/ASSIGNMENT SHEETS**.
    a. Submit collected **DETAIL ROSTER/ASSIGNMENT SHEETS** to command post.
16. Instruct sergeants as to what radio frequency is being used and ensure that all radios are tuned to the designated frequency.
    a. Maintain radio discipline of subordinate members.
17. Inspect sergeants for required uniform and equipment.
    a. Warn sergeants against unauthorized radio transmissions which are potentially dangerous to all members assigned to disorder.
18. Have sergeants deliver vehicle keys to vehicle security detail, if required.
19. Explain instructions carefully to all sergeants and ensure that all subordinates, including police officers, receive these instructions and record pertinent information, such as:
    a. Importance of team concept in disorder control
    b. Post and/or sector boundaries
    c. Nature of disorder
    d. Mission of the team
    e. Location and telephone number of command post and arrest processing area
    f. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers
    g. Equipment information
    h. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

***NOTE*** *Squads will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46 sergeant". Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 10, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by lieutenant's mobile field force designation, example "9th mobile force lieutenant".*

20. Instruct subordinate members of the following assignment guidelines:
    a. Do not act independently; follow direction and adhere to the team concept.
    b. Importance of de-escalation tactics and crowd psychology.
    c. Do not "punish," rather, be "professional" at all times.
    d. Ensure that only minimum force is used to achieve objectives.

**LIEUTENANT (continued)**

e. Be tolerant of verbal abuse uttered by civilians in crowd in attempting to provoke an incident.
f. Maintain formation when advancing in a disorder situation.
g. Maintain one arm's length distance between themselves and the adjoining member.
h. "On guard" stance should be used by all members in either a line or wedge formation.
i. Be aware of potential danger of rooftops and high ground locations, e.g., rock/bottle throwers, snipers, etc.
j. MAINTAIN FIREARMS DISCIPLINE.

***NOTE*** *Supervisors of arrest teams should not stray from police lines due to the possibility of being surrounded by crowd members. Supervisors should also ensure that arresting officers adequately observe and document the actions of those arrested, prior to and during the arrest.*

21. Instruct subordinate members of the following PROHIBITED CONDUCT:
    a. Do not permit any subordinate to become complacent, regardless of their particular assignment.
    b. Do not permit any subordinate to break from formation or act independently, i.e., "Think Team."
    c. Employ de-escalation tactics when possible.
    d. Do not permit sergeants to assign less than two officers to roof top posts, rear yards or alleys.
        (1) Ensure that only uniformed officers are given these assignments.
    e. Do not permit unnecessary conversation.
    f. Do not permit officers to congregate on post.
    g. Do not permit unauthorized radio transmissions.
    h. Do not permit sergeants to assign members in civilian clothes to rooftops, rear yards, or alleys.

***NOTE*** *A lieutenant is responsible for overseeing one mobile field force consisting of three to five squads, each consisting of one sergeant and eight police officers. In disorder control situations, it is imperative that lieutenants reinforce the "team concept" of working together to form a larger team and not individually. Each mobile field force can be given a variety of assignments (see ADDITIONAL DATA for listing of team assignments).*

**SERGEANT**

22. Respond quickly and safely to stationhouse, form squad of eight police officers, ensure they are properly equipped and respond to mobilization point as directed by van.
23. Assume duties of squad sergeant.

***NOTE*** *Sergeants will be responsible for the performance of the squad they are assigned. Each squad will consist of eight police officers from the sergeant's respective precinct.*

24. Prepare **DETAIL ROSTER/ASSIGNMENT SHEET** enroute to mobilization point.
25. May be directed to assist the Incident Commander in the operation of the field command post.

**SERGEANT (continued)**

26. Assume duty as either the Operations, Personnel, Intelligence, or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
27. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET**, and disorder control guidelines available on patrol in RMP.
28. Follow instructions of supervisors, inspect members assigned, submit **DETAIL ROSTER/ASSIGNMENT SHEET**, etc.
29. Ensure that portable radio is on designated frequency and maintain radio discipline of subordinates.
30. Direct that Department vehicle is parked in designated area only.
31. Have vehicle keys delivered to security detail, if required.
32. Conduct thorough inspection of members assigned.
33. Explain instructions carefully to all police officers assigned, instructing uniformed members concerned to record important information such as:
    a. Importance of team concept in disorder control.
    b. Importance of de-escalation tactics and crowd psychology.
    c. Post and/or sector boundaries.
    d. Nature of disorder.
    e. Equipment information.
    f. Mission of squad.
    g. Location and phone number of command post and arrest processing area.
    h. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers.
    i. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

***NOTE***

*Each squad will consist of one sergeant and eight police officers from the same precinct. Sergeants will be called by precinct designation, example "46th sergeant". Mobile field force will consist of precinct personnel as listed in ADDITIONAL DATA, page 8, e.g. 1st, 5th and 7th Precincts are designated the 1st mobile field force; 46th, 47th, 50th, and 52nd Precincts are designated the 9th mobile field force. Lieutenants will be called by their mobile field force designation, example "9th mobile field force lieutenant". Captains will command three mobile field forces of each borough and will be called by their borough designations, e.g., "Bronx captain".*

34. Instruct subordinate members on the assignment guidelines as listed in step 20.
35. Instruct subordinate members on PROHIBITED CONDUCT as listed in step 21.

**POLICE OFFICER**

36. Have helmet, baton, flashlight and disorder control guidelines available in RMP on patrol.
37. Respond quickly and safely to stationhouse or mobilization point as directed.
38. Follow instructions of supervisors.
39. Have portable radio tuned to designated frequency, when directed.
40. DO NOT drive through a disorder area to reach a mobilization point or staging area.
41. Park Department vehicle in designated space ONLY.

**POLICE OFFICER (continued)**

a. DO NOT BLOCK OTHER VEHICLES.
b. Give keys of RMP to security detail, if required.

42. Listen to instructions carefully and record important information such as:
    a. Post and/or sector boundaries
    b. Nature of disorder
    c. Mission of the team
    d. Equipment information
    e. Location and phone number of command post and arrest processing area
    f. Identification of squad sergeant and other ranking officers.
    g. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.
43. Comply with instructions on the assignment guidelines listed in step 20.
44. Comply with instructions on PROHIBITED CONDUCT listed in step 21.

***ADDITIONAL DATA***

***TEAM ASSIGNMENTS***

- ***CROWD DISPERSAL*** *- Responsible for giving warnings to disorderly crowds, including instructions to step out of roadways or disperse from the area. Take action against unlawful and disorderly groups. In line or wedge formations, direct team to disperse a disorderly crowd.*

- ***MOBILE RESPONSE*** *- Required to create sectors in the disorder area for patrol by mobile response units. Also responsible to create a mobile reserve for emergency response and reliefs.*

- ***ARREST DUTY*** *- Required to implement appropriate arrest tactics under the supervision of sergeants and lieutenants.*

- ***GENERAL PATROL*** *- Responsible to provide teams assigned to foot patrol to create a sense of police presence in area. Required to select appropriate posts for patrol.*

- ***PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS*** *- Responsible for correctly identifying locations and providing security for designated areas.*

- ***ESCORT DUTY*** *- Maintain a liaison with other agencies and utilities, and provide staging locations where the system of escorts can be administered.*

- ***PERIMETER DUTY*** *– Identify borders of the disorder and provide perimeter security on appropriate roadways to create a system to:*
- *a. Detour traffic around the disorder area*
- *b. Identify alternate routes to detour traffic*
- *c. Prevent unauthorized entry into the disorder area*
- *d. Prevent disorderly groups from entering specific areas.*

***ADDITIONAL DATA (continued)***

***MOBILE FIELD FORCE ASSIGNMENTS***
***PATROL SERVICES BUREAU***

| MOBILE FORCE | FIELD NUMBER | 2ND & 3RD PLATOONS (1 SGT. AND 8 POs PER PRECINCT) SGTs | POs | 1ST PLATOON (1 SGT. PER MOBILE FIELD FORCE 2 POs PER PRECINCT) SGTs | POs | PCTS ASSIGNED |
|---|---|---|---|---|---|---|
| PBMS | 1 | 3 | 24 | 1 | 6 | 1-5-7 |
| | 2 | 4 | 32 | 1 | 8 | 6-9-10-13 |
| | 3 | 3 | 24 | 1 | 6 | MTS-17-MTN |
| **SUBTOTAL** | | **10** | **80** | **3** | **20** | |
| PBMN | 4 | 4 | 32 | 1 | 8 | 19-20-CPP-24 |
| | 5 | 4 | 32 | 1 | 8 | 26-30-33-34 |
| | 6 | 4 | 32 | 1 | 8 | 23-25-28-32 |
| **SUBTOTAL** | | **12** | **96** | **3** | **24** | |
| PBBX | 7 | 4 | 32 | 1 | 8 | 40-42-44-48 |
| | 8 | 4 | 32 | 1 | 8 | 41-43-45-49 |
| | 9 | 4 | 32 | 1 | 8 | 46-47-50-52 |
| **SUBTOTAL** | | **12** | **96** | **3** | **24** | |
| PBBS | 10 | 4 | 32 | 1 | 8 | 60-61-62-70 |
| | 11 | 5 | 40 | 1 | 10 | 66-68-72-76-78 |
| | 12 | 4 | 32 | 1 | 8 | 63-67-69-71 |
| **SUBTOTAL** | | **13** | **104** | **3** | **26** | |
| PBBN | 13 | 3 | 24 | 1 | 6 | 73-75-81 |
| | 14 | 4 | 32 | 1 | 8 | 77-79-84-88 |
| | 15 | 3 | 24 | 1 | 6 | 83-90-94 |
| **SUBTOTAL** | | **10** | **80** | **3** | **20** | |
| PBQS | 16 | 4 | 32 | 1 | 8 | 102-103-106-107 |
| | 17 | 4 | 32 | 1 | 8 | 100-101-105-113 |
| **SUBTOTAL** | | **8** | **64** | **2** | **16** | |
| PBQN | 18 | 4 | 32 | 1 | 8 | 104-108-114-115 |
| | 19 | 4 | 32 | 1 | 8 | 109-110-111-112 |
| **SUBTOTAL** | | **8** | **64** | **2** | **16** | |
| PBSI | 20 | 3 | 24 | 1 | 6 | 120-122-123 |
| **TOTAL PSB** | | **76** | **608** | **20** | **152** | |
| | | | ***TRANSIT BUREAU*** | | | |
| MFF | 1 | 3 | 24 | 1 | 6 | PER TRANSIT |
| | 2 | 4 | 32 | 1 | 8 | PLAN (SEE |
| | 3 | 4 | 32 | 1 | 8 | ADD. DATA, |
| **TOTAL TD** | | **11** | **88** | **3** | **22** | page 12) |
| | | | ***HOUSING BUREAU*** | | | |
| | 1 | 3 | 24 | 1 | 6 | ANY 3 PSAs |
| | 2 | 3 | 24 | 1 | 6 | DO |
| | 3 | 3 | 24 | 1 | 6 | DO |
| **TOTAL HB** | | **9** | **72** | **3** | **18** | |
| **GRAND TOTAL** | | **96** | **768** | **26** | **192** | |

***NOTE*** *Mobile field forces are a method of organizing personnel into working groups utilizing the "old" geographical patrol division format with the exception of Patrol Borough Queens North and Queens South. The Housing Bureau and Transit Bureau will organize their mobile field forces as per their own Bureau plans.*

***ADDITIONAL DATA (continued)***

***TRANSIT BUREAU RESPONSE PLAN***

*The Transit Bureau patrol boroughs do not currently correspond to the geographical and administrative patrol boroughs of the Patrol Services Bureau. To address this, the following response plan will be utilized:*

| PATROL BOROUGH MOBILIZED | 2ND & 3RD PLATOON RESPONSE PER DISTRICT | 1ST PLATOON RESPONSE PER DISTRICT | DISTRICT(S) REQUIRED TO RESPOND |
|---|---|---|---|
| PBMS | 1 SGT. & 8 POs | 2 POs | 2 & 4 |
| PBMN | 1 SGT. & 8 POs | 2 POs | 1 & 3 |
| PBBX | 1 SGT. & 8 POs | 2 POs | 11 & 12 |
| PBBS | 1 SGT. & 8 POs | 2 POs | 32 & 34 |
| PBBN | 1 SGT. & 8 POs | 2 POs | 30 & 33 |
| PBMS AND PBQS | 1 SGT. & 8 POs | 2 POs | 20 |
| PBSI | NONE | NONE | NONE |

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G. 213-03)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Unusual Disorder Plan-Formulating Plan (P.G. 213-08)*
*Unusual Disorder Maps (P.G. 213-07)*
*Unusual Disorder Kits (P.G. 213-09)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)*

***FORMS AND REPORTS***

***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***

| Section: Mobilization/Emergency Incidents | | Procedure No: 213-06 | |
|---|---|---|---|
| **LARGE SCALE ARREST PROCESSING PROCEDURE** | | | |
| DATE ISSUED: 07/01/14 | DATE EFFECTIVE: 07/01/14 | REVISION NUMBER: | PAGE: 1 of 2 |

**PURPOSE** To establish a coordinated arrest processing procedure for situations in which the number of arrests effected is, or is anticipated to be, in excess of twenty persons, (i.e. organized demonstration, large scale disorder, large police enforcement initiatives, etc.).

***NOTE*** *In the borough of Manhattan or Brooklyn North, the former Manhattan Central Booking facility, (enabled with OLBS and Livescan capabilities), is available to process arrests. Commanding officers interested in using this facility must notify the Commanding Officer, Manhattan Court Section.*

**PROCEDURE** When it is anticipated that a large number of arrests will be effected:

**BOROUGH COMMANDER**

1. Establish and maintain a list of all the precinct stationhouses within the Patrol Borough, **in priority order**, for utilization to process up to twenty persons in mass arrest situations.

***NOTE*** *Each of the eight Patrol Boroughs will forward an updated copy of this list to the Operations Unit.*

2. Establish priority of the stationhouses to be utilized based on each precinct stationhouse's ability to simultaneously process multiple prisoners with minimal interference to that command's day to day operations.

***NOTE*** *When determining the priority in which precinct stationhouses will be utilized first in each Patrol Borough, consideration will be given to the precinct's physical layout, its ability to secure multiple prisoners at one time and the space available for arresting/assigned officers to prepare required arrest related forms and reports, (geographical considerations may also be given at the actual time of the incident before precincts are utilized).*

**INCIDENT COMMANDER**

3. Have groups of no more than twenty prisoners with their arresting/assigned officers and one supervisor from the scene of arrest, transported to designated precinct stationhouse(s) via patrol wagon.

***NOTE*** *Every effort will be made to have arresting/assigned officer's process no more than five prisoners and the arrest supervisors assigned no more than four arresting/assigned officers, when practical.*

4. Ensure arresting/assigned officers have definite knowledge of the arrest, and can articulate the factual elements of the offense for which the arrests were effected.
5. Have the desk officer of the processing precinct notified of the number of prisoners that are enroute to their command for processing.

***NOTE*** *Precinct commanders will ensure that their commands have an adequate supply of arrest related forms and reports readily available in the event their stationhouse is utilized.*

**ARREST SUPERVISOR**

6. Ensure that each prisoner is photographed with their arresting/assigned officer before boarding patrol wagon and affix **MASS ARREST PEDIGREE LABEL (PD244-093)** to each printed digital photo, with all relevant captions completed.
7. Contact the Incident Commander/Command Post, upon arrival at processing precinct stationhouse, to verify if prisoners will be processed as on-line arrests or be issued **DESK APPEARANCE TICKETS (PD260-121)** and/or Criminal Court Summonses, if qualified.
8. Ensure that city, state and federal warrant checks are performed.
9. Directly supervise all arrest processing, as per that borough's arrest processing procedures.

***NOTE***

*The precinct Arrest Processing Officer (APO), will assist the arrest processing supervisor and arresting/assigned officer in all computer functions and ensure all appropriate forms are prepared so that the District Attorney's Office will be able to prepare a Sworn Complaint. The primary function of the Arrest Processing Officer is to return the arresting/assigned officer to patrol during large scale demonstrations, disorder or enforcement initiatives. The arrest processing supervisor will identify another member of the service, who is qualified in Livescan, to fingerprint ALL prisoners that are required to be fingerprinted.*

10. Review and sign, where appropriate, all arrest related documents and forms for accuracy and completeness upon completion of arrest processing, including **DESK APPEARANCE TICKETS** and Criminal Court Summonses issued (ensuring the appropriate return date has been issued).
11. Contact Incident Commander/Command Post to receive approval before releasing any defendant issued a **DESK APPEARANCE TICKET** or Criminal Court Summons, and if applicable, to request transportation to the appropriate Court for prisoners processed as on-line arrests.

***ADDITIONAL DATA***

*When a large scale arrest situation is anticipated, the commanding officer concerned is to notify the concerned borough Court Section supervisor, via telephone message, with all pertinent information, including the date and time of scheduled event and the anticipated number of arrests. The borough Court Section will then make appropriate notifications to the District Attorney's Office and Office of Court Administration to ensure all arrests are processed expeditiously.*

*If large scale arrest situations are scheduled sufficiently in advance, and the number of anticipated arrests dictate it, a centralized processing area may be utilized and coordinated through the concerned borough Court Section.*

***RELATED PROCEDURES***

*Criminal Court Summonses - Graphic (P.G. 209-11)*
*Arrest by a Civilian (P.G. 208-04)*
*Desk Appearance Ticket - General Procedure (P.G. 208-16)*
*Command Post Operations (P.G. 213-01)*

***FORMS AND REPORTS***

***DESK APPEARANCE TICKET (PD260-121)***
***MASS ARREST PEDIGREE LABEL (PD244-093)***

**PURPOSE** To formulate plans for suppressing unusual disorder.

**PROCEDURE** When commanding officers concerned (see *ADDITIONAL DATA*) are required to formulate and maintain unusual disorder plans:

**BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART**

1. Direct commanding officers of subordinate commands to formulate and submit an unusual disorder plan following the outline listed in *ADDITIONAL DATA*.

**PRECINCT/ UNIT COMMANDER**

2. Evaluate current unusual disorder plan of command.
3. Formulate new plan following the outline listed in *ADDITIONAL DATA*.
4. Prepare plan utilizing current Department word processing software.
   a. DO NOT skip any appendix listed in outline.

***NOTE*** *If an appendix does not apply, prepare a blank page listing the appendix and the statement "DOES NOT APPLY TO THIS COMMAND."*

5. Forward disk, if available, and a printed copy of plan to bureau chief/ borough commander or counterpart.

**BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART**

6. Consolidate and review all unusual disorder plans for completeness and accuracy.

**BOROUGH COMMANDER/ COUNTERPART**

7. Have a file created for unusual disorder plans at the borough "wheel," Strategic Response Group command and borough command post vehicle.
8. Formulate and prepare an unusual disorder plan for the borough utilizing the appropriate appendices in *ADDITIONAL DATA* to convey instructions and advice to subordinate commands regarding borough policies and procedures.
9. Have borough unusual disorder plan prepared utilizing current Department word processing software.

**BUREAU CHIEF/ BOROUGH COMMANDER/ COUNTERPART**

10. Submit disks, if available, and printed copies of plans to Office of the Chief of Department for review.

***NOTE*** *Unusual disorder plans will be updated yearly with changes noted on a cover sheet and forwarded to the Office of the Chief of Department by February 1st each year. Bureau/borough/unit commanders may conduct a more frequent review of disorder plans, as necessary.*

**CHIEF OF DEPARTMENT**

11. Review unusual disorder plans submitted from bureau chiefs/borough commanders or counterparts.
12. Forward approved plans to bureau chief/counterpart or borough commander/ counterpart concerned, through channels.
    a. Forward copies of all completed unusual disorder plans and disks to the Crowd Management Unit.

**BUREAU CHIEF/ BOROUGH COMMANDER COUNTERPART**

13. Ensure approved disorder plans are available on a twenty-four hour basis.
14. Have the unusual disorder plan, in a binder, maintained at the desk and in patrol supervisors' RMPs.
15. Instruct members of the command of:
    a. The location and routes to the precinct mobilization points
    b. Emergency routes, particularly those which pass through the confines of precinct.
16. Have a map with the mobilization points displayed in the sitting room.

***ADDITIONAL DATA***

*Commanding officers of the following commands are required to formulate and maintain unusual disorder plans:*

*a. All patrol precincts*
*b. All patrol boroughs*
*c. All Strategic Response Groups*
*d. Detective Bureau*
*e. Missing Persons Squad*
*f. Housing Bureau (response to a city-wide condition)*
*g. Transit Bureau (response to a city-wide condition)*
*h. All police service areas*
*i. All transit districts and task forces*
*j. Criminal Justice Bureau*
*k. Fleet Services Division (including Fuel Control Unit)*
*l. Property Clerk Division*
*m. Quartermaster Section*
*n. Office of the Chief of Special Operations (including sub-units not listed)*
*o. Emergency Service Unit (including all sub-units)*
*p. Street Crime Unit*
*q. Harbor Unit*
*r. Aviation Unit*
*s. Chief of Transportation (including sub-units not listed)*
*t. Highway District*
*u. Mounted Unit*
*v. Candidate Assessment Division*
*w. Deputy Commissioner - Legal Matters*
*x. Chief of Community Affairs*
*y. Communications Division*
*z. Electronics Section*
*aa. Operations Division.*

***ADDITIONAL DATA (continued)***

***FORMAT TO BE FOLLOWED WHEN PREPARING UNUSUAL DISORDER PLAN***

***SECTION I***

***APPENDIX A***

***INTRODUCTION AND INSTRUCTIONS***

*(1) PATROL PRECINCTS, POLICE SERVICE AREAS AND TRANSIT DISTRICTS*

*(a) Describe precinct, police service area and transit district demographics including:*
- *Physical description*
- *Ethnic breakdown*
- *Religious breakdown*

*(b) Include important characteristics or short historical analysis of past disorders, feuds, bias problems, etc.*
- *Include **recent** events where appropriate.*

*(c) Outline duties and local tactics to be followed when disorder is:*
- *Localized*
- *Enveloping the entire command*
- *Involving multiple precincts, districts or police service areas*

*(d) Sectoring, perimeter checkpoints and linear strategy should be evident in these plans.*

*(2) OTHER THAN COMMANDS LISTED ABOVE (I.E., DETECTIVE BUREAU, PROPERTY CLERK DIVISION, ETC.)*

*(a) Describe your anticipated participation in an unusual disorder response and how you intend to accomplish your mission.*

*(b) How many personnel will be rescheduled if required and available for deployment?*

*(c) What procedures will be instituted to ensure sufficient personnel to carry out your anticipated mission in an unusual disorder response?*

***APPENDIX B***

***VULNERABLE LOCATIONS***

*(1) Each group of locations should be listed in priority order, with supplied post lists, for patrol coverage, i.e.:*

*(a) COMMERCIAL PRIORITY 1*
*PRIORITY 2*

*(b) OTHER LOCATIONS PRIORITY 1*

***APPENDIX C***

***SENSITIVE LOCATIONS***

*(1) List sensitive locations, with appropriate post lists, by type in priority order, as follows:*

*(a) Gun shops*

*(b) Sensitive religious locations*

*(c) Public utilities*

*(d) Sensitive diplomatic locations*

*(e) Storage sites of large quantities of hazardous materials*

*(f) Any other locations deemed necessary by the commanding officer.*

***ADDITIONAL DATA (continued)***

***APPENDIX D***

***MOBILIZATION POINTS - HELICOPTER LANDING ZONES***

*(1) Identify two mobilization points in your command with staffing levels and post lists for traffic control and security.*

*(2) Identify alternate staging areas with post lists for security and traffic control.*

*(3) Identify rest areas, i.e., two city schools within your command to be used as rest/staging areas for reporting members.*

*(a) Include posts/ staffing to provide security.*

*(4) Identify a "Helicopter Landing Zone" with post lists to secure location.*

*(a) Submit proposed helicopter landing zone information on **Typed Letterhead** to the Commanding Officer, Aviation Unit for final approval.*

*(5) Identify docking locations for Harbor Unit in precincts that border water.*

***NOTE***

*When creating post assignments as required in Appendices B, C, and D, remember the principle of economy of force. Utilize the minimum number of officers for defensive post assignments using the one sergeant and eight police officer squad concept.*

***APPENDIX E***

***SPECIAL TACTICAL PLANS***

*(1) Include a summary of specialized plans already existing in your command, such as Halloween, yearly, or frequent protest rally plans including plans used to regulate them for the past three years.*

***APPENDIX F***

***EQUIPMENT/SPECIALIZED UNIT REQUIREMENTS NEEDED TO EFFECTIVELY IMPLEMENT PLANS AND TACTICS***

*(1) List **all** motor vehicles, bicycles, boats, aircraft, number of animals assigned to command by type*

*(2) List number of portable radios*

*(3) List additional equipment needed to implement plans and tactics.*

***APPENDIX G***

***DETENTION FACILITIES***

*(1) List detention facilities within your command boundaries not including those in your building suitable for processing of prisoners, after conferral with Criminal Justice Bureau.*

*(a) Include security post list for each facility.*

***APPENDIX H***

***PERSONS KEY TO COMMUNITY STABILITY***

*(1) Lists should include telephone number, beeper number (if available), address, etc. Persons listed should be grouped as follows:*

- *Elected officials*
- *Clergy*
- *Community Council members*
- *Community Board members*
- *School officials*
- *Other community/civic organizations*
- *Other prominent persons.*

***ADDITIONAL DATA (continued)***

*Include instructions, after conferral with borough commander, on how to notify those persons listed above.*

***SECTION II***

***APPENDIX I***

***COORDINATION OF EFFORTS WITH OTHER AGENCIES OR POLICE DEPARTMENTS OPERATING WITHIN THE AFFECTED AREA.***

*(1) List contact persons and telephone numbers.*

*(2) Describe the role and contribution of these agencies during an unusual disorder.*

*(a) Confer with these agencies.*

*(3) List locations and designations of local agency sites (i.e., firehouses, sanitation garages, ambulance bases, etc.).*

*(4) List vehicle fueling locations at other agencies within your command.*

***APPENDIX J***

***KEY PERSONNEL (PRECINCT OR UNIT)***

*(1) List key personnel, with home telephone numbers and addresses, i.e., operations coordinator, special operations coordinator, etc.*

*(a) Include notification instructions for each mobilization level.*

***APPENDIX K***

***PRECINCT SECTOR DESCRIPTIONS, (OR EQUIVALENT FOR HOUSING BUREAU AND TRANSIT BUREAU), BOUNDARIES, MAPS***

***APPENDIX L***

***EMERGENCY TRANSPORTATION AVAILABLE IN YOUR COMMAND.***

*(1) Include commercial buses, ferries and heliports.*

***APPENDIX M***

***LOCAL HOSPITALS\NURSING HOMES***

*(1) List all hospitals\nursing homes, with a list of each hospitals\nursing homes' key administrators, within your command.*

*(a) List established emergency routes to local hospitals\nursing homes.*

*(b) List the facilities that may require assistance in the event of a power outage or interruption.*

*(2) Include a floor plan (a clear, legible and simplified sketch) of hospital emergency room and telephone numbers of key departments within each hospital.*

***NOTE***

*Include an 8 ½ x 11 inch map with Appendix "B," "C," "D," and "K." Each map should be specific to the information in that appendix.*

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G. 213-03)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Duties At Unusual Disorders (P.G. 213-05)*
*Unusual Disorder Maps (P.G. 213-07)*

***RELATED PROCEDURES (continued)***

*Unusual Disorder Kits (P.G. 213-09)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)*

***FORMS AND REPORTS***

***Typed Letterhead***

NYPD

**PURPOSE** To provide readily available clerical supplies and Department forms for use at unusual disorder scenes.

**COMMANDING OFFICER**

1. Maintain at a readily available storage location, with command post log and flag, an unusual disorder kit containing the following:

| ITEM | AMOUNT |
|---|---|
| Copy of precinct/police service area/ transit district "Unusual Disorder Plan" | 1 |

***NOTE*** *An additional copy of precinct/police service area/transit district Unusual Disorder Plan will be separated by Appendix, placed in individual manila folders, and appropriately labeled according to area. Folders will be delivered to, and available for, reference at field command post.*

| | |
|---|---|
| Copy of Patrol Guide 213 Series | 1 |
| Precinct/police service area/transit district map (large laminated - see ADDITIONAL DATA) | 2 |
| Precinct/police service area sector map (small, reproduced on photocopy machine) | 75 |
| Number 1 book | 2 |
| Writing tablet, lined, 8 ½" X 14" | 4 |
| Multi-service envelope | 15 |
| Paper clips | 2 boxes |
| Stapler | 1 |
| Staples | 1 box |
| Dry eraser markers | 1 set |
| Index cards, 4" X 6" | 200 |
| Rubber bands | 1 box |

**COMMANDING OFFICER (continued)**

| **DEPARTMENT FORMS** | **AMOUNT** |
|---|---|
| **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** | 50 |
| **AIDED REPORT WORKSHEET (PD304-152B)** | 200 |
| **COMPLAINT REPORT WORKSHEET (PD313-152A)** | 200 |
| **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** | 200 |
| **IDENTIFICATION TAG (PD317-091)** | 100 |
| **MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)** | 50 |
| **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** | 200 |
| **TAG (PD521-091)** | 300 |

2. Instruct desk officers to dispatch unusual disorder kit to a scene of an unusual disorder, when required.
3. Obtain additional supplies, if required during an unusual disorder, from command post vehicle, adjoining commands or Quartermaster Section.
4. Replace expended supplies without delay.
5. Cause semiannual inspection of unusual disorder kit and place supplies that are missing, obsolete, deteriorated, etc.

***ADDITIONAL DATA***

*Large laminated maps will be prepared as per P.G. 213-07, "Unusual Disorder Maps."*

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G. 213-03)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Duties At Unusual Disorder (P.G. 213-05)*
*Unusual Disorder Plan - Formulating Plan (P.G. 213-08)*
*Unusual Disorder Maps (P.G. 213-07)*
*Unusual Occurrence Reports (P.G. 212-09)*
*Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)*

**PURPOSE** To provide police presence and crowd control at special events.

**DEFINITIONS** For the purposes of this procedure, the following definitions will apply:

INCIDENT COMMANDER - The highest ranking uniformed police supervisor responsible for the command, control and coordination of all incident operations. For planned events such as parades, demonstrations, and similar situations, the precinct commanding officer will ordinarily be designated as incident commander. If the event occurs in two or more commands within the same patrol borough, the patrol borough commander will be designated as incident commander, and in cases where the event affects more than one patrol borough, the Chief of Patrol will be designated as incident commander.

PLACES OF PUBLIC ASSEMBLY: Locations where events open to the public are held. Examples include, but are not limited to: stadiums, theaters, arenas, school auditoriums, gymnasiums, meeting halls, ballrooms, armories, field and street areas where events are held, etc.

SPECIAL EVENT: An event which, based on an evaluation of factors including but not limited to the following, would lead a commanding officer to reasonably believe that special police coverage, presence, or response may be needed, based on the following factors:

a. Size and demographics of crowd expected to attend event
b. Size and layout of the event facility
c. Past critiques of similar events
d. Criminal history of location
e. Availability of alcohol
f. Presence of notables/personalities, live music or entertainers
g. Previous history of disruption or problems associated with or due to reputations of, or specific issues related to speaker or performers
h. Manner of ticket sales (box office, advance tickets, door sales, mail, lottery, outlets, etc.)
i. Manner of admission (advance tickets, door sales, free admission, etc.)
j. Nature or sensitivity of the event
k. Presence of private security
l. Presence or possibility of opponents or counterdemonstrators.

Such events may be either routine or outside of the normal course of business of the facility concerned.

**PROCEDURE** Upon receiving information that a special event will be held at a location of public assembly:

**MEMBER RECEIVING INFORMATION**

1. Provide all pertinent information to incident commander concerned.
   a. Notify Operations Unit direct if time is a factor.

**INCIDENT COMMANDER**

2. Assign a supervisor to conduct pre-event survey.
   a. Forward copy of information received to Intelligence Bureau.

***NOTE*** *Provide basic information regarding event site from precinct file, if available.*

**SUPERVISOR ASSIGNED**

3. Confer with community affairs officer(s), operator of facility, event sponsor(s), security coordinators and other parties involved with event.
4. Review event preparations with operator of facility.
5. Conduct pre-event survey of location, when appropriate.
6. Report results to incident commander concerned.

**INCIDENT COMMANDER**

7. Review information received and make preliminary determination of what, if any, Department resources are required, e.g., special attention, assignment of detail, special equipment, etc.
8. Notify next higher command, of information received and preliminary determination.

WHEN NECESSITY OF PRE-EVENT PLANNING CONFERENCE IS INDICATED:

**INCIDENT COMMANDER**

9. Convene planning conference, at facility where event is to be held, with operator, event sponsor(s), security coordinator, representative of next higher command, Operations Division, and other parties involved.

***NOTE*** *If pre-event survey indicates possibility of large crowd exceeding facility capacity or medical assistance being needed, the Fire Department will be notified to have a representative at the conference.*

10. Request to have representative(s) present at inter-agency conference with the event organizers and facility management, if pre-event survey indicated that other city agencies may be needed.
11. Evaluate the event, by determining the following:
    a. Organizer's past experience with similar events
    b. Likelihood of planned event drawing large crowds
    c. Demographics of crowd likely to attend the event.
12. Obtain information regarding admission to event and determine:
    a. If paid or by free admission
    b. Amount of advance sale tickets anticipated
    c. Anticipated ticket sales at gate on day of the event and ticket sale locations at site, as well as ticket pickup locations
    d. Number of entrances available for ticket holders
    e. Plans, if any, for non-ticket holders, waiting lines, ropes, ushers, security personnel, etc.
    f. If magnetometers are to be used at event.

**INCIDENT COMMANDER (continued)**

13. Determine if all necessary permits have been requested and/or obtained.
14. Determine if security force is armed.
15. Ascertain if alcoholic beverages are going to be served at the event.
16. Confer with Intelligence Bureau to determine past history of similar events, if deemed appropriate.
    a. Conduct background checks on armed security (if known), event sponsors and the premises, if necessary.
17. Notify next higher command concerned of pre-event planning conference findings.

***NOTE*** *In appropriate cases, the Intelligence Bureau will be conferred with to check the history of past events. The Police Department will not engage in any investigation of political activity except through the Intelligence Bureau and such investigation will be conducted as set forth in the guidelines contained in P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."*

WHEN RESULTS OF PRE-EVENT SURVEY OR CONFERENCE INDICATE NECESSITY OF POLICE PRESENCE:

18. Ensure other city agencies NOT represented at the pre-event planning conference (Fire Department, Parks Department, New York City Transit, Department of Sanitation, etc.,) have been notified, and receive all pertinent information, as necessary.
19. Request Deputy Commissioner Public Information disseminate appropriate information to the media regarding police presence, contact information, zero tolerance enforcement policy, etc.

***NOTE*** *In cases in which the special event is a demonstration, information on expected street and sidewalk closings and information on how the public may access a demonstration site will be disseminated to the media and event organizers and should, if possible, be posted on the Department's website. Officers assigned to such events should be given detailed instructions on such closings and points of access prior to assignment. Detail supervisors should also be advised of street closures and points of access and any changes of points of access which occur during the event and which were not previously anticipated and publicized. Officers assigned to such events shall provide information to the public at the event about available points of access.*

20. Request all necessary personnel and equipment (e.g., command post vehicles, portable radios, bullhorns, sound equipment, barriers, vehicles, lighting, etc.), through patrol borough concerned.
21. Develop pre-event plan to include, but not be limited to, the following:
    a. Designation of security arrangements and responsibilities
    b. Identification of all contact persons, including telephone numbers
    c. Command post locations, if necessary
    d. Internal and external radio communication plan, including dual dispatch protocol, if necessary
    e. Entrance and exit locations and their capacities

**INCIDENT COMMANDER (continued)**

f. Floor plans, including legal capacity of facility based on the Certificate of Occupancy
g. Ensure that a sufficient number of police barriers are requested for the event, if appropriate
h. Develop a barrier configuration plan that ensures:
   1) Orderly movement by persons attending the event.
   2) Safety lanes and frozen areas to provide access for police personnel.
   3) Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave a barriered area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.
i. Parking area locations and their capacity
j. Plan to provide for fluid flow of vehicle traffic which will include emergency access routes
k. Public transportation availability and locations, including route or schedule adjustments
l. Mobilization location, if one becomes necessary
m. Medical aid stations and locations
n. Crowd control plan
o. Type of seating which will be afforded to attendees
p. Provision for media access
q. Counter-demonstration activities and locations
r. Provision of live video feeds or other event monitoring and recording techniques
s. Aviation Unit and/or rooftop surveillance
t. Plainclothes surveillance and/or enforcement
u. Any other factors deemed necessary.

22. Establish a post event patrol plan, if necessary.
   a. Include scheduling and deployment of Strategic Response Group, where appropriate.

***NOTE*** *Where the use of the Mounted Unit becomes necessary for crowd control purposes, incident commanders are reminded that if Mounted officers are deployed for such purposes, it is important to ensure that a crowd or group to be dispersed has sufficient avenues of egress available to them and has had a reasonable chance to disperse.*

**SUPERVISOR NEXT HIGHER COMMAND**

23. Review event coverage requirements and recommendations.
   a. Assign detail and forward request for necessary equipment, when appropriate.

***ADDITIONAL DATA***

*Where circumstances indicate that the continued sale and consumption of alcoholic beverages pose a threat to public safety, the Department may suspend the sale of alcoholic beverages for a period of time necessary to address the public safety concerns.*

*Prior to the beginning of the event, the incident commander will ensure that communication is established with the operators and security coordinators of the event.*

*When necessary the incident commander may decide to establish internal communications via portable radio at the scene with a police observer team or security liaison. Police observers at the special event shall maintain radio communication with the incident commander. They will not be used to perform the functions of inside security, which is the responsibility of the facility operator and security coordinator. If any person present at the event is injured or endangered, the incident commander will immediately take all necessary steps to provide assistance, regardless of the type of location or facility.*

*When notified that a demonstration is to occur, incident commander will cooperate with persons in charge to the extent possible, balancing their right to free expression with the need to maintain public safety. The Legal Bureau should be contacted as soon as possible to assist in planning and arrange for response of a Department attorney if needed.*

*The following factors will be considered in determining the suitability of a demonstration location:*

*a. Time and date*
*b. Volume of vehicular and pedestrian traffic*
*c. Proximity of any other related or unrelated events*
*d. Schools, hospitals, houses of worship, or large public or business facilities nearby*
*e. Any other condition which may create a hazard or serious inconvenience to the public or participants.*

*The Legal Observer Program is a system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU). Recognizing the importance of their work, the Department permits properly identified legal observers free access through police lines at the scene of any demonstration. Legal observers generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU). All members of the service will extend every courtesy and cooperation to observers. Observers shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the incident commander.*

*In those circumstances when the request to search the property of a person is due to an established security perimeter or security checkpoint (e.g., transit bag checks, large scale events, school security, etc.), uniformed members of the service are not required to make such request in a prescribed manner or to provide a* ***RIGHT TO KNOW BUSINESS CARD (PD142-012)****, or* ***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)****, unless requested.*

***RELATED PROCEDURES***

*Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations (P.G. 212-71)*
*Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)*

| | |
|---|---|
| ***RELATED PROCEDURES (continued)*** | *Emergency Incidents (P.G. 213-02)*<br>*Rapid Mobilization (P.G. 213-03)*<br>*Mobilization Readiness Levels (P.G. 213-04)*<br>*Duties and Responsibilities at Special Events (P.G. 213-15)*<br>*Citywide Incident Management System (CIMS) (P.G. 220 Series)* |
| ***FORMS AND REPORTS*** | ***RIGHT TO KNOW BUSINESS CARD (PD142-012)***<br>***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)*** |

NYPD

**PURPOSE** To expedite movement of traffic and reduce danger to persons or damage to property during adverse weather or street conditions.

**DEFINITION** PLAN "A" - for hazardous road conditions caused by freezing rain, snow or ice.
PLAN "B" -for dangerous street conditions caused by hurricanes, storms and floods.
PLAN "C" - for traffic congestion and other conditions caused by unusually heavy traffic.

**PROCEDURE** Upon receipt of FINEST message activating Plan "A" "B" or "C":

**DESK OFFICER**

1. Notify commanding officer and other units located in same building.
2. Make assignments of personnel in accordance with prioritized traffic post list maintained at the desk for each emergency plan or as conditions warrant.
   a. Give priority to school crossings during school hours
   b. Assign personnel to strategic locations to periodically report on prevalent conditions, if necessary.

***NOTE*** *Patrol borough offices will coordinate the assignment of personnel to traffic posts when Plan "A" is implemented. During emergency periods, personnel assigned to Strategic Response Groups may be temporarily assigned to priority traffic posts, if necessary, with the approval of the patrol borough commander.*

3. Assign personnel to survey parkways and expressways, to aid stranded motorists.
4. Direct personnel on patrol and special emergency plan assignment to submit reports of occurrences and action taken, including recommendations.
   a. File reports in Log at desk.
5. Notify patrol borough office initially and each hour thereafter of the following:
   a. Traffic conditions
   b. Detours established
   c. Intersections and traffic junctions covered
   d. Serious incidents or conditions
   e. Additional manpower or equipment required.

***NOTE*** *Patrol borough office notifies Operations Unit direct via telephone.*

6. Direct that Department property be safeguarded against adverse weather conditions.
7. Maintain special log at desk to record incidents which occur while the Emergency Plan is in effect and caption Log across a double page as follows:

| TIME | INCIDENT | NOTIFICATION | DISPOSITION | TIME CORRECTED | REMARKS |
|---|---|---|---|---|---|

8. Notify Operations Unit of persons in need of temporary shelter, emergency transportation, etc.

**DESK OFFICER (continued)**

9. Ascertain that assignments are made according to Emergency Plan, and/or as appropriate, due to existing conditions.
10. Survey conditions within command and record incidents and situations requiring further attention.
11. Direct patrol supervisor to survey assigned area and report observations and recommendations.

**UNIFORMED MEMBER OF THE SERVICE**

12. Contact command for possible reassignment upon learning of the activation of Emergency Plan.
    a. Remain at intersection if assigned to traffic duty.
    b. Remain on school crossing until completion, if so assigned.
13. Continue to perform routine patrol duties unless on special assignment, and
    a. Keep intersections clear and traffic moving.
    b. Advise persons to safeguard property against high winds, floods, etc.
    c. Visit construction sites and advise person in charge to secure cranes, scaffolding, building material, etc.
    d. Remove portable traffic equipment from roadways, if required.
    e. Safeguard fallen electric wires and notify utility concerned and Emergency Service Unit.
14. Report the following to the desk officer:
    a. Unusual or hazardous conditions
    b. Serious traffic congestion
    c. Slippery grades
    d. Dangerous bridge conditions
    e. Conditions requiring the attention of other agencies.

***ADDITIONAL DATA***

*Available patrol and traffic personnel will be utilized during activation of Emergency Plan "A", "B" or "C".*

*Plan "A", "B" or "C" may be activated by the Chief of Transportation or higher authority, on a citywide basis or within a borough as required. The Plans may also be implemented by a borough commander within the borough or any part thereof.*

*When an Emergency Plan is activated or discontinued, the commanding officer authorizing such action will notify the Operations Unit.*

*When any traffic related problem is observed, or information is received indicating such a problem, the radio dispatcher will be notified via radio or landline. Corrective action is to be taken by the members concerned.*

*When a precinct commander determines that coverage of a previously established prioritized traffic post for Plan "A" is no longer warranted, or that a new location should be added, he will amend the post list accordingly and forward a revised copy to the patrol borough commander. The patrol borough commander shall endorse the revised post list and forward a copy to the Patrol Services Bureau, Traffic Management Center and the Traffic Enforcement District.*

**PURPOSE** To ensure the orderly passage of participants, the safety of spectators and the efficient rerouting of traffic at parades, demonstrations, and other large scale special events.

**DEFINITION** INCIDENT COMMANDER - The highest ranking uniformed police supervisor responsible for the command, control and coordination of all incident operations. For planned events such as parades, demonstrations, and similar situations, the precinct commanding officer will ordinarily be designated as incident commander. If the event occurs in two or more commands within the same patrol borough, the patrol borough commander will be designated as incident commander, and in cases where the event affects more than one patrol borough, the Chief of Patrol will be designated as incident commander.

**PROCEDURE** When commencing police operations at the scene of a special event:

**INCIDENT COMMANDER**

1. Coordinate participation of the following agencies at all major special events: Fire Department, Department of Traffic, Department of Buildings, Department of Sanitation, Emergency Medical Service, and any other agencies deemed necessary.
2. Request NYC Transit to post appropriate signage regarding all adjustments to bus and subway routes or schedules
3. Inspect event location or parade route, including parade formation and dismissal areas.
4. Divide entire area affected by event into sectors.
5. Include the following in event sectors:
   a. Public transportation facilities located within and one block of these areas.
   b. Streets and avenues within formation and dismissal areas and public transportation facilities within one block of these areas.

***NOTE*** *When practical, assign the same sector and unit commanders to the same event area or parade route at each succeeding event regardless of regular assignment. This will enable commanders to become familiar with all conditions within their sectors.*

6. Designate location of main and sector command posts at appropriate points within event area or along parade route.
   a. Place command post near reviewing stands
   b. Designate parking area for official cars
   c. Notify Operations Unit of location and telephone number of main and sector command posts
   d. Comply with *P.G. 213-01, "Command Post Operations."*

**INCIDENT COMMANDER (continued)**

7. Cause event area or parade route to be re-inspected twenty-four hours prior to event and note conditions requiring special attention or change in plans (e.g., construction detours, etc.).
8. Direct precinct commanders, through whose commands the parade will pass to:
   a. Post temporary parking restriction signs sufficiently in advance of parade.
   b. Assign personnel to prevent parking along parade route, formation and dismissal areas, and if necessary, cross and parallel streets one block either side of route.
9. Designate important cross streets as "through streets" for buses, fire apparatus, ambulances and other emergency vehicles and notify appropriate agencies of these designated locations.
   a. Exclude spectators for a distance of one hundred feet, from parade route on side streets which are bus, fire, ambulance and other emergency vehicle "through streets" and twenty-five feet on parade route from corners of such "through streets".
10. Assign members of the service to traffic duty at intersections along the route or in the vicinity of the event location and on blocks at either side, as necessary for control of vehicular traffic.
11. Confer with Operations Unit prior to commencement of event regarding local or citywide conditions or incidents that may affect police operations.

***NOTE***

*In cases in which the special event is a demonstration, information on expected street and sidewalk closings and information on how the public may access a demonstration site will be disseminated to the media and event organizers and should, if possible, be posted on the Department's website. Officers assigned to such events should be given detailed instructions on such closings and points of access prior to assignment. Detail supervisors should also be advised of street closures and points of access and any changes of points of access which occur during the event and which were not previously anticipated and publicized. Officers assigned to such events shall provide information to the public at the event about available points of access.*

*Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave a barriered area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.*

*Where the use of the Mounted Unit becomes necessary for crowd control purposes, incident commanders are reminded that if Mounted officers are deployed for such purposes, it is important to ensure that a crowd or group to be dispersed has sufficient avenues of egress available to them and has had a reasonable chance to disperse.*

**SECTOR COMMANDER**

12. Report to main or sector command post within area of assignment as designated by the incident commander. If no sector command post is assigned, work out of main command post.
13. Prior to the start of the event, survey assigned areas for any situation/condition that may present a potential hazard for marchers, spectators, the general public, or the police.
    a. Implement preventive measures to preclude bystanders from standing or climbing upon structures.
    b. Immediate remedial police action shall be taken to correct any unusual/hazardous condition, and the incident commander shall be notified immediately.
    c. Make command post log entry of results and actions taken.
14. Assign personnel to:
    a. Prevent overcrowding on sidewalk and to keep a clear passageway along the building lines.
    b. Protect fire alarm boxes and other city property.
15. Distribute **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** to each supervisor in charge of a post or detail of police officers
16. Conduct roll call, utilizing subordinate supervisors to instruct all members assigned on:
    a. Nature of event.
    b. Past history of this event or others involving this location or organization.
    c. Importance of the team concept in successful event management.
    d. Mission of the team (traffic, escort, crowd management, etc.).
    e. Enforcement guidelines.
    f. Responsibility to take proper police action, regardless of assignment, whenever circumstances indicate life or property may be endangered.
    g. Post and sector boundaries.
    h. Location and telephone number of main and sector command post, precinct, arrest processing area, etc.
    i. Identification of incident commander, sector/unit commander in charge, and other key personnel.
    j. Radio frequencies to be utilized.
    k. Adjustments to bus or subway routes or schedules.

**SUPERVISOR ASSIGNED**

17. Instruct members assigned to detail to prevent:
    a. Persons or organization from joining parade at other than formation area.
    b. Persons from crossing police lines after start of event.
    c. Spectators from standing near excavation or on top of walls, boxes, etc.
    d. Climbing on trees, poles or other structures.
18. Comply with instructions on **DETAIL ROSTER/ASSIGNMENT SHEET**, record names of members assigned, and distribute form as indicated.

**SECTOR COMMANDER**

19. Place completed **DETAIL ROSTER/ASSIGNMENT SHEETS** inside front cover of command post log for ready reference during event.
20. Ensure all supervisors are equipped with radios tuned to designated frequency.

**SECTOR COMMANDER FORMATION AREA**

21. Transmit message via detail radio frequency before start of event to notify sector commanders to:
    a. Institute traffic detours.
    b. Exclude pedestrians from parade roadway.

**SECTOR COMMANDER**

22. Halt parade contingents a minimum of one block before any emergency incident such as fire, collision, etc.
    a. Divert marching units into side street when necessary.
    b. Clear area affected of spectators.
    c. Keep command post informed of developments.
23. Arrange to have parade resume as soon as conditions permit and upon direction of incident commander.
24. Assign members to public transportation terminals and stations, as necessary.
25. Permit persons and vehicles to cross parade route at intersections, during breaks in parade contingents, or as conditions warrant.
26. Assign personnel to divert pedestrian traffic onto side streets if conditions on affected streets or sidewalks become too crowded.
27. Anticipate impact of adjustments on crowd conditions and deploy personnel to manage and direct crowds as they develop.
28. Prevent unauthorized maneuvers or exhibitions, which may cause large gaps between parade contingents.
29. Monitor progress of parade through sector and correct any conditions impeding progress.
30. Notify Operations Unit and main command post when:
    a. Parade enters and leaves sector.
    b. Any collision, arrest, incident or unusual situation occurs.
31. Continuously survey assigned sector for conditions requiring police service or attention.
32. Contact adjoining sector commanders ascertaining conditions in their sectors.
33. Assemble and account for assigned personnel and equipment when event has ended and spectators leave.
    a. Notify incident commander of results.
34. Dismiss personnel as directed by incident commander.
    a. Dismiss detail assigned to reviewing stand and official parking area only after dignitaries have left and conditions are normal.

***NOTE*** *Incident commander must confer with Operations Unit prior to dismissal of detail personnel. The Operations Unit will grant permission only if conditions occurring elsewhere do not require response by personnel to be dismissed.*

INACTIVE

**INCIDENT COMMANDER**

35. File completed **DETAIL ROSTER/ASSIGNMENT SHEETS** at precinct of record after assignment is completed.
36. Prepare and submit to patrol borough command a critique including, but not limited to, the following:
    a. Whether sufficient personnel and equipment were assigned (identify commands responsible for shortages and measures taken to ensure response).
    b. Any incident requiring particular police attention.
    c. Other problems encountered.
    d. Evaluation of police services rendered.
    e. Recommendations for policing this or similar events in the future and possible adjustment in personnel and equipment in subsequent similar parades.
    f. Overtime incurred by members assigned will be reported under the following headings:

RANK NUMBER TOTAL HRS. O/T TOTAL HRS PORTAL TO PORTAL

**PATROL BOROUGH COMMANDER**

37. Review and endorse critique submitted by sector commanders and forward through channels to Operations Unit.

***ADDITIONAL DATA***

*TEAM ASSIGNMENTS*

** SPECTATOR MANAGEMENT - Using courtesy, professionalism and respect towards the spectators viewing or participating in the event.*

** MOBILE RESPONSE - Allowing for a quick response of assigned members to another area of this event or another event elsewhere.*

** ENFORCEMENT DUTY - Required to implement appropriate arrest tactics or summons activity under the supervision of sergeants and lieutenants as enforcement teams or during preplanned or spontaneous arrest situations.*

** PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS - Responsible for correctly identifying locations and providing security for designated areas.*

** ESCORT DUTY - Identify and provide a system of escorts for other service providers, protected persons or sensitive groups.*

** TRAFFIC DUTY - Identify borders of the event, assigning members to appropriate roadways to:*
*a. Detour traffic around the area*
*b. Facilitate use of alternate routes*
*c. Prevent injury to pedestrians by creating a system of controlled crossings.*

***RELATED PROCEDURES***

*Command Post Operations (P.G. 213-01)*
*Emergency Incidents (P.G. 213-02)*
*Rapid Mobilization (P.G. 213-03)*
*Mobilization Readiness Levels (P.G. 213-04)*
*Policing Special Events/Crowd Control (P.G. 213-11)*
*Command Post Duties and Responsibilities (P.G. 213-14)*

***FORMS AND REPORTS***

***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***

NYPD

**PURPOSE** To inform members of the service of the procedure to be followed when vehicles are relocated due to special events (i.e., Presidential visits, parades, or movie/TV productions, etc.) and to account for all vehicles relocated through proper documentation by utilizing the Tow Pound Information System (TOPIS).

**PROCEDURE** Upon learning of a special event affecting patrol boroughs or precincts, in which vehicles need to be relocated

**PATROL BOROUGH COMMANDER**

1. Establish a No Parking Detail to handle the removal of vehicles and the safeguarding of the affected route, if necessary.
2. Confer with precinct commanding officer to ensure that vehicles relocated are accounted for and that the affected area is properly maintained.
3. Confer with the Commanding Officer, Traffic Operations District and request necessary personnel and equipment (i.e., tow trucks and traffic enforcement agents, etc.).

***NOTE*** *The number of personnel assigned to a No Parking Detail will be determined by the patrol borough commander/counterpart for large events (parades, Presidential visits, etc.) or the precinct commander for smaller events.*

**COMMANDING OFFICER, TRAFFIC OPERATIONS DISTRICT**

4. Determine necessary personnel and equipment needed and deploy personnel as per arranged schedule to assist the patrol borough/precinct commanding officer.

**PRECINCT COMMANDING OFFICER**

5. Assign a supervisor to coordinate the No Parking Detail.
6. Ensure that "No Parking" signs are posted and that vehicles are accounted for, when relocated.

***NOTE*** *Parking garages, hotels and businesses within the affected area must be notified that because of anticipated traffic congestion, vehicular access to and from their location may not be possible.*

**SUPERVISOR ASSIGNED**

7. Have "No Parking" signs posted at least two days prior to the start of an event.

***NOTE*** *Missing and/or damaged signs are to be replaced on subsequent tours, as necessary. The patrol supervisor on each subsequent tour is to survey the affected area at the beginning and end of each tour to ensure that "No Parking" signs are properly posted.*

**SUPERVISOR ASSIGNED (continued)**

8. Have vehicles relocated from the affected area.
   a. Ensure that tow operators have a sufficient number of **Notice of Relocation (Misc. 4208)** stickers.
   b. Make sure each vehicle relocated has a **Notice of Relocation** affixed to alert other NYPD or law enforcement personnel that the vehicle was relocated as a result of police action.
9. Assign a uniformed member of the service to accompany each tow truck operator when a vehicle is removed and relocated.

***NOTE*** *A vehicle bearing a handicap plate or Department of Transportation Special Vehicle Identification permit will be relocated as close as possible to its original spot. Every effort will be made to ensure that vehicles relocated are parked legally. Vehicles will not be double-parked, parked at a hydrant, bus stop, or crosswalk.*

**UNIFORMED MEMBER OF THE SERVICE**

10. Accompany tow truck operator with vehicles to be relocated.
11. Prepare and affix **Notice of Relocation** stickers on each vehicle moved.
12. Prepare (print legibly) and provide the supervisor in charge with a completed copy of the **VEHICLE RELOCATION REPORT**.
13. Verify that doors to all vehicles relocated are properly locked.

**SUPERVISOR ASSIGNED**

14. Verify that each **VEHICLE RELOCATION REPORT** is legible and contains a full description of the vehicle and damages, if any.
15. Enter vehicle relocation information, via FINEST, for vehicles relocated into TOPIS, by using function 231, "Log-In Vehicle Street Relocation."
16. Forward a copy of the list of relocated vehicles to the field command post so that uniformed members of the service may inquire via radio as to the location of a relocated vehicle.

***NOTE*** *Members of the service can access TOPIS through the FINEST by bringing up the shield and entering MIS; clearing the screen and entering "NTOW"("NTOW" must be entered, in capital letters, for the TOPIS system to open up). Use code 23 at the main menu to access the Vehicle Relocation Function. Members of the service having any problems accessing TOPIS can call the Information Technology Bureau (ITB) Service Desk.*

17. Have "Vehicle Relocation Notice" signs posted indicating that vehicles were relocated from the affected area and that interested persons should contact the precinct concerned.
18. Ensure that "No Parking" signs are removed upon completion of the event.

***NOTE*** *The "Vehicle Relocation Notice" signs should remain in place for forty-eight hours before being removed.*

19. Confer with precinct commanding officer regarding the overall operation, including critique and suggestions.

***ADDITIONAL DATA***

*Since **VEHICLE RELOCATION REPORTS** contain additional information not captured by the TOPIS entry, these reports will be maintained for forty-five days, on a clipboard secured at the desk. After forty-five days, these reports should be discarded. Members of the service receiving a report of a stolen vehicle, in addition to following the applicable Patrol Guide procedures, will conduct a check via FINEST (through TOPIS) to confirm whether the vehicle has been towed as a result of an event requiring relocation of vehicles.*

***FORMS AND REPORTS***

***VEHICLE RELOCATION REPORT (PD571-155)***
***Notice of Relocation (Misc. 4208)***

NYPD

| Section: Mobilization/Emergency Incidents | | Procedure No: 213-17 | |
|---|---|---|---|
| **NOTIFICATIONS REGARDING TRAFFIC RELATED ACTIVITIES** | | | |
| DATE ISSUED: 08/01/13 | DATE EFFECTIVE: 08/01/13 | REVISION NUMBER: | PAGE: 1 of 1 |

**PURPOSE** To ensure the proper collection, coordination, and dissemination of information about Department activities that might affect the movement of traffic (either vehicular or pedestrian).

**PROCEDURE** Whenever police operations, whether planned or unplanned, may have an effect on the movement of vehicular or pedestrian traffic:

FOR SCHEDULED EVENTS (E.G., DETAILS, CHECKPOINTS)

**SUPERVISOR IN CHARGE**

1. As soon as the event is scheduled, notify the Traffic Management Center by telephone of all pertinent information, including:
   a. Date, time, and location of planned operation or event.
   b. Nature of operation.
   c. Command(s) participating.
   d. Supervisor in charge.
   e. Scope of anticipated or actual disruption.
   f. Anticipated length of event or operation.

**TRAFFIC MANAGEMENT CENTER**

2. Compile information regarding scheduled events reported by commands in the form of a daily "Traffic Brief."
3. Send the "Traffic Brief" to the Operations Unit daily, via e-mail or facsimile machine.

FOR UNSCHEDULED EVENTS

**SUPERVISOR IN CHARGE**

4. Notify the Operations Unit upon becoming aware of unscheduled police operations that may have an effect on the movement of traffic.

**OPERATIONS UNIT**

5. Upon receiving notification of unscheduled police operations that may affect traffic movement, notify the Traffic Management Center.

**TRAFFIC MANAGEMENT CENTER**

6. Upon receiving notification from Operations Unit, make appropriate notifications to units within the Chief of Transportation, and to other agencies as appropriate.

| Section: Mobilization/Emergency Incidents | | Procedure No: 213-18 | |
|---|---|---|---|
| **CITYWIDE SECURITY ALERT LEVELS** | | | |
| DATE ISSUED: 03/11/21 | DATE EFFECTIVE: 03/11/21 | REVISION NUMBER: | PAGE: 1 of 1 |

1. In light of the ongoing threat of terrorist attacks against the City of New York, the New York City Police Department has created "Citywide Security Alert Levels" similar to those used by the Federal Office of Homeland Security. These alert levels are discussed in detail in a newly published document to be distributed in book form. This book will replace the "Citywide Security Assessment Plan." As such, with the publication and distribution of the new book, post assignments will no longer be referred to as ALPHA, BRAVO, GAMMA, OR OMEGA. The new alert levels are as follows:

| ALERT LEVEL | RISK CONDITION | |
|---|---|---|
| Green | Low | Low Risk Of Terrorist Attacks |
| Blue | Guarded | General Risk Of Terrorist Attacks |
| Yellow | Elevated | Significant Risk Of Terrorist Attacks |
| Orange | High | High Risk Of Terrorist Attacks |
| Red | Severe | Severe Risk Of Terrorist Attacks |

Post assignments made in connection with these new alert levels shall be referred to by the appropriate color code. Commanding officers will ensure that all personnel are properly trained in the new system of alert levels.

2. The Deputy Commissioner, Intelligence and Counterterrorism has compiled into book form a series of responsibilities for various bureaus/commands, indicating actions to be taken under each security level. These books have been distributed to affected commands, through the appropriate bureau chiefs/deputy commissioners and will be maintained in the "Command Reference Library" as per *Administrative Guide procedure 325-18*.

3. The City of New York, which has been the target of terrorists four times in recent years, twice successfully, is currently at threat level "Orange." Any changes in the threat level for the City of New York will be transmitted via a FINEST Message.

1. There will be times during an emergency situation where it will be necessary for personnel from the New York City Fire Department to communicate directly with a New York City Police Department counterpart. Examples of emergency situations include, but are not limited to, terrorist attacks, major building collapses, and large structural fires. To facilitate this communication, a series of N.Y.P.D. interoperability radio channels are available.

2. In the event of such a situation, members of the New York City Fire Department, at the level of Battalion Chief and above, and Emergency Medical Service (EMS) Chief Officer, have been issued radios that are programmed with all interoperability frequencies. To activate the frequency, the F.D.N.Y. Incident Commander, or Emergency Medical Service, Chief Officer will notify the Fire Department Operations Center (FDOC), and request the activation of an interoperability frequency. The FDOC will then notify the N.Y.P.D. Communications Division and request activation. The Communications Section platoon commander will notify the Operations Unit, the Electronics Section, and the N.Y.P.D. Incident Commander on the scene. The Communications Section platoon commander will then activate the frequency concerned and assign a dispatcher to that position. Should the incident escalate and it is determined that a second frequency is required, an additional interoperability frequency will be utilized. When the need for interoperability capability ceases, the ranking members of each agency on the scene will notify the appropriate dispatcher to terminate. Should the situation be reversed, and the N.Y.P.D. Incident Commander determines that interoperability is needed, the procedure will mirror the above, whereby the N.Y.P.D. Incident Commander will make the request through the Communications Section dispatcher, who will then notify the platoon commander. The platoon commander will notify the Operations Unit, the Electronics Section and the FDOC. The Communications Section platoon commander will then activate the frequency concerned and assign a dispatcher to that position. In that case, the duty captain or above may request activation of the interoperability system.

3. In the event of a second incident, the Communications Section platoon commander may place both incidents on the same interoperability frequency. In such cases, the Incident Commanders shall name each incident so that they are clearly identifiable to the users on the channel. Listed below are the channels as programmed in the portable radios of captains and above.

| PRESENT CHANNELS | NEW CHANNELS |
|---|---|
| CW I/O | CW I/O (NYMAC1) |
| QNS I/O | CW I/O2 (NYMAC3) |
| MAN I/O | RW I/O (NYMAC2) |
| BRX I/O | (NYMAC4) |
| BRK I/O | (NYMAC5) |
| SI I/O | (NYMAC6) |

**PURPOSE** To establish the duties and responsibilities of members of the service assigned to First Amendment activities.

**SCOPE** Under the First Amendment of the United States Constitution, all people are afforded the right to free speech, peaceably assemble, and to petition the Government for redress of grievances. Members of the service will be deployed to demonstrations where it is clear that nonviolent participants are gathered to lawfully engage in the aforementioned activities. Members of the service must take care not to intrude upon the rights of expression or association of attendees while remaining neutral and maintaining the peace.

**DEFINITIONS** FIRST AMENDMENT ACTIVITY: Where non-violent participants are lawfully assembled to exercise freedom of speech and to petition the government for a redress of grievances.

DE-ESCALATION: Taking action in order to stabilize a situation and reduce the immediacy of the threat so that more time, options, and/or resources become available (e.g., tactical communication, requesting a supervisor, additional members of the service and/or resources such as Emergency Service Unit or Hostage Negotiation Team, etc.). The goal is to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, and to reduce or eliminate the necessity to use force.

INCIDENT COMMANDER: The highest ranking uniformed police supervisor responsible for the command, control and coordination of all police operations at a First Amendment activity. The precinct commanding officer or executive officer will ordinarily be designated as the incident commander. If the First Amendment activity occurs or is scheduled to occur in two or more commands within the same patrol Borough, the patrol Borough commander or designee will be designated as incident commander, and in cases where the activity affects or is scheduled to affect more than one patrol Borough, the Chief of Patrol or designee will be designated as incident commander.

NONVIOLENT PARTICIPANT: An individual who participates in a First Amendment activity without the use of violent behavior.

PROTEST LIAISON: A uniformed member of the service assigned to the precinct's Community Affairs Unit or the Community Affairs Bureau and assigned to liaise with leaders and participants of a First Amendment activity. Command level Community Affair personnel will liaise with participants in conjunction with Community Affairs Bureau personnel.

**DEFINITIONS (continued)**

VIOLENT BEHAVIOR: Includes, but is not limited to, the use of physical force, or tangible objects to hurt persons, damage property, cause fire, or the incitement or encouragement of such behaviors.

**PROCEDURE**

When directed to respond to the scene of a First Amendment activity:

UPON BECOMING AWARE OF A SCHEDULED FIRST AMENDMENT ACTIVITY:

**UNIFORMED MEMBER OF THE SERVICE**

1. Notify the Citywide Event Planning and Coordination Section.
2. Notify precinct commanding officer.

**COMMANDING OFFICER**

3. Direct a precinct level member of the service assigned to a community affairs role to attempt to contact the activity's organizers and report back any pertinent information, if not previously conducted.
   a. Ensure pertinent information is relayed to the Citywide Event Planning and Coordination Section.

**CITYWIDE EVENT PLANNING AND COORDINATION SECTION**

4. Determine what resources will be necessary for scheduled activity based on type, location, anticipated participants, and other relevant factors.
   a. Liaise with commands and units as necessary to ensure appropriate staffing for scheduled activity.
   b. Notify affected agencies and municipalities, if necessary (e.g., Metropolitan Transportation Authority, Port Authority, New York City Transit, etc.).
5. Notify and confer with Borough Command and Bureau concerned, Community Affairs Bureau, Legal Bureau, Strategic Response Group (SRG) and Intelligence Bureau.

**MEMBERS OF THE SERVICE ASSIGNED TO CRIMINAL JUSTICE BUREAU**

6. Notify District Attorney's Office, if Mass Arrest Processing Center (MAPC) is activated.
   a. Legal Bureau will confer with concerned District Attorney's Office when MAPC is not activated.

**COMMUNITY AFFAIRS BUREAU/ PCT COMMUNITY AFFAIRS PERSONNEL**

7. Report to location and provide resources as requested by Citywide Event Planning and Coordination Section, Incident Commander, or other competent authority.
8. Assign a member(s) of the service as a protest liaison.

**PROTEST LIASION**

9. Wear uniform that is uniquely assigned to the Community Affairs Bureau, or attire deemed appropriate by Borough Command.

***NOTE*** *Protest liaisons may not wear civilian attire.*

10. Make attempts to contact and establish a rapport with leaders of First Amendment activity before, during, and after activity, if identifiable.

***NOTE*** *The purpose of establishing a rapport with First Amendment group leaders is to foster cooperation in supporting the group's activities and to attempt to have group leaders intervene before activities become unlawful.*

**INCIDENT COMMANDER**

11. Respond to location of activity ahead of scheduled time and assume command of all police operations.
12. Determine if additional personnel and resources are needed.
    a. Liaise with Citywide Event Planning and Coordination Section in determining appropriate staffing and resources.
13. Consider all available information and prepare plan of action after consulting with Citywide Event Planning and Coordination Section, Community Affairs Bureau, Legal Bureau, and borough commander or designee.
    a. Develop a barrier configuration plan, if necessary, that ensures:
        1) Orderly movement of persons attending event, as well as, those attempting to pass by or leave event, and
        2) Safety lanes and frozen areas to provide access for police personnel.

***NOTE*** *The plan of action should account for any possibility of counter-demonstration activities and their locations; including a contingency plan for unforeseen events (i.e., larger crowds, change of route, etc.). Barrier configuration for demonstrations should not unreasonably restrict access to, and participation in, the event. For example, attendees should be permitted to leave the event area at any time. In addition, if crowd conditions and other circumstances permit, participants should be permitted to leave and return to the same area. Sufficient openings in the barricades should be maintained for the purpose of permitting attendees to leave expeditiously and return to the event.*

14. Ensure uniformed supervisors account for responding personnel by utilizing **DETAIL ROSTER/ASSIGNMENT SHEETS (PD406-141)**.
15. Instruct responding members of the service regarding First Amendment activities.
    a. Advise members of the service of engagement strategies and the duty to balance the participants' rights to free expression with the need to maintain public safety for both participants and non-participants alike.
16. Stage personnel at an appropriate distance away from the First Amendment activity in consultation with Community Affairs Bureau/precinct community affairs personnel, protest liaison, and the developing needs of the activity.

***NOTE*** *Personnel should be staged so that members of the service do not unnecessarily interfere with lawful First Amendment activities. If requested and present, uniformed members donning special equipment and uniforms should be staged off scene from the First Amendment activity, but positioned for any necessary rapid response consistent with safety and logistical considerations.*

**UNIFORMED MEMBERS ASSIGNED TO EVENT**

17. Respond to location of scheduled First Amendment activity as directed by competent authority.
18. Follow instructions of Incident Commander.
19. Comply with *P.G. 213-05, "Duties at an Unusual Disorder,"* as necessary, if participants at First Amendment activity display violent behavior or engage in unlawful activity.
    a. Wear dual purpose personal protection/scooter helmet at own discretion, if it is reasonably believed that safety is endangered or conditions warrant.
20. Ensure participants' First Amendment rights to free expression are balanced with the need to maintain public safety.
21. Attempt de-escalation techniques whenever encountering violent subjects, if feasible.
22. Remain apprised of changing conditions.

UPON BECOMING AWARE OF A SPONTANEOUS FIRST AMENDMENT ACTIVITY:

**UNIFORMED MEMBER OF THE SERVICE**

23. Notify Patrol Supervisor.
24. Respond to location of First Amendment activity and assume role of Incident Commander until relieved by ranking uniformed member of the service.
25. Notify Communications Section and request command resources to respond to location as necessary.
    a. Stage responding command resources an appropriate distance away from spontaneous First Amendment activity pending arrival of Incident Commander, unless circumstances necessitate an immediate police response.

***NOTE*** *If available, command personnel assigned in a community affairs role will be requested to respond to spontaneous First Amendment activity.*

**PATROL SUPERVISOR**

26. Respond to location of First Amendment activity and take command of all police operations until relieved by higher authority.
27. Notify desk officer of available information, including:
    a. Location of activity,
    b. Activity type,
    c. Purpose of activity,
    d. Size and demeanor of group,
    e. Planned routes, and
    f. Other pertinent information.

**DESK OFFICER**

28. Notify and relay information provided by the patrol supervisor to:
    a. Commanding Officer,
    b. Operations Unit, and
    c. Overhead command.

**OPERATIONS UNIT**

29. Notify the following commands:
    a. Community Affairs Bureau
    b. Intelligence Bureau, and
    c. Citywide Event Planning and Coordination Section.

**INCIDENT COMMANDER**

30. Respond to location and relieve patrol supervisor by taking command of all police operations.
31. Follow steps "12" through "16."

**UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO EVENT**

32. Report to location of First Amendment activity as directed by Citywide Event Planning and Coordination Section/Operations Unit or competent authority.
33. Follow instructions of Incident Commander.
34. Comply with *P.G. 213-05, "Duties at an Unusual Disorder,"* as necessary, if participants at First Amendment activity display violent behavior or engage in unlawful activity.
    a. Wear dual purpose personal protection/scooter helmet at own discretion, if it is reasonably believed that safety is endangered or conditions warrant.
35. Ensure participants' First Amendment rights to free expression are balanced with the need to maintain public safety.
36. Attempt de-escalation techniques whenever encountering violent subjects, if feasible.
37. Remain apprised of changing conditions.

**COMMUNITY AFFAIRS BUREAU PERSONNEL**

38. Report to location and provide resources as requested by the Citywide Event Planning and Coordination Section/Operations Unit or other competent authority.

**INCIDENT COMMANDER/ DESIGNEE**

39. Assign a member(s) of the service as a protest liaison.

**PROTEST LIAISON**

40. Make attempts to contact and establish a rapport with leaders of First Amendment activity before, during, and after activity, if identifiable.

***NOTE*** *The purpose of establishing a rapport with First Amendment group leaders is to foster cooperation in supporting the group's activities and to attempt to have group leaders intervene before activities become unlawful. Command personnel assigned to a Community Affairs role will work in conjunction with the Community Affairs Bureau.*

***ADDITIONAL DATA***

*Citywide Events Planning and Coordination Section is available from 1000 hours to 1800 hours Monday through Friday. All other times, notify the Operations Unit.*

*Where appropriate and consistent with personal safety, de-escalation techniques may reduce or eliminate the need to use force and increase the likelihood of gaining a subject's voluntary compliance. In all cases, the primary duty of all members of the service is to protect human life. Where tensions should rise during a First Amendment activity, members of the service will prioritize de-escalation whenever possible.*

*Responding members of the service assigned to the Community Affairs Bureau, or to a community affairs role at their command, will not be assigned to patrol or enforcement functions except in exceptional circumstances during a First Amendment activity.*

*When notified that a First Amendment activity is to occur, the Incident Commander will cooperate with leaders of First Amendment activity to the extent possible, balancing their right to free expression with the need to maintain public safety. Citywide Events Planning/Coordination Section or Operations Unit will notify Legal Bureau as soon as possible to assist in planning and to arrange for response of a Department attorney, if needed.*

*This procedure governs the preparation for, and duties related to, peaceful, non-violent, lawful First Amendment activities. In the event that participants engage in unlawful, destructive or violent activity, duties performed by members of the service will be dictated by P.G. 213-05, "Duties at an Unusual Disorder."*

*While discretion is frequently exercised at First Amendment activities, this procedure does not limit the authority of members of the service to effect arrests or take other enforcement action for unlawful acts committed during such activities, particularly, if such unlawful acts are likely to cause public unrest or prevent law enforcement from maintaining the peace.*

*Members of the service are reminded that body-worn cameras should not be activated at a demonstration unless engaged in one of the actions listed in step "4" of P.G. 212-123, "Use of Body-Worn Cameras." Members are additionally reminded that in accordance with the Handchu Consent Decree, investigations involving political activity may not be conducted without the express written approval of the Deputy Commissioner, Intelligence and Counterterrorism as per P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."*

*The Legal Observer Program is a comprehensive system of legal support coordinated by the National Lawyers Guild (NLG) and the New York Civil Liberties Union (NYCLU). Recognizing the importance of their work, the Department permits properly identified legal observers free access through police lines at the scene of any First Amendment activity. Legal observers generally wear bright green hats (NLG) or blue hats and blue vests (NYCLU). All members of the service will extend every courtesy and cooperation to observers. Observers shall be permitted to remain in any area, or observe any police activity, subject only to restrictions necessitated by personal safety factors, as determined by the Incident Commander.*

***ADDITIONAL DATA (continued)***

*When the Incident Commander is assigned to a group starting in one Borough and traveling over a bridge or walking into a contiguous Borough, the transition of the march/protest between Incident Commanders must be a direct transfer and include a full debrief on the condition experienced, including but not limited to demeanor of the group, damage to property, and any other attribute that would suggest unlawful activity. If there is no relieving Incident Commander, the initial commander will remain with the group and notify the Operations Unit. The Operations Unit will facilitate identifying a relieving Incident Commander, if available. Should there be a need to relieve personnel resources following a march across contiguous Boroughs, the Operations Unit will facilitate identifying relieving personnel. If there is no personnel available, the current personnel assigned will remain with the march/protest.*

*TEAM ASSIGNMENTS*

*ENFORCEMENT DUTY - Required to implement appropriate arrest tactics or summons activity under the supervision of sergeants and lieutenants as enforcement teams, or during preplanned or spontaneous arrest situations.*

*PROTECTING VULNERABLE, SENSITIVE OR CRITICAL LOCATIONS - Responsible for correctly identifying locations and providing security for designated areas.*

*ESCORT DUTY – Responsible for Identifying and providing a system of escorts for other service providers, protected persons or sensitive groups.*

*TRAFFIC DUTY – Responsible for identifying borders of the event and assigning members to appropriate roadways to:*

*a. Detour traffic around the area,*
*b. Facilitate use of alternate routes, and*
*c. Prevent injury to pedestrians by creating a system of controlled crossings.*

***RELATED PROCEDURES***

*Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities (P.G. 212-72)*
*Use of Body-Worn Cameras (P.G. 212-123)*
*Duties at an Unusual Disorder (P.G. 213-05)*
*Policing Special Events/Crowd Control (P.G. 213-11)*
*Duties and Responsibilities at Special Events (P.G. 213-15)*

***FORMS AND REPORTS***

***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***