PATROL GUIDE

Section: General	Procedure No: 200-02		
MISSION, VISION, AND VALUES OF THE NEW YORK CITY POLICE DEPARTMENT			
DATE ISSUED: 04/03/19	DATE EFFECTIVE: 04/03/19	REVISION NUMBER:	PAGE: 1 of 1

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

VISION The New York City Police Department strives to foster a safe and fair City by incorporating Neighborhood Policing into all facets of Department operations, and solve the problems that create crime and disorder through an interdependent relationship between the people and its police, and by pioneering strategic innovation.

VALUES In partnership with the community, we pledge to:

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

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

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

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

POLICE OFFICER

1. Perform duty in uniform as indicated on roll call or as directed by competent authority.
2. Monitor portable radio
   a. Obtain a portable radio from desk officer, if assigned radio is defective.
3. Proceed to post, sector or assignment as directed by supervisor.
4. Comply with meal and post relieving points as directed by commanding officer.
5. Report to desk officer when entering or leaving stationhouse/police service area/transit district during tour of duty indicating reason for presence therein.
6. Be aware of, and inspect, post or sector for conditions requiring police attention.
7. Report immediately to the patrol supervisor and the platoon commander any unusual crime, occurrence or condition.
8. Report conditions not requiring immediate attention to the telephone switchboard operator.
9. Render all necessary police service in assigned area and as otherwise directed.
10. Familiarize self with the everyday routine of people residing, doing business or frequenting post or sector.
11. Investigate suspicious conditions and circumstances on the post.
12. Give attention to crime hazards.
13. When dispatched to an assignment by the telephone switchboard operator, keep the telephone switchboard operator informed of police services rendered.
14. Report police services rendered in another command to desk officer of that command.
15. Call the desk officer when detained at court or elsewhere and unable to return to command to sign the Return Roll Call at end of tour.
16. Maintain digital **Activity Log**.
17. Preserve completed **ACTIVITY LOGS (PD112-145)** and produce them as required by competent authority.
18. Do not leave post/sector until meal actually commences and be back on post when meal is over. (Travel time is not authorized).
19. When assigned as a steady sector officer in a Neighborhood Policing command:
    a. Perform duty in uniform as permanently assigned member of sector car.
    b. Adhere to *P.G. 202-02, "Radio Motor Patrol Operator,"* or *P.G. 202-03, "Radio Motor Patrol Recorder,"* depending on assignment of the day.
    c. Respond to calls for service in assigned sector.
    d. Address conditions of mutual importance in assigned sector, as appropriate, when notified by neighborhood coordination officer.
    e. Participate in community meetings in assigned sector.
    f. When not assigned to calls for service, utilize uncommitted time to assist neighborhood coordination officers in implementing strategies to address crime and order maintenance problems within assigned sector.

NOTE *Uncommitted time is utilized by steady sector officers to engage the community, participate in community meetings, address conditions, and conduct enforcement operations. Uncommitted time consists of approximately two hours and forty minutes, or one-third of an eight hour tour, to be taken by steady sector officers as conditions dictate, in one or more blocks of time.*

POLICE OFFICER (continued)

g. Notify Communications Section radio dispatcher utilizing radio code signal 10-75C for community visits and radio code signal 10-75D when addressing sector conditions and make detailed digital **Activity Log** entries to initiate uncommitted time.
h. Be knowledgeable about crime conditions, community issues, and resources in assigned sector.
i. Obtain sector crime information from precinct crime analysis personnel weekly and as needed.
j. Review crime analysis reports and become well-versed in crime patterns and trends within assigned sector, with the assistance of precinct crime analysis personnel.
k. Utilize the **OFFICER SELF-REPORT FORM** on the Craft application to report achievements in crime prevention, problem-solving, community engagement, etc.

NOTE *Steady sector officers will not be utilized as backfill for other precinct assignments (i.e., shooting posts, prisoner transports, hospital posts, etc.).*

Steady sector officers will not be assigned to details during regularly-scheduled tours of duty without permission of the Bureau Chief concerned, the Chief of Department or the Police Commissioner.

20. When assigned as a response officer in a Neighborhood Policing command:
    a. Perform duty in uniform.
    b. Adhere to *P.G. 202-02, "Radio Motor Patrol Operator,"* or *P.G. 202-03, "Radio Motor Patrol Recorder,"* depending on assignment of the day.
    c. When assigned to response car, patrol as determined by platoon commander or other competent authority.
    d. Answer calls for service so that steady sector officers can engage in uncommitted time.
    e. Provide back-up for and assist sector cars, when necessary.

RADIO MOTOR PATROL OPERATOR

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

NOTE

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

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

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

RADIO MOTOR PATROL OPERATOR (continued)

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

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

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

RADIO MOTOR PATROL RECORDER

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

NOTE *Report seatbelt deficiencies to the Patrol Supervisor.*

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

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

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

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

RADIO MOTOR PATROL RECORDER (continued)

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

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MOTOR SCOOTER OPERATOR		
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MOTOR SCOOTER OPERATOR

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

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ANTI-CRIME POLICE OFFICER		
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ANTI-CRIME POLICE OFFICER

1. Perform duty in civilian clothes.
   a. Be equipped with Oleoresin Capsicum pepper spray while on duty.
2. Maintain daily record of activity in digital **Activity Log**.
3. Study and analyze crime statistics and reports.
4. Conduct patrol, giving special attention to locations prone to violent crimes.
5. Inform radio dispatcher when responding to, or present at the scene of a police incident and include description of clothing worn, vehicle used, etc.
6. Wear appropriate identification when present at scene of a police incident (nylon windbreaker jacket, shield, headband, color of day, etc.).
   a. Properly identify self prior to taking any police action, if possible.
7. Do not conduct lineup or show photographs without permission of detective squad supervisor or qualified supervisor of investigating unit (e.g., BRAM, etc.).
8. Stop a vehicle under the following circumstances:
   a. Reasonable suspicion that the occupant(s) of the vehicle have committed, are committing, or about to commit a crime; OR
   b. Probable cause that the occupant(s) of the vehicle have committed a crime; OR
   c. Upon observing the vehicle, reasonable suspicion exists that a violation of the traffic laws has been committed; OR
   d. Upon observing the vehicle, probable cause exists that a violation of the traffic laws has been committed; OR
   e. The vehicle is stopped according to some non-arbitrary, non-discretionary, systematic procedure (e.g., a roadblock, or DWI checkpoint).
      (1) All civilian clothed uniformed members of the service shall, when practical, utilize portable red light, NYPD windbreaker jacket, NYPD baseball cap and/or color of the day.
      (2) Contact Communications Section and request marked Department vehicle respond, if practical.

NOTE *Civilian clothed uniformed members of the service (i.e., Anti-Crime, PDS/BRAM Units) shall conduct taxi/livery checks pursuant to the Taxi/Livery Robbery Inspection Program (TRIP) and passenger vehicle checks pursuant to the Combat Auto Thefts (CAT) program. When a vehicle stop is made on the basis of an observed traffic infraction, uniformed members of the service should take proper police action, including the issuance of summonses.*

TRAFFIC SAFETY OFFICER

1. Serve on the precinct Traffic Safety Team and advise team members on traffic related issues and concerns.
2. Review and analyze all **Police Accident Reports (MV104AN)**.
   a. Note any deficiencies and bring to the attention of the precinct training sergeant.
3. Duplicate and forward collision reports, on a daily basis, to the Highway Unit concerned for collisions occurring on limited access highways.
4. Duplicate and forward collision reports to other agencies (Department of Motor Vehicles, Taxi and Limousine Commission, etc.), when necessary.

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

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

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

6. Analyze and process **TRAFFIC INTELLIGENCE REPORTS (PD178-150)**.
7. Forward **TRAFFIC INTELLIGENCE REPORTS** that cannot be addressed on the precinct level to the Patrol Borough Traffic Safety Coordinator.
8. Identify collision prone locations and determine contributing factors for each location.
9. Survey all collision-prone locations and determine contributing factors for each location.
10. Recommend necessary engineering, enforcement and education strategies for collision reduction.
11. Forward necessary enforcement information (days and hours collisions are occurring, contributing factors, e.g. weather conditions, etc.) to other units providing summons enforcement in the precinct, such as the Strategic Response Group, Highway Units, Citywide Traffic Task Force, etc.
12. Maintain a liaison with the city's Department of Transportation regarding engineering recommendations.
13. Issue appropriate summonses at collision-prone locations.
14. Maintain copies of construction permits, visit construction sites and issue summonses for permit violations.
15. Count, record by category (e.g., red lights, improper turn, etc.), and process relevant summonses.
16. Enter information of each Moving summons served into the "B" Summons application in the Finest Online Records Management System (FORMS) using the "Paper" option on a daily basis.

TRAFFIC SAFETY OFFICER (continued)

a. Enter the serial number from the top left of the Moving summons and complete all appropriate caption in FORMS.
b. Store original and copies of Moving summonses in a secure location at command.

17. Maintain and update the precinct Traffic Safety Plan and Emergency Plans "A", "B" and "C".
18. Evaluate and monitor the precinct Pedestrian Safety Program.
19. Attend patrol borough traffic safety meetings.
20. Compile necessary statistical data for Traffic Safety Forum meetings and attend meeting with executive officer when precinct is scheduled for a presentation.
21. At the direction of the commanding officer, attend community council and Safety Board meetings, as well as other public forums to discuss traffic safety.
22. Coordinate activities with the Community Affairs Officer to reduce collisions involving children.
23. Coordinate traffic related training (speed enforcement technology, construction site enforcement, school crossing guards, etc.) with the training sergeant.
24. Prepare and/or forward all traffic related reports, as appropriate.
25. Review the **HIGHWAY CONDITION RECORD (PD311-151)** for conditions that require notification to, or follow-up with, other agencies (Department of Transportation, Parks, etc.)
26. Prepare **MISSING TRAFFIC CONTROL DEVICE REPORT (PD620-150)** and forward to the appropriate Department of Transportation Borough Commissioner.
27. Maintain and update the precinct's traffic safety bulletin board to keep members current on collision-prone locations, school/church crossings and other traffic safety information.
28. Serve on the Precinct Vehicle Collision Safety Review Board and process necessary reports.
29. Review on a daily basis all summonses for moving violations and violations returnable to criminal court and to the Office of Administrative Trials and Hearings (OATH).
    a. Identify those summonses issued to owners/operators of vehicles licensed or those owners/operators of vehicles that should be licensed by the New York City Taxi and Limousine Commission.
    b. Reproduce two photocopies of each summons, entering on the top of each photocopy the next respective sequential number from the "Report of Violation" log, and then forward one of the photocopies to the New York City Taxi and Limousine Commission.
    c. File remaining photocopy of summons in rear of "Report of Violation" log or command file.

NOTE *All Traffic Safety Officers MUST be familiar with the Procedural Manual for Traffic Safety Officers.*

The duties and responsibilities of the Traffic Safety Officer are substantial and are fundamental in establishing an effective traffic safety program. Commanding officers will not assign duties to the Traffic Safety Officer that are unrelated to traffic. In precincts that have a large number of collision prone locations, the assignment of an Assistant Traffic Safety Officer may be warranted.

DOMESTIC VIOLENCE PREVENTION OFFICER

1. Perform duty in uniform, unless specifically authorized to do otherwise.
   a. Tours of duty will be set in accordance with command needs.
2. Review **New York State Domestic Incident Reports (DCJS-3221)**.
   a. Forward copy of **New York State Domestic Incident Report** to precinct detective squad for incidents occuring within command.
3. Review each tour's ICAD history of dispatched jobs and ensure that a **New York State Domestic Incident Report** has been prepared for all assignments in which a 10-90F1, 10-90F2, 10-90J1, 10-90J2, 10-92F, 10-92J, 10-93F, or 10-93J radio code disposition has been given.
4. Identify and monitor locations and victims requiring special attention by utilizing information obtained from all available sources (including all members of the household who may be at risk).
   a. Enter all persons/families listed on the command High Propensity List (HPL) and Child At Risk List (CAR) into the Domestic Violence Information Management System (DVIMS).
   b. Update the online HPL information regularly.
5. Maintain contact with complainants for incidents occuring within command (e.g., telephone calls, home visits, or interviews at the command, depending on the complainant's needs and preferences) and document all contact attempts in DVIMS.
   a. Use caution when attempting to contact victims so as not to alert the alleged offender of police intervention.
6. Confer with the precinct detective squad or Special Victims Squad investigator concerned before contacting victims whose open complaints have been referred to either squad to avoid compromising ongoing investigations.
7. Notify Communications Section, prior to conducting a family/home visit, by utilizing radio code "10-75F" and give the address, and if applicable, the apartment number of the visit.
8. Effect summary arrests in adherence with *P.G. 208-36, "Family Offenses/Domestic Violence,"* if during the course of a home visit, interview, etc., a wanted offender is present.
   a. Review the automated computer warrant check on individuals identified on the **New York State Domestic Incident Report** through DVIMS, prior to conducting a home visit, interview, etc.
9. Document any visits to domestic violence victim(s), and/or offender(s), as follows:
   a. Record home visits (successful or unsuccessful) in the Finest Online Records Management System's (FORMS) Home Visit tab
   b. Submit completed Home Visit reports for supervisor review through FORMS.

NOTE *Once approved, Home Visit reports will automatically populate in the appropriate DVIMS case.*

DOMESTIC VIOLENCE PREVENTION OFFICER (continued)

10. Relay information concerning victims or locations requiring special attention to other command personnel, including the precinct detective squad investigators, neighborhood coordination officers, youth coordination officers, and patrol officers.
11. Furnish complainants/victims with information concerning their rights, particularly the Right of Election, providing explanation if necessary.
    a. Advise complainants/victims of the availability of Orders of Protection.
    b. Advise domestic violence victims who have relocated, or are planning to relocate, due to safety concerns that they may be eligible to participate in the New York State Address Confidentiality Program to shield their addresses.
        (1) Refer victims who wish to participate in the New York State Address Confidentiality Program to the New York State Department of State's website for additional information.
12. Assist in the serving of Orders of Protection, when requested.

NOTE *The above responsibility addresses all Orders of Protection served between Family/Household - Expanded Definition members, NOT the temporary Orders of Protection from Family Court as outlined in P.G. 212-57, "Service of Family Court/Supreme Court Orders of Protection by Uniformed Members of the Service."*

13. Advise complainants of the availability of counseling, assistance, and shelter.

ADDITIONAL DATA ***DOMESTIC VIOLENCE HOME VISIT CHECKLISTS*** *are potential Rosario material, and must be maintained at the precinct of occurrence. When requested, or if an arrest is effected, the arresting officer must ensure that the Assistant District Attorney is provided with a copy of the* ***DOMESTIC VIOLENCE HOME VISIT CHECKLIST*** *in regard to the incident.*

Domestic violence prevention officers equipped with a Body-Worn Camera (BWC) will record home visits and other mandatory recording events as per P.G. 212-123, "Use of Body-Worn Cameras." Officers will have the discretion to stop recording upon the request of the victim/witness under certain circumstances. In addition, BWC videos will be "tagged" accordingly (e.g., DV Home Visit, etc.).

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YOUTH COORDINATION OFFICER		
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YOUTH COORDINATION OFFICER

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

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

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

YOUTH COORDINATION OFFICER (continued)

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

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

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

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

ADDITIONAL DATA (continued)

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

Youth coordination officers will not ordinarily be assigned juvenile arrests.

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ARREST PROCESSING OFFICER		
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ARREST PROCESSING OFFICER

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

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

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

COMMUNITY AFFAIRS OFFICER

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

COMMUNITY AFFAIRS OFFICER (continued)

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

NEIGHBORHOOD COORDINATION OFFICER

1. Perform duty in uniform.
2. Work flexible tours as sector conditions and community needs dictate.
   a. Work same tour as other neighborhood coordination officer assigned to sector, unless one officer is assigned to a court tour or is on vacation/leave, etc.
3. Patrol sector in a manner that strengthens the lines of communication with residents, schools and businesses in the sector, as well as preventing crime and disorder.
4. Notify steady sector officers to conditions of mutual importance in assigned sector.
   a. Keep neighborhood coordination sergeant informed of all such conditions.
5. Coordinate and lead sector efforts to engage the community and address problems of concern to the community by establishing effective and continuous communication with officers assigned to the sector and members of the community regarding the development and implementation of strategies to address crime and order maintenance problems within the sector.
6. Regularly confer with residents, business persons, officials at public institutions (i.e., schools and hospitals), clergy, and community leaders within the sector.
7. Visit schools frequently and confer with school principals and school safety agents at public schools regarding problematic conditions, violent crime, and gang/crew activity. When possible, participate in school activities/events to build positive relationships with students.
8. Regularly confer with sector car officers, patrol supervisors, platoon commanders, special operations lieutenant, neighborhood coordination sergeant, field intelligence officer, community affairs officer, etc.
   a. Meet regularly with the precinct crime prevention officer to determine outreach efforts.
9. Assist precinct detective squad with open cases in assigned sector by conducting canvasses, etc. and updating the Electronic Case Management System (ECMS), as directed by the assigned detective/squad supervisor.
10. Develop strategies to identify and address crime and quality-of-life problems affecting the sector, and coordinate police, City, and community resources to implement strategies.
11. Initiate contact with other Department units, governmental agencies, as appropriate, regarding strategies to address sector conditions, and render assistance, as necessary.
12. Convene and participate in community and block association meetings and if none exist, work with community to start groups.
13. Maintain a close liaison with the management of facilities within sector where large events are held.

NEIGHBORHOOD COORDINATION OFFICER (continued)

14. Visit schools, houses of worship, hospitals and similar public institutions frequently.
15. Assist youth coordination officer in identifying at-risk juveniles who reside in sector and referring youth to Department, City, and community-based social services and prevention programs.
16. Confer with precinct domestic violence officers to ascertain the identity of recurrent domestic violence offenders with a propensity for violence who reside in sector.
17. Obtain sector crime information from precinct crime analysis personnel weekly and as needed.
18. Review crime analysis reports and be well-versed in crime patterns and trends within assigned sector, with the assistance of precinct crime analysis personnel.
19. Develop, with community input, where possible, innovative plans in the area of crime prevention, patrol, community affairs, etc.
20. Create and maintain a database of key community contacts, including name, address, phone number, email, business, title, etc. for assigned sector.
21. Perform patrol duty as a sector officer in assigned sector only when sector officer is unavailable or as otherwise necessary.
22. Perform other duties as directed by the neighborhood coordination sergeant.
23. Liaise with counterpart in other Bureaus (i.e., if assigned to a Patrol Bureau precinct, liase with appropriate counterpart in Housing Bureau and Transit Bureau, and vice, versa).
24. Utilize the **OFFICER SELF-REPORT FORM** on the Craft application to report achievements in crime prevention, problem-solving, community engagement, etc.

NOTE *Neighborhood coordination officers will not be utilized as backfill for other precinct assignments (i.e., shooting posts, prisoner transports, hospital posts, etc.).*

Neighborhood coordination officers will not be assigned to details during their regularly scheduled tours of duty without permission of the Bureau Chief concerned, the Chief of Department, or the Police Commissioner.

All members of the service who are serving as neighborhood coordination officers are authorized to wear a NCO breast bar above their shield, immediately below any Unit Citation or individual recognition awards, for the duration of their tenure in the assignment.

COMMAND AUXILIARY POLICE COORDINATOR

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

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

8. Prepare paperwork for members in biannual basic training class, as scheduled by the Auxiliary Police Section, Training Unit.
   a. Contact the Auxiliary Police Section, Training Unit to schedule training (e.g., RMP, 12 passenger van, bicycle, etc.).
9. Identify and recommend to the special operations lieutenant suitable auxiliary police who have been trained in, and have volunteered to participate in, the "Purchase of Alcohol to Minors" operation.
10. Obtain shields, identification cards and uniforms of inactive members and process accordingly.
11. Submit requests for recognition awards and promotion to the Auxiliary Police Section through borough auxiliary police coordinator concerned.
12. Include monthly figures on required Auxiliary Police Section form and forward to the borough auxiliary police coordinator and Auxiliary Police Section.
13. Inspect auxiliary police officers at roll call, make assignments, and provide instruction on current orders, directives, bulletins, etc., issued by Commanding Officer, Auxiliary Police Section.
14. Supervise auxiliary personnel in the field upon deployment, as per *P.G. 212-100, "Auxiliary Police Supervision and Deployment of Personnel."*
15. Confer with the commanding officer and special operations lieutenant to develop plans for optimum use of auxiliary police members in the event of an emergency.

COMMAND AUXILIARY POLICE COORDINATOR (continued)

a. Ensure that auxiliary police mobilization plans are developed and tested by the command and all auxiliary police personnel are instructed on the provisions of the plans.

16. Safeguard and maintain all equipment and supplies assigned for auxiliary police use.

17. Inspect all portable radios and the supply of bullet resistant vests assigned to command for auxiliary police use, when performing duty.
    a. Document inspection by listing serial numbers of portable radios and bullet resistant vests assigned to the command for auxiliary police use in the Auxiliary Police Unit Command Vest/Radio Log and indicate if all property is present and accounted for. (See *ADDITIONAL DATA* statement.)
    b. Ensure all bullet resistant vests are stored in a separate secure locker when not in use.
        (1) Ensure bullet resistant vest is not secured or stored by an individual auxiliary police officer when not in use.

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

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

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

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

TIME/DATE ***SERIAL # OF VESTS/ RADIOS*** ***VEST/RADIO LOCATION*** ***INSPECTING MOS*** ***SIGNATURE***

EVIDENCE/ PROPERTY CONTROL SPECIALIST

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

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Section: Duties and Responsibilities		Procedure No: 202-14
TELEPHONE SWITCHBOARD OPERATOR		
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TELEPHONE SWITCHBOARD OPERATOR

1. Answer telephone promptly, stating in courteous manner, command, rank or title, surname, and "May I help you?"
2. Process requests for service.
3. Bring to the attention of desk officer matters of importance or other conditions requiring attention.
4. Maintain **TELEPHONE DISPATCH LOG (PD112-143)**.
5. Maintain duplicate copy of **ROLL CALL (PD406-144)**.
6. Maintain **HIGHWAY CONDITION RECORD (PD311-151)** and make related notifications.
7. Maintain **OUTGOING TOLL CALLS (PD112-142)**.
8. Notify desk officer when a member required to signal fails to comply within a reasonable time.
9. Maintain copy of "Frequent Telephone Inquiries."
10. Interview visitors entering command.

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

Section: Duties and Responsibilities	Procedure No: 202-15	
POLICE ATTENDANT - UNIFORMED/CIVILIAN MEMBER OF THE SERVICE		
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UNIFORMED/CIVILIAN POLICE ATTENDANT

UNIFORMED/ CIVILIAN POLICE ATTENDANT

1. Assume control of search, if applicable, and inspect prisoners.
   a. Ensure that property that is dangerous to life, may facilitate escape, damage or deface other property, could be used to attempt/commit suicide, or assault another is removed from prisoner (e.g., articles containing glass or having sharp edges, belts, neckties, shoelaces, drawstrings, etc.).
2. Examine doors of all occupied cells to ensure that they are locked.
3. Enter inspection of prisoners on **PRISONER ROSTER (PD244-145)**, and notify desk officer of inspection results immediately after reporting for duty, as applicable.
4. Remain inside cell block at all times while prisoners are confined therein, and be alert to conditions and needs of such prisoners.
   a. Relief personnel will remain within the cellblock during relief periods and ascertain that cell doors of all occupied cells are locked.
5. Enter results of inspection of prisoners on **PRISONER ROSTER** every thirty minutes, as applicable.
6. Report to desk officer any physical condition or unusual need of prisoner in custody or in the detention area.
7. Attend to the personal needs of prisoner, such as providing meals and other essentials.
8. Keep detention cell area clean and supplied with paper cups, toilet paper and paper towels.
9. Visit female detention cell area, if uniformed/civilian police attendant is a male as follows:
   a. When accompanied by a female member of the service, and then, only with permission of supervisory officer in command; or
   b. For daily cleaning of unoccupied female cells; or
   c. In an emergency.
10. Report necessary command/detention area repairs to the desk officer/ appropriate supervisor.
11. Wash cells thoroughly, and test emergency alarms in the cellblock each day, immediately after prisoners have been taken to court.
12. Remove and safeguard firearms prior to entering detention cell area, or facilities established during emergency arrest situations (uniformed member of the service only).

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

CIVILIAN POLICE ATTENDANT

CIVILIAN POLICE ATTENDANT (continued)

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

FIELD INTELLIGENCE OFFICER

1. Perform only intelligence related duties as a field intelligence officer in assigned command.
   a. Report to desk officer at beginning and end of tour, for appropriate entry in Command Log.
   b. Notify field intelligence sergeant, if present, at beginning and end of tour.
   c. Perform tour of duty, as directed by field intelligence sergeant.
2. Perform duty in civilian clothes.
   a. Be equipped with Oleoresin Capsicum pepper spray, and other equipment, as required, while on duty.
3. Advise and make recommendations to command field intelligence sergeant on intelligence matters.
4. Respond to incidents in the field to provide assistance and gather information in the absence of the command field intelligence sergeant.
   a. Identify self to ranking patrol commander and investigator at scene.
   b. Confer, regularly, with command field intelligence sergeant, and provide updates on all information/intelligence received.
   c. Prepare **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** for review by command field intelligence sergeant.
5. Enter intelligence from any source into Enterprise Case Management System (ECMS) or **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** database, as appropriate.
6. Act as a key component of the Intelligence Bureau by gathering and sharing intelligence information with all Department units (e.g., Detective Bureau, Patrol Services Bureau, etc.).
7. Develop information in support of borough level intelligence strategy.
8. Exchange information with other field intelligence sergeants and officers, Intelligence Bureau units, Detective Bureau commands, and other specialized units, as appropriate, regarding parolees, parole absconders, subjects of **INVESTIGATION CARDS (PD373-163**), wanted persons and other matters germane to each command.
   a. Provide data, updates and pictures on these individuals, when obtained.
9. Use secure e-mail system, when practical, for making notifications and inquiries to other field intelligence officers, and Intelligence Bureau.
10. Assist with preparation of weekly Intelligence Bureau Activity Report.
11. Attend precinct neighborhood coordination officer (NCO) and community meetings to obtain information of intelligence value.
12. Participate in detective and patrol training sessions, as directed by command field intelligence sergeant.
13. Confer, regularly, with patrol officers, detectives, supervisors and unit specialty officers to obtain intelligence (i.e., School Safety, Community Affairs, Domestic Violence, neighborhood coordination officer, etc.).

FIELD INTELLIGENCE OFFICER (continued)

14. Confer, regularly, with youth coordination officers regarding youth related crime.
15. Review documents, reports, and statistics for intelligence content, including but not limited to:
    a. **COMPLAINT REPORTS (PD313-152)**, including those recorded by Detective Bureau,
    b. **JUVENILE REPORT SYSTEM WORKSHEETS(PD377-159A)**,
    c. **COMPLAINT FOLLOW-UP INFORMATIONALS (pink) (PD313-081A)**,
    d. **ON-LINE BOOKING SYSTEM ARREST WORKSHEETS (PD244-159)**,
    e. **UNUSUAL OCCURRENCE REPORTS (PD370-152)**,
    f. **DETECTIVE BUREAU UNUSUAL OCCURRENCE REPORTS (PD370-151)**,
    g. **STOP REPORTS (PD383-151)**,
    h. **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS (PD313-147)**,
    i. **New York State Domestic Incident Reports (DCJS-3221**),
    j. Arrests and complaint statistics, patterns and trends, and
    k. Intelligence Bureau Reports and worksheets.
16. Document intelligence forwarded to investigative and enforcement units in ECMS, and report forwarded information to command field intelligence sergeant.
17. Follow up on all actionable intelligence gathered under the supervision of command field intelligence sergeant.
    a. Record follow-up action (i.e., investigation initiated, arrest effected, search warrant requested/executed, etc.) in ECMS, after conferral with field intelligence sergeant.
18. Notify Intelligence Bureau, and desk officer, to arrange supervision for any urgent field operations, if command field intelligence sergeant is not present.
19. Assist command field intelligence sergeant with **SEARCH WARRANT REQUEST (PD374-162)** form, when necessary, as outlined in *P.G. 212-75, "Search Warrant Applications."*
    a. Comply with *P.G. 221-17, "Search Warrant Execution,"* as appropriate.
20. Develop confidential informants who offer, or propose to offer, information, and who are approved by the Department.
    a. Act as point of contact, when applicable, and be guided by *P.G. 212-68, "Confidential Informants."*
    b. Maintain files for informants.
    c. Ensure security of all folders.
21. Confer with commanding officer, command of assignment, at the direction of command field intelligence sergeant.

FIELD INTELLIGENCE OFFICER (continued)

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

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PATROLWAGON OPERATOR		
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PATROLWAGON OPERATOR

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

PATROL GUIDE

Section: Duties and Responsibilities		Procedure No: 202-18
DESK OFFICER		
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SCOPE Desk officers must be a uniformed member of the service in rank of sergeant or above.

DESK OFFICER

1. Perform duty in uniform.
2. Be responsible for all police operations within command during tour.
3. Inspect all arrest processing areas and prisoner detention areas within command prior to assuming desk officer duties.
4. Maintain Command Log.
   a. Sign name and time in Command Log when assuming desk officer duties.
   b. Enter the names of sergeants and lieutenants in the Command Log as present for duty at the start of their tours.
   c. Enter time, rank, name, command of assignment, address, reason and authorizing supervisor for any uniformed member of the service reporting for duty or end of tour via "outside wire."
   d. Sign out in Command Log when leaving desk area for any reason.
5. Operate and monitor base radio.
6. Inspect the property locker and all areas within command where invoiced property is being held at the commencement of each tour.
   a. Designate a member of the service to conduct "Physical Inventory" of property utilizing the Property and Evidence Tracking System.
   b. Enter results of inspection of invoiced property and Property Clerk Division seals in Command Log by documenting the "Physical Inventory" number ascertained from the Property and Evidence Tracking System.
   c. Make a separate entry listing any **PROPERTY CLERK INVOICES (PD521-141)** stored within the command in excess of thirty days.
   d. Notify the operations coordinator of the number of **PROPERTY CLERK INVOICES** stored within the command in excess of thirty days and expedite delivery of the invoiced property to its final storage location.
7. Query Medical Division Sick Reporting System at start of tour to determine which members assigned to command are on sick report, and/or not on full duty status.
8. Upon completion of roll call, provide the communications dispatcher with a complete "Rundown" of the command's resources as listed on the **ROLL CALL (PD406-144)**.
   a. Notify communications dispatcher throughout the tour with changes as they occur (i.e., resources have been reassigned or additional resources have been added, etc.).
9. Conduct immediate investigation when member of the service is unaccounted for at start of their tour.

DESK OFFICER (continued)

a. Comply with *P.G. 205-18, "Absent Without Leave"* if member of the service is still unaccounted for after two hours.

10. Log into Domain Awareness System (DAS) and enter the resource's tax number(s), tour assignment (e.g., domestic violence officer, etc.) and their assigned vehicle information, if applicable.

11. DO NOT permit unauthorized person behind desk except the following persons when performing their official duties:
    a. Members of the service
    b. Judicial officers
    c. M.E. or assistant
    d. Corporation Counsel or assistant
    e. Comptroller or assistant
    f. District Attorney or assistant
    g. Non-local law enforcement agency personnel.

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

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

12. Directly supervise:
    a. Telephone switchboard operator,
        (1) Ensure civilian member of the service is assigned as the telephone switchboard operator, when feasible
            (a) A uniformed member of the service on restricted duty or limited duty may be assigned as the telephone switchboard operator, if necessary
    b. Police attendant,
        (1) Ensure police attendant is not assigned any duties that would require them to leave the cell block while prisoners are lodged therein
    c. Command clerk,
    d. Patrolwagon operator.
    e. Arrest processing officer, in conjunction with operations coordinator, and monitor arrest processing.
        (1) Periodically inspect the arrest processing area and ascertain number of prisoners on hand, and length of time in command.
    f. Entries made on **PRISONER ROSTER (PD244-145)**.
    g. Issuance of summons books.
    h. Distribution of paychecks.
    i. Platoon sign-out at end of tour

DESK OFFICER (continued)

13. Prepare **DAILY VEHICLE ASSIGNMENT SHEET (PD120-141)** on each tour. Maintain **SHEETS** for the current month on a clipboard behind the desk.
    a. Verify **DAILY VEHICLE ASSIGNMENT SHEET** when performing duty with the first platoon.
    b. Have completed **SHEETS** filed after each month.
14. Visit all areas of the command facility at least once each tour.
    a. Personally check all restrooms and locker rooms for any structural defects that would permit visual access by persons located outside these private areas, and take immediate corrective action to rectify any such condition, when circumstances dictate.
    b. Inspect command for display of any offensive material.
    c. Ensure that all areas containing Department computer systems are being used within Department guidelines and are not damaged in any way.
15. Inspect all parking facilities and streets/sidewalks around command to ensure there are no Department vehicles or vehicles displaying Restricted Parking Permits parked illegally (e.g., obstructing bicycle lanes/sidewalks, in front of fire hydrants, in bus stops, etc.) or with equipment violations (e.g., obstructed license plates, etc.).
    a. Document inspection by making Command Log entry and take corrective action if necessary.
16. Record adjustments/post changes to **ROLL CALL (PD406-144)** and in the Command Log, as they occur.
    a. Notify telephone switchboard operator of all post changes.
    b. Notify patrol supervisor of reassignment of members returning from court or other details.
17. Verify return roll call.
18. Check Department computer systems, frequently, throughout the tour.
    a. Checks of command email account are required immediately upon start of tour, and again during the fourth hour of tour.
        (1) Record checks in Command Log.
    b. Monitor FINEST messages affecting command and/or members of command.
    c. Monitor Department directives and disseminate information affecting command, as appropriate.
    d. Ensure important or actionable information is relayed to outgoing platoon or appropriate command personnel, as required.
19. Notify commanding officer of important matters, i.e., unusual arrest or occurrences and important messages or conditions requiring personal attention.
20. Notify Information Technology Bureau (ITB) Service Desk for any non-functioning Automatic Vehicle Location (AVL) device and be guided by their instructions.
    a. Make entry in Telephone Record regarding notification and inform patrol supervisor.
21. Notify the Intelligence Bureau's Criminal Intelligence Section of major incidents and/or special circumstances deemed appropriate by the Commanding Officer, Intelligence Bureau and/or precinct/PSA/transit district commanding officer.

DESK OFFICER (continued)

22. Certify to accuracy and completeness of entries in Command Log concerning vouchered property
23. Enter in Interrupted Patrol Log identity of all members of platoon entering command for any reason.
24. Certify entries in **TELEPHONE DISPATCH LOG (PD112-143)** by signing the **LOG** after 4th hour and at end of tour.
25. Maintain Telephone Record.
26. Arrange meals and reliefs for personnel assigned to duty in command facility.
27. Confer with commanding officer, executive officer, and operations coordinator concerning any trends observed or other matters of importance.
28. Check on the repair, availability and distribution of field and emergency equipment and make entries in pertinent records.
29. Examine, sign and forward forms and reports as required.
30. Ensure that the United States flag is displayed properly between sunrise and sunset on each day.
31. Accept service of civil process for member of command and notify member concerned, when principal administrative associate not performing duty.
32. Make required notifications to members of the service assigned to or residing within command.
33. Assign qualified member to operate patrolwagon when civilian operator is not available. If neither is available in command, request patrol borough command to assign operator.
    a. DO NOT assign patrolwagon operator any duty outside stationhouse without prior approval of borough court section concerned. (Assignments from borough court section concerned have priority over precinct assignments).
34. Verify arrival and departure of command receptionist by signing Personnel Schedule and Time Sheet.
35. Forward command receptionist program reports as required.
36. DO NOT deploy specialized units personnel unless a specialized unit supervisor is assigned directly and totally to their supervision.
37. Ensure that meals assigned to supervising officers performing duty are scheduled so that a supervisor is on patrol at all times.
38. Report defective gas pumping equipment to Fleet Services Division, Fuel Control.
39. Prepare **PRECINCT CONSOLIDATED TOUR REPORT (PD120-140)** on every tour and attach to the desk copy of the **ROLL CALL**.
40. Make required entries on **Roll Call Adjustment (Misc. 3084)** and corresponding changes on desk copy of **ROLL CALL** prior to the start of the incoming platoon.
41. Examine and process, when performing duty with first platoon:
    a. Forms and reports prepared during previous twenty-four hours,
    b. Summonses issued during previous twenty-four hours.
42. Make Command Log entry prior to being relieved at end of tour. Entry must include:
    a. Identity, condition and location of any member of the service injured during the tour,
    b. Location and time of any confirmed shots fired jobs,

DESK OFFICER (continued)

c. Location and time of any 10-13 or 10-85 radio runs called during the tour,
d. Open missing persons cases requiring follow up and include identity, age and residence,
e. Hospitalized prisoners and their locations,
f. Any fixed posts that require relief,
g. Number of **COMPLAINT REPORTS**, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** and **Police Accident Reports (MV104AN)** pending sign-off,
h. Other pertinent information, as required.

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

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

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

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

PATROL SUPERVISOR

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

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

PATROL SUPERVISOR (continued)

b. Report all vandalism of RMP seatbelts to the Internal Affairs Bureau.

13. Conduct investigations and submit reports as required, including, but not limited to, injuries to members of the service (uniformed and civilian) or damage to Department property.
14. Report derelictions of duty to commanding officer.
15. Notify switchboard operator of location where meal will be taken and relieve lieutenant platoon commander or desk officer for meal, when designated.
16. Direct uniformed members assigned to scooter duty to report to lieutenant platoon commander or desk officer for reassignment when weather/road conditions make scooter operation dangerous.
17. Supervise member's performance of duty, test knowledge of command conditions and closely evaluate member's activity.
18. Evaluate driving habits and abilities of members of the platoon and take corrective action as necessary.
19. Submit to commanding officer, in writing, recommendations for special assignment, detective designation, or change in assignment for members under supervision.
20. Visit various locations within command at different times during the first platoon to ascertain that uniformed members of the service are performing duty at all times.
21. Review and sign **OFFICER PROFILE REPORTS** of police officers/detectives specialists, monthly.
    a. Make required entries and deliver completed **REPORTS** to platoon commander for review by the fifth day for the previous month.
22. Sign return **ROLL CALL (PD406-144)** after completion of tour.

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SUPERVISOR OF ANTI-CRIME PATROL		
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SUPERVISOR, ANTI-CRIME PATROL

1. Supervise all police operations of anti-crime specialized units.
2. Confer with borough level staff to identify locations of high crime within command.
3. Examine **COMPLAINT REPORTS (PD313-152)** and **ON LINE BOOKING SYSTEM ARREST WORKSHEETS (PD244-159)** to establish times and locations of violent street crimes and burglaries.
4. Inspect members daily for proper equipment and ensure that each member is equipped with a nylon windbreaker jacket conforming to the specifications of *P.G. 204-04, "Optional Uniform Items,"* and Oleoresin Capsicum pepper spray.
5. Inspect Department autos daily for necessary equipment, including portable red light.
6. Ensure that members are properly trained regarding duties as described in current Department directives.
7. Supervise member's performance, be cognizant of location of anti-crime members, and be able to contact personnel at all times.
8. Apprise desk officers of anti-crime activity locations within the confines of their precincts in order to provide information to uniformed members on patrol.
9. Ensure that anti-crime personnel do not conduct decoy operations without prior approval of the bureau chief concerned.
10. Notify precinct, transit district, or police service area commanding officer(s) of all incidents of importance that occur during tour within the confines of their command(s).

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TRAINING SERGEANT		
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TRAINING SERGEANT

1. If assigned to a Patrol Precinct, Transit District, or Police Service Area, perform only training related duties, as directed by the Commanding Officer, Command Level Training Section.
   a. All other commands will perform duties as directed by the commanding officer.
2. Perform duty in uniform, as the primary training instructor and coordinator for all uniformed and civilian members of the command of assignment.
   a. Unless otherwise authorized by the Commanding Officer, Command Level Training Section.
3. Develop, implement and maintain a comprehensive command-level training program that is suitable and responsive to the needs of the assigned members of the service, and addresses local command conditions.
4. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
   a. Training sergeants in commands without a desk officer will sign in as directed by the commanding officer.
   b. Training sergeants reporting to the Police Academy or other external training sites will report for duty in uniform, business attire, or civilian clothes, as directed by the Training Bureau.
5. If assigned to a Patrol Precinct, Transit District or Police Service Area, perform tours of duty at the direction of the Commanding Officer, Command Level Training Section. All other commands will perform tours of duty at the direction of their commanding officer.
   a. Tours should maximize exposure to all members of the command.
   b. Tours should be adjusted, when necessary, to train members outside normal working tour.
   c. Tours may be adjusted when performing training outside of the command for the Training Bureau.
6. Conduct roll call training regularly, not to exceed 25 minutes, for all three platoons.
   a. Ensure that members not assigned to the three platoons receive similar training.
   b. Prepare roll call messages daily, to ensure steady flow of information.
   c. Training sergeants assigned to commands that do not conduct roll call, should schedule regular training sessions at the direction of the commanding officer.
7. Attend training seminars and conferences to receive instruction on how to best conduct training on topics selected by the Training Committee.
   a. If the training sergeant is unable to attend, commanding officers will assign an appropriate alternate trainer.

TRAINING SERGEANT (continued)

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

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

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

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

TRAINING SERGEANT (continued)

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

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

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

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

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TRAFFIC SAFETY SERGEANT		
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TRAFFIC SAFETY SERGEANT

1. Perform tours of duty at the direction of the commanding officer.
2. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
3. Supervise traffic safety officer and other members of the command as directed by the commanding officer.
4. Monitor and review all **Police Accident Reports (MV104AN)**.
5. Review and analyze all **TRAFFIC INTELLIGENCE REPORTS (PD178-150)**.
6. Supervise and review the precinct Traffic Safety Plan and Emergency Plans 'A,' 'B,' and 'C.'
7. Attend patrol borough traffic safety meetings with traffic safety officer.
8. Review prepared statistical data for Traffic Safety Forum meetings and attend meeting with executive officer.
9. Attend patrol borough traffic safety meetings.
10. Attend community council and safety board meetings, as well as, other public forums to discuss traffic safety at the direction of the commanding officer.
11. Ensure the maintenance and updating of the precinct's traffic safety bulletin board with current collision-prone locations, school/house of worship crossings, and other traffic safety information.
12. Ensure borough level training is attended by newly assigned precinct traffic safety officers.

NOTE *All traffic safety sergeants will be familiar with the "Procedural Manual for Traffic Safety Officers."*

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DOMESTIC VIOLENCE SERGEANT		
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DOMESTIC VIOLENCE SERGEANT

1. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
2. Perform duty in uniform, unless specifically authorized to do otherwise.
3. Perform tours of duty at the direction of the commanding officer.
4. Report to special operations lieutenant.
5. Act as the command's primary domestic violence prevention officer.
6. Supervise members performing domestic violence duties.
7. Review and approve all **New York State Domestic Incident Reports (DCJS-3221**) daily.
8. Review and update all cases in ECMS/DVIMS, as appropriate.
9. Frequently review Order of Protection Log and ensure referral/service of all Orders of Protection received at command.
10. Review and sign completed **DOMESTIC VIOLENCE HOME VISIT CHECKLISTS (PD313-148)**.
11. Recommend to commanding officer additions/removals to High Propensity/Child at Risk Lists.
12. Collaborate with precinct detective squad on active domestic violence cases and offender apprehension efforts.
13. Ensure all wanted domestic violence offenders are prioritized within the command.
14. Confer with special operations lieutenant and field intelligence sergeant regarding wanted domestic violence offenders.
15. Be command's primary liaison to Family Court/Family Justice Centers.
16. Assign home visits, as necessary.
17. Maintain current contact information of domestic violence service providers.
    a. Provide information to all members of the command to ensure appropriate referrals of services for all family/households.
18. Coordinate domestic violence outreach events in area of assignment.
    a. Ensure that culturally diverse communities receive culturally relevant outreach.
19. Be responsible for, and review/update the ICAD Exception Log.
20. Notify New York State Department of Corrections and Community Supervision (DOCCS) or New York City Department of Probation, as applicable, within 72 hours upon becoming aware of a known parolee/probationer involved in a domestic incident requiring the preparation of a **New York State Domestic Incident Report**.
21. Supervise the preparation and submission of all weekly/monthly domestic violence reports.
22. Review all unfounded/refused **New York State Domestic Incident Reports** and conduct follow-up investigations when warranted.
23. Confer with precinct training sergeant to ensure command domestic violence training needs are met.

NEIGHBORHOOD COORDINATION SERGEANT

1. Perform duty in uniform.
2. Report directly to the commanding officer.
3. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
4. Work flexible tours as command conditions and community needs dictate.
5. Oversee schedule for neighborhood coordination officers, ensuring:
   a. Tours are scheduled based on sector conditions and community needs,
   b. Neighborhood coordination officers (NCOs) assigned to the same sector work the same tour, unless one officer is assigned to a court tour or is on vacation/leave, etc., and
   c. Neighborhood coordination officers are not assigned to details during their regularly scheduled tour of duty.
6. Regularly confer with the commanding officer, executive officer, special operations lieutenant, platoon commanders, precinct detective squad commander, NCOs, community leaders, residents, school principals, school staff, school safety personnel, and business persons to identify crime and quality of life conditions affecting the command.
7. Assist precinct commanding officer in developing and implementing the precinct school safety plan.
8. Confer with School Safety Division's Field Intelligence Unit, regularly, to develop command strategies to address school-related conditions and to coordinate the command resources.
9. Keep special operations lieutenant apprised of activities in, and around, school facilities.
10. Assist NCOs in identifying strategies to address sector conditions.
11. Coordinate the activities of NCOs with other members of the command.
12. Assist NCOs with activities involving other Department units, governmental agencies, and community groups.
13. Supervise and evaluate performance of all members assigned as NCOs and youth coordination officers.
14. Monitor level of NCOs' effectiveness by determining success of crime reduction and problem solving strategies, level of engagement with other Department units, conducting conferrals with community residents or business persons, etc.
15. Use **SUPERVISOR FEEDBACK FORM** on the Craft application to highlight commendable actions by NCOs and steady sector officers (i.e., an arrest that closes a precinct pattern, an exceptional community interaction, etc.), when warranted.
16. Regularly participate in community meetings, school activities/events, and Neighborhood Work Groups, as appropriate.
17. Coordinate activities with precinct youth coordination officer.
18. Visit schools regularly and confer with principals and School Safety Division supervisors regarding school-related conditions.

NEIGHBORHOOD COORDINATION SERGEANT (continued)

19. Evaluate and coordinate "Safe Passage" and "Safe Corridor" Programs.
20. Assist with training of school safety personnel.
21. Respond to incidents where a school safety agent is a victim of an offense while performing duty.
22. Coordinate with School Safety Division personnel to provide necessary assistance in obtaining required additional resources.
23. Maintain a master file for all sectors of all active community groups/persons at the command.
24. Maintain other unit records, as necessary.
25. Liaise with borough/bureau to acquire training for NCOs, as necessary.
26. Liaise with counterpart in Patrol Bureau, Housing Bureau, and/or transit Bureau, as appropriate.
27. Liaise with precinct domestic violence prevention officer on cases involving child abuse.
28. Coordinate with School Safety Division Truancy Coordinator, as necessary.
    a. In accordance with *P.G. 215-07, "Truants,"* truants are either to be returned to their registered school, if it is in close proximity, or they are to be brought to a borough-wide intake site determined by the Department of Education.

NOTE *Neighborhood coordination sergeants will not be used as backfill for other command assignments (i.e., patrol supervisor, desk officer, etc.).*

Neighborhood coordination sergeants will not be assigned to details during their regularly scheduled tours of duty without permission of the bureau chief concerned, the Chief of Department, or the Police Commissioner.

All members of the service who are serving as neighborhood coordination sergeants are authorized to wear an NCO breast bar above their shield, directly below any Unit Citation or individual recognition awards, for the duration of their tenure in the assignment.

FIELD INTELLIGENCE SERGEANT

1. Perform only intelligence related duties, as directed by Commanding Officer, Criminal Intelligence Section, and confer with commanding officer, assigned command.
2. Report to desk officer at the start of tour for entry in the Command Log as present for duty.
   a. Sign Command Log at the end of tour.
3. Perform duty in civilian clothes.
   a. Be equipped with Oleoresin Capsicum pepper spray, and other equipment, as required, while on duty.
4. Ensure field intelligence officer is equipped, as appropriate, while on duty.
5. Respond to incidents in the field to provide assistance and gather information.
6. Supervise and evaluate the performance of field intelligence officers within assigned command.
7. Schedule tours of duty for field intelligence officers, as appropriate.
8. Ensure field intelligence officers appropriately follow-up on any actionable intelligence gathered.
9. Coordinate debriefings with command field intelligence officer and Detective Bureau, as necessary.
10. Conduct debriefings of prisoners when circumstances indicate intelligence may be gained.
11. Ensure field intelligence officers enter information into Enterprise Case Management System (ECMS) and other Department databases, as appropriate.
12. Track and review all ECMS "Positive Debriefing" entries related to active criminal investigations.
13. Ensure copies of "Positive Debriefing" entries in ECMS have been electronically forwarded to the appropriate investigative units after review.
14. Maintain the Command Recidivist List and update quarterly via the Recidivist Tracking and Reporting Database (RTRD).
15. Access information from computer databases that are not available at command level, via Commanding Officer, Criminal Intelligence Section.
16. Perform duties of supervisor as outlined in *P.G. 212-68, "Confidential Informants,"* when necessary.
17. Forward **COMPLAINT FOLLOW-UP INFORMATIONALS (pink) (PD313-081A)** to Borough Field Intelligence Coordinator, Criminal Intelligence Section, as necessary.
18. Review and sign **SEARCH WARRANT REQUEST (PD374-162)** and comply with *P.G. 212-75, "Search Warrant Applications,"* when applicable.
    a. Notify Commanding Officer, Criminal Intelligence Section prior to execution of search warrant, if possible.
       (1) Confidentiality will be maintained in order to ensure the safety of all members involved and the integrity of the investigation.

FIELD INTELLIGENCE SERGEANT (continued)

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

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LIEUTENANT – PLATOON COMMANDER		
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LIEUTENANT PLATOON COMMANDER

1. Be responsible for all command operations during the tour performed.
2. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
   a. Sign Command Log at end of tour and when leaving and returning from patrol.
3. Perform duty in uniform.
4. Cause necessary changes or adjustments in roll call at beginning of tour.
   a. Schedule meals for supervisors assigned to platoon so that a supervisor is on duty at all times.
   b. Grant tour changes and excusals for members of platoon when appropriate.
5. Supervise roll call as described in *P.G. 212-01, "Roll Call*."
6. Assume responsibilities of desk officer or patrol supervisor, based on needs of command.
   a. Respond to and direct police activities at serious crimes and emergencies when acting as desk officer, while ensuring the duties of a desk officer are assumed by another supervisor.
7. Identify conditions to be addressed by members working the platoon on a continuing basis.
8. Allocate all resources available for the platoon after conferral with the special operations lieutenant.
9. Advise and confer with commanding/executive officers, operations coordinator, special operations lieutenant, integrity control officer, squad commander, if appropriate, on matters of importance, unusual arrests or occurrences, personnel and integrity concerns, and other conditions requiring their attention.
10. Confer with integrity control officer regarding personnel, civilian complaints, sick records, overtime concerns and integrity issues.
11. Confer frequently with the special operations lieutenant regarding command crimes and conditions.
12. Confer with lieutenant platoon commander or patrol supervisor from previous tour, at start of tour.
13. Access the Department's intranet webpage to ascertain active Paid Detail locations and times of assignment within the precinct, at start of tour.
    a. Make a Command Log entry indicating results of inquiry into active Paid Detail locations, including times of assignments.
    b. Print reference copy of Paid Detail assignments scheduled during tour and attach to roll call.

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

LIEUTENANT PLATOON COMMANDER (continued)

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

SPECIAL OPERATIONS LIEUTENANT

1. Perform duty in uniform whenever practical.
2. Report to the desk officer at the start of tour for entry in the Command Log as present for duty.
   a. Sign Command Log at end of tour.
3. Perform tours as approved by the commanding officer, choosing tours that will maximize supervision of subordinate personnel.
4. Enter in Command Log the time arriving and leaving command and the reason (except start of tour entry).
5. Monitor field performance of subordinate personnel and personally observe command conditions.
6. Coordinate the crime prevention program of command.
7. Supervise and coordinate command's specialized personnel, including neighborhood coordination sergeant, crime prevention officer, auxiliary police coordinator and domestic violence sergeant.
8. Inspect records and logs of subordinate units and personnel.
9. Inspect and sign digital **Activity Log** of neighborhood coordination sergeants each month.
10. Review and sign the **OFFICER PROFILE REPORT** for subordinates and confer with detail sergeants as necessary.
    a. Deliver **REPORTS** to operations coordinator within seven days following month for which submitted.
11. Review and approve schedules for subordinate personnel on a weekly basis.
12. Act as the problem solving coordinator for the command, in conjunction with, and at the direction of the commanding officer.
    a. Be responsible for assisting the commanding officer to:
       (1) Identify major crime and quality of life problems affecting the command.
       (2) Perform an analysis of the identified crime and quality of life problems in order to separate them into their essential components.
       (3) Design a response utilizing command, Department and community resources, and where possible the resources of other agencies.
       (4) Implement the designed response.
       (5) Evaluate the effectiveness of the response and modify it, if necessary.
13. Attend Community Council, Community Board, and similar meetings, at the direction of the commanding officer.
    a. Be cognizant of community crime trends and quality of life conditions, allocating resources to address these concerns.

SPECIAL OPERATIONS LIEUTENANT (continued)

14. Maintain contact with community associations and civic groups to foster positive community relations and mutual involvement in addressing crime and quality of life conditions.
15. Attend public meetings where subordinate members are addressing groups to observe and supervise performance.
16. Prepare annual evaluations for subordinate supervisors under direct control.
17. Maintain contact with principals of local schools.
    a. Ensure that neighborhood coordination sergeant and youth coordination officer are maintaining contact with these institutions.
18. Be knowledgeable in current orders and procedures.
    a. Instruct and test subordinate personnel in these matters.
19. Confer regularly with platoon commanders regarding conditions within command.
    a. Encourage exchange of information between specialized units and platoons.
20. Confer regularly with the command's detective squad commander to share information.
    a. Encourage exchange of information between the detective squad and specialized units.
21. Supervise and coordinate the activities of the command's Auxiliary Police Program through the auxiliary police coordinator.
    a. Ensure that the auxiliary police coordinator actively recruits new members, conducts required training courses, and properly equips auxiliary police personnel.
    b. Integrate the auxiliary police functions into the command's problem solving objectives, e.g., crime prevention, community affairs, youth planning, etc.
    c. Keep commanding officer apprised of all auxiliary police activities.
22. Act as the command liaison officer to the New York State Office of Victim Services (OVS) and external State and City victim advocacy agencies.
23. Review and sign-off pending **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)** utilizing the On-Line Juvenile Report System on a daily basis.
    a. Audit and review **JUVENILE REPORT SYSTEM WORKSHEETS (PD313-152A)** weekly to ensure accuracy.
    b. Utilize the **OMNIFORM** system to ensure **JUVENILE REPORT SYSTEM WORKSHEETS** were not completed in error (i.e., prepared in addition to an **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** for an arrest of a juvenile delinquent, etc.).

OPERATIONS COORDINATOR

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

OPERATIONS COORDINATOR (continued)

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

OPERATIONS COORDINATOR (continued)

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

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

COMMAND INTEGRITY CONTROL OFFICER

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

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

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

COMMAND INTEGRITY CONTROL OFFICER (continued)

14. Inspect time cards, overtime records, property records, **SUPERVISOR FEEDBACK FORMS**, vending machine ledgers, etc.
15. Maintain records concerning the Integrity Control Program including a "Integrity Monitoring File" (see *P.G. 203-21*).
16. Review records relating to court appearances resulting in overtime.
17. Inspect and sign digital **Activity Logs** of sergeants.
18. Inform local businessmen of Departmental policy and provisions of the Penal Law, concerning corruption and gratuities.
19. Develop liaison with Internal Affairs Bureau and patrol borough investigations units to exchange information for self initiated anti-corruption programs.
20. Review Command Log entries regarding invoiced property daily and if any property is stored in the command in excess of thirty days, consult with the operations coordinator, desk officer etc., to determine if an integrity or corruption hazard exists. If so, brief the executive officer/commanding officer and take appropriate action to correct the situation.
21. Notify patrol borough investigations unit concerned regarding self initiated cases.
22. Verify Identification Section's printout of Criminal History Record Inquiries (name checks).
23. Ensure the annual issuance and collection of the NYPD Restricted Parking Permits (Misc. 23-N) is in compliance with *P.G. 219-29,* "*Distribution and Use of NYPD Restricted Parking Permits."*
24. Check equipment and supplies regarding misuse or misappropriation.
25. Ascertain that computer security and integrity is maintained, including all official Department recorded media or recorded media coming into possession of the Department as evidence or for investigative purposes (e.g., video tape, photographic images or pictures, audio recordings, electronic or internet files, etc.).
26. Conduct investigations when member of the service in the military fails to provide appropriate military contract and drill schedule to precinct timekeepers.
27. Physically inspect all Department radios assigned to command monthly to ensure accountability.
28. Identify all radios assigned outside of command on a permanent basis and confer with the commanding officer regarding the necessity for its continuance.
29. Debrief prisoners concerning corruption/serious misconduct, when possible.
30. Ensure accuracy of the license plates recorded on **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)** by performing random checks of summonses in accordance with established command self-inspection procedures.
31. Use Finest Online Records Management System (FORMS) to regularly review Police Accident Reports (PARs) for the following corruption indicators:
    a. An inordinate amount of PARs submitted by the same UMOS,

COMMAND INTEGRITY CONTROL OFFICER (continued)

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

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

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

35. Conduct monthly audit of Domain Awareness System (DAS) to ensure desk officers (or counterpart in non-patrol commands) are updating the Automatic Vehicle Location (AVL) system each tour.
    a. Investigate damage caused to any AVL device.
    b. Ensure all notifications concerning any issues with AVL devices have been made to Information Technology Bureau (ITB) by the desk officer/counterpart.

EXECUTIVE OFFICER

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

EXECUTIVE OFFICER (continued)

a. Brief the commanding officer on actions taken.

23. Personally conduct, in conformance with the Quality Assurance Division self-inspection program, the command self-inspection of **STOP REPORT (PD383-151)**.

24. Manage the Field Training Program within the precinct, police service area, or transit district.

SUPERVISOR OF PATROL

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

DUTY CAPTAIN

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

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

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

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

DUTY CAPTAIN (continued)

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

COMMANDING OFFICER

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

COMMANDING OFFICER (continued)

c. Command youth coordination officer, after conferral with borough operations commander,
d. Domestic violence prevention officer.
e. Digital communications officers (2), in any rank, in addition to their regularly assigned duties (e.g., crime prevention officer, community affairs officer, etc.).

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

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

COMMANDING OFFICER (continued)

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

COMMANDING OFFICER (continued)

29. Visit the Deputy Commissioner, Equity and Inclusion (DCEI), for briefing upon assignment to command and annually thereafter, and:
    a. Meet annually with ranking officers/supervisors within command to discuss their responsibilities under the New York City Police Department's Equal Employment Opportunity (EEO) Policy,
    b. Identify and recommend one or more non-supervisory member(s) of the service who are willing to voluntarily serve as an EEO Liaison with DCEI approval, and
    c. Ensure that all members assigned to command are aware of EEO Liaison Network guidelines**.**
30. Develop and review precinct School Security Plan, Summer Youth Security Plan and Safe Corridor Plan and Safe Passage Plan for Transit Bureau commands.
31. Ensure all members of command comply with *P.G. 205-36, "Employment Discrimination*" and *P.G. 205-37, "Sexual, Ethnic, Racial, Religious, or other Discriminatory Slurs through Display of Offensive Material*."
32. Review and analyze reports received from a staff inspection unit.
    a. Respond to report as requested and institute actions to correct any deficiencies identified.

Section: Duties and Responsibilities		Procedure No: 202-34
DUTY INSPECTOR		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 27	PAGE: 1 of 1

DUTY INSPECTOR

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

Section: Duties and Responsibilities		Procedure No: 202-35
DUTY CHIEF		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 37	PAGE: 1 of 1

DUTY CHIEF

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

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-01	
REPORTING SICK			
DATE ISSUED: 10/17/19	DATE EFFECTIVE: 10/17/19	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To notify the Department when a uniformed member of the service is unable to perform duty due to illness, injury, or any other physical/psychological condition.

DEFINITIONS ADMINISTRATIVE SICK – A sick excusal for one tour of duty, which does not require a visit to the Department surgeon. A request for Administrative Sick must be made at least two hours prior to the start of the tour for which the leave will be granted. A uniformed member of the service must report for duty on the next scheduled tour following the administrative excusal. However, if the sickness continues into the next day, the uniformed member of the service may request a second Administrative Sick day, at least two hours prior to the start of the next scheduled tour. The first and second Administrative Sick days will count as one sick occurrence. Administrative Sick is NOT authorized for:

a. Injuries,
b. Line of Duty injuries or illness,
c. Uniformed members of the service performing a voluntary exchange of tour (otherwise known as a "mutual"),
d. Uniformed members of the service designated Chronic Absent - Category B,
e. Dental Problems,
f. Stress-related or other psychological conditions,
g. Major illness, and/or
h. When, in the judgment of the supervisor, it is inappropriate.

REGULAR SICK – A sick excusal for a uniformed member of the service who is not eligible for, or declines administrative sick, which requires a visit to the Department surgeon. The uniformed member of the service is to report to assigned district surgeon at next regular office hours, EXCEPT when:

a. Member designated Chronic Absent – Category B, will report to the Medical Division, Special Medical District/Confidential Medical District at next regular office hours,
b. Member reporting sick on Friday or Saturday will report to Medical Division, Weekend Surgeon, at 1000 hours the following day,
c. Member unable to travel will remain at place of confinement and phone assigned district surgeon or "weekend" surgeon during next office hours,
d. Member with dental problems will be guided by the Sick Desk supervisor/member regarding reporting requirements, or
e. When directed otherwise by the Medical Division supervisor.

PROCEDURE When a uniformed member of the service is unable to perform duty due to illness, injury, or any other physical/psychological condition:

WHEN A UNIFORMED MEMBER OF THE SERVICE REPORTS ADMINISTRATIVE SICK:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/supervisor at assigned command by telephone, or in person, at least two hours before start of scheduled tour, and request Administrative Sick.

NOTE *If permanent command is closed, notify Medical Division Sick Desk, direct, to obtain sick serial number, and notify desk officer/supervisor when command reopens.*

DESK OFFICER/ SUPERVISOR

2. Determine if uniformed member is eligible for Administrative Sick.
   a. Direct uniformed member to report Regular Sick, if member is ineligible for, or refuses Administrative Sick.
   b. If Administrative Sick is approved, advise uniformed member concerned:
      (1) Each administrative excusal is for one tour, and
      (2) Uniformed member must remain at residence, or other authorized location, unless:
         (a) Permission to leave is granted by Department surgeon or Sick Desk supervisor,
         (b) Uniformed member is outside assigned tour of duty, or
         (c) Uniformed member is on regular day off (RDO).

UNIFORMED MEMBER OF THE SERVICE

3. Notify Medical Division Sick Desk, direct, and provide pertinent details.
   a. Inform Medical Division of any change of address/location or telephone number.

MEDICAL DIVISION

4. Conduct query of Medical Division Sick Reporting System and determine if member is eligible for Administrative Sick.
   a. Advise uniformed member of eligibility for Administrative Sick and provide sick serial number, as appropriate.
   b. Advise uniformed member to report Regular Sick, if determined to be ineligible for Administrative Sick, and provide sick serial number, as appropriate.

UNIFORMED MEMBER OF THE SERVICE

5. Obtain name of Sick Desk member and record time notified.
6. Provide sick serial number to desk officer/supervisor at assigned command.
7. Comply with step "2," subdivision "b," as listed above.
8. Notify desk officer/supervisor at assigned command, and Sick Desk, at least two hours before next scheduled tour, if unable to report for duty due to continuation of illness.
   a. If it is necessary for the uniformed member to continue beyond the second Administrative Sick day, member will report Regular Sick and be guided by Sick Desk (this will count as one sick incident, upon consolidation by the Medical Division).

WHEN A UNIFORMED MEMBER OF THE SERVICE REPORTS REGULAR SICK:

UNIFORMED MEMBER OF THE SERVICE

9. Notify Medical Division Sick Desk, direct.
   a. Inform Medical Division Sick Desk of any change of address/ location or telephone number, and
   b. Obtain name of Sick Desk member and record time notified.

MEDICAL DIVISION

10. Provide sick serial number to requesting uniformed member

UNIFORMED MEMBER OF THE SERVICE

11. Provide sick serial number to desk officer/supervisor at assigned command.

DESK OFFICER/ SUPERVISOR

12. Advise uniformed member concerned:
   a. Uniformed member must remain at residence, or other authorized location, unless:
      (1) Permission to leave is granted by Department surgeon or Sick Desk supervisor,
      (2) Uniformed member is outside assigned tour of duty, or
      (3) Uniformed member is on regular day off (RDO).
   b. Uniformed member must remain at residence, or other authorized location, for their entire sick occurrence, unless permission to leave is granted by Department surgeon or Sick Desk supervisor, if:
      (1) Uniformed member is designated Chronic Absent Category A or B,
      (2) Uniformed member is on modified assignment,
      (3) Uniformed member is on dismissal probation,
      (4) Uniformed member is on suspension, and/or
      (5) Department surgeon deems home confinement necessary.
   c. A uniformed member on Regular Sick report may **not** leave the City or residence counties without approval of the Chief of Personnel as per *P.G. 205-60, "Reporting to Department Surgeon and Returning to Duty from Sick Report."*
      (1) This includes when a uniformed member is outside assigned tour of duty or on regular day off (RDO).

UNIFORMED MEMBER OF THE SERVICE

13. Report to Department surgeon at next office hours as per *P.G. 205-60, "Reporting to Department surgeon and Returning to Duty from Sick Report."*

NOTE *Uniformed members whose tours vary on a day-to-day basis will be confined to their residence, or authorized location, during the tour of duty they were scheduled to perform on the day that they reported sick. This tour of duty will become the uniformed member's tour for the duration of the sick occurrence.*

IN ALL CASES:

DESK OFFICER/ SUPERVISOR

14. Record pertinent information (i.e., sick serial number provided by uniformed member who reported sick, etc.) in **SICK LOG (PD429-143**) and Telephone Record.
15. Make entry on **ROLL CALL (PD406-144)**, as appropriate, and notify relieving desk officer/supervisor, if member is scheduled to perform duty with either of the next two platoons.
16. Make return telephone call to verify member is at stated location.
17. Notify Sick Desk supervisor, if special or unusual circumstances exist regarding uniformed member reporting sick (e.g., uniformed member reporting sick from out of state or out of country, etc.).
18. Notify Medical Division's Absence Control and Investigations Unit, if uniformed member is suspected of malingering.
19. Query Medical Division Sick Reporting System to ensure uniformed member who reported sick, is listed as being sick on sick report

OPERATIONS COORDINATOR

20. Access Medical Division Sick Reporting System, periodically, throughout tour, and ensure Department records are updated, as necessary

UNIFORMED MEMBER OF THE SERVICE UNABLE TO VISIT DEPARTMENT SURGEON:

UNIFORMED MEMBER OF THE SERVICE

21. Notify commanding officer and Sick Desk supervisor of inability to visit Department surgeon.

COMMANDING OFFICER

22. Conduct interview with uniformed member regarding inability to visit Department surgeon.
23. Designate supervisor to make entry on **ABSENCE AND TARDINESS RECORD (PD433-145)**, as appropriate.
24. Have notification made to uniformed member's Department surgeon regarding results of interview and probable date of visit.

ADDITIONAL DATA *Although it is not necessary to report sick to request a limited capacity assignment from a Department surgeon, all uniformed members of the service must visit the Department surgeon prior to requesting such assignment.*

A uniformed member of the service on terminal leave may not be placed on sick report, unless sickness or injury is the result of line of duty action while on terminal leave.

ADDITIONAL DATA (continued)

A uniformed member of the service will not be permitted to report sick with a self-designated diagnosis of "old line of duty injury." Designation of "old line of duty injury" for a specific sick occurrence will be granted only upon examination and interview of the requesting member by a Department surgeon.

Uniformed members of the service are not permitted to perform Paid Detail assignments while out on Regular Sick report. This includes when a uniformed member is outside their assigned tour of duty or on regular day off (RDO). Furthermore, uniformed members must notify the Paid Detail Unit as soon as it becomes apparent that they will not be able to appear at a scheduled assignment

RELATED PROCEDURES

Pregnancy Leave For Uniformed Members of the Service (P.G. 205-27)
Chronic Absence Control Program (P.G. 205-45)
Reporting to Department Surgeon and Returning to Duty from Sick Report (P.G. 205-60)
Notifying Court, Trial Room or Other Agencies When Member Reports Sick (P.G. 205-61)
Absence Control (A.G. 318-12)

FORMS AND REPORTS

ROLL CALL (PD406-144)
SICK LOG (PD429-143)
ABSENCE AND TARDINESS RECORD (PD433-145)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-02	
REPORTING SICK FROM OUTSIDE CITY AND OUTSIDE RESIDENCE COUNTIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report an injury or sick outside the city and outside residence counties.

DEFINITION RESIDENCE COUNTIES - The six counties outside New York City where uniformed members of the` service are permitted to live, i.e., Nassau, Suffolk, Westchester, Rockland, Orange and Putnam.

PROCEDURE Upon becoming sick or injured outside the city or residence counties to an extent that would prevent the proper performance of duty:

UNIFORMED MEMBER OF THE SERVICE

1. Phone Medical Division - Sick Desk or send telegram to Commanding Officer, Medical Division, 59-17 Junction Boulevard, 16th Floor (1 Lefrak City Plaza), Corona, New York 11368.
2. Give the following information:
   a. Name, rank, and shield number, permanent and temporary command, if any
   b. Present location and telephone number
   c. Nature of disability
   d. Name, address, and telephone number of attending physician
   e. Date of probable return to duty
   f. Scheduled appearances in court, trial room or before other government agencies.
3. Obtain letter from attending physician describing disability and prognosis.
   a. Send letter to the Commanding Officer, Medical Division.
4. Comply with instructions received from the C.O., Medical Division.
   a. Visit Medical Division or district surgeon as required.

UPON BEING DIRECTED TO RETURN TO DUTY BY A DEPARTMENT SURGEON:

UNIFORMED MEMBER OF THE SERVICE

5. Notify command by telephone of effective time and date of order to report for duty.
   a. Include limitations, if any, on type of duty to be performed.
6. Report for duty when ordered.
7. Deliver **SICK REPORT RETURN (PD429-131)** to desk officer, upon return to duty.

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)
Pregnancy Leave For Uniformed Members of the Service (P.G. 205-27)
Absence Control (A.G. 318-12)
Chronic Absence Control Program (P.G. 205-45)

FORMS AND REPORTS

SICK REPORT RETURN (PD429-131)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-03	
RESPONSIBILITY FOR WEAPONS WHILE SICK			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To safeguard member's weapons, shield and **IDENTIFICATION CARD (PD416-091)** while on sick report.

PROCEDURE While on sick report:

UNIFORMED MEMBER OF THE SERVICE

1. Safeguard pistols, revolvers, shield and identification card.
2. Deliver to desk officer of resident precinct when unable to safeguard.
   a. If unable to deliver, notify desk officer of permanent command.

DESK OFFICER

3. Check **FORCE RECORD (PD406-143)** to determine firearms to be safeguarded.
4. Determine the location and length of time property to be safeguarded.
5. Notify desk officer of a specified precinct to assign a supervising officer to the location to obtain property.
   a. Precinct designated will be determined by location of property.

SUPERVISING OFFICER, DESIGNATED PRECINCT

6. Visit location and obtain property.
7. Prepare one copy of **PROPERTY CLERK INVOICE (PD521-141)** for firearms obtained.
   a. Mark **INVOICE** "Property of Sick Member, Held for Safekeeping Only."
8. Deliver all property to desk officer with copy of **PROPERTY CLERK INVOICE**.
9. Make digital **Activity Log** entry of facts.

COMMAND CLERK

10. Prepare **PROPERTY CLERK INVOICE** for weapons being safeguarded.
11. Prepare two copies of report on **Typed Letterhead** indicating circumstances, numbers on shield and identification card being safeguarded, if items removed from uniformed member of the service.

DESK OFFICER

12. Make Command Log entry of facts.
13. Store property at command, if safeguarding required less than one week.
14. Forward firearms to Property Clerk borough office with **PROPERTY CLERK INVOICE** after one week.
15. Forward shield and identification card with report on **Typed Letterhead** to the Shield, ID and Uniform Services Unit after one week.

COMMAND CLERK

16. Prepare copies of authorization to obtain property for Property Clerk and the Shield, ID and Uniform Services Unit when member capable of caring for property.

DESK OFFICER

17. Sign authorization and deliver to member's command.

UNIFORMED MEMBER OF THE SERVICE

18. Pick up property at command where stored.
19. Sign bottom of authorization as receipt for property.

FORMS AND REPORTS ***FORCE RECORD (PD406-143)***
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-04	
DEPARTMENT AMBULANCE SERVICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide ambulance service, oxygen therapy and/or medical appliances under certain circumstances.

ELIGIBILITY Uniformed members of the service, active and retired, and members of their immediate families.

PROCEDURE When Department ambulance service, oxygen therapy and/or medical appliances are required.

UNIFORMED MEMBER OF THE SERVICE

1. Telephone Emergency Medical Squad, Emergency Service Unit.
2. Advise dispatcher of service required.

NOTE *Emotionally disturbed persons or cases in which an airborne contagious disease is diagnosed or suspected are not to be transported in Department Ambulance.*

EMERGENCY MEDICAL SQUAD DISPATCHER

3. Notify Special Operations Division if vehicle is to respond to location outside New York City.
4. Make required Log entries.

ADDITIONAL DATA *Ambulance service, oxygen therapy and/or medical appliances, including hospital beds, wheelchairs, walkerettes, etc., are available Monday through Friday, from 0630 to 2300 hours. Ambulance service is available at other times, if sufficient notice is given.*

In emergency cases where oxygen therapy is already in place, Emergency Service Units can provide oxygen bottles until such time as the Emergency Medical Squad can provide a replacement.

Emergency Medical Squad vehicles will respond to locations within New York City or a 250 mile radius, without prior approval, providing that one point of trip is within the confines of New York City.

a. Any variations of the above must be approved by the Commanding Officer, Emergency Medical Squad or the Director of the Police Relief Fund.

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-05	
LINE OF DUTY INJURY OR DEATH OCCURRING WITHIN CITY			
DATE ISSUED: 10/07/19	DATE EFFECTIVE: 10/08/19	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To report and record line of duty injuries and deaths occurring within the city.

DEFINITION INVESTIGATING SUPERVISOR - As used in this procedure will be as follows:

a. The platoon commander, precinct of occurrence, if available, will act as the investigating supervisor and will complete parts "A" and "B" of the **LINE OF DUTY INJURY REPORT (PD429-154)**.

b. If platoon commander is unavailable, a patrol supervisor, precinct of occurrence, will act as the investigating supervisor and will complete part "B" of the **LINE OF DUTY INJURY REPORT**. The desk officer will designate a second supervisor, assigned to the precinct of occurrence to prepare part "A" of the **REPORT**. If a second supervisor is unavailable, the desk officer will prepare part "A" of the **REPORT**.

Only the platoon commander, precinct of occurrence, may prepare both parts "A" and "B" of a **LINE OF DUTY INJURY REPORT**.

In addition, if the injured member is assigned to other than a precinct command, or the Police Academy, a supervising officer of such member's command, if available, will perform the tasks of the investigating supervisor. If the injured member sustains a serious physical injury, is likely to die, or dies, the precinct commander/duty captain will be the investigating supervisor.

PROCEDURE Upon receiving an injury in the performance of police duty, whether on or off duty, or arriving at a location where a uniformed member of the service is injured:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.
2. Notify desk officer of:
   a. Circumstances of injury
   b. Names and addresses of witnesses
   c. Whether reporting sick.
3. Request witnesses to await arrival of supervisor.
4. Remain at scene unless:
   a. Hospitalization or medical attention is required
   b. Further police action is necessary.

DESK OFFICER

5. Notify the investigating supervisor, as indicated in the above "DEFINITION."
6. Notify injured member's command if member is not assigned to precinct of occurrence.
7. Notify precinct commander or duty captain if member dies or is likely to die.
8. Notify borough commander and Operations Unit if member dies.
9. Immediately notify the Sick Desk supervisor or Sick Desk when any of the following conditions, relating to a line of duty injury exist:

DESK OFFICER (continued)

a. Where the incident causing the injury was NOT specifically witnessed, AND
b. Injury occurred within any police facility (building, office, etc.), OR
c. Injury occurred in the immediate vicinity of any police facility (parking lot, perimeter sidewalk, etc.), OR
d. Injury occurred during the first two hours of a tour.
e. Any request for line of duty injury designation by an off-duty uniformed member of the service.

NOTE *See Additional Data for hospital guidelines regarding members seriously injured or killed in line of duty.*

PATROL SUPERVISOR

10. Respond to scene.
11. Request desk officer to designate a second supervisor, precinct of occurrence, to complete part "A" of **LINE OF DUTY IN JURY REPORT**.
    a. If a second supervisor is unavailable, the desk officer will complete part "A" of the **REPORT**.

DESIGNATED SUPERVISOR

12. Complete part "A" of **LINE OF DUTY INJURY REPORT**.

INVESTIGATING SUPERVISOR

13. Interview injured member and investigate circumstances.
14. Make initial report to desk officer without delay.
15. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
    a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

NOTE *This notification is in addition to, and does not preclude the requirement for other notifications to Operations as indicated elsewhere in this procedure.*

16. Interview witnesses and request them to prepare and sign **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)**.
17. Complete part "B" of **LINE OF DUTY INJURY REPORT**.
18. Prepare **Police Accident Report (MV104AN)**, if vehicle collision involved.
19. Direct injured member, or if he is incapacitated assign a member, to prepare an **AIDED REPORT (PD304-152)** if a vehicle is not involved.
20. Instruct injured member to complete part "C" of **LINE OF DUTY INJURY REPORT** if member requests line of duty designation of injury.

NOTE *Part "C" of **LINE OF DUTY INJURY REPORT** will be completed by precinct commander/duty captain if injured member is unable to do so.*

21. Deliver completed reports to desk officer.

DESK OFFICER

22. Obtain Sick Desk control number whether injured member reports sick or not.
23. Make entry in **SICK LOG (PD429-143)** and Telephone Record, if injured member reports sick.
24. Fax the worksheet copy of **LINE OF DUTY INJURY REPORT** to Medical Division's Sick Desk Supervisor.

NOTE *Faxing the worksheet copy of the **LINE OF DUTY INJURY REPORT** to the Medical Division's Sick Desk Supervisor enables the Medical Division to make a preliminary determination regarding whether the injured member of the service qualifies for the "Line-of Duty Prescription Program." Faxing the worksheet copy does not eliminate the requirement of forwarding the finalized copy of the **LINE OF DUTY INJURY REPORT** with all of the required signatures to the Medical Division.*

25. Photocopy **LINE OF DUTY INJURY REPORT** and forward direct to Medical Division, attention Line of Duty Desk.
26. Immediately deliver completed **LINE OF DUTY INJURY REPORT** and **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT** to precinct commander/duty captain.
27. Forward **AIDED REPORT** or **Police Accident Report** in normal manner:
    a. Forward copy of reports to injured member's command if not assigned to precinct of occurrence
    b. Have copies of reports forwarded to Police Pension Fund if member is killed in the line of duty or seriously injured and likely to die.

PRECINCT COMMANDING OFFICER, DUTY CAPTAIN

28. Review **LINE OF DUTY INJURY REPORT** and **WITNESS STATEMENT-INJURY TO MEMBER OF THE DEPARTMENT**, indicate approval or disapproval, and sign.
    a. If disapproved, indicate reason on rear of original **LINE OF DUTY INJURY REPORT**.

NOTE *See Additional Data for further information regarding line of duty designations by Medical Division.*

29. Prepare a comprehensive report on **Typed Letterhead** addressed to the Commanding Officer, Medical Division detailing the circumstances of the injury when the injured member of the service is a Probationary Police Officer.
30. Prepare unusual occurrence report for line of duty death or serious injury and likely to die and forward as indicated in *P.G. 212-09, "Unusual Occurrence Reports."*
31. Forward **LINE OF DUTY INJURY REPORT** per directions on form with **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT** and comprehensive report on **Typed Letterhead**, if applicable, attached.
    a. Have copies of these reports forwarded to Police Pension Fund if line of duty death or serious injury and likely to die.
32. Comply with the pertinent provisions of the Trauma Counseling Program as indicated in *P.G. 205-08, "Trauma Counseling Program.*"

ADDITIONAL DATA *When a member of the service is treated at a hospital for a line of duty injury, the following information, ONLY, is to be entered in hospital records pertaining to address and telephone number of injured member:*

- *Police Department, City of New York, Medical Division, 1 Lefrak City Plaza, 59-17 Junction Boulevard, Corona, New York 11368, Room 1524; telephone number (718) 760-7573, Monday - Friday, 0900-1700 hours; (718) 760-7600, all other hours.*

Member's command, home address and telephone number will not be disclosed to hospital authorities or anyone else unless authorized supervisory officer determines requesting person is entitled to the information.

When a uniformed member of the service is struck by a bullet on a protective vest and is apparently uninjured, the member must be examined by a doctor to ascertain if a blunt body trauma or internal injury has occurred. When an injured member is hospitalized or dies, the patrol supervisor will ensure that firearms, Department property (shield, identification card, nameplate, etc.), and personal effects of member are removed and safeguarded.

Medical Division will make final determination of APPROVAL/ DISAPPROVAL of ALL applications for line of duty injury/illness designation and will notify the commanding officer of member concerned of final designation. Uniformed members of the service may request verification of the final designation from the commanding officer.

NOTE *Retired uniformed members of the service may request verification of the final designation, in writing, to the Medical Division, 1 Lefrak City Plaza, 59-17 Junction Boulevard, Corona, New York.*

HOSPITAL GUIDELINES REGARDING UNIFORMED MEMBERS OF THE SERVICE SERIOUSLY INJURED OR KILLED IN THE LINE OF DUTY:

When a uniformed member of the service is seriously injured or killed in the line of duty, the Operations Unit will notify the following members of the service to respond to the hospital:

a. Police Commissioner
b. First Deputy Commissioner (if Police Commissioner is not available)
c. Chief of Department
d. Chief of Detectives (to supervise investigation)
e. Bureau chief of the injured or deceased member
f. Deputy Commissioner-Public Information
g. Supervising Chief Surgeon
h. Department Chaplain
i. Commanding Officer, Family Assistance Section
j. Lieutenant-Family Assistance Section, borough concerned
k. Patrol borough commanding officer
l. Patrol borough executive officer (if borough commanding officer is not available)
m. Duty inspector (to supervise and control access to emergency room and adjacent areas by responding members of the service)
n. Patrol borough operations commander (if duty inspector not available)
o. Commanding officer/duty captain (will prepare the Unusual Occurrence Report)
p. Detective borough commander
q. Detective assigned to investigate the case
r. Crime Scene Unit detective or technician
s. Policewomen's Endowment Association representative if a female police officer is the victim
t. Line organization representative
u. Employee Assistance Unit representative (EAU)
v. Police Organization Providing Peer Assistance (POPPA) representative

ADDITIONAL DATA (continued) *The following members of the service will be permitted to speak to the injured member or view the body of the deceased member:*

a. Police Commissioner
b. First Deputy Commissioner
c. Chief of Department
d. Bureau chief concerned
e. Patrol borough commanding officer (or representative)
f. Detective assigned to the case
g. Crime Scene Unit detective or technician
h. Union representative
i. Policewomen's Endowment Association representative if a female police officer is the victim
j. Department Chaplain

The hospital guidelines also apply to uniformed member of the service seriously injured or killed in the line of duty within residence counties.

Uniformed members of the service and/or their families may be entitled to both medical and financial benefits under the Federal Employees Compensation Act (F.E.C.A.), if a Federal Statute was violated and the injury occurred while apprehending or attempting to apprehend an individual who violated such statute. Therefore, the investigating supervisor will make an entry on the ***LINE OF DUTY INJURY REPORT (PD429-154)****, in box captioned "Patrol Command Supervisors Report of Injury," indicating whether the injury comes under F.E.C.A. or whether F.E.C.A. does not apply in this case. If the injury comes under F.E.C.A., the member's commanding officer will forward the following items to Medical Division, (attn. Federal Compensation Liaison Officer), 1 Lefrak City Plaza, within ninety days of occurrence:*

a. Copy of ***LINE OF DUTY INJURY REPORT*** *and* ***WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)****, if prepared.*
b. Copy of ***Unusual Occurrence Report****, if prepared.*
c. Copy of perpetrator's arrest history (rap sheet), if an arrest is effected.
d. Copy of criminal court complaint, if arrest is effected.
e. Copy of firearms trace, if weapon involved.
f. Copy of a fully completed United States Department of Labor form BEC-721a entitled, "Notice of Law Enforcement Officer's Injury or Occupational Disease." (Form may be obtained from Federal Compensation Liaison Office).

In unusual circumstances, when a line of duty designation cannot be made expeditiously pending the results of an investigation or other circumstances, the ranking officer responsible for forwarding the ***LINE OF DUTY INJURY REPORT*** *to the Medical Division will have report prepared on* ***Typed Letterhead****, clearly indicating the reasons for the delay and the approximate time period required to complete the investigation. The* ***Typed Letterhead*** *will be forwarded to the Medical Division within sixty days from the date that the initial request for line of duty designation was made. Subsequent reports will be forwarded for each additional sixty day period, if necessary.*

To provide the Federal Bureau of Investigation (F.B.I.) statistical and descriptive information for use in law enforcement training, the Commanding Officer, Medical Division will provide the Chief of Department Investigation Review Section with copies of ***LINE OF DUTY INJURY REPORTS*** *for shot or stabbed officers.*

RELATED PROCEDURES

Aided Cases-General Procedure (P.G. 216-01)
Department Vehicle Collisions (P.G. 217-06)
Unusual Occurrence Reports (P.G. 212-09)
Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)
Reporting Sick (P.G. 205-01)
Supervision of Members of the Service Receiving Physical Therapy for Line of Duty Injuries (P.G. 205-09)
Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)
Line of Duty Injury or Death - Outside City in Residence Counties (P.G. 205-02)
Trauma Counseling Program (P.G. 205-08)
Death of Member of the Service (P.G. 205-07)

FORMS AND REPORTS

AIDED REPORT (PD304-152)
LINE OF DUTY INJURY REPORT (PD429-154)
Police Accident Report (MV104AN)
SICK LOG (PD429-143)
UNUSUAL OCCURRENCE REPORT(PD370-152)
WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-06	
LINE OF DUTY INJURY OR DEATH OUTSIDE CITY IN RESIDENCE COUNTIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To report a line of duty injury or death incurred by a uniformed member of the service outside the city within residence counties.

DEFINITIONS RESIDENCE COUNTIES - The six counties outside New York City wherein uniformed members of the service are permitted to live, i.e., Nassau, Suffolk, Westchester, Rockland, Orange and Putnam.

INJURED IN LINE OF DUTY OUTSIDE NEW YORK CITY - Injured while performing duty that uniformed member was specifically assigned to perform, outside the city, by competent authority within the Department or while taking police action as authorized by Section 140.10 of the Criminal Procedure Law.

PROCEDURE When injured in the line of duty in one of the residence counties whether reporting sick or not:

UNIFORMED MEMBER OF THE SERVICE

1. Notify local police authorities if appropriate.
2. Telephone Medical Division, Sick Desk, giving:
   a. Circumstances
   b. Names and addresses of witnesses.

NOTE *If unable to call Medical Division, Sick Desk, request responsible person to make notification.*

3. Comply with instructions received from Sick Desk personnel.
4. Notify Operations Unit immediately if arrest involved.

INVESTIGATING SUPERVISOR

5. Respond to location and conduct investigation as specified in *P.G. 205-05, "Line Of Duty Injury Or Death Occurring Within City."*
   a. A Department vehicle may be used for this purpose without prior permission being obtained.

DESK OFFICER

6. Make entries in Department records and insure that required forms have been prepared.

ADDITIONAL DATA *Uniformed members of the service and/or their families may be entitled to both medical and financial benefits under the Federal Employees Compensation Act (F.E.C.A.), if a Federal Statute was violated and the injury occurred while apprehending or attempting to apprehend an individual who violated such statute. Therefore, the investigating supervisor will make an entry on the* ***LINE OF DUTY INJURY REPORT (PD429-154)*** *in box captioned "Patrol Command Supervisor's Report of Injury," indicating whether the injury comes under F.E.C.A. or whether F.E.C.A. does not apply in this case. If the injury comes under F.E.C.A., the member's commanding officer will forward the following items to Medical Division, (Attn. Federal Compensation Liaison Officer), 1 Lefrak City Plaza, within ninety days of occurrence:*

ADDITIONAL DATA (continued)

*a. Copy of **LINE OF DUTY INJURY REPORT** and **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)**, if prepared.*

*b. Copy of **Unusual Occurrence Report**, if prepared.*

c. Copy of perpetrator's arrest history (rap sheet), if an arrest is effected.

d. Copy of criminal court complaint, if arrest is effected.

e. Copy of firearms trace, if weapon involved.

f. Copy of a fully completed United States Department of Labor form BEC-721a entitled, "Notice of Law Enforcement Officer's Injury or Occupational Disease." (Form may be obtained from Federal Compensation Liaison Office).

RELATED PROCEDURE

Line Of Duty Injury Or Death Occurring Within City (P.G. 205-05)

FORMS AND REPORTS

LINE OF DUTY INJURY REPORT (PD429-154)
UNUSUAL OCCURRENCE REPORT (PD370-152)
WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
Unusual Occurrence Report

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-07	
DEATH OF MEMBER OF THE SERVICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record the death of a member of the service, uniformed and civilian.

PROCEDURE Upon learning of the death of an active member of the command or a retired member of the service, uniformed or civilian residing within the command:

DESK OFFICER

1. Cause the following information to be obtained.
   a. Rank, full name, shield number, command
   b. Time and date of death
   c. Place of death (residence, hospital, elsewhere)
   d. Residence address
   e. Funeral (time, date, location)
   f. Time, date and location of service
   g. Cemetery (name and location)
   h. Whether deceased was a member of a religious, fraternal or patriotic organization of this Department
   i. Whether chaplain is desired (state denomination)
   j. If uniformed member of the service, whether pallbearers or escort is desired
   k. Next of kin (full name, address, telephone number and relationship)
   l. Funeral director (name, address and telephone number)
   m. Whether deceased was a medal recipient (Honorable Mention and medal)
   n. If an active member - was death caused as result of performing police duty, or otherwise
   o. If a retired member - date of retirement.
2. Telephone information to Communications Section.
   a. If an active member of the service, uniformed or civilian, immediately notify the Internal Affairs Bureau, Command Center at (212) 741-8401.
3. Notify unit commander.
4. Post information on bulletin board for benefit of members of command if active member.

COMMANDING OFFICER CONCERNED

5. Cause member's weapons and Department property to be obtained if active member.
6. Deliver non-department property from member's locker to authorized recipient where applicable.

RELATED PROCEDURES *Line of Duty Injury or Death Occurring Within City (P.G. 205-05)*
Line of Duty Injury or Death Outside City in Residence Counties (P.G. 205-06)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-08	
TRAUMA COUNSELING PROGRAM			
DATE ISSUED: 10/07/19	DATE EFFECTIVE: 10/08/19	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide Trauma Counseling Services for members of the service (uniformed and civilian) involved in shooting incidents, disasters, or other violent occurrences resulting in death or injury.

SCOPE A member of the service (uniformed or civilian) will be referred to the Trauma Counseling Program when involved in a shooting incident, disaster, or other violent occurrences resulting in death or injury. These include, but are not limited to, the following:

a. Member is shot or otherwise seriously injured.
b. Member discharges a weapon causing injury or death to another.
c. Member causes, accidentally or otherwise, serious physical injury or death to another.
d. Member is directly involved in an incident where his/her partner was killed or seriously injured, etc.
e. Member is directly involved in incidents or serious disasters where multiple serious injuries and deaths have occurred.

The Trauma Counseling Team will respond to all incidents involving:

a. Member of the service is shot, killed, or seriously injured in the performance of duty.
b. Any incident pursuant to a request from a captain or above.

PROCEDURE When a member of the service (uniformed or civilian) is involved in a shooting incident, disaster or other violent occurrence resulting in death or injury:

DESK OFFICER

1. Notify Operations Unit and provide details of incident.

OPERATIONS UNIT SUPERVISOR

2. Notify Sick Desk supervisor, provide detailed information and request response of Trauma Counseling Team.

SICK DESK SUPERVISOR

3. Ascertain from Operations Unit and/or the ranking supervisor at the scene:
   a. Location the Trauma Team should respond to
   b. Name of supervisor who will be contact person at the scene.
4. Arrange for transportation of Trauma Team.

RANKING SUPERVISOR AT SCENE

5. Ensure members in need of trauma counseling are available for interview, where possible, by responding Trauma Team upon their arrival.
6. Provide a suitable place for the trauma interview, where possible.

SUPERVISOR TRAUMA COUNSELING TEAM

7. Respond to location and report to designated contact person at the scene.

NOTE *Trauma Team members will wear authorized nylon windbreaker jackets with the NYPD logo on the front and the words "N.Y.C. POLICE" printed on the back (P.G. 204-04, "Optional Uniform Items").*

TRAUMA COUNSELING TEAM

8. Respond, if required, to stationhouse of precinct of occurrence or other location, to make contact and converse with member(s) of the service involved in the incident.
9. Visit the place of occurrence, if necessary.
10. Notify the member concerned that he/she will be contacted for a follow-up meeting forty-eight hours after the event or initial contact, as appropriate.
    a. Any additional counseling/interview sessions after the forty-eight hour meeting will be scheduled within one to six weeks after the incident.

NOTE *ALL CONVERSATION WITH THE TRAUMA COUNSELING TEAM BY MEMBERS OF THE SERVICE (UNIFORMED AND CIVILIAN) WILL BE STRICTLY CONFIDENTIAL.*

MEMBER OF THE SERVICE

11. Cooperate with members of the Trauma Counseling Team and keep appointments for follow-up meetings as scheduled.
12. Report to Psychological Evaluation Section or other location as required, forty-eight hours after the incident, or initial contact with Trauma Counseling Team.
    a. Report for additional follow-up counseling/interview meetings scheduled with the Trauma Counseling Team.

COMMANDING OFFICER/ DUTY CAPTAIN

13. Cooperate with members of the Trauma Counseling Team and permit them access to the individual member(s) of the service involved in the shooting, disaster or other violent event.
14. Verify that a member(s) of the service involved in the shooting, disaster or violent incident has been referred and contacted in person by a member of the Trauma Counseling Team.
15. Have **UNUSUAL OCCURRENCE REPORT (PD370-152)** prepared and list members of the service involved in the incident who were contacted by the Trauma Counseling Team.
16. Forward copies of the report, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, if prepared, and other reports prepared to the Commanding Officer, Medical Division, 59-17 Junction Boulevard, 16th Floor, Corona, New York 11368.

ADDITIONAL DATA *The Trauma Counseling Team is staffed by the Chief Surgeon, Director, Psychological Evaluation Section and licensed certified professionals of the Medical Division. Trauma Team members will not interfere with on-going investigations. In addition, team members will not be assigned any duties outside their functions as Trauma Counselors when responding to the occurrence site.*

ADDITIONAL DATA (continued)

This procedure does not prevent in any way the voluntary use of or referral to any of the Employee Assistance Programs or units in the Department for any reason at any time. The services of the Trauma Counseling Team are also available to members who are involved in personal or family tragedies, e.g., violent criminal incidents involving themselves or their families, death in family, etc.

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)
Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
Supervision of Members of the Service Receiving Physical Therapy For Line of Duty Injuries (P.G. 205-09)
Line of Duty Injury or Death Outside City in Residence Counties (P.G. 205-06)
Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)

FORMS AND REPORTS

THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
UNUSUAL OCCURRENCE REPORT (PD370-152)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-09	
SUPERVISION OF MEMBERS OF THE SERVICE RECEIVING PHYSICAL THERAPY FOR LINE OF DUTY INJURIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide physical therapy treatments for members of the service injured in the line of duty.

PROCEDURE When a district surgeon determines that a member of the service injured in the line of duty requires physical therapy:

DISTRICT SURGEON

1. Prepare **REQUEST FOR MEDICAL SERVICE AUTHORIZATION (PD429-164)**.
2. Direct member concerned to report to the clinic supervisor to obtain forms necessary to obtain treatment.

CLINIC SUPERVISOR

3. Provide the member with the following forms:
   a. **CERTIFICATION OF LINE OF DUTY INJURY /AUTHORIZATION FOR TREATMENT (PD429-052)** with attached **Authorization for Release of Health Information Pursuant to HIPAA (OCA Official Form No. 960)**.
   b. **THERAPY VERIFICATION (PD429-067)**.
   c. **NOTIFICATION OF LINE OF DUTY THERAPY AUTHORIZATION (PD429-053)**.

MEMBER CONCERNED

4. Initial item 9b of **Authorization for Release of Health Information Pursuant to HIPAA** and sign form.
5. Present photocopies of **CERTIFICATION OF LINE OF DUTY INJURY/AUTHORIZATION FOR TREATMENT** and **Authorization for Release of Health Information Pursuant to HIPAA** to the integrity control officer along with **THERAPY VERIFICATION** and **NOTIFICATION OF LINE OF DUTY THERAPY AUTHORIZATION**.

INTEGRITY CONTROL OFFICER

6. Review forms and return **THERAPY VERIFICATION** to member.
7. Retain **NOTIFICATION OF LINE OF DUTY THERAPY AUTHORIZATION** and the photocopies of **CERTIFICATION OF LINE OF DUTY INJURY/AUTHORIZATION FOR TREATMENT** and **Authorization for Release of Health Information Pursuant to HIPAA** for the duration of the member's physical therapy treatment.

MEMBER CONCERNED

8. Present to therapist, prior to treatment, the **CERTIFICATION OF LINE OF DUTY INJURY/AUTHORIZATION FOR TREATMENT** with attached **Authorization for Release of Health Information Pursuant to HIPAA.**
9. Obtain schedule of treatments from therapy provider and forward to roll call personnel.

NOTE *Report any changes of therapy schedule to roll call personnel.*

MEMBER CONCERNED (continued)

10. Update **THERAPY VERIFICATION** form after each physical therapy session.

INTEGRITY CONTROL OFFICER

11. Make periodic inquiries to the therapy provider during the course of treatments to ensure member is properly attending therapy.

NOTE

Physical therapy authorized by a district surgeon is never granted for a non line of duty injury. The fact that a member is on restricted duty does not entitle the member to attend physical therapy on duty.

MEMBER CONCERNED

12. Return completed **THERAPY VERIFICATION** form to integrity control officer upon completion of final physical therapy treatment.

INTEGRITY CONTROL OFFICER

13. Verify member's attendance for treatment at time and date specified on completed **THERAPY VERIFICATION** form.
14. Return copy of completed **THERAPY VERIFICATION** form to the Medical Bills Department of the Medical Division.

ADDITIONAL DATA

When members attend physical therapy at the beginning of a tour, the member will report on duty upon arrival at therapy location and be given a reasonable amount of time to travel back to command upon completion.

When members attend therapy in the middle of a tour of duty, the member will be given a reasonable amount of time to travel to the therapy location, complete the therapy, and be given a reasonable amount of time to travel back to command.

When members attend therapy near the end of a tour of duty, the member will be given a reasonable amount of time to travel to the therapy location. Upon completion, the member will end the tour at the therapy location and will not be granted time to travel to his/her residence. If the therapy is completed prior to the scheduled end of tour, the member must request lost time by calling the command.

A member must submit a request for lost time if therapy commences after the start of tour and the member elects to travel from their residence to the therapy location direct. Alternatively, a member may request a tour adjustment and begin the tour upon arriving at therapy location, needs of the service permitting.

A change of tour should not be granted for the sole purpose of ensuring therapy occurs during department time, (i.e. an officer assigned to a midnight tour should not be granted a tour change to a day tour to attend an afternoon therapy session.)

District surgeons may authorize twelve physical therapy sessions to a member of the service, and may repeat the authorization two additional times for a total of thirty six sessions. A member who requires additional therapy beyond thirty six sessions must obtain authorization from a Department Orthopedist.

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)
Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
Line of Duty Injury or Death Outside City in Residence Counties (P.G. 205-06)

FORMS AND REPORTS

REQUEST FOR MEDICAL SERVICE AUTHORIZATION (PD 429-164)
CERTIFICATION OF LINE OF DUTY INJURY/AUTHORIZATION FOR TREATMENT (PD429-052)
THERAPY VERIFICATION (PD429-067)
NOTIFICATION OF LINE OF DUTY THERAPY AUTHORIZATION (PD429-053)
Authorization for Release of Health Information Pursuant to HIPAA (OCA Official Form No. 960)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-10

EXPOSURE OF MEMBERS OF THE SERVICE TO INFECTIOUS DISEASES OR HAZARDOUS MATERIALS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 4

PURPOSE To provide instructions and minimize risk to members of the service (uniformed and civilian) or auxiliary police officers who have contact with or handle an animal or person who may have an infectious disease, or who have contact with or handle hazardous materials.

DEFINITIONS INFECTIOUS DISEASE - as used in this procedure, includes diseases capable of being transmitted by contact with an infected animal's saliva or central nervous system tissue, or with an infected individual's blood or body fluids.

HAZARDOUS MATERIAL - as used in this procedure, includes any chemical, biological, or radiological substance which is a health hazard. Chemical health hazards include carcinogens, toxic agents, irritants, corrosives, or agents which damage the lungs, skin, eyes, or mucous membranes, etc. Chemical physical hazards include flammable or combustible liquids, compressed gas, or explosive or reactive substances, etc.

EXPOSURE TO AN INFECTIOUS DISEASE - as used in this procedure, includes those situations where a member of the service is exposed by airborne transmission or direct contact to an individual suspected of having a disease, or where a member comes in contact with the blood or body fluids of an individual suspected of having an infectious disease, or, where a member of the service is injured as the result of a human or animal bite, or hypodermic needle puncture, or other contaminated sharp instrument, or where a member of the service is exposed to an animal suspected of having an infectious disease, or where a member comes in contact with the saliva or central nervous system tissue of an animal suspected of having an infectious disease.

EXPOSURE TO A HAZARDOUS MATERIAL - as used in this procedure, includes those situations where a member of the service is exposed to a hazardous material whether through inhalation, ingestion, skin contact, or parenteral contact.

UNIVERSAL PRECAUTIONS - as used in this procedure, is an approach to infection control. According to this approach, all human blood and certain body fluids are to be treated as if they are known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), or other bloodborne pathogens; and in addition, all animal saliva and central nervous system tissue are to be treated as if they are known to be infectious for rabies. All efforts to avoid contact with these potentially infectious materials should be taken as well as utilizing whatever protective equipment is available.

DEFINITION (continued)

DESIGNATED OFFICER - an individual designated under 42 U.S.C. 300ff-86 by the Public Health Officer of the State involved (42 U.S.C. 300ff-76) to execute provisions of Section 411 of the Ryan White Comprehensive AIDS Resources Emergency Act regarding emergency response employees who request a determination whether they were exposed to an infectious disease.

NOTE

To avoid unnecessary exposure, control of the aided/collision victim, or prisoner will be assigned to an officer at the scene who has already had contact with a person suspected of having an infectious disease. The assigned officer will be responsible for completing the processing of the individual. If there are numerous individuals involved, the patrol supervisor at the scene will be responsible for the coordination of information and documenting the name, etc., of the members of the service involved. This Department is offering certain members of the service the opportunity to receive, free of charge, pre-exposure, a series of three inoculations of the vaccine against Hepatitis B; and free of charge, post-exposure inoculation. This Department is offering certain members of the service the opportunity to receive, free of charge, pre-exposure, a routine annual or biannual, Mantoux (PPD) skin test against tuberculosis (based on a determination of a significant occupational exposure); and, free of charge, post-exposure, a Mantoux (PPD) skin test against tuberculosis (based on a determination of a significant exposure).

PROCEDURE

Upon being exposed to an infectious disease, hazardous material, or suffering a human or animal bite, or hypodermic needle puncture wound:

MEMBER OF THE SERVICE

1. Comply with the guidelines listed in "ADDITIONAL DATA" statement of this procedure, when possible.
2. Notify desk officer, precinct of occurrence.

NOTE

When exposure involves an actual injury, the member of the service concerned will be transported to the hospital for treatment and P.G. 205-05, "Line Of Duty Injury Or Death Occurring Within The City", or 205-06, "Line Of Duty Injury Or Death Outside City In Residence Counties," will be complied with as appropriate. When exposure does not involve an actual injury and the exposure is related to tuberculosis, the member of the service concerned should consider this Department's offer of Mantoux (PPD) skin testing which is free of charge. When tested and the results are positive, notify Unit Safety Officer to initiate entry on State of New York - Department of Labor Log and Summary of Occupational Injuries and Illnesses (DOSH 900). Tuberculosis infection and tuberculosis disease are both recordable on DOSH 900 logs. A code (e.g., maiden name pseudonym) may be used to substitute for the description of injury or illness (column [F]).

DESK OFFICER

3. Notify Medical Division, Sick Desk and obtain exposure report number.
4. Make Command Log entry of information
   a. Include Exposure Report number in Log entry.
5. Notify designated Department surgeon of the facts involved.

DEPARTMENT SURGEON

6. Contact member of the service involved and advise of necessary treatment.

MEMBER OF THE SERVICE

7. Comply with directions of Department surgeon.

NOTE

By telephoning this Department's designated officer at the Medical Division, Hazmat Unit, emergency response employees, such as a law enforcement officer or auxiliary police officer, may submit a request for a determination whether they were exposed to a specific infectious disease when a victim of an emergency who was aided by the emergency response employee was transported to a medical facility. If it is determined that the emergency response employee may have been exposed to an infectious disease, a signed written request, along with the facts collected, must be sent by the designated officer to the medical facility to which the victim (or patient), i.e., aided or prisoner, was transported. After receiving a notification from the medical facility, to the extent practicable, the designated officer must immediately notify the member or members concerned. Whenever the designated officer discloses information related to Human Immunodeficiency Virus (HIV) to an emergency response employee, redisclosure by the emergency response employee is prohibited when not in conformance with state law.

8. Make digital **Activity Log** entry of facts involved.
   a. Include Exposure Report number.

ADDITIONAL DATA

EXPOSURE TO INFECTIOUS DISEASES GUIDELINES

a. Confer with Emergency Medical Service personnel, the individual's family, friends, neighbors, doctor, or appropriate agency as to the source individual's medical conditions, when circumstances permit.

b. Wear disposable gloves if contact with individual's blood or body fluids is a possibility; and if a member who is routinely engaged in the capture or seizure of suspected rabid animals, wear heavy duty disposable rubber gloves if contact with animal's saliva or central nervous system tissue is a possibility.

c. Wash hands with soap and water (disinfectant soap, if possible), after removing disposable gloves. Glove kits containing antiseptic wipes, gloves, and disposable bag should be used when hand-washing facilities are not available.

d. Immediately and thoroughly wash hands or other unprotected body parts if they come in contact with individual's blood or body fluids, or if bitten, scratched, abraded, by an animal, or if there is contact between the member and the animal's saliva or nervous system tissue. Use disinfectant soap, if possible.

e. Remove and machine wash (hot cycle), or have dry cleaned, as soon as possible, any part of uniform/civilian clothes that come in contact with an individual's blood or body fluids and promptly clean any equipment other than that made of fabric.

f. Use extraordinary care to avoid accidental puncture wounds from needles which may be contaminated with potentially infectious material.

g. Affix Biohazard Label to any property, evidence, or waste which may be contaminated.

ADDITIONAL DATA (continued)

ACCIDENTAL SPILLS OF BLOOD OR BODY FLUIDS.

A supply of household bleach will be maintained at all precinct/psa/district commands, emergency service units, borough court section facilities, and other appropriate sites. Accidental spills of blood or body fluids on floors, cells, RMP's or on other surfaces, other than clothing, or fabric may be cleaned by applying a FRESHLY MIXED solution of one part household bleach with ten parts water. It is imperative that the preceding mixture be carefully followed. Household bleach is not to be mixed with any solution other than water and it must be freshly mixed for each use.

Members of the service (uniformed and civilian) are reminded that this mixture of bleach and water will cause damage if used to clean uniforms. Uniform items soiled with blood or body fluids can be effectively cleaned by routine laundering or dry cleaning procedures. Bleach should not be used to cleanse hands. In addition, bleach mixed with any substance other than water may cause a toxic gas. Therefore, disposal of bleach or bleach dilutions should be performed only in a sink (not a urinal or toilet since they sometimes contain chemical deodorizers). When preparing a bleach dilution, the container used for the diluted solution must be cleaned with water and free of any other solution.

To prevent injury/infection when handling or forwarding hypodermic needles/syringes to the Property Clerk, members of the service will place such items in a hypodermic needle/syringe container by utilizing a one-handed "scoop" technique which uses the needle itself to pick up the hypodermic needle/syringe container. (By using one hand to hold the hypodermic syringe while moving the hypodermic needle toward the hypodermic needle/syringe container, the member of the service is moving the needle away from himself/herself. Members should not hold the container and move their hand toward the needle). The container will be capped, if possible. However, if the syringe extends beyond the container, it will be secured with tape. UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE, DISLODGE, OR BEND A NEEDLE FROM A HYPODERMIC SYRINGE.

RELATED PROCEDURES

Aided Cases - General (P.G. 216-01)
Animal Bites (P.G. 216-09)
Communicable Disease (P.G. 216-11)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Care and Disposition of Animals (P.G. 214-33)
Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
Use of Patrol Kits (P.G. 219-17)

Section: Personnel Matters		Procedure No: 205-11	
REQUEST FOR PRE-EXPOSURE VACCINATION AGAINST HEPATITIS B			
DATE ISSUED: 12/05/17	DATE EFFECTIVE: 12/05/17	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide members of the service (uniformed and civilian) who risk a potential significant exposure to Hepatitis B virus during the performance of duty with the opportunity to participate in this Department's Hepatitis B Pre-Exposure Vaccination Safety Program.

DEFINITION OCCUPATIONAL EXPOSURE is considered to be reasonably anticipated contact with a vulnerable point of entry of the member of the service, such as:

a. Eyes
b. Mouth
c. Other mucous membranes
d. Broken skin

AND a potentially infectious substance, such as:

(a) Blood
(b) Body fluids/secretions (i.e., semen, vaginal secretions, amniotic fluid, human tissue or organs).

PROCEDURE To obtain the series of three inoculations of the vaccine against Hepatitis B:

COMMANDING OFFICER, POLICE ACADEMY

1. Provide training sergeants from patrol and non-patrol commands with appropriate instructions, instructor guides and materials, prior to the command level training cycle or its equivalent.

COMMANDING OFFICER CONCERNED

2. Ensure that EVERY member receives blood borne disease "Right-to-Know" training and that members in the designated titles listed below be offered the opportunity to receive free of charge, a series of three inoculations of the vaccine against Hepatitis B. Have members of the service in designated titles, who have not already done so, prepare and return the **HEPATITIS B VACCINATION ACCEPTANCE/ DECLINATION (PD429-147)**:
   a. Uniformed members of the service
   b. Assistant Stock Handlers and related titles or assignments within the Property Clerk Division who may handle vouchered items such as blood contaminated evidence
   c. Associate Traffic Enforcement Agent
   d. Auto Mechanic Diesel
   e. Auto Mechanics and related titles
   f. Auxiliary Police Officers
   g. Cadets and related titles
   h. Chemist and Criminalists
   i. City Research Scientists
   j. Custodians and related titles
   k. Electrician and related titles

COMMANDING OFFICER CONCERNED (continued)

l. Evidence and Property Control Specialists
m. Fingerprint technicians and related titles
n. Industrial Hygienists
o. Maintenance Worker
p. Motor Vehicle Operators
q. Nurses
r. Photographers and Senior Photographers
s. Plumbers and related titles
t. Police Attendants
u. School Crossing Guards
v. School Safety Agents Level 1-3
w. Surgeons and Dentists
x. Traffic Enforcement Agents

NOTE *Other titles/assignments not listed will be considered on a case by case basis by the Occupational Safety and Health Section.*

TRAINING SERGEANT

3. Report, as directed, to the Police Academy for instruction and materials.

NOTE *Commanding officers of units that do not receive command level training are responsible for ensuring that an appropriate member of the command is designated training sergeant, as per A.G. 303-14, "Selection of Command Training Sergeant," and attends pre-cycle instruction. Contact the Advanced Training Unit within the Specialized Training Section for additional information.*

4. Prepare and deliver mandated training to all members assigned to the command.
5. Distribute **HEPATITIS B VACCINATION ACCEPTANCE/ DECLINATION** form to all members in designated titles, if not already distributed.

MEMBER OF THE SERVICE

6. Prepare **HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION** form indicating intention to accept or decline vaccination by signing the appropriate section after receiving "Right-to-Know" training in blood borne diseases.

NOTE *If a member has received Hepatitis B inoculations within the past seven years, he or she must so indicate on the bottom of the form.*

TRAINING SERGEANT

7. Collect **HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION** forms from each member of the service in designated titles.
8. Place a photocopy of each **HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION** form in the command's Occupational Safety and Health Administration (OSHA) file.

TRAINING SERGEANT (continued)

9. Forward summary, upon completion of training cycle, indicating number of members of the command, by title, who accept or decline vaccinations, to the borough safety officer or overhead command counterpart.
10. Forward completed ORIGINAL **HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION** forms to the Commanding Officer, Medical Division, Attention: Hepatitis B Pre-Exposure Vaccination Safety Program, via Department mail.

COMMANDING OFFICER

11. Prepare and forward a report to the Chief of Personnel (through channels), upon the completion of each relevant training cycle, verifying that every member of the command, in the designated titles, who have not already done so, has signed a **HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION** form.

BOROUGH SAFETY OFFICER/ BUREAU EQUIVALENT

12. Prepare a consolidated summary for the borough/bureau on the 10th of each month, until all training on Hepatitis B within the borough/bureau is completed, indicating the number of members who have been trained and have accepted or declined vaccinations.
13. Forward report of consolidated summary to the Commanding Officer, Medical Division.

SUPERVISING CHIEF SURGEON

14. Establish and maintain inoculation protocol.

COMMANDING OFFICER, MEDICAL DIVISION

15. Administer inoculation program under the direction of the Supervising Chief Surgeon.

ADDITIONAL DATA

Members of the service should note that participation in the inoculation program is entirely voluntary and will be free of charge to participants. It should also be noted that members must receive the entire three-inoculation series in order to ensure effective protection against Hepatitis B.

Vaccination will be provided to members of the service at no charge, and during regularly scheduled tours of duty. Under no circumstances will overtime be granted to facilitate vaccination.

RELATED PROCEDURE

Exposure of Members of the Service to Infectious Diseases (P.G. 205-10)

FORMS AND REPORTS

HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION (PD429-147)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-12

DONATING OR REQUESTING BLOOD FROM THE DEPARTMENT'S BLOOD PROGRAM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1

PURPOSE To donate blood to the Department's blood program or to supply blood to members of the service (uniformed or civilian) active or retired and their families from the Department's blood program.

PROCEDURE When a member of the service (uniformed or civilian) wishes to donate blood to the Department's blood program or when there is a need for blood:

MEMBER OF THE SERVICE

1. Telephone donation center and identify self as an active or retired member of the service.
   a. Provide Department identification number - **5239**.
2. Make appointment to donate blood as follows:
   a. Uniformed members of the service - during off-duty time
   b. Civilian members - during scheduled working hours.
3. Observe the following precaution prior to giving blood:
   a. Eating is encouraged, but avoid fatty foods such as butter, cream, oils, etc.

COMMANDING OFFICER

4. Excuse civilian members for up to three hours of scheduled tour. (Compensatory time is NOT granted for donations made during non-working hours).

CIVILIAN MEMBER OF THE SERVICE

5. Deliver receipt from donation center to desk officer or counterpart on return to duty.

NOTE *A member of the service (uniformed or civilian) will <u>not</u> volunteer to donate blood when any of the following conditions exist:*

a. Prior donation within eight weeks
b. Donated five pints within previous year
c. Under seventeen or over seventy-five years of age
d. Had malaria, jaundice or tuberculosis within the prior two years
e. Had hepatitis
f. Had tooth extraction within the prior three days
g. Body weight is less than one hundred and ten pounds
h. Other disqualifying medical condition.

ADDITIONAL DATA *When a member of the service is seriously injured and requires blood, the Operations Unit will be notified.*

RELATED PROCEDURES *Requesting Blood When Outside Of New York State (P.G. 205-13)*

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-13	
REQUESTING BLOOD WHEN OUTSIDE NEW YORK STATE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist members of the service (active or retired) and their families when there is a problem obtaining blood outside of New York State.

PROCEDURE To request blood or assistance:

MEMBER OF THE SERVICE

1. Telephone the Medical Division during business hours and Sick Desk supervisor during non-business hours.
2. Provide the following information:
   a. Patient's name
   b. Identification number (social security, blue cross, etc.)
   c. Residence
   d. Name and address of hospital
   e. Date of admission
   f. Amount requested (pints)
   g. Patient's relationship to member of the service
   h. If patient is Medicare eligible or not.

MEMBER CONCERNED, MEDICAL DIVISION

3. Verify member's eligibility and notify Greater New York Blood Center.

RELATED PROCEDURE *Donating Or Requesting Blood To/Requesting Blood From The Department's Blood Program (P.G. 205-12)*

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-14

UNIFORMED MEMBERS OF THE SERVICE - TRANSFER PROCEDURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/20	06/01/20		1 of 4

PURPOSE To enable a uniformed member of the service to request a transfer from an operational command (i.e., precinct [PCT], transit district [TD], police service area [PSA]) to another operational command, or a Career Path transfer to a specialized unit or non-operational command (e.g., Chief of Special Operations, Highway District, Technical Assistance and Response Unit [TARU], administrative and support units, etc.).

PROCEDURE When a uniformed member of the service requests a transfer from an operational command (i.e., precinct, transit district, police service area) to another operational command, or a Career Path transfer to a specialized unit, or non-operational command:

TRANSFER FROM AN OPERATIONAL COMMAND TO ANOTHER OPERATIONAL COMMAND:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **Application for Transfer** via P.O.S.T.
   a. Select up to three choices of patrol services, housing or transit bureau commands.
   b. Select "Mutual Transfer," if applicable, and complete related captions.
   c. Only one **Application for Transfer** can be submitted in a 12 month period.
2. Ensure application is fully and accurately completed as per instructions on form.
   a. Applicant will receive a message verifying that the application was successfully submitted.
   b. Once application has been submitted, member may only change their choice of transfer commands by submitting a request on **Typed Letterhead** to the Commanding Officer, Personnel Orders Division.
3. Inform commanding officer of the submitted **Application for Transfer** and request a **COMMANDING OFFICER'S RECOMMENDATION (PD406-180)** be prepared electronically via P.O.S.T.

PERSONNEL ORDERS DIVISION

4. Acknowledge **Application for Transfer** was received by contacting uniformed member of the service via Department email.
5. Provide the applicant's commanding officer with the **Application for Transfer** and request an electronic **COMMANDING OFFICER'S RECOMMENDATION** be completed via P.O.S.T. within seven days.

COMMANDING OFFICER

6. Prepare electronic **COMMANDING OFFICER'S RECOMMENDATION**.
   a. Check "Highly Recommend," "Recommend," or "Do Not Recommend."
      (1) If "Do Not Recommend" is checked, state specific reasons why (e.g., member lacks experience, does not meet above criteria, disciplinary matters, poor performance, etc.).

COMMANDING OFFICER (continued)

(2) Staffing levels cannot be used to justify a "Do Not Recommend" and will result in the **COMMANDING OFFICER'S RECOMMENDATION** being returned.

7. Submit **COMMANDING OFFICER'S RECOMMENDATION** electronically via P.O.S.T. within seven days of request.
   a. In the event P.O.S.T. is inoperable, contact the Personnel Orders Division and be guided by their instructions.
   b. In all cases provide a copy of **COMMANDING OFFICER'S RECOMMENDATION** to member concerned within seven days.

PERSONNEL ORDERS DIVISION

8. Retain copy of **Application for Transfer** for one year, unless withdrawn by member concerned."

TRANSFER REQUEST TO A SPECIALIZED UNIT OR NON-OPERATIONAL COMMAND:

UNIFORMED MEMBER OF THE SERVICE

9. Prepare **Application for Transfer** via P.O.S.T. in response to Department Bulletin.
   a. Up to three **Application for Transfers** to non-operational commands may be submitted in a 12 month period.
10. Ensure application is fully and accurately completed as per instructions on form.
   a. Applicant will receive a message verifying that the application was successfully submitted.
   b. Once application has been submitted it cannot be changed.
   c. Application submitted in error (e.g., wrong unit, etc.) must be voided and a new application submitted.
   d. To void application once it has been submitted:
      (1) Prepare report on **Typed Letterhead** requesting the **Application for Transfer** be voided and forward the report to the Commanding Officer, Personnel Orders Division.
      (2) Prepare a new **Application for Transfer** via P.O.S.T.

PERSONNEL ORDERS DIVISION

11. Acknowledge **Application for Transfer** was received by contacting uniformed member of the service via Department email.
12. Forward **Application for Transfer** to specialized unit or non-operational command.

UNIFORMED MEMBER OF THE SERVICE

13. Request **COMMANDING OFFICER'S RECOMMENDATION** upon notification of selection for interview.

COMMANDING OFFICER

14. Prepare **COMMANDING OFFICER'S RECOMMENDATION**.
   a. Check "Highly Recommend," "Recommend," or "Do Not Recommend."

COMMANDING OFFICER (continued)

(1) If "Do Not Recommend" is checked, state specific reasons why (e.g., member lacks experience, does not meet above criteria, disciplinary matters, poor performance, etc.). If the only reason is based on staffing levels, the **COMMANDING OFFICER'S RECOMMENDATION** will not be accepted.

b. Provide copy of **COMMANDING OFFICER'S RECOMMENDATION** within seven days to member concerned upon notification of interview.

UNIFORMED MEMBER OF THE SERVICE

15. Bring copy of **COMMANDING OFFICER'S RECOMMENDATION** when notified for unit interview.

TO WITHDRAW TRANSFER APPLICATION:

UNIFORMED MEMBER OF THE SERVICE

16. Prepare a report on **Typed Letterhead**, requesting that **Application for Transfer** be withdrawn, to Commanding Officer, Personnel Orders Division.
17. Inform commanding officer, current command that **Application for Transfer** is being withdrawn.

PERSONNEL ORDERS DIVISION

18. Review and update **Application for Transfer** status in P.O.S.T.
19. Forward a copy of report on **Typed Letterhead** to commanding officer, member concerned and Commanding Officer, Personnel Orders Division.
    a. File original report on **Typed Letterhead** at command.

ADDITIONAL DATA

Uniformed members of the service who are in the Level II or Level III Monitoring Program or on dismissal or extended probation will not be transferred without conferral of the Commanding Officer, Performance Analysis Section.

Immediately upon the transfer of a member of the service in a monitoring program, the member's new commanding officer must confer with the Commanding Officer, Performance Analysis Section.

Police officers must have a minimum of four years of service in the rank of police officer prior to entering the detective investigative track. Exceptions may be made based on the needs of the Department and with the approval of the Police Commissioner.

*The Career Path does not limit or change the Department's right or managerial prerogative to assign personnel. All members should be aware that completing an **Application for Transfer** does not guarantee transfer or assignment.*

Any questions regarding P.O.S.T. may be directed to the Personnel Orders Division.

RELATED PROCEDURES *Departmental Recognition – Uniformed Members of the Service (P.G. 205-39)*
Integrity Review Board Recommendation Procedure (P.G. 205-16)
Career Path for Sergeants and Lieutenants Seeking Assignment to the Internal Affairs Bureau, Detective Bureau, Counterterrorism Bureau, or Intelligence Bureau (A.G. 320-42)

FORMS AND REPORTS ***COMMANDING OFFICER'S RECOMMENDATION (PD406-180)***
Application for Transfer
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-16

INTEGRITY REVIEW BOARD RECOMMENDATION PROCEDURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 3

PURPOSE To set forth the guidelines to be followed when a uniformed member of the service is recommended for recognition, by the member's commanding officer, for effecting an arrest for a bribery-related offense or an action which demonstrated the uniformed member's commitment to the Department's integrity policy.

DEFINITION CONTROLLED PAD - For the purpose of this procedure is a purported payment to uniformed members of the service to protect existing or contemplated illegal activities which will constitute more than one time bribery payments.

PROCEDURE Whenever a uniformed member of the service is recommended for recognition, by the member's commanding officer, to the Integrity Review Board:

COMMANDING OFFICER, MEMBER CONCERNED

1. Ensure that copy of report in bribery arrests, as required by *P.G 208-34, "Bribery Arrest by Uniformed Member of the Service"* is forwarded to Office of the Chief of Department.
2. Comply with "ADDITIONAL DATA" statement, page 3, regarding submission of report for an act reflecting high integrity.

UPON NOTIFICATION FROM OFFICE OF THE CHIEF OF DEPARTMENT:

3. Have uniformed member concerned notified to report to Office of the Chief of Department for a personal interview during the uniformed member's normal tour of duty.

UNIFORMED MEMBER OF THE SERVICE

4. Report to Office of the Chief of Department, as follows:
   a. In uniform of the day, if assigned to patrol duties
   b. In proper business attire, if assigned to non-patrol duties.
5. Bring copies of the following documents concerning the arrest and/or incident of high integrity, if prepared:
   a. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. Last two **PERFORMANCE EVALUATIONS** (as appropriate to rank)
   c. **ARREST INVESTIGATION REPORT (PD244-1511)**
   d. **Criminal Court Affidavit**
   e. **UNUSUAL OCCURRENCE REPORT (PD 370-152)**
   f. **PROPERTY CLERK INVOICE (PD 521-141)**
   g. **ARREST REPORT SUPPLEMENT (PD244-157)**, if applicable
   h. Newspaper articles concerning incident
   i. Any other Department forms/reports relating to the incident.

NOTE *During this interview process, the aspirations of the uniformed member concerned will be discussed in detail and the uniformed member will be advised of the options available, depending upon the current needs of the Department and the uniformed member's suitability/aptitude for such assignment.*

OFFICE OF THE CHIEF OF DEPARTMENT

6. Convene the Integrity Review Board, upon completion of administrative documentation for the presentation of a cadre of cases.

NOTE *The Integrity Review Board meets regularly, usually on a quarterly basis, to review and evaluate cases involving incidents of bribery arrests/acts of high integrity.*

INTEGRITY REVIEW BOARD

7. Review cases submitted by Office of the Chief of Department.
8. Forward recommendations to Police Commissioner for final determination.

OFFICE OF THE CHIEF OF DEPARTMENT

9. Notify member concerned of the type of recognition received.

ADDITIONAL DATA *To receive recognition from the Integrity Review Board for involvement in bribery related offense, the uniformed member concerned must be the individual who was offered/accepted the bribe and either effected the arrest for the crime of bribery or charged the defendant with the additional crime of bribery. In situations when the arresting officer is not the uniformed member offered the bribe, an* ***ARREST REPORT SUPPLEMENT*** *must be prepared delineating the circumstances surrounding the additional charge of bribery.*

All uniformed members of the service directly involved in a "controlled pad" incident, i.e., receives payoffs, acts as an intermediary, etc., are eligible to receive recognition from the Integrity Review Board

The types of recognition uniformed members of the service are eligible to receive are as follows:

a. Police Commissioner's letter of commendation
b. Award of one to five Career Program points
c. Waiver of all or part of the Career Path requirements for consideration for assignment to a specific command/bureau
d. Patrol precinct to patrol precinct transfers
e. Interviews for preferential assignments, i.e., Highway Districts, Emergency Service Unit, etc.
f. Interviews for investigative assignments, i.e., Detective Bureau, etc.

NOTE *The Integrity Review Board may recommend that uniformed members of the service be granted interviews for a potential assignment to one of the Department's investigative track units for having effected arrests for bribery or other acts of high integrity. The actual impact or perceived impact of the "Eighteen Month Detective Designation Law" should NOT effect the decision to grant an interview to a well deserving uniformed member. The integrity of the Department is of the utmost concern and efforts to properly reward uniformed members for their exemplary conduct should NOT be diminished.*

g. Award of additional investigative time towards eligibility for promotion to detective designation.

ADDITIONAL DATA (continued)

h. Preferential consideration for assignment to a unit within the member's current bureau of assignment.

i. Any other type of award deemed appropriate by the Integrity Review Board.

The type of recognition granted by the Integrity Review Board varies depending upon the uniformed member's career aspirations, qualifications, overall performance level, and character. Uniformed members will <u>not</u> usually be considered for:

a. A patrol precinct to patrol precinct transfer with less than two years of service, or

b. An interview for an investigative assignment with less than three years of service.

When a uniformed member is awarded Career Program points <u>only</u>, the number of points awarded will be published in a Personnel Order.

Scheduling of preferential interviews for possible assignments to specific commands/bureaus will be the responsibility of the Personnel Officers concerned.

Arresting/assisting officers in arrests for bribery related offenses, or for other acts of high integrity, may apply for Department recognition, in the grade of Meritorious Police Duty, as outlined in P.G. 205-39, "Departmental Recognition – Uniformed Members of the Service."

A supervisor performing normal supervisory duties regarding bribery/attempted bribery incidents is <u>not</u> eligible for recognition by the Integrity Review Board.

RELATED PROCEDURES

On-Line Booking System Computerized Arrest Notification Printout (P.G. 208-68)
Bribery Arrest By Uniformed Member Of The Service (P.G. 208-34)
Boards And Committees (O.G. 101-19)
Departmental Recognition – Uniformed Members of the Service (P.G. 205-39)

FORMS AND REPORTS

ARREST INVESTIGATION REPORT (PD244-1511)
ARREST REPORT SUPPLEMENT (PD244-157)
CRIMINAL COURT AFFIDAVIT
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PERFORMANCE EVALUATION (as appropriate to rank)
PROPERTY CLERK INVOICE (PD521-141)
UNUSUAL OCCURRENCE REPORT (PD370-152)

PATROL GUIDE

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

PURPOSE To compensate uniformed members of the service for work performed in excess of hours stipulated in the member's regular work schedule.

DEFINITION OVERTIME:

a. NON-ORDERED - Extension of scheduled tour of duty by 15 minutes or more to prevent interruption of services being performed, e.g., processing an arrest, aided case, court appearance, etc. Non-ordered overtime is not authorized for administrative duties at any level.

b. ORDERED - Extra duty required for on-going or future operational situations, demonstrations, parades, etc., or overtime of an administrative nature for extra duty required of an on-going or future operational situation. (May only be authorized by Police Commissioner, First Deputy Commissioner or Chief of Department).

c. EMERGENCY ORDERED - Extra duty performed in an emergency when work schedules are suspended by Department order, due to large-scale disorders or disasters. (May only be authorized by Police Commissioner, First Deputy Commissioner or Chief of Department).

PROCEDURE When a uniformed member of the service below the rank of captain performs overtime duty:

UNIFORMED MEMBER OF THE SERVICE

1. Submit **OVERTIME REPORT (PD138-064)** to desk officer when dismissed.
   a. If performing duty at other than regularly assigned command, submit to desk officer of that command.
   b. If performing duty at scene of parade, demonstration, etc., submit to immediate supervisor.

NOTE *The Fair Labor Standards Act (F.L.S.A.) requires that overtime earned by members of the New York City Police Department be paid within a reasonable time after it is performed. Accordingly, completed **OVERTIME REPORTS** will normally be submitted to the permanent command of the member concerned at the end of their tour of duty. In those circumstances when the permanent command is closed, the requesting member will submit the **OVERTIME REPORT** on their next scheduled tour of duty. Members scheduled for authorized leave following a tour when overtime has been performed will submit their **OVERTIME REPORTS** on their next scheduled tour of duty.*

DESK OFFICER/ SUPERVISOR CONCERNED

2. Make Command Log or digital **Activity Log** entry at time of dismissal.
3. Certify time of dismissal on **OVERTIME REPORT**.
   a. Commanders of large details, e.g., parades, demonstrations, etc., will collect certified **OVERTIME REPORT** forms from subordinate supervisors and have reports forwarded to permanent commands of member concerned. **OVERTIME REPORTS** will not be returned to requesting member at scene.
4. Forward **OVERTIME REPORT** to commanding officer, member's permanent command.

ADDITIONAL DATA

The maximum amount of compensatory time a uniformed member of the service may accumulate is five days. When the member concerned accrues compensatory time in excess of five days, the excess MUST be taken within thirty days, needs of the service permitting. In any event, compensatory time MUST be taken within one year of the date earned.

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 (PD138-064)** 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**.*

*Payroll clerks shall process **OVERTIME REPORTS** with **COURT ATTENDANCE RECORDS/Investigative Reports** attached and file as directed by A.G. 320-12., "Overtime Report", 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.

*Any disciplinary action taken for failure to submit **OVERTIME REPORTS (PD 138-064)** in a timely manner should not impact upon the payment of the overtime to the member of the service who failed to submit the request promptly. Pursuant to the Fair Labor Standards Act, the member must be compensated for the time worked. The penalty for not complying with Department regulations must be a separate disciplinary matter.*

RELATED PROCEDURES

Violations Subject to Command Discipline (P.G. 206-03)
First and Third Platoon Arrests (P.G. 208-25)
Overtime (A.G. 320-11)
Overtime Reports (A.G. 320-12)

FORMS AND REPORTS

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

PATROL GUIDE

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ABSENT WITHOUT LEAVE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To investigate unauthorized absences of uniformed members of the service.

PROCEDURE When a uniformed member of the service is absent without leave for two hours at the beginning of a scheduled tour of duty:

DESK OFFICER

1. Make telephone inquiries, including but not limited to:
   a. Command roll call
   b. Sick Desk supervisor
   c. Court sign-in rooms
   d. Member's residence.
2. Check Department records maintained in the command, including but not limited to:
   a. Telephone Record
   b. **ROLL CALL (PD406-144)** change sheets.
3. Make inquiries of command personnel as deemed necessary.
4. Request that the desk officer in member's resident precinct have a supervisor respond to the member's residence.

NOTE *If member resides outside of New York City, request the Inter-City Correspondence Unit, to make a notification to the local law enforcement authority concerned and request they respond to the member's residence.*

<u>IF MEMBER NOT CONTACTED FOUR HOURS AFTER COMMENCEMENT OF TOUR</u>:

DESK OFFICER

5. Notify:
   a. Commanding officer/duty captain
   b. Borough command/counterpart
   c. Operations Unit
      (1) Include actions taken to locate member
   d. Internal Affairs Bureau Command Center.
6. Make a Command Log entry including facts (inquiries, etc.) and notifications made.

COMMANDING OFFICER/ DUTY CAPTAIN

7. Conduct an immediate investigation.
8. Telephone results of investigation to the Operations Unit.
9. Enter results of investigation in Command Log.
10. Prepare two copies of a report on **Typed Letterhead** including:
    a. Full particulars of the investigation
    b. Results obtained
    c. Actions taken or contemplated.

NOTE *If the member's commanding officer is NOT performing duty, the duty captain will prepare three copies of the report.*

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

11. Forward ORIGINAL copy of report, without delay, to the Chief of Department, DIRECT, and DUPLICATE copy to the Chief of Department, through channels.

NOTE *Duty captains will have the ORIGINAL copy of the report forwarded as indicated above and the two DUPLICATES forwarded to the commanding officer of the member concerned. The member's commanding officer will endorse and forward one copy of the report to the Chief of Department, through channels, and file the remaining copy.*

WHEN MEMBER IS LOCATED:

COMMANDING OFFICER/ DUTY CAPTAIN

12. Interview member concerned.
    a. Ascertain reason for, and location during, absence.

NOTE *Members absent without leave for an entire tour will NOT be assigned to duty without the prior permission of the Chief of Department.*

13. Notify:
    a. Operations Unit
    b. Borough command/counterpart
    c. Sick Desk supervisor
    d. Internal Affairs Bureau Command Center.
14. Make a Command Log entry.
15. Prepare a supplementary report, on **Typed Letterhead**, to the Chief of Department including facts and any disciplinary action taken not previously reported.
16. Forward reports as indicated in step 11 or NOTE following step 11.

FORMS AND REPORTS ***ROLL CALL (PD406-144)***
Typed Letterhead

PATROL GUIDE

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VACATION LOST DUE TO SICK LEAVE			
DATE ISSUED: 04/20/20	DATE EFFECTIVE: 04/20/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To grant uniformed members of the service vacation days lost during the previous year due to illness or injury.

PROCEDURE When a uniformed member of the service loses vacation earned during the previous calendar year due to illness or injury:

NOTE *This procedure is applicable for vacation earned during the previous calendar year ONLY. Any additional carry over from prior year is not authorized, except for that earned by uniformed managers (assistant chiefs and above).*

UNIFORMED MEMBER OF THE SERVICE

1. Prepare two copies of request for vacation days lost, on **Typed Letterhead**, without delay, addressed to commanding officer, including:
   a. Number of vacation days lost
   b. Number of vacation days taken (indicate dates taken)
   c. Dates of scheduled vacation. If no vacation selection was made, so state and give reasons
   d. Period of sick report. (Include current year if sick report extended therein.) Indicate total number of calendar days in period.
   e. Number of calendar days NOT on sick report
   f. If non-line of duty sick report, indicate the name and location of the hospital, the dates hospitalized and the reason for confinement, if appropriate
   g. If sick report was due to a line of duty injury, include Medical Division control number and whether due to an old injury.
2. Submit request to commanding officer.

COMMANDING OFFICER

3. Inspect records to verify request.
4. Grant vacation days lost as follows:
   a. Non line-of-duty sick report - hospitalization not required - lost vacation days may not be taken after March 31st of succeeding year.
   b. Non line-of-duty sick report and member concerned was hospitalized - lost vacation days may not be taken after June 30th of succeeding year.
   c. Sick report due to line-of-duty injury - lost vacation days may not be taken after December 31st of succeeding year.

NOTE *All vacation days lost due to illness or injury MUST be taken prior to the expiration date as indicated in step 4, subdivisions a, b and c, above. Lost vacation days shall not be granted beyond the dates indicated. This does not apply to uniformed managers (assistant chiefs and above).*

5. Notify member and have entry/entries made in pertinent record(s).
6. File copy of request in member's personal folder.
7. Instruct member to take leave without delay.

ADDITIONAL DATA *Authorized vacation quota may be exceeded.*

RELATED PROCEDURES *Vacation Policy (P.G. 205-69)*
Reporting Sick (P.G. 205-01)

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

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LEAVE OF ABSENCE WITHOUT PAY
TWENTY-NINE (29) CALENDAR DAYS OR LESS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/06/19	05/06/19		1 of 3

PURPOSE To process requests for leaves of absence without pay for twenty nine consecutive days or less for all members of the service (uniformed and civilian).

SCOPE As used in this procedure, the approving officer will be determined by the number of days requested and the status of the member requesting leave as follows:

a. One through twenty-nine calendar days and the member is an entry-level probationary uniformed member of the service - Police Commissioner.
b. One through twenty-nine calendar days and the member is an entry level probationary civilian member or a non-permanent civilian member, i.e., provisional, temporary, etc., (except sick leaves without pay) - Chief of Personnel.
c. One day leave - commanding officer of member concerned.
d. Two through twenty-nine calendar days for all other members of the service not listed above - deputy commissioners, bureau chiefs, borough commanders.

PROCEDURE When a uniformed or civilian member of the service requires leave without pay for twenty-nine consecutive calendar days or less:

MEMBER OF THE SERVICE

1. Notify commanding officer/supervisory head of intent to request leave of absence without pay for twenty-nine consecutive calendar days or less.

COMMANDING OFFICER

2. Interview member concerned to determine necessity for leave.

MEMBER OF THE SERVICE

3. Submit three copies of **LEAVE OF ABSENCE REPORT (PD433-041)** to commanding officer/supervisory head.
   a. Uniformed and civilian members must complete the "Location During Absence" section on the **LEAVE OF ABSENCE REPORT** including each country, with the city/town or province where the member will be staying, date(s) of departure and date of return
   b. If member will remain at their residence, member will enter "residence" and include location and dates."

COMMANDING OFFICER

4. Make entry on reverse side of **LEAVE OF ABSENCE REPORT** under caption space "Reasons for any recommendations made."
5. Sign all copies of **LEAVE OF ABSENCE REPORT**.

NOTE *A leave of absence without pay will be granted ONLY after all other ACCRUED leave has been exhausted (except as indicated in A.G. 319-14, Civilian Member Reporting Sick", step 5, as relates to sick leave without pay for civilian members only).*

COMMANDING OFFICER (continued)

6. Forward two copies of approved **LEAVE OF ABSENCE REPORT** for all leaves in which the commanding officer is the approving officer direct to the Personnel Orders Division and file the third copy.
7. Forward all copies of **LEAVE OF ABSENCE REPORT** for all other requests to approving officer direct after endorsing and making recommendations.

APPROVING MEMBER

8. Examine request and recommendations of applicant's commanding officer.
9. Endorse and forward two copies of approved leave request direct to Personnel Orders Division.
10. Return third copy of approved leave request to applicant's command for notification to applicant and file.
11. Return all copies of **LEAVE OF ABSENCE REPORT** if request is disapproved.

COMMANDING OFFICER

12. Notify member of approved/disapproved leave.

C.O., PERSONNEL ORDERS DIVISION

13. Forward one copy of approved **LEAVE OF ABSENCE REPORT** to Payroll Section.

TIMEKEEPER

14. Enter each country, with the city/town or province, date(s) of departure and date of return into Leave of Absence Report – Location During Absence database, if member is traveling to a foreign country.
15. Notify operations coordinator, if member is traveling to a foreign country.

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

ADDITIONAL DATA *Whenever a civilian member is in a no pay status for a maximum of eight hours, ensure that the timekeeper enters the appropriate LWOP code on the **Electronic Timesheet**. If the member is in an LWOP status for a period greater than one day, timekeepers will:*

a. Immediately notify Payroll Section - Timekeeping Unit
*b. Select letters LWOP in the dropdown box menu for each day on the **Electronic Timesheet***
c. Have entry made in the command's Telephone Record concerning the notification.

*Whenever a uniformed member is in an LWOP status for any length of time, ensure that the timekeeper performs steps a, b, c above. DO NOT enter any time on the **Electronic Timesheet**.*

RELATED PROCEDURES

Child Care Leave of Absence (P.G. 205-28)
Combined Confinement and Child Care Leave (A.G. 319-24)
Leave of Absence Without Pay - Thirty (30) Calendar Days or More (P.G. 205-21)
Definite Military Leave (P.G. 205-22)

RELATED PROCEDURES (continued)	*Indefinite Military Leave (P.G. 205-23)* *Civilian Member - Miscellaneous Leave without Pay (A.G. 319-12)* *Civilian Member - Reporting Sick (A.G. 319-14)* *Civilian Member - Extended Sick Leave for Line of Duty Injury (A.G. 319-16)*
FORMS AND REPORTS	***LEAVE OF ABSENCE REPORT (PD433-041)*** ***Electronic Timesheet***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-21

LEAVE OF ABSENCE WITHOUT PAY THIRTY (30) CALENDAR DAYS OR MORE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/20	06/01/20		1 of 2

PURPOSE To process requests for leaves of absence without pay for thirty consecutive days or more (except child care, military and civilian sick leaves) for all members of the service (uniformed and civilian).

SCOPE As used in this procedure, the approving officer will be determined as follows:

a. Uniformed members - Police Commissioner (except as indicated in *P.G. 205-28, "Child Care Leave of Absence"*)
b. Civilian members - Chief of Personnel.

PROCEDURE When a uniformed or civilian member of the service requires leave without pay for thirty consecutive calendar days or more:

MEMBER OF THE SERVICE

1. Notify commanding officer/supervisory head of intent to request leave of absence without pay for thirty consecutive calendar days or more at least six weeks before anticipated date leave will commence.

COMMANDING OFFICER

2. Interview member concerned to determine necessity for leave.
3. Direct member concerned to contact the Military and Extended Leave Desk immediately for instructions.

MEMBER OF THE SERVICE

4. Submit all forms to commanding officer/supervisory head as directed by the Military and Extended Leave Desk.

COMMANDING OFFICER

5. Confer with borough commander, by telephone, outlining details of leave request.
6. Endorse member's leave request recommending approval/disapproval, as appropriate, to the Commanding Officer, Personnel Orders Division (Attention: Military and Extended Leave Desk) based on conferral with the borough commander.
7. Forward informational copy of leave request to borough commander.

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8. Endorse request through channels to approving officer making recommendation based on individual circumstances, Department policy, and any other factors considered for such recommendation.

COMMANDING OFFICER

9. Notify member concerned when approval/disapproval of leave has been received.
10. Ensure that member's firearms and all Department property (except Department Manual) are surrendered and indicate such on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)** when a leave of absence of thirty days or more has been approved.
11. Distribute **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, as follows:
    a. Original - to Military and Extended Leave Desk
    b. First copy - to member requesting leave of absence

COMMANDING OFFICER (continued)

c. Second copy - command file
d. Remaining copies - filed in member's Personal Folder.

NOTE *For civilian members, forward **IDENTIFICATION CARD (PD416-091)** to the Human Resources Division, by messenger, with a report on **Typed Letterhead**, indicating reason for surrender.*

INTEGRITY CONTROL OFFICER

12. Forward **NYPD Restricted Parking Permits (Misc. 23-N)** and **Headquarters Annex Parking Permits (Misc. 814HQ-Annex)**, by messenger, to the Chief of Department's Vehicle Identification Unit.
13. Forward shield, if applicable, and/or **IDENTIFICATION CARD (PD416-091)**, by messenger, to the Shield, ID and Uniform Services Unit, and obtain receipt.

C.O., PERSONNEL ORDERS DIVISION

14. Direct transfer of member to the Military and Extended Leave Desk after member's leave request has been approved.

ADDITIONAL DATA

A leave of absence without pay will be granted ONLY after the member concerned has exhausted all ACCRUED leave (except for military leave and sick leave without pay for civilians as indicated in A.G. 319-14, "Civilian Member-Reporting Sick"). A uniformed member's vacation is granted January 1st for that year but is not to be considered accrued until the member is in a full pay status for the required number of days in a particular month.

Member's firearms and all Department property (except Department Manual) will be surrendered on member's last tour of duty prior to commencement of a leave of absence.

While on leave of absence, a member will be required to appear for any hearings or trials in which the member is the arresting officer, witness, or respondent and the Military and Extended Leave Desk will be so notified of such appearance.

A leave of absence without pay may be terminated prior to its scheduled expiration date upon advance notification to the Military and Extended Leave Desk.

RELATED PROCEDURES

Leave of Absence Without Pay - Twenty-Nine (29) Calendar Days or Less (P.G. 205-20)
Definite Military Leave (P.G. 205-22)
Indefinite Military Leave (P.G. 205-23)
Child Care Leave of Absence (P.G. 205-28)
Civilian Member - Miscellaneous Leave with Pay (A.G. 319-12)
Civilian Member - Reporting Sick (A.G. 319-14)
Civilian Member - Extended Sick Leave for Line of Duty Injury (A.G. 319-16)
Combined Confinement and Child Care Leave (A.G. 319-24)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-22	
DEFINITE MILITARY LEAVE			
DATE ISSUED: 09/04/18	DATE EFFECTIVE: 09/04/18	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE To grant members of the service (uniformed and civilian) leaves of absence to perform military duty for a period or periods not exceeding a total of thirty military leave days (or its equivalent in hours for civilian members of the service), in any one calendar year or in any continuous period of absence.

DEFINITIONS

MILITARY LEAVE DAYS - The thirty days of paid leave per calendar year authorized by New York State Military Law to attend military drills or additional ordered military appearances.

MILITARY WORK DAY - Any day the member is required to obtain an approved military leave of absence from this Department to attend a military drill or additional ordered military appearances.

DRILL SCHEDULE - An advance schedule (i.e., quarterly, semi-annual or annual) from a member's military Reserve or National Guard unit indicating the dates the member will be performing military duty for the Federal fiscal year, which starts on October 1st and ends on September 30th.

UNSCHEDULED DRILL - An ordered military appearance/drill not in conformance with the drill schedule.

PROCEDURE When a member is ordered to report for a military drill as per the drill schedule or an additional ordered military appearance for thirty days or less:

MEMBER OF THE SERVICE

1. Provide respective timekeeper with a copy of Enlistment Contract/Oath of Office, current Drill Schedule, Official Military Orders, as well as member's current military unit, email address and telephone number of a contact person at the military unit.
2. Submit **LEAVE OF ABSENCE REPORT (PD433-041)** to timekeeper at least two weeks prior to commencement of military leave for a scheduled drill or additional ordered military appearance.
   a. When member of the service is unable to submit a **LEAVE OF ABSENCE REPORT** within two weeks (e.g., Department work scheduling conflicts, short notice of ordered military service, etc.), the **LEAVE OF ABSENCE REPORT** will be submitted at the first available opportunity.
   b. A **LEAVE OF ABSENCE REPORT** for any scheduled drill and/or appearance as per the drill schedule does not require any additional documentation to be attached.
   c. Immediately notify a supervisor at respective command and submit a **LEAVE OF ABSENCE REPORT** for any unscheduled drill, verbal order to report, or any additional military appearance not indicated on the drill schedule.

MEMBER OF THE SERVICE (continued)

(1) The **LEAVE OF ABSENCE REPORT** to attend an unscheduled drill or additional military appearance should be submitted with an Official Military Order signed by the military unit commander or other supervisor with "By Direction" signature authority from unit commander, including rank/name of military or civilian contact person. The Official Military Orders should have the military unit name, address, telephone number, and dates/hours member is ordered to attend drill or additional military appearances.

(2) Submit an Official Military Order to respective timekeeper as soon as possible when a verbal military order to report to a military appearance has been received and written documentation is not immediately available.

d. Ensure military leave captions on **LEAVE OF ABSENCE REPORT** are completed, listing actual hours of the military drill or additional military appearance (broad time frames such as 0001 to 2400 hours are not acceptable).

e. Ensure type of leave requested is entered on **LEAVE OF ABSENCE REPORT**.

(1) The member has the discretion to select a military leave day, vacation day, and/or other type of accrued time to request paid leave, OR

(2) The member may choose to request an unpaid leave by entering "Military Leave without pay" in the "Reasons" caption of the **LEAVE OF ABSENCE REPORT**.

f. Military leave days can only be used for military drills or additional military appearances. Military leave days are not authorized for any other purpose.

3. Notify roll call personnel and timekeeper <u>immediately</u> if drill is cancelled or the duration has changed.
   a. If duration is extended, comply with directions from timekeeper.
   b. If duration is shortened or cancelled, appear for duty as originally scheduled, as appropriate.
4. Submit a Certificate of Attendance to respective timekeeper within ten days after return from military duty when a military leave of absence is requested.
   a. The Certificate of Attendance should be signed by the military unit commander or other supervisor with "By Direction" signature authority from the unit commander, including rank/name of military or civilian contact person. The official certificate should have the military unit name, address, telephone number, and dates/hours member attended drill or military duty.
   b. Absent exigent circumstances, failure to submit a Certificate of Attendance within ten days will result in the forfeiture of the ability to use a military leave day for that leave of absence.

MEMBER OF THE SERVICE (continued)

(1) Notify the timekeeper within ten days of an alternate type of leave to use, or a request for leave without pay, if not notified the timekeeper will deduct the time from other available leave balances.

TIMEKEEPER

5. Maintain a **MILITARY ABSENCE RECORD (PD433-147)** for each member of the command who is an active drilling Reservist or Guardsman.
6. Ensure that a copy of member's current military Enlistment Contract/ Oath of Office, current Drill Schedule, and Official Military Orders are attached to the inside cover of **MILITARY ABSENCE RECORD**.
   a. Notify integrity control officer when member fails to provide current Drill Schedule or Official Military Order.
7. Ensure that an additional copy of member's current military contract is on file at the Military and Extended Leave Desk (MELD).
   a. Failure to have a member's current military contract on file will result in the member not accruing any military leave days for the calendar year.
8. Contact MELD for instructions if leave commences in the current calendar year and continues into the following year(s) (e.g., leave begins on December 20th and ends the following January 5th) and/or military leave exceeds thirty days (see *P.G. 205-23, "Indefinite Military Leave").*
9. Indicate all military leave day usage on member's **ABSENCE AND TARDINESS RECORD (PD433-145)**.
10. Make appropriate entries in the City Time System.
    a. It is the member's discretion whether to use a military leave day, military leave without pay, vacation or any other accrued time.
    b. The type of leave requested should be documented on the member's **LEAVE OF ABSENCE REPORT**.
    c. Notify integrity control officer when member fails to provide a Certificate of Attendance within ten days after return from military duty for any military appearance where a military leave of absence was requested.
    d. Adjust balances as directed by the integrity control officer.
11. File Official Military Order with Certificate of Attendance in member's **MILITARY ABSENCE RECORD**.
    a. Neither a **LEAVE OF ABSENCE REPORT** nor a Certificate of Attendance are required if a member's military leave of absence falls solely on their regular days off (RDOs). However, timekeepers must be aware of the scheduled drill dates.
12. Make appropriate entries on **MILITARY ABSENCE RECORD**, as per instructions on form.
13. File completed **MILITARY ABSENCE RECORD** in member's personnel folder at the end of the calendar year.

INTEGRITY CONTROL OFFICER

14. Conduct investigation if member fails to provide:
    a. Current military Enlistment Contract or Oath of Office
    b. Current Drill Schedule
    c. Certificate of Attendance, as required, for a drill where a military leave of absence was requested.

INTEGRITY CONTROL OFFICER (continued)

(1) If the completion of a military drill or additional military ordered appearance is in question, in addition to contacting the military unit to verify attendance, integrity control officers may request the member to produce their military Leave and Earnings Statement

(2) Absent exigent circumstances, failure to submit a Certificate of Attendance within ten days will result in the forfeiture of the ability to utilize a military leave day for the leave of absence

(3) If the member fails to provide documentation of attendance, an alternate type of leave to utilize, or a request for leave without pay, direct the timekeeper to deduct time from other available leave balances.

15. Determine if the member failed to attend military drill or an additional military appearance where a military leave of absence was requested, and report findings to the commanding officer.

COMMANDING OFFICER

16. Approve **LEAVE OF ABSENCE REPORT** for military drill or other military appearance.
    a. A leave of absence for military drill or other military appearance MUST be approved.
17. Initiate Charges and Specifications upon notification from the integrity control officer that an investigation has been substantiated because the military member failed to attend military drill or additional military appearances, and fraudulently submitted, or fraudulently maintained, a military leave of absence request.
18. Designate a supervisor to perform steps "19" and "20" below.

DESIGNATED SUPERVISOR

19. Conduct quarterly self-inspection on military records of command using the "Leave Requests Report" in the City Time system to ensure compliance with procedure.
20. Notify the integrity control officer when member fails to provide:
    a. Current military Enlistment Contract or Oath of Office
    b. Current drill schedule
    c. Certificate of Attendance, as required, for drill where a military leave of absence was requested.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Members of the Reserves or National Guard are required to furnish their timekeeper with two copies of any current Enlistment Contract/Oath of Office, separation certificate, discharge, or transfer orders within thirty days of such change. One copy will be sent to the Military and Extended Leave Desk and the other will be filed in the member's personnel folder. If a member fails to submit a current Enlistment Contract/Oath of Office, the integrity control officer will ascertain if such failure was due to their transfer to the inactive reserve or discharge from the Armed Forces. The integrity control officer will prepare and forward a narrative report DIRECT to the Commanding Officer, Personnel Orders Division (Attention: Military and Extended Leave Desk) and a copy to the commanding officer concerned, when the member does

ADDITIONAL DATA (continued)

not provide a current Enlistment Contract/Oath of Office. The Military and Extended Leave Desk will remove the member from the active reserve roster. In order for military members to be granted military leave days the member must be on the active reserve roster.

The member of the service may NOT be disciplined for failing to provide documentation regarding their military leave if said leave is for thirty days or less, or for failing to elect the type of leave to be used. However, if there is a legitimate question as to whether the member actually performed military service during the requested leave time, the Department may investigate and any substantiated allegation may subject the member to disciplinary action.

As per the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, a member leaving to perform military drill or other military appearance must be granted enough time after leaving employment with the Department to organize the member's personal affairs, safely travel to the location of where the service is to be performed, and arrive fit to perform the military service. In order for a member to use this rest period, the member may, with the commanding officer's permission, voluntarily change their tour, or choose to use a time balance other than a military leave day.

A member returning from military duty or other military appearance must be granted travel time from the location of the military service and have an eight hour rest period prior to being expected to return to duty with the Department. Military leave days may only be used for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty. Where appropriate, travel time should be specified in the member's Official Military Order and notated on the Certificate of Attendance.

Official Military Orders and Certificates of Attendance received from a member's military Reserve or National Guard unit should be in the format illustrated in Appendices "A" and "B," or in a format that includes all of the information as listed on Appendices "A" and "B."

Any questions concerning military leave should be referred to the Personnel Bureau, Military and Extended Leave Desk.

RELATED PROCEDURES

Indefinite Military Leave (P.G. 205-23)

FORMS AND REPORTS

LEAVE OF ABSENCE REPORT (PD433-041)
MILITARY ABSENCE RECORD (PD433-147)
ABSENCE AND TARDINESS RECORD (PD433-145)

APPENDIX "A"

ILLUSTRATION OF OFFICIAL MILITARY ORDER

DEPARTMENT OF THE ARMY
ALPHA COMPANY 104TH INFANTRY BATTALION
New York Army National Guard
123 New York Avenue
New York, N.Y. 10018

Date: _____

From: Commanding Officer
To: Whom it may concern

Subject: **ORDERED MILITARY DUTY**

1. This is to certify that:

_____
Name Service Rank DoD ID Number

is/was ordered to attend required military duty with this unit on the following dates and times:

From: Date _____ Hours _____

To: Date _____ Hours _____

Location of duty: _____

2. Point of contact for this matter is _____ and can be reached at telephone number (_____) _____ and /or email address: _____.

Name
Captain, IN, NYARNG
Title

*****This may also be signed by another supervisor with "By Direction" signature authority from the unit commander (including civilians).*****

APPENDIX "B"

ILLUSTRATION OF CERTIFICATE OF ATTENDANCE LETTER

DEPARTMENT OF THE ARMY
ALPHA COMPANY 104TH INFANTRY BATTALION
New York Army National Guard
123 New York Avenue
New York, N.Y. 10018

Date: _____

From: Commanding Officer
To: Whom it may concern

Subject: **CERTIFICATE OF ATTENDANCE**

1. This "Certificate of Attendance" has been forwarded to your command in order to comply with New York State Military Law Section 242(5) that requires the New York City Police Department to pay its members while on military leave, and to certify that:

_____
Name Service Rank DoD ID Number

was ordered to and did attend military duty on the following dates and times:

From: Date _____ Hours _____

To: Date _____ Hours _____

Location of duty: _____

2. Point of contact for this matter is _____ and can be reached at telephone number (_____) _____ and /or email address: _____.

Name
Captain, IN, NYARNG
Title

*****This may also be signed by another supervisor with "By Direction" signature authority from the unit commander (including civilians).******

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-23	
INDEFINITE MILITARY LEAVE			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To process absence for military leave, exceeding thirty days or when the period of continuous active military duty commences in the current calendar year and continues into the following year(s).

PROCEDURE When a member of the service (uniformed or civilian) receives orders to report for military duty either for a period that will exceed thirty days, OR for any period, even if less than thirty days, in which continuous active duty will commence in one calendar year and continue into the following calendar year (e.g., leave begins on December 20th and ends the following January 5th), the Military and Extended Leave Desk (MELD) must be contacted.

MEMBER OF THE SERVICE

1. Notify commanding officer/supervisory head immediately upon receiving orders to report for military duty for a period exceeding thirty days or when the period of continuous active military duty commences in the current calendar year and continues into the following year(s).

COMMANDING OFFICER

2. Direct member concerned to contact MELD immediately for instructions.

MEMBER OF THE SERVICE

3. Access MELD website through the Department's Intranet in order to obtain military leave request forms (Military Leave Package).
4. Prepare and submit all forms for military leave notification to commanding officer/supervisory head as directed by MELD.
   a. Surrender all Department property (except Department Manual) and prepare **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)**, for a military leave of absence of thirty days or more.
   b. Under caption "Member is Applying For:" indicate "Extended Leave Of Absence."
   c. Personally deliver shield, if applicable, and **IDENTIFICATION CARD (PD416-091)** to Employee Resources Section, Shield, ID and Uniform Services Unit (Room 502/502A), and obtain receipt. If member wishes to retain a Department issued **IDENTIFICATION CARD** with "MILITARY LEAVE – NO NYPD FIREARMS" imprinted on it, report to MELD for authorization documented on **Typed Letterhead** to be delivered to the Shield, ID and Uniform Services Unit Shield, ID and Uniform Services Unit.
   d. Personally deliver MetroCard, LIRR/Metro North Police Pass to Employee Resources Section.
   e. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for firearms surrendered and include in "Remarks" section "PROPERTY OF MEMBER ON EXTENDED MILITARY LEAVE. NOT TO BE RETURNED WITHOUT APPROVAL OF THE COMMANDING OFFICER, MILITARY AND EXTENDED LEAVE DESK."

NOTE *All military work days **must** be exhausted prior to utilizing all other accrued leave or leave without pay. The member has the discretion to select additional leave days, vacation days, and/or other type of accrued time, prior to assignment to MELD. Military leave days can only be utilized for military drills or additional military appearances. Military leave days are not authorized for any other purpose, including travel time that is not included in the military orders or vacation prior to military leave.*

TIMEKEEPER

5. Contact MELD for instructions if leave commences in the current calendar year and continues into the following year(s) (e.g., leave begins on December 20th and ends the following January 5th) and/or military leave exceeds thirty days.
6. Indicate all military leave day usage on member's **ABSENCE AND TARDINESS RECORD (PD433-145)**.
7. Make appropriate entries in the City Time System.
   a. All military work days ***must*** be exhausted prior to utilizing other accrued leave or leave without pay.
   b. The member has the discretion to select additional leave days, vacation days, and/or other type of accrued time, prior to assignment to MELD.
   c. The type of leave requested should be documented on the member's **LEAVE OF ABSENCE REPORT (PD433-041)**.
8. Retain copy of member's MELD Military Leave Package at the command.

INTEGRITY CONTROL OFFICER

9. Ensure that member's firearms and all Department property as outlined in step "4" (except Department Manual) are surrendered and indicate such on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, for a military leave of absence of thirty days or more.
   a. Ensure shield, if applicable, and **IDENTIFICATION CARD** are hand delivered to Employee Resources Section, Shield, ID and Uniform Services Unit (Room 502/502A) and MetroCard, LIRR/Metro North Police Pass to Employee Resources Section.
   b. If member wishes to retain a Department issued **IDENTIFICATION CARD** with "MILITARY LEAVE – NO NYPD FIREARMS" imprinted on it, direct member to report to MELD for authorization documented on **Typed Letterhead** to be delivered to the Shield, ID and Uniform Services Unit.
   c. Review **PROPERTY CLERK INVOICE** that was prepared for firearms by the member and ensure the appropriate remarks are notated, "PROPERTY OF MEMBER ON EXTENDED MILITARY LEAVE. NOT TO BE RETURNED WITHOUT APPROVAL OF THE COMMANDING OFFICER, MILITARY AND EXTENDED LEAVE DESK."
   d. Forward **NYPD Restricted Parking Permit (Misc. 23-N)** and **Headquarters Annex Parking Permit (Misc. 814HQ-Annex)**, by messenger, to Chief of Department, Vehicle Identification Unit.
   e. Review Timekeepers calculations of members military days, vacation days, and/or any accrued time to provide the appropriate transfer date to MELD.

NOTE *When a uniformed or civilian member of the service receives orders to report for military duty in which continuous active duty will commence in one calendar year and end in the following year for a period of less than thirty days, (e.g., December 26, 2016 to January 11, 2017), the member is not required to surrender firearms and Department property.*

COMMANDING OFFICER

10. Review complete MELD Military Leave Package, and ensure all Department property including firearms and **IDENTIFICATION CARD** are surrendered as appropriate.
11. Distribute form **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** as follows:
    a. Original - attach to member's notification for indefinite military leave direct to Commanding Officer, Military and Extended Leave Desk, if notification has already been forwarded when member surrenders property
    b. First Copy - to member going on leave
    c. Second Copy - command file
    d. Remaining Copies - filed in member's personnel folder.
12. Ensure that member, if authorized, has utilized all thirty work days, as outlined in *P.G. 205-22, "Definite Military Leave."*
13. Ensure member's firearms are delivered to the Property Clerk Division, Manhattan Office, located at One Police Plaza, S level, NY, NY 10038 within thirty days.
14. After review of the request for a military extended leave, complete the First Endorsement and forward the entire Military Leave Package direct to the Personnel Orders Division (Attention: MELD) located at One Police Plaza.

MEMBER OF THE SERVICE

15. Report any revision, revocation, extension, or change in the purpose of the Military Orders, address or duty assignment immediately after change occurs.
16. Contact MELD for a return to duty appointment upon military discharge.

MILITARY AND EXTENDED LEAVE DESK

17. Transfer member to MELD.
18. Publish transfer to MELD and leave of absence in Department's Personnel Orders.

ADDITIONAL DATA *All Department property and firearms (except Department Manual and **IDENTIFICATION CARD** marked "MILITARY LEAVE – NO NYPD FIREARMS") must be surrendered on the member's last tour of duty prior to commencement of indefinite military leave of absence.*

Firearms may not be purchased and possessed by a military member on leave from the Department by utilizing their NYPD credentials.

Members of the service assigned to the Military and Extended Leave Desk on a leave of absence must continue to abide by all Department rules and regulations.

ADDITIONAL DATA (continued)

Members of the service enlisting or accepting a commission in any federal military reserve or state militia organization must provide notice to the Department prior to enlistment. Members of the service must submit a report on ***Typed Letterhead*** *regarding "Notification to Enlist in the Military/National Guard" to their commanding officer who will endorse the request and forward to the Commanding Officer, Military and Extended Leave Desk. The report on* ***Typed Letterhead*** *may be obtained by accessing the Military and Extended Leave Desk website, under Military Information and Forms.*

RELATED PROCEDURES

Definite Military Leave (P.G. 205-22)

FORMS AND REPORTS

PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)
PROPERTY CLERK INVOICE (PD521-141)
IDENTIFICATION CARD (PD416-091)
ABSENCE AND TARDINESS RECORD (PD433-145)
LEAVE OF ABSENCE REPORT (PD433-041)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-24

SPECIAL LEAVE FOR FORMER MEMBERS OF THE ARMED FORCES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/27/16	09/27/16		1 of 2

PURPOSE To establish eligibility for Veterans Day, Memorial Day and/or Independence Day leave of absence.

SCOPE ELIGIBILITY REQUIREMENTS:

Veterans Day and Memorial Day

a. Service on active duty in the armed forces of the United States and honorably discharged or separated under honorable conditions. (Members who served as reservists on extended ACTIVE DUTY FOR TRAINING ONLY, are not entitled to this excusal).
b. Service in the armed forces of a country allied with the United States in World War II, or during the Korean conflict between June 25, 1950 and January 31, 1955, or during the Vietnam conflict between January 1, 1963 and May 7, 1975.

Independence Day

a. Service in, and honorably discharged from, the Naval Militia, National Guard or Reserve forces of the Armed Forces at a time when the United States was not at war.

The date that will serve as the basis for special leave excusal will be the date on which this Department observes the holiday.

PROCEDURE When seeking to establish eligibility for Veterans Day, Memorial Day and/or Independence Day leave of absence:

UNIFORMED MEMBER OF THE SERVICE

1. Submit to commanding officer/supervisory head, a written request and original copy of:
   a. Honorable Discharge and/or Separation Certificate (DD 214) with any other document(s) which substantiates eligibility for Veterans Day and Memorial Day leave of absence.
   b. Honorable Discharge and/or Military Order indicating separation was under honorable conditions from National Guard, Naval Militia or Reserve forces of the United States, together with any other documentation indicating entitlement to Independence Day leave of absence.

C.O. /SUPV. HEAD

2. Forward Commanding Officer's endorsement recommending approval/disapproval and all copies of documentation submitted, to Commanding Officer, Personnel Orders Division (Attention: Military and Extended Leave Desk).

MILITARY AND EXTENDED LEAVE DESK

3. Review all documentation submitted to determine if member is entitled to leave.
4. Prepare endorsement indicating leave to which member is entitled to and forward all submitted documents to commanding officer/supervisory head concerned.
5. Have endorsement and supporting documentation placed in member's Personal Folder.

ADDITIONAL DATA

Due to exigencies of the service, leave will be granted, as follows:

- *Captains - according to the needs of the service.*
- *One lieutenant in a precinct.*
- *Three sergeants in a precinct where seven or more are performing duty.*
- *Two sergeants in a precinct where there are less than seven performing duty.*
- *Not more than 40% of the total number of police officers entitled to this leave in a precinct.*

Commands other than precincts, 40% equitably apportioned among various ranks. Preference will be given to senior members in each rank. In order to be granted excusal under this procedure, the member must take the excusal for the holiday on the day the holiday is observed by this Department. However, if the uniformed member works the holiday (either as a scheduled workday or on an overtime basis), said member will be excused from one tour for such day upon request (exigencies of the service permitting). This excusal must be utilized within six months of the specific holiday.

Uniformed members of the service who are on vacation, sick report, absent with leave or excused from duty on any of these days, according to their regular duty chart are NOT eligible for this leave.

If a member had been previously turned down for entitlements under this procedure, and the uniformed member supplies new documents to substantiate entitlements, copies of all documents will be forwarded as outlined above.

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-26		
JURY DUTY LEAVE FOR UNIFORMED MEMBERS OF THE SERVICE			
DATE ISSUED: 10/27/16	DATE EFFECTIVE: 10/27/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide a set of guidelines to be followed by those uniformed members of the service directed to appear for jury duty in Federal, State, and City courts, as well as other municipal courts in the resident counties.

NOTE *Although uniformed members of the service are no longer exempt from jury duty due to their occupation as police officers, they may still attempt to claim an exemption under other circumstances as listed on the exemption claim form.*

PROCEDURE When a uniformed member of the service is directed to appear for jury duty in court:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer immediately upon receipt of a notice to appear for jury duty. The commanding officer shall ensure that entries concerning scheduled dates to appear for jury duty are entered in the command diary.

NOTE *Uniformed member's regular work schedule as it pertains to days off shall not be adjusted to accommodate his/her jury duty appearance. On days in which a uniformed member performs jury duty that are his/her regular days off, the member shall be entitled to retain the jury duty fee.*

Uniformed members scheduled to work on a day in which they are also scheduled for jury duty will be excused from their regular tour of duty and will begin their tour at 0800 hours for payroll purposes (the length of the tour shall be consistent with the officer's normal chart) and will be required to remit to the city any jury duty fee they receive. Members whose jury duty appearance ends before the end of their scheduled tour shall be required to notify their command for instructions or request lost time, needs of the service permitting. Members will not be entitled to receive overtime compensation for jury duty service that goes beyond the end of their scheduled tour.

Uniformed members shall be entitled to keep travel fees as provided by the courts.

2. Provide official documentation of the jury duty service, including dates and times of attendance in the form of a court issued Certificate of Service, to the integrity control officer. The integrity control officer shall review the forms and ensure that members have complied with the provisions of this order. Failure to provide such documentation may result in disciplinary action.
3. Opt to do one of the following when a jury duty appearance conflicts with a scheduled annual vacation:
   a. Attempt to postpone their jury duty appearance. Notify command, if successful.
   b. Cancel their vacation pick or portion thereof. Notify command.
   c. Perform jury duty on vacation and retain jury duty fees for those days. Notify command.

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Notify commanding officer and the district attorney's office concerned when jury duty conflicts with other Department scheduled court appearances. If necessary, commanding officers are to prepare and forward a written request to the appropriate county Commissioner of Jurors on Department letterhead explaining the conflict and reason for excusal from jury duty. The explanation should be accompanied by proof of member's unavailability for jury duty, such as a subpoena from the District Attorney's office. If the Department is unable to resolve the conflict, the matter will be referred to the District Attorney's office for further attention.
5. Comply with the directives of the court concerning your next jury duty appearance when placed on ALERT. If activated, members shall immediately notify their command and be scheduled according to the provisions of paragraph 1 through 4 of this order.
6 Notify command and/or Medical Division, if required, and the appropriate court, if reporting sick while on jury duty. Normal sick leave procedures shall apply regarding performance of police duty, however, members on sick leave who are directed to appear at jury duty will notify the Medical Division. The Medical Division will carry the member in the "Out of Residence Log," when such member is performing jury duty. Members are required to notify the Medical Division immediately upon returning to their residence from jury duty.

ADDITIONAL DATA

Uniformed members shall be guided by the rules of the courts concerning carrying of their off-duty firearms while on jury duty.

Fees rendered for jury duty will be processed in the same manner for uniformed members as for civilian members as listed in A.G. 319-22, "Civilian Employee - Reimbursement to City for Jury Service."

Any questions concerning the contents of this procedure should be referred to the Deputy Commissioner, Labor Relations.

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-27	
PREGNANCY RELATED GUIDELINES FOR UNIFORMED MEMBERS OF THE SERVICE		
DATE EFFECTIVE: 06/24/21	LAST REVISION: I.O. 52	PAGE: 1 of 3

PURPOSE To provide guidelines to a uniformed member of the service when notifying the Department of pregnancy.

DEFINITION POSITION LIMITATION STATUS – A uniformed member of the service who is placed on non-enforcement duties by the Pregnancy Medical District Surgeon due to the uniformed member of the service's pregnancy. This status is similar to restricted duty.

NOTE *The uniformed member of the service will remain on full duty status until such time that the uniformed member of the service elects to request position limitation status from their district surgeon, or the uniformed member of the service's high-risk status necessitates position limitation status.*

It is recommended that the pregnant uniformed member of the service register at the Pregnancy Medical District as early as possible.

PROCEDURE When a uniformed member of the service informs the Department they are pregnant:

NOTE *All communications regarding pregnancy and position limitation status are to be kept confidential and only between the uniformed member of the service and district surgeon.*

UNIFORMED MEMBER OF THE SERVICE

1. Notify district surgeon by telephone of pregnancy.
2. Make follow-up notification to district surgeon indicating pregnancy due date via:
   a. FAX AND,
   b. Department mail (send original documentation from private physician).

NOTE *Pregnant uniformed members of the service will not have to personally visit their district surgeon to report their positive pregnancy condition.*

DISTRICT SURGEON CONCERNED

3. Advise the member of immediate availability of position limitation status.

UNIFORMED MEMBER OF THE SERVICE

4. Request position limitation status, if desired.

DISTRICT SURGEON CONCERNED

5. Place uniformed member of the service on position limitation status, if desired after receiving confirmation of request for position limitation status.
6. Send uniformed member of the service's medical records to the Pregnancy Medical District.

UNIFORMED MEMBER OF THE SERVICE

7. Comply with *P.G. 205-01, "Reporting Sick,"* when unable to perform duty due to illness or other physical condition.
   a. Report to Pregnancy Medical District any time it is necessary to see a Department surgeon.
8. Comply with *A.G. 305-03, "Uniforms,"* as it relates to the wearing of the uniform.

PREGNANCY MEDICAL DISTRICT SURGEON

9. Monitor duty status of uniformed member of the service who notifies the district surgeon concerned of pregnancy, and elects to remain full duty.
10. Commence sick leave for pregnant uniformed member of the service approximately four weeks before the expected date of delivery.
11. Terminate sick leave approximately twelve weeks following delivery.

NOTE *In some circumstances, pregnant uniformed members of the service may commence sick leave earlier than, or later than, the fourth week before their expected date of delivery. These decisions will be made on a case by case basis by the Pregnancy Medical District Surgeon.*

UNIFORMED MEMBER OF THE SERVICE

12. Telephone the Pregnancy Medical District Surgeon on the following two occasions:
    a. To confirm actual delivery date - this should be done within ten days of said date, and
    b. During the eighth post-delivery week to allow the Pregnancy Medical District Surgeon to determine return to duty date
       (1) Provide the Pregnancy Medical District Surgeon with documentation, if additional sick time is required.

NOTE *The early termination or continuance of sick leave will be made on a case by case basis by the Pregnancy Medical District Surgeon.*

PREGNANCY MEDICAL DISTRICT SURGEON

13. Reassign medical records of uniformed member of the service back to their original medical district after return to full duty status.

UNIFORMED MEMBER OF THE SERVICE

14. Comply with *A.G. 320-47, "Reasonable Accommodations for Employees and Applicants"* regarding request for a reasonable accommodation for leave to express breast milk, upon return from sick leave.

ADDITIONAL DATA *The Pregnancy Medical District located at 1 Lefrak City Plaza, 59-17 Junction Boulevard, Corona, New York, will include a specifically designated surgeon and a nurse exclusively assigned. Additionally, when required to see the Pregnancy Medical District Surgeon, pregnant uniformed member of the service will be seen in a separate area or at a separate time to avoid possible exposure to illness.*

ADDITIONAL DATA (continued)

Once electing position limitation status, the uniformed member of the service may be reassigned to another command that performs non-enforcement duties (e.g., the Medical Division, etc.), or they may remain within their permanent command depending upon the needs of the Department. Pregnant uniformed members of the service who require additional pregnancy-related accommodations should contact the Pregnancy Medical District Surgeon or the Equal Employment Opportunity Division.

Recurring pregnancy related illness will be counted as one sick report, if the member provides proper documentation from their private physician and with the approval of the Pregnancy Medical District Surgeon. Repeated "undocumented" and "unapproved" sick leaves can lead to a "chronic sick" designation. The following conditions, if minor, will not automatically be valid reasons for pregnancy related absence:

a. Nausea (morning sickness)
b. Lower back pain
c. Mild leg swelling
d. Fatigue
e. Other conditions limited to a few days duration.

The above listed conditions are considered by the medical profession to be a normal part of pregnancy. If a member of the service reports sick for these minor conditions, the sick report will not be valid for consolidation as an absence related to pregnancy illness.

A pass MAY be granted, if the Pregnancy Medical District Surgeon determines that the issuance of such a pass would not adversely affect the member's health. The pre-delivery pass becomes void after hospitalization.

Pregnancy alone does not preclude a uniformed member of the service from being promoted. Pregnant uniformed members of the service, as well as members on restricted duty/limited capacity who are assigned to "Investigative Track Units," may appeal any deductions of investigative time earned while on position limitation status, if they were performing normal investigative duties during that time period (*see A.G. 320-35, "Promotion to Third Grade Detective [Investigator])."*

Pregnant uniformed members of the service, when appropriate, may wear business attire and display their ***IDENTIFICATION CARD (PD416-091)*** *on their outermost garment. Proper business attire will conform with that worn to other official appearances, such as post-arraignment court appearances, professional career interview, etc.*

When a pregnant uniformed member of the service is required to appear in court, before a Grand Jury or other government agency, business attire or uniform may be worn.

Pregnant uniformed members of the service are <u>not</u> required to attend the Firearms and Tactics qualification cycles.

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-28	
CHILD CARE LEAVE OF ABSENCE			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To process requests for child care leave of absence, without pay, made by uniformed members of the service.

DEFINITION CHILD CARE LEAVE OF ABSENCE - An unpaid leave of absence for a continuous period not to exceed three hundred and sixty-five days commencing no later than one year after the birth of the member's child, natural or adopted. As used in this procedure, the approving officer will be the Chief of Personnel.

PROCEDURE When a uniformed member of the service requires child care leave of absence without pay:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer/supervisory head of intention to request leave of absence a minimum of six weeks prior to anticipated birth date of child, or six weeks prior to date when uniformed member of the service wishes to commence leave of absence, as appropriate.

COMMANDING OFFICER

2. Direct uniformed member of the service to contact the Military and Extended Leave Desk immediately for instructions.

UNIFORMED MEMBER OF THE SERVICE

3. Submit all forms to commanding officer/supervisory head as directed by the Military and Extended Leave Desk.

COMMANDING OFFICER

4. Ensure that member's firearms and all Department property (except Department Manual) are surrendered and indicate such on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)**.
   a. Under caption "Member is Applying For:" indicate "Extended Leave of Absence" and "Without Pay."
5. Distribute **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** as follows:
   a. Original - Attach to member's request for leave of absence
   b. First Copy - To member requesting leave of absence
   c. Second Copy - Command file
   d. Remaining Copies - Filed in member's Personal Folder.
6. Endorse member's leave request, as appropriate, recommending APPROVAL and forward DIRECT to Commanding Officer, Personnel Orders Division (Attention: Military and Extended Leave Desk).
7. Direct that a telephone notification be made to the Payroll Section indicating the date member's leave will commence.

INTEGRITY CONTROL OFFICER

8. Forward **NYPD Restricted Parking Permits (Misc. 23-N)** and **Headquarters Annex Parking Permits (Misc. 814HQ-Annex)**, by messenger, to the Chief of Department's Vehicle Identification Unit.
9. Forward shield, if applicable, and **IDENTIFICATION CARD (PD416-091)**, by messenger, to the Shield, ID and Uniform Services Unit, and obtain receipt.

MILITARY AND EXTENDED LEAVE DESK

10. Direct that an appropriate background check be conducted on requesting member.
11. Endorse member's request for leave as necessary and forward to Chief of Personnel for approval.

C.O., PERSONNEL ORDERS DIVISION

12. Direct transfer of member requesting leave to the Military and Extended Leave Desk after request has been APPROVED.

ADDITIONAL DATA

A child care leave of absence without pay will be granted only after all accrued leave has been exhausted. A uniformed member's vacation is granted January 1, for that year, but is not to be considered accrued unless the member is in a "full pay" status for the required number of tours for that month.

A uniformed member of the service who requests a child care leave of absence without pay for less than thirty days will be guided by P.G. 205-20, "Leave of Absence Without Pay Twenty-Nine (29) Days or Less."

Member will receive no pay during the leave of absence. Member will be required to make up this time lost before member will be considered eligible for retirement. This time on leave will not be credited for pension purposes. Any time in excess of six months on leave - no pay status - will be considered a break in continuous service, and thereby preclude vested interest retirement for five years after return to duty.

All Department property, except the Department Manual, must be surrendered on the member's last tour of duty, prior to commencement of leave of absence.

Extensions of a child care leave of absence without pay will NOT be granted. A member may terminate such leave prior to the scheduled expiration date upon advance notification to the Military and Extended Leave Desk.

While on a leave of absence, a uniformed member of the service will be required to appear for any hearings or trials in which the member is the arresting officer, witness, or respondent and will notify the Military and Extended Leave Desk prior to such appearance.

The Military and Extended Leave Desk will make salary payment computations upon documentation of mandatory appearance.

ADDITIONAL DATA (continued)

A member of the service will not be considered ineligible for promotion solely because of an approved leave of absence. If a member is scheduled for promotion during the leave, member will be notified by the Department to be present on the day of the promotion.

Any extended leave of absence without pay may effect health benefits. Members on leave of absence will, however, be able to purchase health insurance for a limited period of time at a group rate. Questions may be referred to the Health Insurance Section.

RELATED PROCEDURES

Leave of Absence Without Pay Twenty-Nine (29) Days or Less (P.G. 205-20)
Leave of Absence Without Pay Thirty (30) Calendar Days or More (P.G. 205-21)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)

Section: Personnel Matters	Procedure No: 205-29

RANDOM DRUG SCREENING FOR UNIFORMED MEMBERS OF THE SERVICE NOT ASSIGNED TO SELECT DETECTIVE BUREAU SUB-UNITS, INTERNAL AFFAIRS BUREAU (IAB) OR AS PROBATIONARY POLICE OFFICERS IN TRAINING AT THE POLICE ACADEMY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To randomly drug screen uniformed members of the service not assigned to select Detective Bureau sub-units, Internal Affairs Bureau, or as probationary police officers in training at the Police Academy for illegal drug/controlled substance usage.

SCOPE The Department's goal is to ensure the safety of its employees and the public by maintaining a drug/controlled substance free work environment.

Uniformed members of the service assigned to select Detective Bureau sub-units, Internal Affairs Bureau or as probationary police officers in training at the Police Academy will be subject to separate random drug screening procedures.

PROCEDURE To identify uniformed members of the service not assigned to select Detective Bureau sub-units, Internal Affairs Bureau or as probationary police officers in training at the Police Academy for random illegal drug/controlled substance screening:

COMMANDING OFFICER, MEDICAL DIVISION

1. Request the Information Technology Bureau (ITB) to identify uniformed members of the service for automated random drug screening by utilizing the Department's personnel database.
   a. Individual members selected for random drug screening will be identified by social security number.
2. Direct members selected for random drug screening to appear at the Medical Division at appropriate date and time.

UNIFORMED MEMBER OF THE SERVICE SELECTED FOR SCREENING

3. <u>MUST</u> report to Medical Division when notified, except if such member is on:
   a. Sick report
   b. Regularly scheduled day off
   c. Military leave
   d. Annual vacation
   e. Terminal leave
   f. Bereavement leave.

NOTE *Members previously scheduled for individual days off (other than regular days off) may be excused from the test with the approval of the bureau chief concerned. Members scheduled for court or training on the 8x4 tour will appear for testing immediately upon completion of court or training session. Members scheduled for a 12x8 tour on the testing day will appear for testing immediately upon completion of their scheduled 12x8 tour. Members reporting sick on the testing date will be required to visit a Department surgeon and obtain approval for excusal from the test.*

UNIFORMED MEMBER OF THE SERVICE SELECTED FOR SCREENING (continued)

4. MUST submit to a drug screening test. Refusal to submit to test will result in suspension from duty and will be grounds for dismissal from the Department.
5. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.
6. Present shield and **IDENTIFICATION CARD (PD416-091)** at the testing location to ensure proper individual has reported for testing.
7. Comply with instructions received at testing location.

ADDITIONAL DATA

When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

ADDITIONAL DATA (continued)

A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

RELATED PROCEDURES

Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)
Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-30

DRUG SCREENING TESTS FOR CAUSE FOR UNIFORMED AND CIVILIAN MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To investigate and detect illegal drug/controlled substance usage by members of the service (uniformed and civilian).

SCOPE The administration of drug screening tests for cause is a procedure utilized to detect the presence of drugs in the hair and urine of members of the service suspected of illegal drug/controlled substance usage. To balance the public's interest in having a drug-free Police Department against the individual employee's right to privacy, drug screening tests for cause will be administered when there is reasonable suspicion to believe that a member of the service (uniformed or civilian) is illegally using drugs/controlled substances. When reasonable suspicion does exist, the member suspected of illegally using drugs/controlled substances MUST provide hair and urine samples when directed. Refusal will result in immediate suspension from duty and subsequent service of charges and specifications.

PROCEDURE When a member of the service suspects that another member (uniformed or civilian) may be illegally using drugs/controlled substances:

MEMBER OF THE SERVICE

1. Immediately notify Internal Affairs Bureau Command Center ([212] 741-8401).
   a. Provide rank, name and command of suspected member.
   b. Obtain a log number.

SUPERVISOR DIRECTED TO CONDUCT INVESTIGATION

SUPERVISOR CONDUCTING INVESTIGATION

2. Determine if REASONABLE SUSPICION has been established indicating illegal drug/controlled substance usage.

NOTE *Reasonable Suspicion - Exists when evidence or information, which appears reliable, is known to the police supervisor and is of such weight and persuasiveness as to make the supervisor, based upon his/her judgment and experience, reasonably suspect that a member of the service is illegally using drugs/controlled substances. Reasonable suspicion that a member is illegally using drugs/controlled substances must be supported by specific articulable facts from which rational inferences may be drawn. Reasonable suspicion cannot be based upon mere "hunch" or solely upon poor work performance.*

3. Prepare **INVESTIGATING OFFICER'S REPORT (PD313-153)** and record observations and other pertinent data.

NOTE *If reasonable suspicion of illegal drug/controlled substance use is based on observation of the suspected member's physical appearance, at least two supervisors must make the observations.*

SUPERVISOR CONDUCTING INVESTIGATION (continued)

4. Prepare a case folder for documentation of all aspects of investigation.
5. Confer with own immediate supervisor if reasonable suspicion has been established that member is illegally using drugs/controlled substances.
6. Contact bureau chief/counterpart/borough commander, upon completion of investigation to obtain approval for drug screening tests.
   a. If circumstances indicate drug screening samples must be obtained expeditiously, immediately contact bureau chief/counterpart/ borough commander for approval.

BUREAU CHIEF/ COUNTERPART /BOROUGH COMMANDER

7. Approve request for drug screening test ONLY after carefully determining whether the supervisor conducting investigation has established reasonable suspicion.
8. Direct that member being tested be placed on modified assignment pending results of test, unless other circumstances warrant suspension from duty.

NOTE *Approval of bureau chief/counterpart/borough commander must be obtained prior to administration of the drug screening tests. If bureau chief/counterpart/borough commander is not available, executive officer concerned or duty chief may be contacted for approval.*

SUPERVISOR CONDUCTING INVESTIGATION

9. Contact the Medical Division when approval is received for administration of drug screening test and obtain Medical Division's drug screening serial numbers.
   a. Obtain Medical Division's drug screening serial numbers even if member refuses tests.
   b. Include Medical Division's drug screening serial numbers in case folder along with all other documentation.

NOTE *After business hours, contact the Sick Desk Supervisor.*

10. Advise member suspected of illegal drug/controlled substance usage that refusal to provide hair and urine samples will result in immediate suspension from duty.
11. Notify the Department Advocate's Office that a drug screening test has been ordered, provide all pertinent information and obtain identity of member notified.
    a. Notify Medical Division to make entry in "Drug Screening Test Log" under caption "DEPARTMENT ATTORNEY NOTIFIED."

SUPERVISOR, MEDICAL DIVISION

12. Inform supervisor conducting investigation where hair and urine samples will be taken and procedure to be followed.

SUPERVISOR, MEDICAL DIVISION (continued)

13. Maintain "Drug Screening Test Log" in an appropriate Department record book, captioned across a double page, as follows:

FIRST PAGE						
DRUG SCREENING TEST#	**DATE/TIME**	**NAME OF MEMBER TESTED**	**TAX REGISTRY NUMBER**	**COMMAND**	**MEMBER REQUESTING TEST**	**COMMAND**

SECOND PAGE			
DEPARTMENT ATTORNEY NOTIFIED	**WITNESS TO TEST**	**RESULTS OF TESTS**	**REMARKS**

ADDITIONAL DATA

A Department surgeon, specifically a medical doctor employed by the Department, may order a drug screening test without securing the prior approval of the bureau chief/counterpart/borough commander concerned. However, when a Department surgeon orders a test for a member of the service he/she suspects of illegal drug/controlled substance usage, the Department surgeon will confer with the Commanding Officer, Medical Division, or designee, and the Medical Division's Medical Review Officer, if feasible.

The investigator's case folder will be sealed to protect the employee's right to privacy in those cases in which the result of the drug screening test do not indicate the presence of an illegal drug/controlled substance. The folder will not be unsealed without the written authorization of the Deputy Commissioner, Legal Matters. The case folder will be filed in the appropriate borough Investigations Unit with a copy to the Internal Affairs Bureau. Furthermore, any reference to the administration of the drug screening test in the personal folder of the member concerned will be expunged.

An investigating supervisor finding controlled substances/contraband, such as drugs or instruments used to administer drugs (e.g., hypodermic syringes/needles, crack pipes, etc.) on or in the vicinity of a member of the service (uniformed or civilian) suspected of illegal drug/controlled substance usage will have such items invoiced on ***PROPERTY CLERK INVOICE (PD521-141)*** *as "Investigatory Evidence" and comply with the pertinent provisions of P.G. 218-24, "Processing Controlled Substances/Marijuana Contraband Stored at Station House" and P.G. 218-25, "Processing Controlled Substances/Marijuana Contraband Not Stored at Station House." In addition, the investigating supervisor will have the following statement entered in capital letters in the "Remarks" section of the* ***INVOICE****:*

"NOT TO BE DESTROYED WITHOUT APPROVAL OF THE DEPARTMENT ADVOCATE'S OFFICE."

When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and

ADDITIONAL DATA (continued)

initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

ADDITIONAL DATA (continued)

Uniformed members of the service screened under this procedure will continue to be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Reporting Violations Observed by Supervisors (P.G. 206-01)
Preparation of Charges and Specifications (P.G. 206-05)
Service and Disposition of Charges and Specifications (P.G. 206-06)
Cause for Suspension or Modified Assignment (P.G. 206-07)
Interrogation of Members of the Service (P.G. 206-13)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)
Modified Assignment (P.G. 206-10)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
INVESTIGATING OFFICER'S REPORT (PD313-153)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-31

DRUG SCREENING TESTS FOR UNIFORMED MEMBERS OF THE SERVICE APPLYING FOR ASSIGNMENTS TO DESIGNATED SPECIALIZED UNITS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/11/21	03/11/21		1 of 3

PURPOSE To screen for illegal drug/controlled substance usage by uniformed members of the service applying for assignment to designated specialized units.

SCOPE The Department has a substantial interest in ensuring uniformed members of the service applying for assignments to designated specialized units do not use illegal drugs/controlled substances. In these assignments, the strictest precautionary safeguards are necessary to ensure members maintain the highest ethical standards and performance.

DEFINITION DESIGNATED SPECIALIZED UNITS - For the purpose of this procedure, the following units will be included: Internal Affairs Bureau, Detective Bureau, Deputy Commissioner, Intelligence and Counterterrorism, Chief of Special Operations, Highway District, Quality Assurance Division, and any other unit subsequently designated a specialized unit for the purpose of this procedure.

PROCEDURE Uniformed members of the service applying for assignments to designated specialized units:

UNIFORMED MEMBER OF THE SERVICE

1. MUST sign form indicating that they understand that drug screening is part of the application process for assignments to designated specialized units.
   a. The drug screening can occur at any time after the application has been submitted, or after member is temporarily or permanently assigned to the designated specialized unit.

NOTE *Prior to being notified to report for a drug screening test or prior to being temporarily or permanently assigned to a designated specialized unit, applicants may withdraw their application with no penalty or requirement to submit to drug screening by submitting a written request to their commanding officer.*

2. MUST submit to a hair analysis drug screening test when notified to report for drug screening. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department. All applicants will be tested.

NOTE *In all cases, if a uniformed member of the service refuses to submit to a test, the permanent command will be responsible for suspending member and complying with P.G. 206-08, "Suspension From Duty-Uniformed Member of the Service."*

3. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Present shield and **IDENTIFICATION CARD (PD416-091)** to be checked at the testing location to ensure proper individual has reported for testing.
5. Comply with instructions received at testing location.

ADDITIONAL DATA

When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All

ADDITIONAL DATA (continued)

additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

Uniformed members of the service screened under this procedure will continue to be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)
Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-32

RANDOM DRUG SCREENING FOR UNIFORMED MEMBERS OF THE SERVICE ASSIGNED TO SELECT DETECTIVE BUREAU SUB-UNITS AND INTERNAL AFFAIRS BUREAU (IAB)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 3

PURPOSE To randomly screen uniformed members of the service assigned to select Detective Bureau sub-units and Internal Affairs Bureau (IAB) for illegal drug/controlled substance usage.

SCOPE The Department and individual members assigned to select Detective Bureau sub-units and Internal Affairs Bureau have a substantial interest in ensuring that uniformed members of the service assigned to these commands do not use illegal drugs/controlled substances. In these assignments, the strictest precautionary safeguards are necessary to ensure that members maintain the highest standards of integrity and performance. Uniformed members of the service assigned to commands other than select Detective Bureau sub-units and the Internal Affairs Bureau (IAB) will be subject to separate random drug screening procedures.

DEFINITION DETECTIVE BUREAU SUB-UNITS – For the purpose of this procedure, the following units will be included:

1. Citywide Investigations Division and all subunits,
2. Specialty Enforcement Division and all subunits,
3. Investigative Support Division and all subunits
4. Criminal Task Force Division and all subunits.

PROCEDURE To identify uniformed members of the service assigned to select Detective Bureau sub-units and Internal Affairs Bureau (IAB) for random illegal drug/controlled substance screening:

SUPERVISOR, INFORMATION TECHNOLOGY SERVICES DIVISION

1. Prepare a computer program that utilizes the Department's personnel databases to randomly identify uniformed members of the service assigned to select Detective Bureau sub-units and IAB for drug screening.
   a. Individual members selected for random drug screening will be identified solely by social security number.

CHIEF OF DETECTIVES/ DEPUTY COMMISSIONER, IAB

2. Direct members selected for random screening to appear at the Medical Division at appropriate date and time.
3. Provide the Medical Division's Drug Screening Unit with a listing of members selected for random screening along with dates and times they are scheduled to appear.

UNIFORMED MEMBER OF THE SERVICE SELECTED FOR TESTING

4. MUST report to the Medical Division when notified EXCEPT if member is on:
   a. Sick report
   b. Regularly scheduled day off
   c. Military leave
   d. Annual vacation
   e. Terminal leave
   f. Bereavement leave.

NOTE *Members previously scheduled for individual days off (other than regular days off) may be excused from the test with the approval of the bureau chief/deputy commissioner concerned. Members scheduled for court or training on the 8 x 4 tour will appear for testing immediately upon completion of the court or training session. Members scheduled for a 12 x 8 tour on the testing day will appear for testing immediately upon completion of their scheduled 12 x 8 tour. Members reporting sick on the testing day will be required to visit a Department surgeon and obtain approval for excusal from the test.*

5. MUST submit to a drug screening test. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department.
6. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.
7. Present shield and **IDENTIFICATION CARD (PD416-091)** at testing location to ensure the proper individual has reported for testing.
8. Comply with instructions received at testing location.

ADDITIONAL DATA *When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.*

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

ADDITIONAL DATA (continued)

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)
Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-33

DRUG SCREENING TESTS FOR UNIFORMED MEMBERS OF THE SERVICE AS A CONDITION OF CIVIL SERVICE PROMOTION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/15/16	12/15/16		1 of 3

PURPOSE To screen for illegal drug/controlled substance usage by uniformed members of the service as a condition of civil service promotion.

SCOPE The Department has a substantial interest in ensuring that uniformed members of the service being considered for promotion through civil service examinations do not use illegal drugs/controlled substances and maintain the highest standards of integrity and performance.

DEFINITION CIVIL SERVICE PROMOTION - For the purpose of this procedure, a civil service promotion is a promotion that is received as a result of a competitive civil service examination. Promotions to the following ranks are considered civil service and are covered by this procedure: Sergeant, Lieutenant and Captain. Under this procedure, all candidates for civil service promotions are subject to drug screening.

PROCEDURE When candidates for a civil service promotion are required to submit to a drug screening test as per their official Notice of Examination:

NOTE *The required screening can occur prior to promotion or after promotion during the probationary period.*

PRE-PROMOTION PROCEDURES

Uniformed members of the service may withdraw as candidates for promotion with no penalty or requirement to submit to drug screening by submitting a written request to their commanding officer. This request should be made after receiving a notification of promotion but prior to actual promotion and prior to receiving a notification to report for a drug screening test. The candidate's commanding officer will immediately forward two copies of the request to the Chief of Personnel (original through channels, copy DIRECT).

POST-PROMOTION PROCEDURES

After being promoted but prior to receiving a notification to report for a drug screening test, uniformed members of the service may seek restoration to their prior civil service title with no penalty or requirement to submit to drug screening, by submitting a written request to their commanding officer, who will immediately forward two copies of this request to the Chief of Personnel (original through channels, copy DIRECT).

UNIFORMED MEMBER CONCERNED

1. Must submit to a hair analysis drug screening test when notified to report for drug screening.
   a. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department.
   b. All uniformed members of the service will be tested as a condition of civil service promotion.

NOTE *In all cases, if a uniformed member of the service refuses to submit to the test, the permanent command will be responsible for suspending the member and complying with P.G. 206-08, "Suspension From Duty-Uniformed Member of the Service."*

2. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.
3. Present shield and **IDENTIFICATION CARD (PD416-091)** at the testing location to ensure that the proper individual has reported for testing.
4. Comply with instructions received at testing location.

ADDITIONAL DATA *When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.*

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers.

The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

ADDITIONAL DATA (continued)

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

Uniformed members of the service screened under this procedure will continue to be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)
Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-34

DRUG SCREENING FOR UNIFORMED MEMBERS OF THE SERVICE AS A CONDITION OF DISCRETIONARY PROMOTION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/15/16	12/15/16		1 of 4

PURPOSE To screen for illegal drug/controlled substance usage by uniformed members of the service as a condition of discretionary promotion.

SCOPE The Department has a substantial interest in ensuring that uniformed members of the service being considered for discretionary promotions do not use illegal drugs/controlled substances and maintain the highest standards of integrity and performance.

DEFINITION DISCRETIONARY PROMOTION - For the purpose of this procedure, a "discretionary" promotion is a promotion that is not received as a result of a competitive civil service examination. Promotions to the following ranks are considered discretionary and are covered by this procedure: Detective Specialist, Detective Third Grade, Detective Second Grade, Detective First Grade, Sergeant/Special Assignment, Sergeant/Supervisor Detective Squad, Lieutenant/Special Assignment, Lieutenant/Commander Detective Squad, Deputy Inspector, Inspector, Deputy Chief, Assistant Chief, Bureau Chief and Chief of Department. Under this procedure, all candidates for discretionary promotions are subject to drug screening.

PROCEDURE Uniformed members of the service who are candidates for discretionary promotion:

UNIFORMED MEMBER CONCERNED

1. Sign form **DRUG SCREENING NOTICE-DISCRETIONARY PROMOTION (PD481-030)** which indicates that the member understands that drug screening is part of the candidate process for discretionary promotion.
   a. The required screening can occur at any time after the form is signed, but not more than ninety days prior to promotion, and not more than eighteen months after the candidate has been promoted.

PRE-PROMOTION PROCEDURES

Members may withdraw as candidates for promotion with no penalty or requirement to submit to drug screening by submitting a written request to their commanding officer. This request should be made after receiving a notification of promotion but prior to actual promotion and prior to receiving a notification to report for a drug screening test. (If the candidate has already signed the **DRUG SCREENING NOTICE-DISCRETIONARY PROMOTION** form, but has not yet been promoted, the candidate may still withdraw from consideration at any time prior to receiving a notification to report for a drug screening test). The candidate's commanding officer will immediately forward two copies of the request to the Chief of Personnel (original through channels, copy DIRECT).

POST-PROMOTION PROCEDURES

After being promoted but prior to receiving a notification to report for a drug screening test, members of the service may seek restoration to their prior title with no penalty or requirement to submit to a drug screening test, by submitting a written request to their commanding officer, who will immediately forward two copies of the request to the Chief of Personnel (original through channels, copy DIRECT).

UNIFORMED MEMBER CONCERNED (continued)

2. Must submit to a hair analysis drug screening test when notified to report for drug screening.
   a. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department.
   b. All uniformed members of the service will be tested as a condition of discretionary promotion.

NOTE *In all cases, if a uniformed member of the service refuses to submit to the test, the permanent command will be responsible for suspending the member and complying with P.G. 206-08, "Suspension From Duty-Uniformed Member of the Service."*

3. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.
4. Present shield and **IDENTIFICATION CARD (PD416-091)** at the testing location to ensure that the proper individual has reported for testing.
5. Comply with instructions received at testing location.

ADDITIONAL DATA *When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.*

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

ADDITIONAL DATA (continued)

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

Uniformed members of the service screened under this procedure will continue to be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Voluntary Drug Testing (P.G. 205-35)

RELATED PROCEDURES (continued)

Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING NOTICE-DISCRETIONARY PROMOTION (PD481-030)
DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-35	
VOLUNTARY DRUG TESTING			
DATE ISSUED: 12/15/16	DATE EFFECTIVE: 12/15/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To request permission to voluntarily take a drug screening test to determine illegal drug/controlled substance use.

SCOPE This procedure is available to members of the service (uniformed and civilian) who are the subject of unsubstantiated allegations of illegal drug or controlled substance use where the reasonable suspicion standard has not been met. Prior to requesting permission to take a voluntary drug screening test, which will consist of both hair and urine analysis, the member involved must consult with an attorney or appropriate line organization representative.

PROCEDURE When a member of the service (uniformed or civilian) requests to voluntarily take a drug screening test:

MEMBER OF THE SERVICE

1. Prepare a request on **Typed Letterhead**, addressed to the Chief of Personnel, asking permission to voluntarily take a drug screening test.
   a. The request must contain:
      (1) The name of the union representative or attorney consulted regarding taking the drug screening test, and
      (2) The circumstances under which the member was accused of illegal drug/controlled substance use.
2. Deliver the request, personally, to the Chief of Personnel or designee.

NOTE *The request must be delivered to the Chief of Personnel, or designee, within twenty-four hours of the time the member of the service became aware of the allegation of illegal drug/controlled substance use.*

CHIEF OF PERSONNEL/ DESIGNEE

3. Upon receipt of request, verify that the member of the service was in fact the subject of an allegation of illegal drug/controlled substance use.
4. Determine if member of the service became aware of the allegation of illegal drug/controlled substance use within twenty-four hours of delivery of request.
5. Direct member of the service to report to the Medical Division for voluntary drug screening, which consists of hair and urine analysis.

ADDITIONAL DATA *The restrictive nature of this procedure should result in a limited number of drug screening tests; however, the existence of this procedure will contribute to the goal of a drug free Department.*

This procedure is not available to members of the service who have been notified to report for drug screening pursuant to the Department's random drug screening procedures.

ADDITIONAL DATA (continued) *Uniformed members of the service screened under this procedure will continue to be subject to drug screening pursuant to the Department's random drug screening procedures.*

RELATED PROCEDURES *Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)*

FORMS AND REPORTS ***Typed Letterhead***

PURPOSE To process and resolve all complaints of employment discrimination and/or related retaliation made against Department employees and applicants.

SCOPE Employees and applicants for employment who have a complaint of employment discrimination, including related retaliation, or have any questions regarding these issues, are urged to contact the Equal Employment Opportunity Division (EEOD). It is the goal of this Department that the effective use of this procedure will result in an equitable resolution of the complaint and prevent any discriminatory practice from harming other employees or applicants. Uniformed and civilian supervisors and managers are directed to make all employment decisions in accordance with the Department's Equal Employment Opportunity (EEO) policy. Uniformed and civilian supervisors and managers, and EEO Liaisons *must* report allegations or complaints of employment discrimination and retaliation, and any observations of conduct of a discriminatory or retaliatory nature.

Federal, State and/or City laws and/or Department policy prohibit employment discrimination based on actual or perceived status of a person's race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity - which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), pregnancy and pregnancy related conditions, sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), disability, age, military status and uniformed service, unemployment status, consumer credit history (for certain titles), salary history, familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristic, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses and as follows:

a. Discriminatory treatment regarding any term, condition or privilege of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination
b. Sexual harassment against New York City Police Department employees, applicants and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or who is an employee of such contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace

SCOPE (continued)

c. Policy that has a disproportionate impact on a group specifically protected by law, unless the policy is justified by business necessity

d. Failure to make a reasonable accommodation for or failure to timely engage in cooperative dialogue with individuals with disabilities, religious observances/practices, those who are pregnant, recovering from childbirth or a related medical condition, and victims of domestic violence, stalking and/or sexual offenses. An accommodation may not be required if such accommodation would impose undue hardship on the Department, but a cooperative dialogue must still occur

e. Discriminatory harassment, intimidation, ridicule and insults, including, but not limited to, using discourteous, disparaging or disrespectful remarks

f. Retaliation and/or harassment against an employee, applicant and any non-employee who is a contractor, subcontractor, vendor, consultant, freelancer or other person providing services pursuant to a contract in the workplace or an employee of the same, for filing a discrimination complaint, participating in an investigation of a complaint, commencing a civil action based on unlawful discrimination or requesting a reasonable accommodation.

All forms of employment discrimination, including retaliation, are **PROHIBITED** both in the actual workplace and in any location that can be reasonably regarded as an extension of the workplace, such as an off-site Department sanctioned social function.

Employees and applicants should file a complaint with the EEOD at the earliest opportunity if the employee or applicant believes that a uniformed or civilian supervisor, manager or any other employee has engaged in any of the conduct described above.

NOTE *A complaint made in good faith will not be considered a false accusation. Knowingly making a false accusation of discrimination or knowingly providing false information during the course of an investigation of a complaint may be grounds for discipline.*

At least one or more trained EEO Liaisons must be designated in every command throughout the Department to provide assistance to complainants, witnesses and others regarding any EEO matter. EEO Liaisons are non-supervisory members of the service who serve voluntarily with the recommendation of their Commanding Officer and approval of the DCEI. For further information about the EEO Liaison Network, contact the Program Coordinator at (646) 610-5330.

DEFINITIONS

EMPLOYMENT DISCRIMINATION – Disparate treatment of employees or applicants regarding any terms, conditions or privileges of employment, including hiring, assignments, working conditions, salary and benefits, evaluations, promotions, training, transfers, discipline and termination based on actual or perceived status of a person's race, color, national origin, alienage or citizenship status, religion or creed, gender (including gender identity), sexual and reproductive health decisions (e.g., fertility-related medical procedures, sexually transmitted disease prevention, testing and treatment, family planning services and counseling, such as birth control drugs

DEFINITIONS (continued)

and supplies, emergency contraception, sterilization procedures, pregnancy testing and abortion), pregnancy, disability, age, military status, unemployment status, salary history, consumer credit history (for certain titles), familial status (parent or guardian of a person under 18 years of age who is living with them), caregiver status (person who provides ongoing care for a minor child or relative with a disability or elder care), prior record of arrest or conviction (under some circumstances), marital status, partnership status, genetic information or predisposing genetic characteristics, sexual orientation, or status as a victim of domestic violence, stalking or sexual offenses. Sexual harassment is a form of gender discrimination.

SEXUAL HARASSMENT – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
c. Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

NOTE *Conduct which can, in certain circumstances, be considered sexual harassment includes, but is not limited to, sexually suggestive remarks, pictures, gesturing, verbal harassment or abuse of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary or unwanted touching, patting or pinching.*

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

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

NOTE *An employee or applicant who requires a reasonable accommodation related to their disability shall complete Section "I" of* ***REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)*** *or* ***REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)****, as appropriate (see A.G. 320-47, "Reasonable Accommodations for Employees and Applicants"). These forms are readily available at all Department facilities and on the Intranet.*

DEFINITIONS (continued)

RETALIATION – It is unlawful to retaliate against or harass any person for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing or reporting any policies, practices or action which he/she believes to be discriminatory. Retaliation is also prohibited against any person requesting a reasonable accommodation. Any member of the service who engages in such retaliation or harassment will be subject to disciplinary action regardless of the findings of the initial EEO investigation or proceeding.

CONFIDENTIALITY – The EEOD and all Department uniformed and civilian supervisors, managers and EEO Liaisons will treat each complaint CONFIDENTIALLY. This means that information obtained from the complaint or revealed during the course of the investigation conducted by the EEOD will not be discussed with other personnel except as necessary to investigate and resolve the complaint or other matter or as required by law. Complainants should make every effort to maintain the confidential nature of this process. Witnesses and respondents of an EEO investigation shall not discuss the nature of the complaint being investigated by the EEOD or any aspect of an open or closed EEOD case with anyone except their union representative of a line organization and/or legal counsel.

All EEO complaints will be handled under the direction of the Deputy Commissioner, Equity and Inclusion (DCEI). In appropriate cases, the investigation will be conducted in conjunction with the Internal Affairs Bureau and other Department units as necessary or required.

REPORTING REQUIRE-MENTS

I. Any non-supervisory member of the service is *strongly encouraged* to report the complaint or the problem to the EEOD, a supervisor or manager at any level, or an EEO Liaison when the member of the service:
   a. Becomes aware of an employment discrimination or sexual harassment complaint or problem; or
   b. Becomes aware of a complaint or problem of retaliation for making an EEO complaint or participating in an EEO investigation; or
   c. Is asked or encouraged to retaliate against a member of the service for making an EEO complaint or participating in an EEO investigation.

II. Any supervisor, manager or EEO Liaison *must* report the complaint or problem to the EEOD as soon as possible, or by the next business day, when the member of the service:
   a. Observes conduct of a discriminatory nature; or
   b. Becomes aware of an allegation or complaint of employment discrimination or sexual harassment; or
   c. Observes or becomes aware of any act of retaliation regarding EEO matters
   d. The member must report and shall not investigate the observed conduct, allegation, or complaint of employment discrimination, sexual harassment, or retaliation.

NOTE *In order to ensure confidentiality, supervisors and EEO Liaisons must not make any entries regarding a complaint of employment discrimination and/or related retaliation in any official Department record.*

PROCEDURE When a member of the service or an applicant for employment believes that employment discrimination or sexual harassment exists as defined herein, and in the **Equal Employment Opportunity Policy Statement (SP 297)** and/or **Sexual Harassment Policy Statement (SP 281)**, or that retaliation relating to EEO issues has occurred:

MEMBER CONCERNED

1. File a complaint of employment discrimination and/or related retaliation with any of the following:
   a. Office of Equity and Inclusion, Equal Employment Opportunity Division by telephone at (646) 610-5330, by email at EEOcomplaints@NYPD.org, by facsimile at (646) 610-7229, in writing, or in person at One Police Plaza – Room 1204; or
   b. Supervisor (uniformed or civilian); or
   c. Manager; or
   d. Commanding officer; or
   e. Equal Employment Opportunity Liaison.

NOTE *After business hours and on weekends, the EEOD receives messages via office voice mail, and email and will make return phone calls on the next business day.*

Non-supervisory members of the service may telephone the EEOD anonymously to file a complaint and/or discuss matters regarding employment discrimination and/or related retaliation. An investigator assigned to the EEOD will be able to provide counseling and take appropriate follow-up action. Members concerned should understand that the cooperation of complainants and witnesses may be needed to rectify or address a problem of employment discrimination. Non-supervisory members of the service may report an allegation(s) of employment discrimination and/or related retaliation in writing anonymously by preparing a detailed written report and forwarding the report to the Deputy Commissioner, Equity and Inclusion Attn: Equal Employment Opportunity Division, One Police Plaza – Room 1204, New York, New York 10038.

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150) *forms must be readily available at all Department facilities. Additionally, this form is available for viewing and printing via the Intranet.*

SUPERVISOR/ MANAGER/C.O./ EEO LIAISON

2. Immediately upon observing conduct of a discriminatory or retaliatory nature, or becoming aware of an allegation or complaint of employment discrimination, sexual harassment or retaliation relating to an EEO issue:
   a. Telephone facts to the Office of the DCEEO during business hours or the next business day, Monday through Friday, 0800 to 1800 hours
      (1) During non-business hours, leave a message on voice mail with contact number and an investigator assigned to the Office of the DCEEO will contact caller

SUPERVISOR/ MANAGER/C.O./ EEO LIAISON (continued)

b. Obtain DCEEO case or inquiry number and name of the investigator

c. Be guided by information received from the Office of the DCEEO.

NOTE *A supervisor receiving an allegation of employment discrimination, sexual harassment and/or related retaliation against oneself must immediately notify the Office of the DCEEO.*

3. If matter is issued a DCEEO case number, forward **confidential** report on **Typed Letterhead** to the DCEEO (DIRECT), within five business days.

NOTE *Any supervisor or EEO liaison who fails to report an employment discrimination complaint or problem, including retaliation, to the Office of the DCEEO as required, and/or within the required time frames and/or who fails to take such actions as directed by the Office of the DCEEO to prevent employment discrimination, including sexual harassment and retaliation, from occurring in the future will be subject to disciplinary action.*

The Department prohibits the display in any form of offensive sexual, ethnic, racial, religious or other discriminatory material in or while using Department facilities or resources. Refer to P.G. 205-37, "Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material," for guidelines on handling incidents involving the display of offensive material.

EEOD

4. Notify commanding officer/manager, if and/or when appropriate.
5. Emphasize to the commanding officer/manager and all others concerned that reprisal or retaliation against complainants and/or witnesses is against the law and allegations of retaliation will be investigated and, if substantiated, members will be subject to disciplinary action.
6. Record required data in appropriate DCEEO record and assign a case or inquiry number to all complaints.

NOTE *Upon receiving a complaint, an investigator assigned to the Office of the DCEEO will attempt to contact and interview the complainant, and will advise the complainant that he/she may meet with an investigator to discuss the complaint at the Office of the DCEEO or at a mutually agreed discreet location of his/her choice before, during or after work hours to protect his/her confidentiality. Additionally, the member will be advised that he/she may be accompanied by a representative of his/her choice.*

Members are reminded that they do not have to notify a supervisor if they agree to meet with an Office of the DCEEO investigator during ***non-working hours****.*

However, if a complainant wishes to meet with an investigator during ***working hours****, the investigator will make a confidential notification to the command's integrity control officer, assistant integrity control officer, executive officer, commanding officer or other supervisory member not involved in the complaint to have the complainant appear at the Office of the DCEEO. Supervisors cannot unreasonably deny permission to attend the meeting. A member's appearance at the Office of the DCEEO must not be documented on any official Department record.*

EEOD (continued)

7. Counsel member filing complaint about options for handling complaint and/or refer member to other personnel for assistance.
8. If it is determined that an investigation is to be conducted, notify respondent in writing of the nature of the allegation(s), when necessary.
   a. Remind respondent that employment discrimination and/or related retaliation will not be tolerated and may be subject to discipline.
9. After completion of the investigation and when appropriate, forward results of the investigation conducted by the DCEEO to the Police Commissioner with recommendations for specific corrective action.
10. Notify complainant <u>in writing</u> of the outcome of the investigation and any corrective/disciplinary action taken.
    a. Notify respondent about the outcome of the investigation <u>in writing</u> when appropriate.

COMMANDING OFFICER/ MANAGER

11. Address the matter as directed by and under the guidance of the DCEI.
12. When directed, forward confidential report on Typed Letterhead to DCEI (DIRECT).
    a. Refer to EEOD case number.
    b. Report what corrective action was taken to address the complaint and describe any steps taken to preclude a reoccurrence.
13. Take <u>all</u> reasonable steps necessary to prevent the respondent from engaging in additional employment discrimination and related retaliation.

NOTE *Copies of all documents related to DCEEO complaints and investigations must be kept in a confidential file maintained by the commanding officer/supervisory designee consistent with the confidentiality requirements of this directive.*

ADDITIONAL DATA

<u>COUNSELING</u>

The complainant will be interviewed to ascertain the details of the complaint and will be apprised of the options for handling the complaint. These may include:

a. Investigation by the DCEEO
b. Mediation by a neutral mediation service
c. Further actions the member of the service can take on his/her own behalf
d. The member of the service filing a formal complaint with an outside agency
e. Referral of the member concerned to other personnel for assistance if it appears that the complaint does not involve an EEO problem.

<u>MEDIATION</u>

In appropriate cases, certain EEO complaints will be referred for mediation by a neutral mediator at a neutral location. Mediation is an early dispute resolution program designed to help resolve EEO complaints at the earliest stage possible without the need for a formal investigation. The procedure is not adversarial, but is a means of finding a mutually acceptable end to the parties' differences. This process is voluntary and the parties must mutually agree to the outcome. If the parties cannot agree upon a resolution, the matter will be referred back to the Office of the DCEEO for appropriate action. If a resolution is reached after mediation, <u>no</u> notations concerning the matter will be made on the respondent's Central Personnel Index record.

ADDITIONAL DATA (continued)

INVESTIGATION

In order to encourage members of the service to come forward, all communications between complainants and the EEOD relating to employment discrimination complaints will be kept confidential consistent with the above statement regarding CONFIDENTIALITY. Any person who is interviewed in the course of an investigation shall have the right to be accompanied by a representative of his/her choice.

An investigation will be conducted by the EEOD or a person acting under the direction of the DCEI. The investigation begins after the EEOD:

a. Receives either an oral or a written complaint of employment discrimination and/or related retaliation, and

b. Determines that the allegations in the complaint are sufficient to establish a case of unlawful employment discrimination and/or related retaliation.

After receiving the notice and copy of the complaint, the respondent has the right to respond in writing within fourteen calendar days. Respondents must maintain the confidentiality of the EEO process.

At the conclusion of an investigation, the DCEI will forward a confidential report of the investigation to the Police Commissioner. If the DCEI concludes on the basis of the investigation that the allegation of employment discrimination is substantiated, the DCEI shall recommend appropriate corrective action. The Police Commissioner will review the report prepared by the DCEI and make a final determination regarding the investigation and any recommendation for corrective action. Disciplinary action shall be taken in accordance with any applicable provisions of law, rules and regulations, and collective bargaining agreements.

Following the endorsement by the Police Commissioner of a recommendation by the DCEI that an EEO complaint is:

a. Substantiated, in whole or in part, the DCEI will require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting as well as a record of action taken shall be documented in the case file.

b. Unsubstantiated (as opposed to "unfounded"), the DCEI may require the commanding officer of the involved command or other appropriate person to appear at its office to discuss the final report with the DCEI, Commanding Officer EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting, as well as a record of action taken, shall be documented in the case file.

If the DCEI concludes, as a result of an investigation, that an act of employment discrimination and/or related retaliation has occurred but cannot identify the person(s) responsible, the DCEI may require the commanding officer/manager of the command/unit of occurrence or other appropriate person to appear at the EEOD to discuss the final report with the Commanding Officer EEOD, or designee. The commanding officer or other appropriate person shall take action as may be directed by the DCEI. The meeting and a record of action taken shall be documented in the case file.

ADDITIONAL DATA (continued)

When charges and specifications are pending or preferred against a member of the service, an allegation of discriminatory treatment raised as a defense to the charges by the respondent member of the service shall vest in the exclusive jurisdiction of the Deputy Commissioner, Trials until the charges and specifications have been resolved. After the charges and specifications have been resolved, jurisdiction over the allegation of employment discrimination shall be assumed by the DCEI upon written request of the affected party. In all other disciplinary matters, any allegation of employment discrimination raised by the member of the service concerned must be immediately reported to the EEOD.

ADDITIONAL PLACES WHERE A COMPLAINT OF DISCRIMINATION MAY BE MADE

Any member of the service or applicant for employment who believes that they have experienced discrimination has a right to file a formal complaint with the federal, state or local agencies listed below. A person does not give up this right when the person files a complaint with the Police Department's EEOD. The following local, state and federal agencies enforce laws against discrimination:

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
100 Gold Street, Suite 4600
New York, New York 10038

NEW YORK STATE DIVISION OF HUMAN RIGHTS
Headquarters
One Fordham Plaza, 4th Floor
Bronx, New York 10458
OR
163 West 125th Street, 4th Floor
New York, NY 10027
OR
55 Hanson Place, Room 304
Brooklyn, NY 11217

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004

TIME PERIODS FOR THE FILING OF COMPLAINTS OF EMPLOYMENT DISCRIMINATION, INCLUDING RELATED RETALIATION (MEASURED FROM THE DATE OF THE LAST OCCURRENCE OF A DISCRIMINATORY ACTION):

a. New York City Police Department - one year
(1) New York City Police Department - three year statute of limitations (for complaints of sexual harassment only)

The one year time period for filing complaints of employment discrimination, including related retaliation, with the New York City Police Department shall not serve as a limitation upon the Department's authority to discipline members of the service as otherwise authorized pursuant to applicable law

ADDITIONAL DATA (continued)

b. New York City Commission on Human Rights – one year (New York City Administrative Code, Title 8, Chapter 1) (Three years for sexual harassment)

c. New York State Division of Human Rights - one year (New York Executive Law, Article 15, section 297) (may not file if civil action filed first)

d. United States Equal Employment Opportunity Commission – three hundred days, regardless of whether there has been a prior filing with another agency. A member of the service is advised to contact the United States Equal Employment Opportunity Commission directly for guidance on this issue (42 USC, Section 2000e-5[c]).

RELATED PROCEDURES

Operations Coordinator (P.G. 202-11)
Desk Officer (P.G. 202-14)
Sexual, Ethnic, Racial, Religious, or Other Discriminatory Slurs Through Display of Offensive Material (P.G. 205-37)
Grievance Procedures for Members of the Public with Disabilities (A.G. 308-06)
Reasonable Accommodations for Employees and Applicants (A.G. 320-47)
Official Communication – Preparation (A.G. 322-11)

FORMS AND REPORTS

REASONABLE ACCOMMODATION REQUEST FOR JOB APPLICANTS (PD407-015)
REASONABLE ACCOMMODATION REQUEST FOR EMPLOYEES (PD407-015A)
EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-37

SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS THROUGH DISPLAY OF OFFENSIVE MATERIAL

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/23/20	06/23/20		1 of 3

PURPOSE To eliminate the display of offensive sexual, ethnic, racial, religious or other discriminatory material throughout the Department.

SCOPE It is the goal of the Department to ensure a discrimination free work environment. In furtherance of this goal, the Department prohibits the display of offensive sexual, ethnic, racial, religious or other discriminatory material.

One form of employment discrimination which may create a hostile work environment is the display of sexually explicit material in the workplace. Other forms of a hostile work environment can occur through the display of offensive ethnic, racial, religious or other discriminatory materials or graffiti, whether they deface Department property or not. Such displays might be in the form of, but are not limited to, postings, pictures, tattoos, graffiti drawn on Department property (e.g., lockers, vehicles, in toilet facilities, **ACTIVITY LOGS [PD112-145]**, Notice of Parking Violations, summonses, or any other Department forms, etc.), or an adult movie/program or other offensive material shown through the use of a any electronic storage media or device (e.g., video cassette, DVD/CD, flash drive, hard drive, etc.), or received through an adult channel from a cable/satellite company, or audio recording or broadcast, or an email communication(s), text message(s), or through any electronic or other device.

No form of defacement of Department property, display of offensive materials, sexually explicit television programs, videotapes or DVDs, derogatory email communications, text messaging or voice mail communications, in or using Department facilities or resources, is acceptable. Commanding officers, managers and supervisors shall keep their work sites free from such displays.

PROCEDURE When a display of offensive material is discovered:

MEMBER CONCERNED

1. Any **non-supervisory member of the service** who becomes aware of the display of offensive material is ***strongly encouraged*** to report it to any of the following:
   a. The Equal Employment Opportunity Division (EEOD) by telephone at (646) 610-5330, by email at EEOcomplaints@NYPD.org, by facsimile at (646) 610-7229, in writing, or in person at One Police Plaza – Room 1204; or
   b. Supervisor (uniformed or civilian); or
   c. Manager; or
   d. Commanding officer; or
   e. Equal Employment Opportunity (EEO) Liaison.

NOTE *Trained EEO Liaisons have been designated throughout the Department to provide assistance to complainants, witnesses and others regarding any EEO matter. For further information about the EEO Liaison Program, contact the Program Coordinator at (646) 610-5072.*

After business hours and on weekends, EEOD receives messages via office voice mail and will make return phone calls on the next business day.

A SUPERVISOR WHO BECOMES AWARE OF THE DISPLAY OF OFFENSIVE MATERIAL WILL AS SOON AS POSSIBLE:

SUPERVISORY MEMBER

2. Telephone facts to EEOD during business hours or the next business day, Monday through Friday, 0800 to 1800 hours, and be guided by information received from EEOD.
   a. During non-business hours, leave a message with a contact number on the voice mail and:
      (1) Photograph the offensive material; and
      (2) Take immediate steps to secure, remove and/or cover the offensive material from public display.
3. Safeguard the offensive material if possible, and prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System.
   a. Invoice the material as investigatory evidence.
4. Make Command Log entry of details.
   a. Do not describe or identify the specific offensive material/object that was discovered.
5. Notify commanding officer/manager.
6. Forward confidential report on Typed Letterhead to the Commanding Officer, EEOD (DIRECT) within five business days. Include the following information on the report:
   a. EEOD case number,
   b. Photo(s) of the offensive material and a copy of the **INVOICE**, if applicable.

NOTE *In addition to reporting the observation to EEOD, corrective action may take the form of removing the offensive material if it is a magazine or poster, etc., or having a **WORK ORDER (PD176-161)** prepared and forwarded, if necessary.*

EEOD

7. Ensure that the commanding officer/manager is notified of the display of offensive material.

COMMANDING OFFICER/ MANAGER

8. Inform/advise members of command, as appropriate, upon receiving a complaint of a display of offensive material, or having witnessed such display that:
   a. A display of offensive material has occurred and that such display violates Department policy
      (1) **DO NOT** describe or identify the specific offensive material/object that was discovered

COMMANDING OFFICER/ MANAGER (continued)

b. This behavior will not be tolerated and is subject to disciplinary action.

9. Confer with the EEOD and determine appropriate follow-up and/or investigatory action.
10. Notify the EEOD promptly by telephone of the results of any investigation.
11. Forward confidential report on Typed Letterhead to the Commanding Officer, EEOD (DIRECT) within five business days. Include the following information on the report:
    a. Refer to EEOD case number
    b. Report the results of the investigation and what corrective action was taken to address the matter and describe any steps taken to preclude a reoccurrence.

ADDITIONAL DATA

It will be incumbent upon all supervisors, and in particular the operations coordinator and the desk officer, when they make their daily inspections as provided for in P.G. 202-11, "Operations Coordinator" and P.G. 202-14, "Desk Officer," to ensure that no form of offensive material is displayed. Also, all Department vehicles will be inspected by the operator prior to use to ensure that there is no graffiti or any other form of offensive sexual, ethnic, racial, religious or other discriminatory material displayed. Should any such material be found in a Department vehicle, the procedures detailed above will be followed.

In addition, the following rules regarding audio recordings and broadcasts, cable/satellite television services or the use of electronic storage media or devices (video cassettes, DVDs/CDs, flash drives, hard drives, etc.) in Department facilities will be adhered to:

a. Sexually explicit audio broadcasts, television programs or videos shall not be listened to, shown or viewed in Department facilities, unless necessary as part of a documented, on-going, official investigation

b. Premium channels, which provide sexually explicit material, will not be permitted to be received on any cable/satellite receiver at a Department facility

c. Commanding officers/managers or supervisor designee will contact cable/satellite television companies and have them "block out" any stations received on the basic package which routinely show sexually explicit programming, if possible.

Commanding officers/managers must stress to their subordinates that these forms of behavior will not be tolerated.

RELATED PROCEDURES

Operations Coordinator (P.G. 202-11)
Desk Officer (P.G. 202-14)
Employment Discrimination (P.G. 205-36)
Department Computer Systems (P.G. 219-14)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
PROPERTY CLERK INVOICE (PD521-141)
WORK ORDER (PD176-161)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-38		
INVESTIGATION OF INCIDENTS OF RETALIATION AGAINST MEMBERS OF THE SERVICE			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide guidelines in accordance with the provisions of the Whistleblowers Law for the investigation of allegations of retaliation made by members of the service who have voluntarily reported misconduct or corruption.

DEFINITION WHISTLEBLOWERS LAW - An Administrative Code provision which encourages City employees to report improper conduct, i.e., corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, within their respective agencies. This law protects City employees who report such wrongdoing from any form of retaliation, i.e., dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected employee.

SCOPE The Department has the responsibility to encourage members to come forward and voluntarily provide information regarding misconduct and corruption. Inherent in this responsibility is the ability to protect those members from retaliation. IT IS THE POLICY OF THIS DEPARTMENT THAT RETALIATION AGAINST ANY MEMBER OF THE SERVICE FOR VOLUNTARILY PROVIDING INFORMATION REGARDING MISCONDUCT AND CORRUPTION WILL NOT BE TOLERATED.

PROCEDURE When a member of the service believes he/she is the victim of retaliation for voluntarily providing information regarding misconduct or corruption.

MEMBER OF THE SERVICE

1. Notify Internal Affairs Bureau Command Center.

UNIT RECEIVING NOTIFICATION

2. Notify Internal Affairs Bureau and forward all pertinent information.
   a. Make reasonable efforts to protect the anonymity and confidentiality of the employee making the allegation.

MEMBER CONCERNED, IAB COMMAND CENTER

3. Record pertinent information and assign a log number.
4. Have an immediate preliminary investigation conducted to obtain all available facts and evidence.
   a. Indicate results in log.

NOTE *Members of the service should comply with the provisions of P.G. 205-36, "Employment Discrimination," to lodge a complaint of retaliation regarding an equal employment opportunity issue. Allegations of retaliation involving equal employment opportunity issues (employment discrimination, sexual harassment, etc.) MUST be referred to the Office of the Deputy Commissioner, Equity and Inclusion, Equal Employment Opportunity Division for investigation.*

INTERNAL AFFAIRS BUREAU

5. Evaluate each complaint to determine whether the case may fall within the purview of the Whistleblowers Law.
6. Refer cases requiring further investigation concerning violations of the Whistleblowers Law to either the Internal Affairs Bureau or Office of the Deputy Commissioner, Equity and Inclusion, Equal Employment Opportunity Division, as applicable.

NOTE *Only the Internal Affairs Bureau or the Office of the Deputy Commissioner, Equity and Inclusion, Equal Employment Opportunity Division are authorized to conduct investigations involving allegations of retaliation against any member of the service for voluntarily having provided information regarding misconduct or corruption. Allegations which do not violate the Whistleblowers Law will be referred to the appropriate investigative unit concerned for additional action.*

IAB INVESTIGATIVE GROUP

7. Forward report through channels upon completion of investigation.

NOTE *Due to the need to maintain the confidentiality of investigations to the extent possible, the Office of the Deputy Commissioner, Equity and Inclusion, Equal Employment Opportunity Division will not be required to forward reports of employment discrimination retaliation. These reports will remain on file at the Office of the Deputy Commissioner, Equity and Inclusion, Equal Employment Opportunity Division until such time that disclosure thereof is necessary.*

DEPUTY COMMISSIONER, INTERNAL AFFAIRS

8. Forward report and recommendations to the Police Commissioner.

POLICE COMMISSIONER

9. Review report and direct necessary action.

ADDITIONAL DATA *Members of the service are reminded that resources (i.e., Employee Assistance Unit, Chaplains Unit, Police Officers Providing Peer Assistance [POPPA], etc.) are available to provide help in addressing a personal or professional problem.*

To obtain additional resources, information and guidance, members can refer to the Personnel Bureau's Department Intranet homepage. Once on the homepage, members are directed to click on the "Employee Assistance" folder in the "Documents" Section.

Members of the service who voluntarily provide information or assistance in internal/external investigations should be acknowledged for their high acts of integrity. In order to acknowledge such members, while maintaining the confidentiality of their actions, a sub-committee of the Integrity Review Board is established. This special sub-committee shall consist of the First Deputy Commissioner, Chief of Personnel, and the Internal Affairs Bureau (principals only, no representatives). It will be the responsibility of the sub-committee to review the actions of those members of the service who have voluntarily come forward and provided information, and recommend appropriate acknowledgement to the Police Commissioner.

RELATED PROCEDURES *Employment Discrimination (P.G. 205-36)*

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-39

DEPARTMENTAL RECOGNITION - UNIFORMED MEMBERS OF THE SERVICE

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PURPOSE To process requests for Departmental recognition.

PROCEDURE Whenever a uniformed member of the service performs an act worthy of Departmental recognition and is recommended by a supervisor, a co-worker or a member of the community:

MEMBER'S IMMEDIATE SUPERVISOR (REGARDLESS OF COMMAND)

1. Prepare **DEPARTMENTAL RECOGNITION REQUEST (PD439-162)** (see *ADDITIONAL DATA* statement under heading, *"PROCESSING DEPARTMENTAL RECOGNITION REQUEST"* for directions).
2. Prepare separate **DEPARTMENTAL RECOGNITION REQUEST** for each member of the service involved.
3. Deliver completed forms to operations coordinator, precinct of occurrence or command counterpart.

PRECINCT OPERATIONS COORDINATOR/ COUNTERPART

4. Assign precinct/command serial number to all **REQUESTS**.
   a. If more than one member of the service is involved in the same incident, the same precinct/command serial number will be used.
5. Assign **REQUEST** to ranking officer for investigation.

RANKING OFFICER

6. Conduct investigation including:
   a. Checking Department records
   b. Interviewing members involved, including patrol supervisor or other supervisory personnel, when appropriate
   c. Interviewing witnesses (in person or by telephone)
   d. Obtaining signed statements from witnesses, when possible
   e. Converting oral statements to signed written statements, when applicable
   f. Attaching statements to **REQUEST**
   g. Attaching all Department forms/records prepared in connection with the incident to **REQUEST**.
7. Enter results of investigation under "REMARKS" caption of **DEPARTMENTAL RECOGNITION REQUEST**.
   a. Use statements of fact.
      (1) Do not use descriptive embellishment of the facts.
8. Deliver completed forms to Precinct/Command Recognition Committee.

PRECINCT/ COMMAND RECOGNITION COMMITTEE

9. Conduct a review of the investigation and make initial recommendation to commanding officer.
   a. Precinct/Command Recognition Committee may refer the **REQUEST**, through the commanding officer, to a Bureau Recognition Committee, if the **REQUEST** involves aspects which require particular expertise in evaluating the merits of the **REQUEST**. It is expected that most **REQUESTS** will be processed by the Precinct/Command Recognition Committee. Only highly unusual or complex cases should be referred to a Bureau Recognition Committee.

PRECINCT/ COMMAND RECOGNITION COMMITTEE (continued)

10. Enter a concise statement of findings under "FIRST ENDORSEMENT" on reverse side of **REQUEST**.
    a. If supervisory officer is included, indicate how actions of supervisor exceeded normal supervisory or administrative duties.
    b. Standard abbreviations may be used.
    c. Use statement of fact ONLY.
11. Forward **REQUEST** to commanding officer, precinct of occurrence or command counterpart.

PRECINCT COMMANDING OFFICER/ COUNTERPART

12. Review all **REQUESTS**.
    a. If concurring with recommendations of Precinct/Command Recognition Committee, follow steps below, as appropriate.
    b. Forward **REQUESTS** which require particular expertise in evaluating the merits of the **REQUEST** to the appropriate Bureau Recognition Committee.
    c. If disapproving **REQUEST**, indicate the same under "SECOND ENDORSEMENT."

IF REQUEST IS FOR EXCELLENT POLICE DUTY OR MERITORIOUS POLICE DUTY

PRECINCT COMMANDING OFFICER/ COUNTERPART

13. Make a determination on **REQUEST** for Excellent Police Duty or Meritorious Police Duty.
14. Indicate approval or disapproval of **REQUEST** and complete "SECOND ENDORSEMENT" for Excellent Police Duty and "THIRD ENDORSEMENT" for Meritorious Police Duty on reverse side of form.
15. Forward original (white) copy of **REQUEST** to the Human Resources Division (Attention: Honor Committee) and distribute the remaining copies as indicated on form.

IF RECOMMENDATION IS FOR ANY COMMENDATION, EXCEPTIONAL MERIT, MERITORIOUS POLICE DUTY - INTEGRITY OR HONORABLE MENTION

PRECINCT COMMANDING OFFICER/ COUNTERPART

16. Review and forward **REQUESTS**, with recommendations, to Borough Recognition Committee or similar Recognition Committee in bureaus/divisions whose commands are exempt from processing requests through patrol precincts.

BOROUGH RECOGNITION COMMITTEE/ COUNTERPART COMMITTEE

17. Conduct review.
    a. Highest-ranking member present will act as Chairperson of the Borough Recognition Committee/counterpart committee.
18. Review **REQUEST** and indicate recommendation under "FOURTH ENDORSEMENT."
19. Forward **REQUEST** to borough commander, bureau chief or division counterpart, as appropriate.

IF REQUEST IS FOR COMMENDATION AND MERITORIOUS POLICE DUTY - INTEGRITY

BOROUGH COMMANDER/ COUNTERPART

20. Make determination on **REQUEST** for Commendation.
21. Indicate approval/disapproval and complete "FIFTH ENDORSEMENT" on reverse side of form.
    a. When appropriate, approve **REQUESTS** for Commendation, except those which involve acts of integrity. In these cases, as well as for all requests for Meritorious Police Duty – Integrity, the borough commander, bureau chief or division counterpart will forward endorsed **REQUESTS**, with a synopsis of proceedings, to the Integrity Review Board.
22. Forward original (white) copy of all **REQUESTS**, not involving integrity, to the Human Resources Division (Attention: Honor Committee) and distribute the remaining copies as indicated on form.

IF REQUEST IS FOR EXCEPTIONAL MERIT OR HONORABLE MENTION

BOROUGH COMMANDER/ COUNTERPART

23. Review **REQUEST**.
24. Indicate recommendations under "FIFTH ENDORSEMENT."
25. Forward **REQUEST** and synopsis of proceedings on **Typed Letterhead** to the Honor Committee.

IF RECOMMENDATION IS FOR PURPLE SHIELD MEDAL

PRECINCT COMMANDING OFFICER/ COUNTERPART

26. Prepare **REQUEST**.
    a. Include any required attachments.
27. Forward all papers to next higher command for endorsement.

NEXT HIGHER COMMAND

28. Forward endorsed **REQUESTS** to the Honor Committee (DIRECT) for evaluation.

IF MEMBER WISHES TO APPEAL

REQUESTING MEMBER

29. Prepare two copies of appeal on **Typed Letterhead**, addressed to Borough/Bureau/Counterpart Recognition Committee for Excellent Police Duty/Meritorious Police Duty OR to the Police Commissioner for Meritorious Police Duty (Integrity), Commendation, Exceptional Merit or Honorable Mention, within ten days of publication of award including:
    a. Facts of request
    b. Reasons for appeal
    c. Personnel Order number and date (if applicable).

ADDITIONAL DATA

PROCESSING DEPARTMENTAL RECOGNITION REQUEST

a. All requests for Departmental recognition, with the exception of those requests involving members assigned to the Housing Bureau, Detective Bureau (not including precinct detective squads), Transit Bureau, Community Affairs Bureau, Chief of Transportation and Chief of Special Operations, will be processed through patrol precincts.

b. Commands which report to the Housing Bureau, Detective Bureau (not including precinct detective squads), Transit Bureau, Community Affairs Bureau, Chief of Transportation and Chief of Special Operations, will process all requests for Departmental recognition involving assigned members in a similar manner as requests processed through patrol precincts (see "ADDITIONAL DATA" statement regarding the chain of command to be utilized by bureaus/divisions exempt from processing requests through patrol precincts).

c. Requests involving members assigned to precinct detective squads will be processed through patrol precincts.

d. If two or more precincts within the same borough are involved in the same incident, the patrol borough commander will designate which Precinct Recognition Committee will conduct the investigation and prepare the appropriate documentation. If two or more precincts are involved, and the precincts are in different boroughs, the Honor Committee will make the designation, except for cases involving integrity. In those instances, the Integrity Review Board will make the designation.

e. Acts worthy of Departmental recognition which involve members from multiple bureau/division commands will be processed through patrol precincts.

*f. Assistance in the preparation of the **DEPARTMENTAL RECOGNITION REQUEST** form may be obtained by contacting the Employee Management Division's Departmental Recognition Unit.*

LEGAL CONSIDERATIONS

*All information entered on the **DEPARTMENTAL RECOGNITION REQUEST** is considered "Rosario" material and should be a factual statement of the member of service's role in a particular matter. There should be no descriptive embellishment of the facts. In addition, all written statements taken from witnesses should be considered "Rosario" material. Since the defense attorney in a criminal case has the right to examine a witness's prior statement, if a witness testifies, the appropriate District Attorney's office must be advised of the existence of requests for Departmental recognition as well as other witness statements in a pending case. Due to "Rosario" material potential, every request must include the legal name of each member of the service; any initials, nicknames, etc. of a member of the service are not permitted on the **DEPARTMENTAL RECOGNITION REQUEST**.*

DEPARTMENT POLICY

Uniformed members of the service involved in undercover or confidential operations will be guided by the direction of their Bureau Chief/Counterpart when submitting requests for Departmental recognition.

ADDITIONAL DATA (continued)

Request for Departmental recognition should be limited to those members who are directly involved with the arrest/incident (i.e., arresting officer and partner). If the incident involved personal risk, danger or unusual accomplishment, each member requesting recognition must explain their direct involvement in the incident. Furthermore, supervisors of units must explain how their actions exceeded normal supervisory or administrative duties in order to be considered for recognition.

Departmental Recognition Committees are composed of five uniformed members of the service: two ranking officers (one of whom will be designated chairperson) and three non-supervisory officers (which may include a member of the precinct detective squad), will be established by each precinct and patrol borough command. Similarly, commands which report to the Housing Bureau, Detective Bureau (not including precinct detective squads), Transit Bureau, Chief of Community Affairs, Chief of Transportation, and Chief of Special Operations, will also establish Departmental Recognition Committees utilizing the same group composition. Bureau Recognition Committees will be established in each bureau command for these more complex or unusual cases.

Precinct/Command Recognition Committee members will be clearly identified and convene each quarter. Commanding officers will not be present when Precinct/Command Recognition Committee convenes.

*The highest ranking officer who is responsible for indicating approval/disapproval of **REQUEST** MUST be in a rank of at least one level higher than any of the recipients of the medal and MUST NOT be one of the recipients of the requesting medal. Each additional endorsement (when applicable) MUST be approved/disapproved by the next higher rank based on the previous endorsement.*

*When a **REQUEST** is forwarded to a bureau chief/counterpart for evaluation based on expertise, the bureau chief/counterpart will make the final determination on Excellent Police Duty, Meritorious Police Duty and Commendations, except in cases where integrity forms the basis of the **REQUEST**. Integrity requests, forwarded to a bureau chief/counterpart for expert evaluation, will be processed in accordance with steps "20" and "21." In cases where Exceptional Merit or Honorable Mention will be recommended, bureau chiefs will comply with steps "23," "24," and "25."*

*Precinct commanding officers/command counterparts may recommend either a Meritorious Police Duty or a Commendation for acts of integrity. Regardless of the level of award recommended, ALL **DEPARTMENTAL RECOGNITION REQUESTS**, which are based on acts of integrity, must be forwarded to the appropriate Borough Recognition Committee, or similar Recognition Committee established in bureaus/divisions whose commands are exempt from processing requests through patrol precincts. These **REQUESTS** must be endorsed by the concerned borough commander/counterpart, and submitted to the Integrity Review Board for final determination.*

*All approved **DEPARTMENTAL RECOGNITION REQUESTS** being forwarded to the Honor Committee or Integrity Review Board will be accompanied by a **Typed Letterhead**, in duplicate. The duplicate copy will be returned to the forwarding command and filed as a receipt.*

ADDITIONAL DATA (continued)

*If a discharge of a firearm by the member of the service is the basis for the **REQUEST**, the Borough/Bureau/Counterpart Recognition Committee will ensure that all appropriate forms including the **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, **UNUSUAL OCCURRENCE REPORTS (PD370-152)** (including the preliminary **UNUSUAL OCCURRENCE REPORT** endorsed from the designated Borough Chief to the Chief of Department, and the **UNUSUAL OCCURRENCE REPORT** on the FINDINGS AND RECOMMENDATIONS by the designated Borough), Crime Scene Unit sketches, etc., and the final determination of the Firearms Discharge Review Board by the Chief of Department or the Use of Force Review Board by the First Deputy Commissioner, as applicable, are attached to the **REQUEST** and forwarded to the Honor Committee for consideration.*

*If medal determination cannot be based on the **REQUEST** and attached forms/reports, the Borough/Bureau/Counterpart Recognition Committee will conduct a hearing, and prepare a written report of the incident.*

An appeal MAY NOT be lodged until AFTER notice of the award is published in Personnel Orders. Decisions of the Police Commissioner concerning appeals of awards reduced or disapproved are final.

*When practical, final determination of an award will be made within sixty days of submission of a **DEPARTMENTAL RECOGNITION REQUEST**.*

The chain of command that will be utilized for processing requests for Departmental recognition in bureaus/divisions not processing requests through patrol precincts is as follows:

<u>Housing Bureau</u>
Police Service Area (PSA) commands will establish Recognition Committees.
PSA commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Housing borough commands will establish Recognition Committees.
Housing borough commanders will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

<u>Detective Bureau</u>
Detective borough commands will establish Recognition Committees (precinct detective squads will process requests through patrol precincts).
Detective borough commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Narcotics borough commands will establish Recognition Committees.
Narcotics borough commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Office of the Chief of Detectives will establish a Recognition Committee.
Chief of Detectives will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

<u>Transit Bureau</u>
District commands will establish Recognition Committees.
District commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.

ADDITIONAL DATA (continued)

Transit borough commands will establish Recognition Committees.
Transit borough commanders will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

Community Affairs Bureau
Community Affairs Bureau commands will establish Recognition Committees.
Community Affairs Bureau commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Commanding Officer, Community Affairs Bureau will establish a Recognition Committee.
Commanding Officer, Community Affairs Bureau will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

Chief of Transportation
Chief of Transportation commands will establish Recognition Committees.
Chief of Transportation commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Chief of Transportation will establish a Recognition Committee.
Chief of Transportation will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

Chief of Special Operations
Chief of Special Operations commands will establish Recognition Committees.
Chief of Special Operations commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.
Chief of Special Operations will establish a Recognition Committee.
Chief of Special Operations will make final determination on Commendation requests.
All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

The function and composition of the Honor Committee is as follows:
Review requests for awards above the grade of Commendation and make recommendations to the Police Commissioner. The Honor Committee is composed of:
First Deputy Commissioner (Chairperson)
Chief of Department
Chief of Community Affairs
Chief of Patrol
Chief of Detectives
Chief of Personnel
Chief of Housing
Chief of Transportation
Chief of Transit

The function and composition of the Integrity Review Board are as follows:
Review requests for Integrity Awards in the grade of Meritorious Police Duty and Commendation and make recommendations to the Police Commissioner.
Review and evaluate activities indicating commitment to integrity. The Integrity Review Board is composed of:
Chief of Department (Chairperson)
Chief of Patrol

ADDITIONAL DATA (continued)

Chief of Detectives
Chief of Personnel
Deputy Commissioner, Internal Affairs
Chief of Housing
Chief of Transit
Uniformed member of the service in the rank of police officer, as selected by the Family Assistance Section, on an ad-hoc basis.

RELATED PROCEDURES

Boards and Committees (O.G. 101-23)
Emblems, Insignia and Breast Bars (P.G. 204-16)
Integrity Review Board Recommendation Procedure (P.G. 205-16)
Department Medals – Uniformed Members of the Service (P.G. 205-65)
Presentation of Department Recognition Awards (A.G. 305-03)
Unit Citation (A.G. 305-04)
Educational Achievement Citation (A.G. 320-19)

FORMS AND REPORTS

DEPARTMENTAL RECOGNITION REQUEST (PD439-162)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
UNUSUAL OCCURRENCE REPORT (PD370-152)
Typed Letterhead

PURPOSE To regulate off duty employment of uniformed members of the service, except that off duty employment performed with the Paid Detail Unit.

DEFINITIONS SECURITY FIELD - Includes guard service, payroll driver/cashiers, personal escorts (bodyguards), and employment in check cashing establishments, etc.

WATCHGUARD LICENSE - Issued by the New York State Secretary of State, upon a written request obtained from the Office of the Personnel Bureau, licensing a uniformed member of the service to engage in the off duty employment of providing guards in a security related field.

CLASS I FEDERAL FIREARMS LICENSE - Issued by the Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, to persons engaged in the business of selling firearms at wholesale or retail.

DEALER IN FIREARMS LICENSE - Issued by local licensing officer to any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, lending, leasing, or in any manner disposing of, any pistol or revolver.

OWNERSHIP INTEREST - An interest in a firm held by a member of the service, or by that member of the service's spouse, domestic partner, or unemancipated child when the member of the service, or the member of the service's spouse, domestic partner, or unemancipated child exercises managerial control or responsibility over the firm.

PROCEDURE When a uniformed member of the service wishes to engage in off duty employment or maintains an ownership interest in a firm, or when any member of the service wishes to engage in the practice of law off duty:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION (PD407-164)**.
   a. Enter total number of hours to be worked each week.
      (1) Do not use terms such as "varies" or "changes."
   b. Enter name and address of corporation in space captioned "Outside Employer" if applicant is an officer of a corporation.
      (1) Do not use term "self employed" if applicant is part or sole owner of corporation.
   c. Enter name of president of corporation if employed by corporation.
   d. Enter function of the corporation in space captioned "Describe the Type of Business."
   e. Describe functions to be performed in space captioned "Describe Specific Duties and Responsibilities."

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Deliver completed **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** to commanding officer.
   a. If off duty employment involves dealing in firearms outside the City of New York, also deliver a copy of completed application for a Class I Federal Firearms License.
      (1) After subsequent issuance by the Bureau of Alcohol, Tobacco and Firearms, provide a copy of the license to commanding officer and Employee Resources Section.
   b. If off duty employment involves dealing in firearms outside the City of New York, also deliver a copy of completed **APPLICATION FOR LICENSE AS A GUNSMITH OR DEALER IN FIREARMS (INDIVIDUAL) (PD625-043)** or **APPLICATION FOR LICENSE AS A GUNSMITH OR DEALER IN FIREARMS (PARTNERSHIP) (PD625-042**). After subsequent issuance by the local licensing officer, provide a copy of the license to commanding officer.

COMMANDING OFFICER

3. Interview applicant and determine if conditions of off duty employment are within Department guidelines.
4. Forward completed **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** for signature and recommendations to the borough commander/counterpart for security related fields only.

BOROUGH COMMANDER/ COUNTERPART

5. Return **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** to member's commanding officer indicating approval/disapproval.

COMMANDING OFFICER

6. Ascertain that applicant understands "Guidelines/Prohibitions" as outlined in "Additional Data" statement.
7. Confer with applicant's immediate supervisor.
8. Confer with Office of First Deputy Commissioner to determine whether reason exists for disapproval of **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION**, if applicant is on modified assignment and enter results of inquiry on **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION**.
9. Enter recommendations, sign and forward all approved, disapproved and renewal **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION(S)** or notice of termination or change in employment to the Employee Resources Section.
   a. Inquire Personnel Profile Report (PEPR) for status of application.
   b. Advise member whose **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION** has been DISAPPROVED that such decision may be appealed.
10. Monitor on duty performance of member engaged in off duty employment.
11. Recommend revocation of permission if outside employment interferes with member's responsibility to the Department.

COMMANDING OFFICER (continued)

12. Advise applicant of possible revocation of permission to engage in off duty employment should member become subject of disciplinary action or classified as "chronic sick."
13. Re-examine approved **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** of newly transferred/temporarily assigned member to ensure that current assignment does not result in a conflict of interest or corruption hazard.

UNIFORMED MEMBER OF THE SERVICE

14. Submit new **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** to report any change in status of employment (i.e., change of employer, duties, location of employment, etc.).
15. Submit renewal **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** for continuing off duty employment beyond each twelve month period at least ten days prior to expiration of current approved request.
16. Prepare a report on **Typed Letterhead** requesting review of **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION** that has been disapproved and submit to Commanding Officer, Employee Resources Section.

EMPLOYEE RESOURCES SECTION

17. Review **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** and determine if conditions of off duty employment are within Department and Board of Ethics guidelines and rulings.
    a. Contact the Legal Bureau, if necessary.
    b. If employment presents conflict of interest:
        (1) Advise employee of provisions of New York City Charter, Section 2604, "Prohibited Interests and Conduct" and that such employment is not appropriate
        (2) Advise employee to forward report on **Typed Letterhead** detailing reasons for appeal, if employment is denied, to Deputy Commissioner, Legal Maters, as per *A.G. 316-18, "Conflicts of Interest Board."*
18. Assign Off Duty Work Number and insert in appropriate space on **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION**.
19. Request records check from Intelligence Bureau for security related fields only:
    a. Employer,
    b. Individual or premises to be protected, if appropriate, and
    c. Disapprove **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION** if records exist at the above unit that would preclude employment.
20. Complete "Final Action:" section of **APPLICATION/NOTIFICATION** and sign.
21. Distribute copies of **APPLICATION/NOTIFICATION** as follows:
    a. ORIGINAL – place in member's Personnel Folder
    b. DUPLICATE – return to command of origin for file
    c. TRIPLICATE – return to member concerned
    d. QUADRUPLICATE - forward to Medical Division.

COMMANDING OFFICER

22. Advise and instruct member whose **OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION** has been APPROVED, regarding:
    a. Guidelines/prohibitions listed in "Additional Data" statement
    b. Carrying of weapons in other states. (New York City police officer status does not license member to carry weapon in another state; authorization must be obtained from state concerned).
23. Instruct member applying for Watchguard License of "Guidelines for Watchguard License" (see ADDITIONAL DATA statement).
    a. Direct member to report to Employee Resources Section to prepare affidavit and comply with instructions received.
24. Direct integrity control officer to verify that members concerned comply with prohibition against requesting overtime compensation for off duty employment related arrests.
25. Indicate on **OFF DUTY EMPLOYMENT APPLICATION/ NOTIFICATION**, after approval and prior to forwarding to Employee Resources Section, that a copy of the Class I Federal Firearms License is attached, if applicable.
    a. Forward copy of Class I Federal Firearms License, and **APPLICATION FOR LICENSE AS A GUNSMITH or DEALER IN FIREARMS (INDIVIDUAL) or APPLICATION FOR LICENSE AS A GUNSMITH or DEALER IN FIREARMS (PARTNERSHIP)**, and New York State License and **APPLICATION FOR LICENSE AS A GUNSMITH or DEALER IN FIREARMS (INDIVIDUAL) or APPLICATION FOR LICENSE AS A GUNSMITH OR DEALER IN FIREARMS (PARTNERSHIP)** to Commanding Officer, Firearms and Tactics Section, after recording license numbers on member's **FORCE RECORD (PD406-143)**.

COMMANDING OFFICER FIREARMS AND TACTICS SECTION

26. Maintain a file of members who have obtained Class I Federal Firearms Licenses or New York State Dealer in Firearms licenses for dissemination to inquiring ranking members of the service in cases of suspensions, modified assignments, removal of firearms, etc.

INTEGRITY CONTROL OFFICER

27. Audit **OVERTIME REPORTS (PD138-064)** submitted by uniformed members of the service to ensure that requests do not pertain to off duty security employment related arrests and advise commanding officer of findings.

ADDITIONAL DATA

GUIDELINES:

The following guidelines apply to ALL off duty employment:

a. Off duty employment MUST BE:
   (1) Performed outside regular hours of police duties.
   (2) Approved prior to starting or changing employment, AND for EACH EXTRA job or change of job for the same employer.

ADDITIONAL DATA (continued)

(3) Approved in writing from the Chief of Patrol, (Commanding Officer, Movie/Television Unit), IF employment involves working as a technical advisor/consultant for motion picture or television productions.

(4) Performed not exceeding twenty hours each week when a uniformed member on approved Family Medical Leave engages in off duty employment.

b. A uniformed member of the service may engage in off duty employment without prior approval:

(1) During the period of suspension without pay, OR

(2) While on continuous vacation and/or terminal leave immediately after filing an application for retirement. During a period of suspension without pay or vacation/terminal leave pending retirement, the member concerned remains officially a member of the service and, as such, may NOT engage in any type of employment or activity which, by existing law, is prohibited to police officers, or which may constitute a conflict of interest or create the appearance thereof (see GENERAL PROHIBITIONS).

c. Excessive sick leave or other evidence indicating off duty employment impairs ability to perform assigned police duties is cause for revocation of approval to engage in off duty employment.

d. A request for permission to work while off duty may be disapproved even though it does not specifically fall within the "Prohibitions" section or violate the "Guidelines" sections contained herein.

*e. A uniformed member of the service seeking part time employment in another City agency, or in ANY other governmental jurisdiction or agency MUST prepare **Certification of Compatibility for Dual Employment** (a **Certification of Compatibility for Dual Employment (DP1021A)** for City Mayoral Agencies or **Certification of Compatibility for Dual Employment (DP1021B)** for all other governmental agencies or jurisdictions). These forms are available at the Human Resources Division, Employee Resources Section, who will process forms upon completion.*

f. Not permitted if employed by any other municipal entity other than the City of New York.

g. Uniformed members of the service engaging in or seeking off duty employment are reminded that the law prohibits certain types of employment. Some members while engaging in bona-fide occupations, may unknowingly, in the normal pursuit of their particular off duty occupation, be violating one of these statutes. Members may consult with Legal Bureau.

h. Section 2604(a)(1) of the New York City Charter prohibits public servants from taking a position in a firm which the public servant knows, or should know, is engaged in business dealings with the City. "Position" is broadly defined and includes an officer, director, manager, employee, trustee, attorney, agent, broker or consultant to the firm. The definition of "firm" includes an individual seeking business on his/her own behalf, and as a sole proprietor. "Business dealings" are defined as any transactions involving the sale, purchase, rental, or disposition of any goods, services, or property; any license, permit, grant or benefit; and any performance of or litigation with respect to any of the above. It is quite possible that a member not completely familiar with these provisions could find himself/herself in violation of the law. For example, if a member has been approved as a vending machine salesperson or dealer, he/she would be violating this statute if he/she were to take a position with a firm or enter into a contractual agreement with any City agency or representative thereof, to place a vending machine in any building or upon property owned or leased by the City of New York or any of its agencies.

ADDITIONAL DATA (continued)

i. The Charter prohibits members from engaging in any business, transaction or private employment which is in conflict with the proper discharge of their official duties; using, or attempting to use their position to obtain any financial gain, or other benefit, including employment for themselves or any person "associated" with them ("associated" is defined to include a spouse, domestic partner, child, parent or sibling and a person with whom a member has a business or financial relationship); and disclosing any confidential information which is obtained as a result of a member's official duties or using such confidential information for any financial gain or other benefit.

j. A uniformed member of the service is prohibited from holding any position or engaging in business dealings which involve the manufacture, sale or recommendation of any alcoholic beverage. However, employment is permitted in a premises licensed to sell beer at retail for off-premises consumption (supermarkets and grocery stores). Also see A.G. 304-06, "Prohibited Conduct."

k. A member may not accept any valuable gift from any person or firm which the member knows or should know, has or intends to have business dealings with the City.

*l. Uniformed members of the service may write fiction or non-fiction books and articles on their own time and receive compensation provided that the restrictions contained in P.G. 212-76, "Information Concerning Official Business of Department" are adhered to. **APPLICATION/NOTIFICATION** should be submitted in this regard to the extent that members of the service are being paid for their writing.*

*m. A member of the service may be employed as technical or background advisor/consultants by television and film production companies. The consulting position may relate either to a particular incident (e.g., a homicide, robbery, rescue effort, etc.) or to a specialized field of expertise (e.g., arson, explosives, aviation, etc.). Again, the restrictions contained in P.G. 212-77 "Release Of Information To News Media" and 212-76 "Information Concerning Official Business of Department" MUST be adhered to, **APPLICATION/ NOTIFICATION** must also be submitted for these positions. In addition, prior to entering into any contractual relationship of this nature, members of the service are advised to seek private legal counsel. The sale of exclusive proprietary rights, based on the involvement of an individual in a particular incident, is strictly prohibited. For example, a member of the service assigned to the Aviation Unit can be retained as a consultant or advisor on general technical matters or for background on a particular incident; he or she cannot sell exclusive "rights" to a production company for the story of the officer's role in that incident.*

(1) A written approval from the Chief of Patrol, (Commanding Officer, Movie/Television Unit) is required, IF employment involves working as a technical advisor for motion picture or television productions.

n. Many of the off duty employment prohibitions and guidelines involve conflict of interest related issues as addressed in Chapter 68 of the New York City Charter. Each member of the service should be familiar with those provisions. In certain limited circumstances, a member of the service may hold an otherwise prohibited position with written approval of the Police Commissioner, and a determination by the Conflicts of Interest Board that the position would not conflict with the purposes and interests of the City. Conflict of interest questions or questions regarding waivers may be directed to the Deputy Commissioner, Legal Matters.

ADDITIONAL DATA (continued)

o. Department equipment, supplies, letterhead, personnel, or any other Department resources may not be used for off duty employment.

p. Not permitted if related to or concerned with matters that any City agency is required to inspect, approve or license, unless authorized.

q. Not permitted if the employment creates a prohibited subordinate-superior financial relationship.

GENERAL PROHIBITIONS:

Off duty employment is PROHIBITED when ANY of the following conditions exist:

a. Member is a probationary police officer with less than one year aggregate service who has not completed Entry Level Training in the Police Academy.

b. Existing law prohibits a police officer from employment in such job or premises.

c. Off duty employment is also prohibited, as follows:

(1) Interferes or conflicts with regular or emergency police duties.

(2) Requires the Police Department uniform or shield to be worn or used in any manner in any off duty employment, except if approved by the Paid Detail Unit.

(3) Affects member's ability to perform police duties.

(4) Exceeds twenty hours each week, except when performed during vacation period or when on terminal leave.

(5) Is to be performed three hours immediately prior to regular tour of duty.

(6) Requires member to be an officer, organizer, or hold a position in an employee organization, i.e., labor union, or member will become involved in a strike or labor dispute.

(7) Requires uniformed member to work, unless authorized, for an organization licensed or inspected by the Police Department.

(8) Is knowingly performed for a person who has a criminal arrest record.

(9) Is required to be performed when member is on sick report, sick leave or disability.

(10) Involves the guarding of licensed premises.

(11) Involves employment in any premises licensed by the State Liquor Authority, pursuant to the Alcoholic Beverage Control Law, except that employment is permitted in a premises licensed to sell alcoholic beverages as long as they are not handled by the applicant.

(12) Involves employment by a uniformed member of the service in precinct to which assigned. (However, a uniformed member assigned to a command whose jurisdiction encompasses more than one precinct may be permitted to engage in off duty employment within the area to which assigned, unless circumstances of such employment would constitute a conflict of interest or a corruption hazard, i.e., member's ability to provide off duty services while on duty).

(13) Involves employment as a process server, anywhere.

(14) Involves operating or having a financial interest in an arcade, video or pinball game.

(15) Involves working, owning, driving, training, selling goods or services or obtaining licenses relating to horse racing activities, race horses, tracks or firms either owning or dealing in the racing of horses.

(16) Involves the consultation/installation/repair of burglar alarms and security systems.

(17) Involves employment as a security consultant.

(18) Involves employment as a street vendor within New York City.

ADDITIONAL DATA (continued)

(19) Involves employment as a locksmith within New York City.

(20) Involves being employed in any capacity as a second hand dealer (except used cars) or second hand dealer purchasing and selling precious metals (gold, silver, etc.).

(21) Requires uniformed member of the service to perform investigative duties or secure a New York State investigator's license.

(22) Involves the guarding of diplomatic personnel and/or the premises of diplomatic personnel.

(23) Involves employment by a foreign government.

PROHIBITIONS FOR ATTORNEYS ENGAGED IN OFF DUTY EMPLOYMENT

In addition to complying with any other relevant Department policy, procedure, or prohibition, members engaging in off duty employment as attorneys will also adhere to the following:

a. Members shall not represent private interests for compensation before any City agency or appear anywhere, directly or indirectly, on behalf of private interests in matters involving the City.

b. Members shall not appear as attorney or counsel against the interests of the City in any litigation in which the City or other government agency is a party, or in any action or proceeding in which the City or other government agency is a complainant.

c. Members shall not serve as an attorney, or represent any party in any matter in negligence cases or criminal cases in state courts within the City's five boroughs.

d. Members shall not accept fees for referring a criminal or negligence case pending in state courts within the City's five boroughs.

e. In addition to the general prohibition against superiors and subordinates entering into any business or financial relationship (see A.G. 304-12, "Financial Restrictions"), members shall not appear as attorneys or counsel for, or represent in any manner, a higher ranking or lower ranking member of the service in/assigned to their same command. The Conflicts of Interest Board has determined that a "business or financial relationship" exists when an attorney performs legal services whether or not the attorney receives compensation.

GUIDELINES FOR SECURITY RELATED OFF DUTY EMPLOYMENT:

a. In addition to complying with the Guidelines and General Prohibitions, uniformed members accepting off duty employment in the private security field are advised that:

(1) They will not, in most instances, be entitled to or receive legal representation and/or indemnification from the City. Those benefits of City employment are afforded to municipal employees only when they act within the scope of their employment and in discharge of official duties.

(2) By virtue of that employment, relinquish the power and authority conferred by the laws of the State of New York as a police officer. However, when an officer effects an arrest in furtherance of the private employer's interest he is acting primarily on behalf of that employer, not in discharge of his duties as a police officer. Uniformed members of the service in their private capacity may not investigate crimes for

ADDITIONAL DATA (continued)

private employers and ordinarily should be the complainant and not the arresting officer for off duty situations which arise (for example: trespass and burglary situations) unless the exigencies of the circumstance require that they act in an arresting capacity.

(3) Because the City will not ordinarily indemnify uniformed members of the service against claims brought by individuals for action taken in connection with off duty employment, it is recommended that uniformed members of the service ascertain whether their private employer maintains liability insurance covering the off duty employment and affords legal representation and indemnification for acts or omissions occurring during off duty employment and in furtherance of employer's interests.

(4) All rules and regulations established by the Police Commissioner must be complied with fully.

*(5) All court time, both arraignment and follow-up appearances directly related to any duties and responsibilities in the off duty employment may not be performed on Police Department time nor may overtime compensation be received for such time from the City of New York. Accordingly, **OVERTIME REPORTS** should not be submitted in connection therewith. Further, it is the uniformed member's responsibility to see that the off duty employer/client has Workers' Compensation on coverage for guards to cover any injury or disability received in his employment. It is also understood that the City has a claim on any monies paid by Workers' Compensation that would duplicate paid sick leave by the City.*

*(6) **APPLICATION/NOTIFICATION** must be submitted to the Employee Resources Section for each employer/company and include all locations of assignment (if additional space is needed attach a separate sheet). For each new assignment, even if for the same employer, a new request for approval must be submitted, with the employer's name, and new location of person or premises to be protected.*

(7) Members may NOT work in off duty employment as security guards at a location where a strike or labor dispute is ongoing.

*(8) If a uniformed member of the service's firearm is discharged or member is injured as the result of an assault, while employed off duty in a security related capacity in New York City only, the precinct of occurrence must be notified immediately by the uniformed member involved. Incidents occurring outside the City of New York require immediate notification to the Operations Unit. The **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** must be completed and verified for all such incidents (see P.G. 221-04 "Firearms Discharge by Uniformed Members of the Service").*

*a. To expedite processing, a member requesting permission to engage in off duty employment in the security field is authorized to personally deliver the completed **APPLICATION/NOTIFICATION** to the Employee Resources Section.*

ADDITIONAL DATA (continued)

<u>GUIDELINES FOR WATCHGUARD LICENSE</u>:

In addition to complying with the Guidelines, General Prohibitions and Guidelines for Security Related Employment, uniformed members of the service will comply with the following re: Watchguard License:

a. If the uniformed member intends to form a corporation and employ any other person in a Watchguard Service capacity, then the requirements of New York State laws regarding watchguard licensing must be complied with. "Watch, guard or patrol agency" as defined by the General Business Law (Article 7 Section 71, sub. 2) shall mean and include the business of watch, guard or patrol agency and shall also mean and include, separately or collectively, the furnishing, for hire or reward, of watchmen or guards or private patrolmen or other persons to protect persons or property or to prevent the theft or misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes or other valuable documents, papers, and articles of value, or to procure the return thereof or the performing of the service of such guard or other person for any of said purposes. The foregoing shall not be deemed to include the business of persons licensed by the industrial commissioner under the provisions of section twenty-four-a or subdivision three-b of section fifty of the Workers' Compensation Law or representing employers or groups of employers insured under the Workers' Compensation Law in the State Insurance Fund, nor persons engaged in the business of adjusters for insurance companies nor public adjusters licensed by the superintendent of insurance under the Insurance Law of this State.

b. Uniformed members of the service employed in a Watchguard Service shall comply with all rules, regulations, guidelines and prohibitions, regarding off duty employment. In addition, members will comply with Department directives, regarding integrity monitoring procedures.

c. Uniformed members of the service applying for a Watchguard License must comply with the following:

*1) Prepare required Affidavit at Employee Resources Section after **APPLICATION/NOTIFICATION** has been prepared and approved.*

2) Submit a list of all clients or prospective clients of Watchguard Service, including names, addresses and specific location of business, to the Intelligence Bureau for records check.

*(a) If member has no clients at time of making **APPLICATION/NOTIFICATION**, the Affidavit will state that fact and may be approved, if the member applying agrees to submit the identifying data of prospective clients prior to entering an employment agreement with such clients.*

3) Maintain an updated and unified list of all clients, locations, etc., which must be made available for Departmental inspection.

*(a) The Employee Resources Section will maintain a separate folder for each approved Watchguard License containing a list of clients, locations and copies of approved **APPLICATIONS/NOTIFICATION** of all uniformed members of the service employed by such Watchguard Service.*

4) That the corporation or the member concerned will not have a client who is the subject of a criminal investigation or a premises licensed by the Alcoholic Beverage Control Board or a diplomat, or any other client that the Police Commissioner may disapprove on the grounds that such employment would not be in the best interests of the Department.

ADDITIONAL DATA (continued)

5) Will not have any client located within precinct of assignment, that is, if the off duty employment is of a premises, it may not be located in the precinct. If the off duty employment involves the security of an individual, he may not reside within the precinct of assignment.

6) The corporation or the member concerned will not provide services to clients who are then engaged in active labor strikes.

7) The corporation or member concerned will not advertise or represent that its employees are members of the New York City Police Department or that it operates under its auspices.

8) Will not employ a uniformed member of the service of any rank assigned within Watchguard Licensee's immediate command or employ any member of higher rank.

9) Provide Employee Resources Section with names and addresses of all employees, both uniformed members of the service and others.

*10) Do not employ other members of the service until such members present approved **APPLICATION/NOTIFICATION**.*

RELATED PROCEDURE

Civilian Member – Off Duty Employment (A.G. 319-23)

FORMS AND REPORTS

APPLICATION FOR LICENSE AS A GUNSMITH OR DEALER IN FIREARMS (INDIVIDUAL) (PD625-043)
APPLICATION FOR LICENSE AS A GUNSMITH OR DEALER IN FIREARMS (PARTNERSHIP) (PD625-042)
OFF DUTY EMPLOYMENT APPLICATION/NOTIFICATION (PD407-164)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
FORCE RECORD (406-143)
OVERTIME REPORTS (PD138-064)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-41	
FINEST IDEAS PROGRAM			
DATE ISSUED: 03/20/20	DATE EFFECTIVE: 03/20/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To improve police operations, public service, community relations, working conditions, and/or safety.

DEFINITION FINEST IDEAS – An employee suggestion program within the Police Department, wherein members of the service can electronically submit any proposal that improves some aspect of police operations, public service, community relations, working conditions, and/or safety. A proposal, if adopted, could result in substantial savings in time, money, manpower, equipment and/or the elimination of waste.

PROCEDURE When submitting an idea:

MEMBER OF THE SERVICE

1. Prepare suggestion and submit electronically.
   a. The Finest Ideas Program is found in the Department Forms section of the Department intranet.

ADDITIONAL DATA

The Project Management Office will acknowledge receipt of the idea to the submitting member of the service, along with an additional communication indicating approval, disapproval, or whether the idea was forwarded to the appropriate unit or outside agency for further review and evaluation, as applicable.

Any idea related to the following matters is not acceptable: salary schedules, job classifications, taxes for revenue purposes, time and leave regulations, acquisition of property for public purposes, routine maintenance requests, and allegations of corruption or official misconduct.

Members of the service who hold positions within the Finest Ideas Program, or where their regular duties include responsibility for suggesting changes and improvements, are limited in their participation in the Program. Finest Ideas by members of the service in the aforementioned categories may be made and accepted, as long as the idea is related to other than their own immediate responsibilities.

Section: Personnel Matters		Procedure No: 205-42	
DISCONTINUANCE OF POLICE SERVICE RETIREMENT OR VESTED INTEREST			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To apply for discontinuance of police service (retirement or vested interest).

DEFINITIONS TERMINAL LEAVE - Leave, with pay, computed at the Police Pension Fund and granted to retiring members UPON REQUEST. One month leave is granted for each ten years of service, three days for each completed year of service, and one day for each completed four months of service, EXCEPT that terminal leave will NOT be granted:

a. If disciplinary charges are pending,
b. If discontinuing police service with vested interest, or
c. For time spent on extended leave without pay, unless mandated by law.

LEOSA CERTIFICATION CARD - H.R. 218 was signed into law on July 22, 2004, by President George W. Bush and is commonly referred to as the Law Enforcement Officers Safety Act (LEOSA). LEOSA exempts qualified active and retired law enforcement officers from local and state prohibitions on the carrying of concealed firearms. To be valid, a LEOSA Certification Card must be accompanied by a retired UMOS Department **IDENTIFICATION CARD (PD416-091)**.

PROCEDURE When a uniformed member of the service wishes to apply for retirement or discontinue police service with vested interest:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer.
2. Telephone Police Pension Fund for instructions and an appointment PRIOR to reporting for retirement processing.

COMMANDING OFFICER

3. Have clerical member prepare **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)**.
4. Sign **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** in appropriate space and give form to retiring member.

UNIFORMED MEMBER CONCERNED

5. Report to Police Pension Fund in civilian clothes for discontinuance of service (retirement or vested interest).
   a. Tier 2 members must report at least thirty days in advance of discontinuance of service.
   b. Tier 3 members may report without notice at time of discontinuance of service.
   c. All members applying for terminal leave are requested, but NOT required, to report to the Police Pension Fund ten days prior to commencement of such leave to allow for clerical processing.
6. Request assignment to second platoon, if necessary.

NOTE *A uniformed member (with the exception of Tier 3 uniformed members) wishing to terminate police duties IMMEDIATELY, who has used all accrued time, vacation and/or terminal leave, MUST, after calling the Police Pension Fund for an appointment, submit one copy of* ***LEAVE***

NOTE (continued) ***OF ABSENCE REPORT (PD433-041)*** *to the Police Pension Fund and the remaining two copies of* ***LEAVE OF ABSENCE REPORT*** *to his commanding officer, requesting LEAVE WITHOUT PAY for up to thirty days. This leave MAY BE granted to a member applying for discontinuance of police service. Upon approval of the request by the unit commander, the member concerned MUST personally deliver all copies of the* ***LEAVE OF ABSENCE REPORT*** *to the commanding officer of the next higher command for approval and then present all copies to the Police Pension Fund for processing.*

UNIFORMED MEMBER CONCERNED (continued)

7. Bring **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** to Police Pension Fund and ensure all property is disposed of as indicated in step "8." If additional tours of duty are to be performed subsequent to appearance at the Police Pension Fund, report with **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** form ONLY. Upon completion of last tour of duty, report to Police Pension Fund on date specified by Police Pension Fund personnel OR after last tour of duty (ensure ALL property is disposed of as indicated in step "8").

NOTE *When a valid reason exists for testing firearm(s) of member discontinuing police service, member's commanding officer will ensure the preparation of* ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)****, if applicable, and have member hand deliver firearm(s) with* ***REQUESTS*** *direct to Firearms Analysis Section.*

8. Deliver property and obtain receipt on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, as follows:
   a. Shield and **IDENTIFICATION CARD (PD416-091)** to the Shield, ID and Uniform Services Unit after conferral with Police Pension Fund personnel,
   b. Firearm(s), if not previously invoiced, to Manhattan Property Clerk's Office if NOT LEOSA qualified and NOT applying for a handgun license. (Member discontinuing police service will prepare **PROPERTY CLERK INVOICE (PD521-141)** at Property Clerk facility). Firearm(s) previously invoiced at other borough Property Clerk Offices will be forwarded to the Manhattan Property Clerk's Office by the Property Clerk,
   c. Helmet and Oleoresin Capsicum (O.C.) pepper spray, with holster, to Firearms and Tactics Section, Police Headquarters range,
   d. New York City Transit Police Pass MetroCards, to desk officer, who will ensure that ALL MetroCards are hand delivered to the Employee Resources Section,
   e. Long Island Rail Road and Metro-North Police Passes, to desk officer, who will ensure that ALL Long Island Rail Road and Metro-North Police Passes are hand delivered to the Employee Resources Section,
   f. **NYPD Restricted Parking Permit (Misc. 23-N)**, **Headquarters Annex Parking Permit (Misc. 814HQ-Annex)** or any other Department issued vehicle parking permit, if applicable, to issuing command's integrity control officer/counterpart, to ensure that return is recorded in Department record book,

UNIFORMED MEMBER CONCERNED (continued)

g. **NYPD Vehicle Identification Plate (Misc. 740)**, if applicable, to command's integrity control officer/counterpart, who will ensure that the plate is forwarded by messenger to the Chief of Department's Vehicle Identification Unit at 300 Gold Street, Room 312, Brooklyn,

h. Department issued bullet resistant vest, if applicable, to Police Academy, Ballistic Vest Unit,
   (1) A retiring uniformed member of the service has the option of retaining their Department issued bullet resistant vest or returning it to Police Academy, Ballistic Vest Unit for proper disposal,

i. Permanently assigned portable radio with all accessories, if applicable, to Information Technology Bureau (ITB) Telecommunications Unit,

j. Personal laptop computer and/or tablet with all accessories, if applicable, to ITB Telecommunications Unit,

k. Cellular telephone with all accessories, if applicable, to ITB Telecommunications Unit,

l. MIFI device and/or VPN token, if applicable, to ITB Telecommunications Unit,

m. Tactical Retreat Hood (TRH), if applicable, to command's integrity control officer/counterpart, who will ensure that the TRH is returned to the Quartermaster Section, CBRN Unit,

n. Ballistic Tactical Helmet, if applicable, to command's integrity control officer/counterpart, who will ensure that the Ballistic Tactical Helmet is returned to the Quartermaster Section, CBRN Unit, and/or

o. Body-Worn Camera, if applicable, to command's integrity control officer/counterpart, who will ensure that the Body-Worn Camera is returned to ITB Telecommunications Unit.

NOTE *Regardless of residency, members with at least twenty years of service and those retiring due to line of duty injuries, when separating in "good standing," may obtain a LEOSA Certification Card from the Department at the time they are given their retired Department* ***IDENTIFICATION CARD****.*

Tier 3 members will not be issued a retired Department ***IDENTIFICATION CARD*** *or LEOSA Certification Card until thirty days after discontinuance of service and it has been determined that the member is separating in "good standing." If, however, the member opts to report to the Police Pension Fund at least thirty days prior to discontinuance of service, the member may be issued a retired Department* ***IDENTIFICATION CARD*** *and LEOSA Certification Card at the time of discontinuance.*

A member intending to apply for a handgun license will comply with instructions received from the License Division. Members who reside within the confines of New York City MUST have ***HANDGUN LICENSE APPLICATION (PD643-041)*** *typed and notarized prior to reporting to the Police Pension Fund. A member residing outside New York City must make application for a handgun license to the licensing officer in the municipality in which the member resides.*

UNIFORMED MEMBER CONCERNED (continued)

9. Deliver to Executive Director, Police Pension Fund:
   a. Five copies of **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** indicating disposition of property, and
   b. Copy of **PROPERTY CLERK INVOICE**, if applicable.
10. Prepare and submit **PENSION APPLICATION (PD440-045)**, which grants terminal leave, if applicable.
11. Retain copy of:
    a. **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, and
    b. **PROPERTY CLERK INVOICE**, if prepared.

DESK OFFICER

12. Notify Police Academy, Ballistic Vest Unit if member chooses to retain their Department issued bullet resistant vest.
    a. If member retains vest, send copy of **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** via fax and Department mail to Ballistic Vest Unit, ensuring vest information is entered on form.
13. Make Command Log entry from the endorsement made by the Executive Director, Police Pension Fund on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**.
    a. File copy of receipted form in Property Receipt Book.
14. Notify commanding officer and next higher command.
15. Notify roll call clerk.

FIREARMS AND TACTICS SECTION SUPERVISOR

16. Enter retiring UMOS' last firearms qualification date into the Firearms Tracking System (FTS) database.

OPERATIONS UNIT

17. Utilize the FTS database to verify the issuance and expiration date of the Department-issued LEOSA Certification Card when fielding calls from law enforcement agencies and other government entities.

ADDITIONAL DATA

The Police Pension Fund notifies uniformed members of the service well in advance of their 63rd birthdate that such members are required, by law, to retire no later than midnight of the eve of their 63rd birthdate. The member concerned MUST apply for and take all leave, including vacation and terminal leave, PRIOR TO THAT DATE. Any leave NOT TAKEN prior to the member's 63rd birthdate WILL BE FORFEITED; the member will receive NO COMPENSATION WHATSOEVER for time so forfeited. Tier 3 members will be notified in advance of their 62nd birthdate and must retire no later than midnight of the eve of their 62nd birthdate.

No leaves of any kind may be granted after commencement of terminal leave, nor may the member be placed on sick report, UNLESS such sick report results from an action taken in the line of duty while on terminal leave.

ADDITIONAL DATA (continued)

A member who discontinues terminal leave PRIOR to the effective retirement date may NOT be granted vacation for at least thirty days AFTER discontinuance of such leave. A member may, however, apply for a thirty day leave of absence WITHOUT PAY, OR return to full duty.

Prior to approval of a request for leave WITHOUT PAY of a member discontinuing terminal leave, the approving officer (see P.G. 205-21, "Leave of Absence Without Pay Thirty (30) Calendar Days or More") MUST communicate with, and obtain the approval of the Chief of Personnel.

A member on terminal leave who withdraws an application for retirement and subsequently re-applies for retirement shall be subject to ALL the provisions of this procedure. In addition, the effective date of retirement must be at least thirty days from the date of re-application.

A uniformed member of the service with sufficient reason may request his commanding officer to mail his paycheck while he is on leave prior to retirement. The request shall be prepared on ***Typed Letterhead*** *and submitted with sufficient number of self-addressed, stamped envelopes.*

Retiring members of service with at least twenty years of service or those retiring due to line of duty injuries will report to the Shield, ID and Uniform Services Unit with their last range requalification slip in order to obtain a LEOSA Certification Card along with their retired Department ***IDENTIFICATION CARD****. A member is not authorized to obtain a LEOSA Certification Card from the Department unless such member has qualified during a regular Department range cycle within the past twelve months. The LEOSA Certification Card will expire twelve months from the date of their last range requalification.*

RELATED PROCEDURES

Discontinuance of Police Service - Resignation (P.G. 205-43)
Leave of Absence Without Pay Thirty (30) Calendar Days or More (P.G. 205-21)
Acquisition and Use of Department Issued New York City Transit Police Pass MetroCards (P.G. 219-26)

FORMS AND REPORTS

LEAVE OF ABSENCE REPORT (PD433-041)
PENSION APPLICATION (PD440-045)
HANDGUN LICENSE APPLICATION (PD643-041)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-43	
DISCONTINUANCE OF POLICE SERVICE - RESIGNATION			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To facilitate the resignation of a uniformed member of the service.

DEFINITION RESIGNATION - Voluntary separation from the Department other than retirement/vested interest.

PROCEDURE When a uniformed member of the service decides to resign from the Department:

MEMBER CONCERNED

1. Report to permanent command and notify commanding officer.
   a. If commanding officer is NOT present, inform desk officer.

COMMANDING OFFICER

2. Instruct member that resignation bars reinstatement EXCEPT if approved by the Police Commissioner within one year of date of resignation.
3. Request member concerned to complete, in ink, and sign appropriate section of **RESIGNATION AND EXIT INTERVIEW (PD452-151)**.
4. Interview member and record responses under appropriate captions of **RESIGNATION AND EXIT INTERVIEW**.
5. Sign **RESIGNATION AND EXIT INTERVIEW** and distribute as indicated on bottom of form within five business days.
6. Have command clerk prepare set of **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)**.
7. Sign **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**.

DESK OFFICER

8. Make Command Log entry of resignation.
9. Obtain New York City Transit Police Pass MetroCard and Long Island Rail Road and/or Metro-North Rail Road Police Passes from resigning member, if appropriate, and have hand delivered to the Employee Resources Section.
10. Notify Operations Unit that uniformed member is resigning.
11. Give member on duty at Operations Unit the following information concerning resigning member:
    a. Rank,
    b. Last name, first name, middle initial,
    c. Shield number,
    d. Tax registry number,
    e. Social Security number,
    f. Command,
    g. Date of appointment, and
    h. Hour and date of resignation.

NOTE *Operations Unit personnel will notify Communications Section (for transmittal of FINEST Message), Internal Affairs Bureau, Payroll Section, Police Pension Fund and Human Resources Division.*

DESK OFFICER (continued)

12. Notify the Occupational Safety and Health Section, if resigning member indicated he/she does not feel safe in their work environment.
13. Assign member concerned to second platoon on last working day.
    a. If last working day of resigning member is on Saturday or Sunday, member will report to Police Pension Fund for processing on Friday and perform clerical duty in command on Saturday and Sunday.

RESIGNING MEMBER

14. Prepare **PROPERTY CLERK INVOICE (PD521-141)** listing firearms to be safeguarded.
15. Prepare separate **ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE (PD424-150)** for each firearm safeguarded.
16. Deliver firearms with **PROPERTY CLERK INVOICE** and **ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE** to borough Property Clerk's Office, ONLY.
17. Report to Police Pension Fund on last working day in civilian clothes with **PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE**, ALL property and two copies of **PROPERTY CLERK INVOICE**.
    a. Resigning uniformed member of the service will retain 'Prisoner/Finder/Owner' copy of **PROPERTY CLERK INVOICE** as receipt for firearms.

NOTE *If uniformed member of the service refuses to report to Police Pension Fund for processing, commanding officer will accept property and have it delivered to appropriate commands.*

18. Deliver Department property to commands indicated below and obtain receipt on **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, as follows:
    a. **IDENTIFICATION CARD (PD416-091)** and shield, to Shield, ID and Uniform Services Unit,
    b. Helmet and Oleoresin Capsicum (O.C.) pepper spray, with holster, to officer-in-charge, Firearms and Tactics Section, Police Headquarters range,
    c. **NYPD Restricted Parking Permit (Misc. 23-N)**, **Headquarters Annex Parking Permit (Misc. 814HQ-Annex)**, or any other Department issued vehicle parking permit, if applicable, to issuing command's integrity control officer/counterpart, to ensure that return is recorded in Department record book,
    d. **NYPD Vehicle Identification Plate (Misc. 740)**, if applicable, to command's integrity control officer/counterpart, who will ensure that the plate is forwarded by messenger to the Chief of Department's Vehicle Identification Unit at 300 Gold Street, Room 312, Brooklyn,
    e. Department issued bullet resistant vest, to Police Academy, Ballistic Vest Unit,

RESIGNING MEMBER (continued)

f. Permanently assigned portable radio with all accessories, if applicable, to Information Technology Bureau (ITB) Telecommunications Unit,
g. Personal laptop computer and/or tablet with all accessories, if applicable, to ITB Telecommunications Unit,
h. Cellular telephone with all accessories, if applicable, to ITB Telecommunications Unit,
i. MIFI device and/or VPN token, if applicable, to ITB Telecommunications Unit,
j. Tactical Retreat Hood (TRH), if applicable, to command's integrity control officer/counterpart, who will ensure that the TRH is returned to the Quartermaster Section, CBRN Unit,
k. Ballistic Tactical Helmet, if applicable, to command's integrity control officer/counterpart, who will ensure that the Ballistic Tactical Helmet is returned to the Quartermaster Section, CBRN Unit, and/or
l. Body-Worn Camera, if applicable, to command's integrity control officer/counterpart, who will ensure that the Body-Worn Camera is returned to ITB Telecommunications Unit.

NOTE *ALL uniformed members of the service MUST return the Patrol Guide. Detectives, detective investigators and detective supervisors MUST return the Patrol Guide and Detective Guide. All uniformed members of the service in the rank of lieutenant MUST return the Patrol Guide and Administrative Guide. All uniformed members of the service in the rank of captain and above MUST return the Patrol, Administrative, Detective and Organization Guides.*

POLICE PENSION FUND REPRESENT-ATIVE

19. Examine **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** to insure that ALL property is returned or accounted for.
20. Prepare necessary resignation papers and give resigning member appropriate instructions.
21. Forward to desk officer/counterpart following forms in Department mail:
    a. **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, and
    b. **PROPERTY CLERK INVOICE**.

DESK OFFICER

22. File copy of **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** in Property Receipt Book.
23. Notify commanding officer, roll call clerk and next higher command of resignation.

<u>IF MEMBER IS RESIGNING IN PERSON, NOT AT PERMANENT COMMAND, AND WILL NOT REPORT TO POLICE PENSION FUND FOR PROCESSING</u>:

DESK OFFICER, COMMAND OF RESIGNATION

24. Prepare **RESIGNATION AND EXIT INTERVIEW**.
25. Request member to sign form.
    a. If member refuses, so indicate.
26. Sign and distribute form as indicated in step "5" above.
27. Notify Operations Unit of member's resignation.
    a. Operations Unit personnel will make required notifications.

DESK OFFICER, COMMAND OF RESIGNATION (continued)

28. Notify member's permanent command of resignation.
29. Notify the Occupational Safety and Health Section, if resigning member indicated he/she does not feel safe in their work environment.
30. Make Command Log entry of member's resignation including names of persons notified.
31. Question resigning member concerning location of property.
32. Instruct member concerned that benefits, pension contributions, etc., will NOT be returned until ALL property is accounted for and that the Police Commissioner will decide if resignation is without permission.
33. Assign uniformed member to deliver property of resigning member to permanent command.
34. Instruct resigning member to contact Police Pension Fund for instructions concerning benefits.

DESK OFFICER, PERMANENT COMMAND

35. Have following forms prepared:
    a. **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**,
    b. **PROPERTY CLERK INVOICE**, and
    c. **ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE**.
36. Inspect member's **FORCE RECORD (PD406-143)** to determine Department property and firearms possessed by member.
37. Have uniformed supervisor and clerical member of the service open member's locker and obtain property.
38. Have uniformed member of the service deliver resigning member's firearms with related forms to borough Property Clerk's Office.
39. Assign member to deliver **PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE** (five copies), two copies of **PROPERTY CLERK INVOICE** and ALL Department property to Police Pension Fund.

POLICE PENSION FUND REPRESENT-ATIVE

40. Process papers of resigning member and check **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** to insure ALL Department property and firearms are returned.
41. Forward to member's permanent command a copy of:
    a. **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE**, and
    b. **PROPERTY CLERK INVOICE**.

DESK OFFICER, PERMANENT COMMAND

42. Check **PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE** to insure that ALL Department property and firearms of resigning member are accounted for, and/or safeguarded.

IF MEMBER RESIGNS OTHER THAN IN PERSON (BY TELEGRAM, REGISTERED LETTER, ETC.):

C.O./ SUPERVISING OFFICER, RECEIVING RESIGNATION

43. Notify Operations Unit of member's resignation.
    a. Operations Unit personnel will make required notifications.
44. Notify resigning member's permanent command, if necessary.

C.O., PERSONNEL ORDERS DIVISION

45. Mail certified letter to member concerned acknowledging receipt and acceptance of resignation.
    a. Advise member that Police Commissioner will decide if resignation is without permission.

MEMBER'S C.O./ SUPERVISORY HEAD

46. Attempt to personally communicate with member to determine location of Department property and member's firearms.
47. Instruct member concerned that pension contributions, etc., will NOT be returned until ALL property and firearms are returned and/or accounted for.
48. Have desk officer inspect **FORCE RECORD** of member to determine what Department property and firearms are possessed by member.

DESK OFFICER, MEMBER'S COMMAND

49. Assign sergeant and clerical member of the service to open member's locker and obtain Department property.
50. Make Command Log entry of all facts.
51. Request desk officer of designated precinct to assign a supervisor to a specified location to obtain member's property.
    a. Precinct designated will be determined by location of property.

SUPERVISOR, DESIGNATED PRECINCT

52. Visit location(s) and obtain property.
53. Deliver property to desk officer of member's permanent command.

DESK OFFICER

54. Comply with steps "14" to "18" above, insofar as possible, regarding preparation of forms and delivery of property to appropriate commands.

ADDITIONAL DATA

In an effort to facilitate vacation selections, uniformed members of the service in the rank of police officer through deputy chief receive their entire vacation allotment on January 1st of any given year. However, members concerned are reminded that they are only entitled to use their entire vacation allotment if they are employed for the full year. Uniformed members who resign during the calendar year may only use the amount of vacation days based on the monthly accrual rates as follows:

a. Uniformed members appointed PRIOR to July 1, 1988, as per P.G. 205-69, "Vacation Policy."

b. Uniformed members appointed AFTER July 1, 1988 at the rate of:
   (1) 2 ¼ days each month AFTER the first five years of service for a total of twenty-seven vacation days

ADDITIONAL DATA (continued)

(2) 1 2/3 days each month PRIOR TO 5TH YEAR ANNIVERSARY for a total of twenty vacation days.

NOTE: Uniformed member whose 5th year anniversary falls within calendar year receives a prorated vacation accrual based on date of appointment.

A uniformed member of the service who uses vacation in excess of the accrual rates PRIOR to resigning will be required to forfeit pay and/or reimburse the Department for the paid vacation days used in excess of the accrual.

RELATED PROCEDURE

Vacation Policy (P.G. 205-69)
Acquisition and Use of Department Issued New York City Transit Police Pass MetroCards (P.G. 219-26)

FORMS AND REPORTS

ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE (PD424-150)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)
RESIGNATION AND EXIT INTERVIEW (PD452-151)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-44	
PISTOL LICENSE FOR RETIRING MEMBERS OF THE SERVICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To expedite the issuance of a pistol license to a uniformed member of the service retiring.

PROCEDURE A uniformed member of the service who desires to obtain a pistol license will, prior to last tour of duty:

RETIRING MEMBER OF THE SERVICE

1. Obtain pistol license from local police authority if a non- resident of City.
2. Prepare **PISTOL LICENSE APPLICATION (PD643-041)** complying with directions on form.
   a. Two copies if resident of New York City
   b. Three copies if non-resident of New York City.
3. Request commanding officer to endorse reverse side of application under caption, "Investigating Officer's Recommendation."

CLERICAL MEMBER

4. Fingerprint retiring member using:
   a. **NON-CRIMINAL FINGERPRINT RECORD (PD423-144)**
   b. New York State Non-Criminal Fingerprint Card (O13 OOIN)
   c. F.B.I. Applicant Form (FD258)

RETIRING MEMBER OF THE SERVICE

5. Obtain three head type photographs, 1 ½ inch square
   a. If non-resident of New York City, four photographs are required.

NOTE *Photographs must have been taken within thirty days of application.*

6. Report to Identification Section, Police Headquarters with fingerprints for processing.
7. Report to Payroll/Pension Section to obtain Certificate of Service with medical endorsement.
   a. If non-resident, an additional copy of Certificate of Service is required for local police authority.
8. Prepare a U.S. Postal Money Order as follows:
   a. Seventy-four dollars payable to New York State Division of Criminal Justice Services.
9. Report to Pistol License Section, Police Headquarters with the following documents:
   a. **PISTOL LICENSE APPLICATIONS** and photographs
   b. Fingerprint forms
   c. Certificate of Service
   d. Money Order
   e. Copy of **PROPERTY CLERK INVOICE (PD521-141)** if firearms are in custody of Property Clerk.

ADDITIONAL DATA *A retiring uniformed member of the service who resides outside New York City must obtain a New York State Pistol License from his local police authority prior to making application to the Pistol License Section for a New York City License. Because the retiring member cannot receive a Certificate of Service until his last working day, he may be unable to receive his New York State License prior to his retirement date. Therefore, the retiring member will deposit his firearms in the Manhattan Property Clerk's Office and upon receipt of his State License, comply with the above procedure.*

RELATED PROCEDURES *Discontinuance Of Police Service Retirement-Vested Interest (P.G. 205-42)*

FORMS AND REPORTS ***NON-CRIMINAL FINGERPRINT RECORD (PD423-144)***
PISTOL LICENSE APPLICATION (PD643-041)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-45	
CHRONIC ABSENCE CONTROL PROGRAM			
DATE ISSUED: 08/22/19	DATE EFFECTIVE: 08/22/19	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To curtail abuse of sick leave privileges.

DEFINITIONS CHRONIC SICK - CATEGORY "A" - A uniformed member of the service who reports sick for any reason, EXCEPT an initial line of duty absence OR for hospitalization at any time, four or more times within a twelve month period.

CHRONIC SICK - CATEGORY "B" - A uniformed member of the service who reports sick for any reason, EXCEPT initial line of duty OR for hospitalization at any time, six or more times within a twelve month period; OR
For any reason EXCEPT an initial line of duty absence or for hospitalization at any time, four or more times within a twelve month period and loses forty or more workdays (not calendar days).

SCOPE Outpatient service such as ambulatory surgery is not considered hospitalization for the purpose of this procedure.

PROCEDURE When a uniformed member of the service is initially designated "CHRONIC ABSENT":

COMMANDING OFFICER, MEDICAL DIVISION

1. Notify member's commanding officer, in writing, by forwarding appropriate copies of **CHRONIC ABSENT NOTIFICATION (PD433-148)**.

COMMANDING OFFICER

2. Notify member of such designation, by delivering original copy (white) of **CHRONIC ABSENT NOTIFICATION,** after completing first endorsement.
3. Indicate notification on member's **ABSENCE AND TARDINESS RECORD (PD433-145).**
4. Advise member that such designation will remain in effect according to the following classification:
   a. CATEGORY "A" - for six months from date of return to duty following last absence.
   b. CATEGORY "B" - for nine months from date of return to duty following last absence.

NOTE *Subsequent sick reports, EXCLUDING initial line of duty or hospitalization, during the six or nine month period will extend the designation period accordingly UNLESS such designation is revoked on appeal.*

WHEN A MEMBER WISHES TO APPEAL A CHRONIC SICK DESIGNATION

MEMBER CONCERNED

5. Prepare report, in DUPLICATE, on **Typed Letterhead**, addressed to the Commanding Officer, Medical Division, within thirty days of chronic absent designation, indicating the reason(s) for objection to designation.
6. Present report to commanding officer for review and recommendation.

COMMANDING OFFICER

7. Review report and forward, with endorsement, to Commanding Officer, Medical Division.
   a. Include recommendation and reason(s) in support or denial of appeal.

COMMANDING OFFICER, MEDICAL DIVISION

8. Confer with Chief Surgeon and district surgeon concerned.
9. APPROVE/DISAPPROVE appeal.
10. Forward DISAPPROVED appeal to Chief of Personnel for final determination.
11. Notify commanding officer of member concerned of results of appeal.

COMMANDING OFFICER

12. Inform member concerned of final determination.

ADDITIONAL DATA

The following restrictions shall apply to members designated Category "B":

a. Not eligible for Administrative Sick

b. Assignment to Special Medical District/Confidential Medical District regardless of residence and existing medical district

c. Not permitted to leave residence, or other authorized location, for their entire sick occurrence, without the express permission of the Special Medical District/Confidential Medical District Surgeon. Members violating this procedure will be subject to Charges and Specifications, not Command Discipline.

Category "B" members who report sick and indicate an inability to travel, or who fail to report to the Special Medical District/Confidential Medical District when scheduled, will be visited by a supervising officer of the Medical Division. Member will then be transported to the Special Medical District/Confidential Medical District (if able to travel). ***CHARGES AND SPECIFICATIONS (PD468-121)*** *will be prepared by a ranking officer from the Medical Division if Special Medical District/Confidential Medical District Surgeon determines that:*

a. the sick member was able to travel to the Special Medical District/Confidential Medical District, OR

b. the member displays no objective evidence of illness or injury claimed.

Category "B" members found fit for duty after examination by the Special Medical District/Confidential Medical District Surgeon and who report sick again for the SAME reason prior to their next scheduled tour of duty, may be suspended from duty without pay if upon subsequent examination by a surgeon, no objective findings of such illness or injury are found. ***CHARGES AND SPECIFICATIONS*** *will be prepared by the Commanding Officer, Medical Division.*

ADDITIONAL DATA (continued)

A FINEST message will be transmitted daily listing those members reporting sick within the previous twenty-four hours and specifically identifying those who will report to the Special Medical District/Confidential Medical District instead of their own district surgeon. Members concerned will be notified by their commanding officer.

Granting of applications or recommendations for discretionary benefits, including promotion, extra compensation, designation, heightened assignments, off-duty employment and scholarships will be discretionary while a member is Chronic Absent, Category "A" or "B". No discretionary benefits and privileges will be denied solely because a member is Chronic Absent, Categories "A" or "B".

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)

FORMS & REPORTS

ABSENCE AND TARDINESS RECORD (PD433-145)
CHARGES AND SPECIFICATIONS (PD468-121)
CHRONIC ABSENT NOTIFICATION (PD433-148)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-46	
COUNSELING SERVICES UNIT			
DATE ISSUED: 05/06/19	DATE EFFECTIVE: 05/06/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that all members of the service are informed about the Counseling Services Unit.

DEPARTMENT COUNSELING GUIDELINES

SCOPE The primary function of the Counseling Services Unit is to assist in the recovery and return to full and productive service those members of the service who are experiencing difficulties with alcohol, prescription medication, gambling or finances. The Department's objective, at all levels, is the early detection and referral of its personnel for evaluation and treatment, either as a self-referral or through a direct supervisory referral. The Counseling Services Unit is not a disciplinary unit, nor a sanctuary for misconduct. To afford confidentiality to members of the service who utilize this program, the Counseling Services Unit is located in a non-Department facility with business hours Monday through Friday, between 0700-1800 hours. During non-business hours the Counseling Services Unit may be contacted through the Sick Desk Supervisor.

Alcoholism is a primary, chronic disease with genetic, psychosocial and environmental factors influencing its development and manifestations. Untreated, the disease is often progressive and fatal. It is characterized by continuous or periodic impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Alcoholism is a fully treatable disease, especially when intervention occurs in the early stages. Self-referral, before the condition results in personal tragedy or misconduct, is ideal. However, it must be emphasized that denial and cover-up are inherent components of this disease. Therefore, supervisors are a vital link to the process of early detection, referral, treatment and recovery. A supervisor may contact the Counseling Services Unit and request that a member be evaluated.

Federal law and regulations governing confidentiality prohibit disclosure of any information or record pertaining to substance abuse treatment. The Counseling Services Unit may not disclose any information that identifies a member as a participant except under the following circumstances:

a. Written consent from the member concerned
b. Valid subpoena and U.S. District Court Order
c. Suspected child abuse
d. Danger to self or another

SCOPE ***(continued)***

Records maintained by the Counseling Services Unit are absolutely confidential and not duplicated or forwarded anywhere within the Department. In non-disciplinary cases, when a supervisor officially refers a member, no report will be prepared and no record of the referral will be noted in the member's personnel folder. Supervisors making referrals will only be advised as to the level of cooperation and only on a need to know basis.

Members participating in this program will not jeopardize their promotional opportunities. In addition, their current assignments will not ordinarily be changed because of their participation in this program unless, due to the nature of the assignment, a change is deemed to be in the best interests of all parties concerned. However, participation in this program will not exempt a member of the service from disciplinary action for specific acts of misconduct and the consequences of such disciplinary action.

The services of the Counseling Services Unit are NOT available to members of the service for illegal drug use. All members of the service are mandated by provisions of "Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service," (P.G. 205-30) to immediately notify the Internal Affairs Bureau Command Center when illegal drug/controlled substance usage is suspected.

Prior to final adjudication of a disciplinary matter, in all misconduct cases in which the use of alcohol and/or domestic violence is indicated, a conferral with the Employee Assistance Unit must be made, and an assessment and/or referral by the Counseling Services Unit must be conducted. The Department Advocate's Office will ensure that these steps are taken.

RELATED PROCEDURES

Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Early Intervention Program (A.G. 320-22)

Section: Personnel Matters		Procedure No: 205-47	
TEMPORARY REMOVAL OF FIREARMS IN NON-DISCIPLINARY CASES			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To temporarily remove a uniformed member of the service's firearms and evaluate that member's fitness to perform duty in non-disciplinary cases.

DEFINITION RANKING OFFICER - For the purposes of this procedure only, a Department surgeon, uniformed member of the service in the rank of captain or above, or other competent authority.

PROCEDURE Whenever a Department surgeon, uniformed member of the service in the rank of captain or above, or other competent authority, determines that a member's firearms should be temporarily removed for non-disciplinary reasons (e.g., stress as a result of family or other situations, suicidal tendencies, etc.) the following steps will be complied with:

RANKING OFFICER

1. Request response of Department psychologist, if warranted, through the Sick Desk Supervisor.
2. Direct that the member's pistols, revolvers and **IDENTIFICATION CARD (PD416-091)** be removed.
3. Deliver surrendered property to command where the order to surrender was given.
4. Ascertain if member possesses additional firearms, i.e. pistols, revolvers, rifles or shotguns:
   a. Question member directly
   b. Direct desk officer, command of surrender, to check member's **FORCE RECORD (PD406-143)**.

DESK OFFICER, COMMAND OF SURRENDER

5. Notify member's permanent command and request a check of member's **FORCE RECORD (PD406-143)** to determine if all weapons listed have been surrendered.
6. Arrange to obtain other additional firearms if necessary.

NOTE *The command where any of the member's pistols or revolvers are located may be directed to retrieve the weapons and deliver them to either the member's command or to the command in which the investigation is being conducted, if appropriate.*

7. Have **PROPERTY CLERK INVOICE (PD521-141)** prepared for firearms obtained. Include on **INVOICE** notation "Property of uniformed member of the service - Not to be returned without approval of Commanding Officer, Medical Division."
   a. Place **IDENTIFICATION CARD** into a Plastic Security Envelope and seal (do not prepare **PROPERTY CLERK INVOICE**).
   b. Secure firearms and **IDENTIFICATION CARD** in the command's property locker.
   c. Make appropriate entries in Command Log.

NOTE *Do not prepare* ***REMOVAL/RESTORATION OF FIREARMS REPORT (PD524-152)****.*

RANKING OFFICER

8. Make notification to Employee Assistance Unit. If closed, have notification made at beginning of next business day.
9. Prepare detailed confidential report addressed to Commanding Officer, Medical Division, and forward direct.
10. Forward copies of the report to:
    a. C.O., Health and Wellness Section (Attention: Employee Assistance Unit) in all cases.
    b. The member's commanding officer in all cases.
    c. Deputy Commissioner, Internal Affairs (IAB) only if the incident generates an IAB log number. (Notify IAB Command Center of results of investigation).
    d. Investigative unit concerned (i.e. borough/bureau investigations unit) only if further investigation of the incident is necessary.

NOTE *If the incident involves corruption/serious misconduct, comply with P.G. 206-08, "Suspension From Duty-Uniformed Member of the Service," or P.G. 206-10, "Modified Assignment," P.G. 206-17, "Removal and Restoration of Firearms" and P.G. 207-21, "Allegations of Corruption and Serious Misconduct Against Members of the Service."*

11. Direct member concerned to:
    a. Report to his/her permanent command at 0900 hours for each tour of duty that falls on a business day (Monday through Friday).
    b. Work normally assigned tour hours whenever tour of duty falls on a weekend (Saturday or Sunday) or holiday.
    c. Be assigned to non-enforcement duties.
    d. Follow steps 11a. -11c. as indicated above until an evaluation determination and further reporting instructions from the Commanding Officer, Medical Division are received.

COMMANDING OFFICER, MEDICAL DIVISION

12. Review confidential report prepared by ranking officer.
13. Determine with supervisory psychologist if member concerned should be evaluated by the Psychological Evaluation Section.
14. Notify member concerned to appear at Psychological Evaluation Section if determination is made that member requires evaluation.

WHEN IT IS DETERMINED THAT THERE IS A MEDICAL OR PSYCHOLOGICAL REASON FOR THE MEMBER'S FIREARMS TO BE OFFICIALLY REMOVED

COMMANDING OFFICER, MEDICAL DIVISION

15. Have member's firearms officially removed when deemed necessary.

NOTE *Medical Division will be responsible for:*

a. Placing member on restricted duty.
b. Issuing a Firearms Removal serial number.
*c. Preparing **REMOVAL/RESTORATION OF FIREARMS REPORT** and forwarding it to desk officer, command of surrender.*
d. Notify commands concerned regarding member's status and the official removal of firearms.
*e. Directing member to report to Shield, ID and Uniform Services Unit for a restricted duty **IDENTIFICATION CARD**.*

DESK OFFICER, COMMAND OF SURRENDER

16. Upon receipt of **REMOVAL/RESTORATION OF FIREARMS REPORT** from Medical Division, comply with P.G. procedure 206-17, "Removal and Restoration of Firearms," regarding the forwarding of firearms, shield and **IDENTIFICATION CARD**.

<u>WHEN DETERMINATION IS MADE THAT MEMBER DOES NOT REQUIRE A PSYCHOLOGICAL EVALUATION OR A PSYCHOLOGICAL EVALUATION FINDS NO BASIS TO OFFICIALLY REMOVE THE MEMBER'S FIREARMS</u>

COMMANDING OFFICER, MEDICAL DIVISION

17. Notify desk officer, command of surrender and also member's permanent command, if different that:
    a. There is no medical/psychological objection to returning the member's firearms and **IDENTIFICATION CARD**.
    b. Member must report to the Employee Assistance Unit on the next business day.

DESK OFFICER, COMMAND OF SURRENDER/ MEMBER'S PERMANENT COMMAND

18. Make:
    a Return call to Medical Division to verify authenticity of the notification
    b. Entry in Telephone Record.
19. Notify commanding officer and roll call personnel.
20. Return firearms and **IDENTIFICATION CARD** to member.
21. Ensure that member reports to the Employee Assistance Unit on the next business day.
22. Make Command Log entry.

EMPLOYEE ASSISTANCE UNIT

23. Conduct Career Guidance Interview with the member upon arrival at the Employee Assistance Unit.

ADDITIONAL DATA *Member concerned will remain in possession of their shield when temporary removal is for non-disciplinary reasons.*

The interview with the Employee Assistance Unit may take place after the member's firearms have been returned provided the interview takes place on the next business day.

ADDITIONAL DATA (continued)

AUTHORIZATION TO SAFEGUARD FIREARMS AT MEMBER'S COMMAND DUE TO A CURRENT PERSONAL PROBLEM

When a member believes that possession of firearms, during off-duty hours, could further aggravate a current personal problem, (e.g. potential domestic violence accusations), the member concerned may request that his/her firearms be safeguarded at the command. The desk officer must make a Command Log entry each tour the member elects to safeguard his/her firearms. The entry will indicate the date, time, rank, name and tax registry number of the member making the request, and the serial numbers of all firearms being safeguarded. An entry concerning the justification for this type of request is not required. A notification in the margin of the original entry will also be made indicating the date and time the firearms were returned to the member. The member will continue to perform full duty according to the normal duty chart or work schedule. At the conclusion of each tour the member may deliver his/her firearms to the desk officer until the personal problem is rectified.

RELATED PROCEDURES

Cause For Suspension/Modified Assignment (P.G. 206-07)
Suspension From Duty-Uniformed Member Of The Service (P.G. 206-08)
Modified Assignment (P.G. 206-10)
Removal Of Firearms From Intoxicated Uniformed Member Of The Service (P.G. 206-12)
Removal and Restoration of Firearms (P.G. 206-17)

FORMS AND REPORTS

FORCE RECORD (PD406-143)
PROPERTY CLERK INVOICE (PD521-141)
REMOVAL/RESTORATION OF FIREARMS REPORT (PD 524-152)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-48	
EVALUATIONS - GENERAL - MEMBERS OF THE SERVICE			
DATE ISSUED: 05/09/19	DATE EFFECTIVE: 05/09/19	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To ensure that each uniformed and civilian member of the service is evaluated at least once each year.

SCOPE Police officers and detectives assigned to the Internal Affairs Bureau, Detective Bureau, Intelligence Bureau, Counterterrorism Bureau, and all probationary police officers will be evaluated in accordance with this procedure.

PROCEDURE To provide guidance to processing the evaluation of uniformed and civilian members of the service:

COMMANDING OFFICER CONCERNED

1. Utilize the "Evaluations Due" computer application in the NYPD Intranet and examine command roster to determine which members of the command may require a **PERFORMANCE EVALUATION**.
2. Assign supervisor(s) to evaluate performance of subordinates.
   a. Designate an appropriate supervisor to prepare **PERFORMANCE EVALUATIONS** of members assigned to the VIPER units, if applicable.

RATER

3. Prepare appropriate **PERFORMANCE EVALUATION** form according to directions contained on the form and in the Performance Evaluation Guide.
4. Examine ratee's CPI record, Department recognition, sick record, commendation letters, CCRB record, for entries pertaining to the rating period, as well as any other record of performance documentation (e.g., Command Discipline Log, **SUPERVISOR FEEDBACK FORM**, etc.).
5. Comment on all Performance Areas/Behavioral Dimensions rated below competent (i.e., rated either 2 or 1).
6. Discuss the Department's equal employment opportunity (EEO) policy with ratee.
   a. Make all evaluation decisions in accordance with the Department's EEO policy to ensure compliance
   b. Record any disciplinary action received by a member of the service that was a result of an EEO related issue (see *"ADDITIONAL DATA"*)
   c. Record comments in the section devoted to the "Overall Rater's Comments", indicating that the employee's rights and responsibility regarding EEO issues were discussed
   d. Record comments in the section devoted to the "Overall Rater's Comments", indicating how well a supervisor has demonstrated his/her compliance with the Department's EEO policy.
7. Review ratee's **FORCE RECORD (PD406-143)** with member to ensure emergency notification and personal information is up to date.
   a. Update ratee's **FORCE RECORD** as required.
8. Report efforts made to improve attendance of members who are classified "Chronic Absent - Category A" or "Chronic Absent - Category B."
   a. Include a statement concerning efforts made to improve attendance.

RATER (continued)

9. Confer with ratee's former supervisor and consult transfer **PERFORMANCE EVALUATION** if observation of ratee is of a limited duration, when appropriate.
   a. Include identity of supervisor conferred with in Overall Rater's Comments.
10. Forward completed **PERFORMANCE EVALUATION** to appropriate reviewer by entering the reviewer's tax registry number.

REVIEWER

11. Review all **PERFORMANCE EVALUATIONS** of subordinate personnel.
12. Ensure the ratings of members designated "Chronic Absent" are accurate and objectively reflect the ratee's performance and the impact of absenteeism on such performance.
    a. Give consideration to attendance record of ratee who is classified "Chronic Absent - Category A" in determining appropriate overall rating.
    b. Consider evaluating ratee "Very Low" if member is or has been classified as "Chronic Absent - Category B" during the rating period.
13. Provide additional comments regarding the ratee's performance and submit **PERFORMANCE EVALUATION** to rater.

WHEN REVIEWER IS IN DISAGREEMENT WITH RATER'S EVALUATION

REVIEWER

14. Prepare additional **PERFORMANCE EVALUATION** if in disagreement with any portion of the rater's evaluation of ratee.
    a. Forward the additional **PERFORMANCE EVALUATION** to immediate supervisor for review by entering the immediate supervisor's tax registry number.

EXECUTIVE OFFICER/ COMMANDING OFFICER

15. Review the additional **PERFORMANCE EVALUATION** prepared by initial reviewer and add comments as the new reviewer.
    a. Submit the additional **PERFORMANCE EVALUATION** to initial reviewer.

INITIAL REVIEWER

16. Discuss the additional **PERFORMANCE EVALUATION** with ratee after comments have been made by executive officer/commanding officer.

IN ALL CASES WHEN A PERFORMANCE EVALUATION IS PREPARED

INITIAL REVIEWER/ RATER

17. Discuss **PERFORMANCE EVALUATION** with ratee after the rater and the reviewer have made comments.
18. Comply with *P.G. 205-58, "Appeal of Evaluation – Uniformed Members of the Service"* or *P.G. 205-59, "Appeal of Evaluation – Civilian Member of the Service,"* when member of the service appeals his/her **PERFORMANCE EVALUATION**.
    a. Notify commanding officer of ratee's decision to appeal.

INITIAL REVIEWER/ RATER (continued)

19. Print **PERFORMANCE EVALUATION** for signature of ratee, rater, and reviewer.
20. Schedule and conduct interview with ratee.
    a. Be cognizant of any scheduled vacations or absences that may cause a delay in conducting the interview and "finalizing" of **PERFORMANCE EVALUATION**.
21. Provide a copy of **PERFORMANCE EVALUATION** to ratee at interview.
22. Ensure that a completed and signed **PERFORMANCE EVALUATION** is filed in the member's command folder.
23. Certify evaluation process as complete by "finalizing" **PERFORMANCE EVALUATION**.
    a. Submit **PERFORMANCE EVALUATIONS** prior to leaving for vacation or other leave, if such absence would cause a delay in preparation and/or submission of the **PERFORMANCE EVALUATION**.

COMMANDING OFFICER/ REVIEWER

24. Prepare interim **PERFORMANCE EVALUATION** if significant change occurs in ratee's performance or as otherwise directed.
    a. If a ratee receives an overall evaluation of below competent (2.5 or lower) or is rated extremely competent (5.0), the reviewer must be in the rank of captain or above, or selected civilian managerial titles.
    b. If ratee is in any Performance Monitoring Program, the reviewer must be the commanding officer. The commanding officer will consult with all appropriate supervisors prior to making any comments.
25. Review delinquent **PERFORMANCE EVALUATIONS** recapitulation on the NYPD Intranet Home Page (Evaluations Due) frequently to determine status of overdue **PERFORMANCE EVALUATIONS** (see "*ADDITIONAL DATA*").
26. Ensure all **PERFORMANCE EVALUATIONS** are forwarded electronically after completion by utilizing the "Print Command Evaluations" feature on the main menu.
    a. This feature provides a supervisor in the rank of lieutenant or above to view all finalized **PERFORMANCE EVALUATIONS** in the command.
27. Ensure a signed copy of the original **PERFORMANCE EVALUATION** prepared for a probationary police officer, probationary sergeant, probationary lieutenant and probationary captain is forwarded to the Probationary Monitoring Unit.
28. Direct rater being transferred or retiring to prepare **PERFORMANCE EVALUATION** for each member the rater is regularly required to evaluate, prior to transfer/retirement.
29. Direct that a transfer **PERFORMANCE EVALUATION** be prepared for members transferred.
    a. Forward **PERFORMANCE EVALUATION** to member's new command.
30. Ensure that members are rated in the command to which assigned or temporarily assigned on the last day of the rating period (conferrals may be made if required).
    a. If a member of the service is not observed during the rating period, (i.e., sick report, leave, retired or resigned, etc.), an explanation, including dates, must be entered on **PERFORMANCE EVALUATION**.

ADDITIONAL DATA

PERFORMANCE EVALUATIONS *and guidebooks for the ranks of police officer through captain, and civilian sub-managerial employees may be found by accessing the Online Evaluation System via the Department Intranet. Commanding officers will ensure additional copies of guidebooks are made available in the command reference library.*

Probationary members of the service do not receive annual ***PERFORMANCE EVALUATIONS****. An annual* ***PERFORMANCE EVALUATION*** *will be prepared during the next rating period after a member attains permanent rank.*

Uniformed members of the service who are in rank on probation (e.g., entry-level probationary police officers, probationary sergeants, etc.) and civilian members of the service who have not completed their probationary period or have served less than two years in a provisional status are not permitted to appeal their ***PERFORMANCE EVALUATION****.*

All newly promoted sergeants, lieutenants and captains are on probation in rank for a period of twelve months unless cause exists to extend such period for an additional six months. Extension of probation beyond twelve months may be authorized on a case-by-case basis.

An extension of probation for newly promoted sergeants, lieutenants, and captains may be requested after six months. This request must be made by the probationary member's commanding officer and accompanied by the fourth month ***PERFORMANCE EVALUATION****. All requests are to be forwarded through channels to the Deputy Commissioner, Risk Management.*

Members of the service are reminded that appraisal of subordinates' performance is a continuous process. The use of an annual evaluation system DOES NOT relieve supervisors of their responsibility to monitor and document subordinates' performance throughout the rating period. The "Evaluations Due" web page provides a roster of annual and probationary ***PERFORMANCE EVALUATIONS*** *that are due for specific personnel. Certain commands are required to provide additional* ***PERFORMANCE EVALUATIONS*** *(i.e., investigative track commands and requests due to monitoring). The Online Evaluation System does not preclude commands from providing additional* ***PERFORMANCE EVALUATIONS*** *when necessary.*

When preparing a ***PERFORMANCE EVALUATION****, the rater will take into account the ratee's performance concerning equal employment opportunity (EEO) issues. EEO factors having a bearing on the rating in that category will include, but not be limited to, whether the member has engaged in conduct that violates provisions of the Department Manual, Title VII, other applicable equal employment opportunity laws, or the Department's equal employment opportunity policy.*

In addition, raters will ensure that recognition is given to members who utilize their language proficiency for translation and interpretation in the performance of their regular duties, or as part of the volunteer language initiative. The use of this skill shall be afforded the same recognition as any other special skill needed by the Department. Any experience gained while serving as a translator/interpreter in criminal investigations will be included in the Overall Rater's Comments of the ***PERFORMANCE EVALUATION****. Commanding officers will ensure that evaluations of volunteer members are not negatively affected by their assignment to translation/interpretation duties. These tasks shall be evaluated as a proportionate part of their assigned duties.*

ADDITIONAL DATA (continued)

A uniformed or civilian member of the service who is absent for either the majority or the entirety of a rating period due to military service is still entitled to receive a ***PERFORMANCE EVALUATION****. Pursuant to New York State Military Law, to compute the rating for such a member, raters are to take the average of the three* ***PERFORMANCE EVALUATIONS*** *that the member received prior to his/her absence for military duty. However, the credited rating must not be less than satisfactory (3.0) or less than the rating that the member received for the period immediately prior to his/her absence for military service. In the "Overall Rater's Comments:" caption the rater will note the length of time the member was on military duty during the evaluation period and that the evaluation is being prepared pursuant to New York State Military Law. Additional questions concerning evaluations of members of the service absent from their positions due to military service may be directed to either the Performance Analysis Section or the Legal Bureau.*

When a sub-managerial civilian member is transferred, the commanding officer/supervisory head will direct that the ***PERFORMANCE EVALUATION*** *is completed online and the form is forwarded to the Employee Resources Section and to the new command. The ratee will be given a copy of the form. The immediate supervisor in the new command will prepare a new Task and Standards of the ratee's new assignment via the Online Evaluation System.*

If excessive absence, tardiness or poor performance is cited as a reason(s) for a BELOW STANDARDS or WELL BELOW STANDARDS rating, include a copy of the appropriate form including: ***ABSENCE AND TARDINESS RECORD (PD433-145)****,* ***CIVILIAN RECORD OF SUPERVISORY CONFERENCES (SUB-MANAGERIAL) (PD433-1411)****,* ***CIVILIAN LATENESS/WARNING NOTIFICATION (PD449-122)****, or* ***CIVILIAN UNSATISFACTORY PERFORMANCE WARNING (PD439-012)****, when appropriate.*

RELATED PROCEDURES

Chronic Absence Control Program (P.G. 205-45)
Police Officer/Detective Specialist Monthly/Quarterly Performance Review and Rating System (P.G. 205-57)
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)
Appeal of Evaluation - Civilian Member of the Service (P.G. 205-59)

FORMS AND REPORTS

PERFORMANCE EVALUATION
FORCE RECORD (PD406-143)
ABSENCE AND TARDINESS RECORD (PD433-145)
CIVILIAN RECORD OF SUPERVISORY CONFERENCES (SUB-MANAGERIAL) (PD433-1411)
CIVILIAN LATENESS/WARNING NOTIFICATION (PD449-122)
CIVILIAN UNSATISFACTORY PERFORMANCE WARNING (PD439-012)
SUPERVISOR FEEDBACK FORM
Online Performance Evaluation Guide

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-49	
EVALUATION OF PROBATIONARY POLICE OFFICERS			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To insure proper evaluation of probationary police officers.

PROCEDURE Before a probationary police officer is permanently assigned to a command:

COMMANDING OFFICER, POLICE ACADEMY

1. Ensure preparation of two copies of **RECRUIT EVALUATION (PD439-1412)**, prior to permanent assignment.
2. Forward original to permanent command.
3. Forward duplicate to Human Resources Division upon assignment to permanent command.

COMMANDING OFFICER/ SUPERVISOR CONCERNED (PERMANENT COMMAND)

4. Evaluate continuously, the conduct and performance of probationary police officers.
5. Evaluate probationary police officers via the Online Evaluation System available on the Department's Intranet, three times during their probationary period: the tenth, sixteenth and twenty-second month.

NOTE *The first sixteen months of a probationary police officer's field assignment is a critical phase in the training and maturation of a new police officer. Supervisors must conscientiously evaluate probationary police officers to ensure that members who are unable to satisfactorily perform their duties are identified.*
In addition to evaluation reports, commanding officers will submit the following reports during the probationary period as they occur, on ***Typed Letterhead****.*

a. Request for Charges and Specifications to First Deputy Commissioner.
b. Report of any matter that may bear upon the fitness of probationer to Chief of Personnel in a sealed envelope.

COMMANDING OFFICER (PERMANENT COMMAND)

6. Ensure that twenty-second month evaluation specifically recommends "Permanent Appointment," "Extension of Probation" or "Termination of Services," in reviewer's comments area.
   a. Notify the Performance Analysis Section whenever a probationary police officer receives an overall evaluation less than 3.0.
7. Forward completed **PERFORMANCE EVALUATIONS** via Department Intranet by finalizing the **PERFORMANCE EVALUATION** online.
   a. Ensure a signed copy of the **PERFORMANCE EVALUATION** is printed out and forwarded to Personnel Services Unit.

NOTE *When recommending "Termination of Services" or "Extension of Probation" a detailed report to Commanding Officer, Performance Analysis Section, including all pertinent facts related to the probationary police officer's performance, will be forwarded with a copy of the* ***PERFORMANCE EVALUATION****. If warranted, these recommendations may also be forwarded at any time during the probationary period, prior to the twenty-second month anniversary.*

ADDITIONAL DATA

The probationary period should be utilized to closely scrutinize the member's performance to assess his or her abilities as a police officer. The entry level probationary period may be extended an additional six months, if necessary, to allow the Department more time to further review and evaluate a probationer's suitability to remain a police officer. When a probationary officer is transferred to a command, his or her performance from the previous command must be reviewed. Interim evaluations should be prepared when it is apparent there is a problem with an officer's performance. The rater will discuss the probationary evaluation with the ratee. This will make the probationary officer aware of his or her performance and also place those probationary officers with a "below standards" evaluation on notice that their performance must show an improvement. When a commanding officer becomes aware that a probationary officer's performance may be below standards, supervisors should be instructed to carefully document the member's performance by utilizing the ***SUPERVISOR FEEDBACK FORM****, command discipline, and when appropriate, charges and specifications. The probationer will be notified of the observed performance deficiencies and instructed on proper Department procedure. Written documentation that the probationer was instructed and counseled will be maintained in the officer's personnel folder.*

RELATED PROCEDURES

Evaluations - General - Members of the Service (P.G. 205-48)
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)

FORMS AND REPORTS

RECRUIT EVALUATION (PD439-1412)
PERFORMANCE EVALUATION POLICE OFFICER - DETECTIVE SPECIALIST (Online Evaluation System)
SUPERVISOR FEEDBACK FORM
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-50

EVALUATION OF POLICE OFFICERS AND DETECTIVES ASSIGNED TO INVESTIGATIVE DUTIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To ensure that each uniformed member is evaluated each year while assigned to investigative duties.

PROCEDURE Prior to the scheduled evaluation of uniformed members of the service:

RATER

1. Evaluate police officers assigned to investigative (Detective Track) duties two times during their initial fifteen months in such assignment, (eighth, and fifteenth month), using form **PERFORMANCE EVALUATION -DETECTIVES AND POLICE OFFICERS ASSIGNED TO DETECTIVE TRACK COMMANDS (Online Evaluation System)**.

NOTE *The first fifteen months of an investigative assignment is a critical phase in the training and development of a new investigator. Supervisors must conscientiously evaluate police officers/investigators to ensure that members who are not suited for investigative work are not retained in such assignments. If there is a change in performance after the fifteenth month, the member's supervisor MUST immediately submit an interim evaluation.*

2. Evaluate police officers/investigators annually after the initial fifteen months.
3. Evaluate detectives/investigators annually, using form **PERFORMANCE EVALUATION - DETECTIVES AND POLICE OFFICERS ASSIGNED TO DETECTIVE TRACK COMMANDS (Online Evaluation System)**.

REVIEWER

4. Comment on the ratee's performance and potential for continuation in an investigative assignment and eventual promotion to detective for all police officers/investigators.
5. Review and sign **EVALUATION** form.

NOTE *When an investigator is designated "Chronic Absent - Category B," it is presumed that the investigator is performing in a substandard manner. If the performance of the "Category B" investigator is rated higher than "Low", the rater must demonstrate how the performance was achieved in spite of the absence record of the investigator. In all cases, the rater must state if the ratee should remain in the investigative assignment. If ratee is a detective, determine if ratee should retain such designation or have such designation revoked and be reassigned.*

RATER

6. Audit the investigative time accrued by members assigned to command.
7. Ensure that eighth and fifteenth month evaluations are prepared and promptly forwarded for police officers/investigators assigned to the command.
8. Ensure the **PERFORMANCE EVALUATION** has been finalized.

RELATED PROCEDURES *Chronic Absence Control Program (P.G. 205-45)*
Evaluations - General - Members of the Service (P.G. 205-48)
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)

FORMS AND REPORTS ***PERFORMANCE EVALUATION - DETECTIVES AND POLICE OFFICERS ASSIGNED TO DETECTIVE TRACK COMMANDS (Online Evaluation System)***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-51

EVALUATIONS OF POLICE OFFICERS AND DETECTIVES ASSIGNED TO NON-INVESTIGATIVE DUTIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
02/15/18	02/15/18		1 of 4

PURPOSE To ensure that police officers and detective specialists assigned to non-investigative Bureaus are evaluated annually utilizing the Performance Evaluation (PERF) System.

PROCEDURE When preparing annual evaluations of police officers and detective specialists assigned to non-investigative Bureaus:

COMMANDING OFFICER CONCERNED

1. Utilize the PERF System listed under "Applications" on the Department Intranet and examine command roster to determine which members of the command require a **PERFORMANCE EVALUATION**.
   a. Ensure **SUPERVISOR'S QUARTERLY EVALUATIONS** have been completed.
2. Assign supervisor(s) to evaluate performance of subordinates.
   a. Designate an appropriate supervisor to prepare **PERFORMANCE EVALUATIONS** of members assigned to the VIPER units, if applicable.

RATER

3. Access the PERF System and select "Start Annual Evaluation" to prepare annual **PERFORMANCE EVALUATION**, after completing the **SUPERVISOR'S QUARTERLY EVALUATION** for the fourth quarter rating period.
   a. Ensure all applicable **SUPERVISOR'S QUARTERLY EVALUATIONS** are prepared for the member concerned.
4. Examine **OFFICER PROFILE REPORTS**, **SUPERVISOR FEEDBACK FORMS**, **OFFICER SELF-REPORT FORMS**, **SUPERVISOR'S QUARTERLY EVALUATIONS**, Command Discipline Log, CPI record, Department recognition, sick record, commendation letters, and CCRB records prepared during the year for each assigned police officer and detective specialist.
5. Provide comments indicating the overall performance of the member of the service.
6. Discuss the Department's equal employment opportunity (EEO) policy with ratee.
   a. Record any disciplinary action received by a member of the service that was a result of an EEO related issue (see *"ADDITIONAL DATA"*).
   b. Record comments indicating that the employee's rights and responsibilities with regard to EEO issues were discussed.
7. Review ratee's **FORCE RECORD (PD406-143)** with member to ensure emergency notification and personal information is up to date.
   a. Update ratee's **FORCE RECORD** as required.
8. Report efforts made to improve attendance of members who are classified "Chronic Absent - Category A" or "Chronic Absent - Category B."
   a. Include a statement concerning efforts made to improve attendance.
9. Confer with ratee's former supervisor if observation of ratee is of a limited duration, when appropriate.
   a. Include identity of supervisor conferred with in comments section.

RATER (continued)

10. Ensure the total annual score the member earned as per the Police Officer/Detective Specialist Monthly/Quarterly Performance Review and Rating System corresponds with the assignment of the Overall Evaluation rating as listed in the chart below.

TOTAL ANNUAL SCORE	OVERALL EVALUATION
90-100	Exceptional
77-89	Exceeds Expectations
68-76	Meets Standards
60-67	Needs Improvement
59 or BELOW	Unsatisfactory

REVIEWER

11. Review **PERFORMANCE EVALUATION** and ensure Overall Evaluation rating as indicated reflects actual performance as measured by the Police Officer/Detective Specialist Monthly/Quarterly Performance Review and Rating System.
12. Ensure the ratings of members designated "Chronic Absent" are accurate and objectively reflect the ratee's performance and the impact of absenteeism on such performance.
    a. Give consideration to attendance record of ratee who is classified "Chronic Absent - Category A" in determining appropriate overall rating.
    b. Consider evaluating ratee unsatisfactory, if member is or has been classified as "Chronic Absent - Category B" during the rating period.

RATER

13. Sign off on **PERFORMANCE EVALUATION**.
14. Interview ratee in a private setting and discuss overall performance.
    a. Review **PERFORMANCE EVALUATION** with ratee and direct ratee to accept or appeal on **PERFORMANCE EVALUATION**.

RATEE

15. Review **PERFORMANCE EVALUATION**.
16. Provide comments.
17. Accept or appeal **PERFORMANCE EVALUATION**.

RATER

18. Comply with *P.G. 205-58, "Appeal of Evaluation – Uniformed Members of the Service"* when member of the service appeals his/her **PERFORMANCE EVALUATION**.
    a. Notify commanding officer of ratee's decision to appeal.

REVIEWER

19. Review **PERFORMANCE EVALUATION** and provide comments.
20. Finalize **PERFORMANCE EVALUATION**.
21. Provide a copy of **PERFORMANCE EVALUATION** to ratee.
22. Ensure that a completed **PERFORMANCE EVALUATION** is filed in the member's command folder.

COMMANDING OFFICER/ REVIEWER

23. Prepare interim **PERFORMANCE EVALUATION** if significant change occurs in ratee's performance or as otherwise directed.
    a. If a ratee receives an overall evaluation of needs improvement or unsatisfactory (67 or lower) or is rated exceptional (90 or higher), the reviewer must be in the rank of captain or above, or selected civilian managerial titles.
    b. If ratee is in any Performance Monitoring Program, the reviewer must be the commanding officer. The commanding officer will consult with all appropriate supervisors prior to making any comments.
24. Review delinquent **PERFORMANCE EVALUATIONS** recapitulation in the PERF System under "PERF Report," frequently, to determine status of overdue **PERFORMANCE EVALUATIONS**.
25. Direct rater being transferred or retiring to prepare **PERFORMANCE EVALUATION** for each member the rater is regularly required to evaluate, prior to transfer/retirement.
26. Direct that a transfer **PERFORMANCE EVALUATION** be prepared for members transferred.
    a. Forward **PERFORMANCE EVALUATION** to member's new command.
27. Ensure that members are rated by the command to which assigned or temporarily assigned on the last day of the rating period (conferrals may be made if required).
    a. If a member of the service is not observed during the rating period, (i.e., sick report, leave, retired or resigned, etc.), an explanation, including dates, must be entered on **PERFORMANCE EVALUATION**.

COMMANDING OFFICER

28. Ensure annual **PERFORMANCE EVALUATIONS** are completed and finalized by January 31st of each year.

WHEN REVIEWER IS IN DISAGREEMENT WITH RATER'S EVALUATION

REVIEWER

29. Prepare additional **PERFORMANCE EVALUATION** if in disagreement with any portion of the rater's evaluation of ratee.
    a. Forward the additional **PERFORMANCE EVALUATION** to immediate supervisor for review by entering the immediate supervisor's tax registry number.

COMMANDING OFFICER/ EXECUTIVE OFFICER

30. Review the additional **PERFORMANCE EVALUATION** prepared by initial reviewer and add comments as the new reviewer.
    a. Submit the additional **PERFORMANCE EVALUATION** to initial reviewer.

INITIAL REVIEWER

31. Discuss the additional **PERFORMANCE EVALUATION** with ratee after comments have been made by executive officer/commanding officer.

ADDITIONAL DATA

Members of the service are reminded that appraisal of subordinates' performance is a continuous process. The use of the Performance Evaluation System DOES NOT relieve supervisors of their responsibility to monitor and document subordinates' performance throughout the rating period.

*When preparing a **PERFORMANCE EVALUATION**, the rater will take into account the ratee's performance concerning substantiated equal employment opportunity (EEO) violations. EEO factors having a bearing on the rating in that category will include, but not be limited to, whether the member has engaged in conduct that violates provisions of the Department Manual, Title VII, other applicable equal employment opportunity laws, or the Department's equal employment opportunity policy.*

*In addition, raters will ensure that recognition is given to members who utilize their language proficiency for translation and interpretation in the performance of their regular duties, or as part of the Language Initiative Program. The use of this skill shall be afforded the same recognition as any other special skill needed by the Department. Any experience gained while serving as a translator/interpreter in criminal investigations will be included in the comments section of the **PERFORMANCE EVALUATION**.*

Commanding officers will ensure that evaluations of volunteer members are not negatively affected by their assignment to translation/interpretation duties. These tasks shall be evaluated as a proportionate part of their assigned duties.

*A uniformed member of the service who is absent for either the majority or the entirety of a rating period due to military service is still entitled to receive a **PERFORMANCE EVALUATION**. Pursuant to New York State Military Law, to compute the rating for such a member, raters are to take the average of the three **PERFORMANCE EVALUATIONS** that the member received prior to his/her absence for military duty. However, the credited rating must not be less than meets standards (68-76) or less than the rating that the member received for the period immediately prior to his/her absence for military service. In the comments section the rater will note the length of time the member was on military duty during the evaluation period and that the evaluation is being prepared pursuant to New York State Military Law. Additional questions concerning evaluations of members of the service absent from their positions due to military service may be directed to either the Performance Analysis Section or the Legal Bureau.*

*When a **PERFORMANCE EVALUATION** has been prepared in error, a report on **Typed Letterhead** will be submitted to the Performance Analysis Section requesting that the **PERFORMANCE EVALUATION** be voided/deleted from the system.*

RELATED PROCEDURES

Evaluations - General - Members of the Service (P.G. 205-48)
Police Officer/Detective Specialist Monthly/Quarterly Performance Review and Rating System (P.G. 205-57)
Appeal of Evaluation – Uniformed Members of the Service (P.G. 205-58)

FORMS AND REPORTS

FORCE RECORD (PD406-143)
OFFICER PROFILE REPORT
OFFICER SELF-REPORT FORM
SUPERVISOR FEEDBACK FORM
SUPERVISOR'S QUARTERLY EVALUATION
PERFORMANCE EVALUATION

PURPOSE To ensure that each uniformed member of the service in the rank of sergeant and lieutenant is evaluated at least once each year.

PROCEDURE Prior to the scheduled evaluation of uniformed members of the service:

RATER

1. Evaluate probationary sergeants on form **PERFORMANCE EVALUATION SERGEANT (Online Evaluation System)** and probationary lieutenants on form **PERFORMANCE EVALUATION LIEUTENANT (Online Evaluation System)**, two times during their probationary period, at the fourth and tenth month. The sixteenth month evaluation is only required for sergeants and lieutenants whose probation has been extended.

NOTE *Raters must conscientiously evaluate probationary sergeants and lieutenants to ensure that members who are unable to satisfactorily perform their duties are identified. Interim evaluations are to be submitted when necessary, (e.g., change in the ratee's performance, etc.).*

RATER

2. Evaluate sergeants and lieutenants annually upon completion of their probationary period on appropriate **PERFORMANCE EVALUATION REPORTS**.
3. Confer with commanding officer, when evaluating sergeants or lieutenants assigned as precinct detective squad supervisors/commanders. Record this conferral in the "Overall Rater's Comments" section, noting the precinct commander's overall evaluation of the ratee.

REVIEWER

4. Review and sign **EVALUATION**.

RATER

5. Forward completed **PERFORMANCE EVALUATIONS** via Department Intranet by finalizing the **PERFORMANCE EVALUATION** online.
   a. Ensure a signed copy of the **PERFORMANCE EVALUATION** is printed out for probationary sergeants and probationary lieutenants and forwarded to Probationary Monitoring Unit, One Police Plaza, Room 1000.

ADDITIONAL DATA *Rater performing evaluation of a precinct detective squad supervisor or commander will confer with the precinct commanding officer to ascertain the commanding officer's overall evaluation of the precinct detective squad supervisor/commander's performance. Conferral with the precinct commanding officer and the precinct commanding officer's overall evaluation will be noted in the RATER COMMENTS section of the precinct detective squad supervisor/commander's annual performance evaluation.*

*A uniformed or civilian member of the service who is absent for either the majority or the entirety of a rating period due to military service is still entitled to receive a **PERFORMANCE EVALUATION**. Pursuant to New York State Military Law, to compute the rating for such a member, raters are to take the average of the three **PERFORMANCE EVALUATIONS** that the member received prior to his/her absence for military duty. However, the credited rating must not be less than satisfactory (3.0) or*

ADDITIONAL DATA *less than the rating that the member received for the period immediately prior to his/her absence for military service. In the "Overall Rater's Comments:" caption the rater will note the length of time the member was on military duty during the evaluation period and that the evaluation is being prepared pursuant to New York State Military Law. Additional questions concerning evaluations of members of the service absent from their positions due to military service may be directed to either the Performance Analysis Section or the Legal Bureau.*

RELATED PROCEDURES *Evaluations - General - Members of the Service (P.G. 205-48)*
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)

FORMS AND REPORTS ***PERFORMANCE EVALUATION SERGEANT (Online Evaluation System)***
PERFORMANCE EVALUATION LIEUTENANT (Online Evaluation System)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-53	
EVALUATION OF SUB-MANAGERIAL CIVILIAN PERSONNEL			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that sub-managerial civilian members of the service are evaluated at least once each year.

PROCEDURE During the evaluation period:

RATER

1. Inform ratee at beginning of evaluation period of principal tasks and standards upon which ratings will be based.

NOTE *A list of tasks and standards specific to each civilian title may be obtained from the Human Resources Division.*

2. Record tasks and standards on page 2 of **PERFORMANCE EVALUATION - CIVILIAN - SUB-MANAGERIAL (PD439-152)**.
3. Discuss tasks and standards entered on form with ratee.
   a. Enter date and sign form.
   b. Give form to ratee for signature.
4. Submit form to reviewer for examination and signature.

COMMANDING OFFICER

5. Prepare and forward **Typed Letterhead** to the Human Resources Division, indicating that all sub-managerial civilian personnel have been interviewed concerning tasks and expected standards of performance.

RATER

6. Complete "Actual Performance Section" (page 3) of **PERFORMANCE EVALUATION - CIVILIAN - SUB-MANAGERIAL** at conclusion of rating period.
   a. Complete appropriate captions on page 1 of form.
   b. Rater prepares an original and two additional copies.
7. Discuss completed evaluation with ratee.
   a. Have ratee sign all three copies (this signature does not mean that ratee agrees with evaluation).
   b. Supply one copy to ratee.
8. Forward original and one copy to reviewer.

REVIEWER

9. Examine and sign form.
   a. After review, forward one copy to commanding officer.
   b. File remaining copy in ratee's personal folder at command.

COMMANDING OFFICER

10. Forward original to the Human Resources Division with **Typed Letterhead** listing members who have been evaluated.

ADDITIONAL DATA

A uniformed or civilian member of the service who is absent for either the majority or the entirety of a rating period due to military service is still entitled to receive a ***PERFORMANCE EVALUATION****. Pursuant to New York State Military Law, to compute the rating for such a member, raters are to take the average of the three* ***PERFORMANCE EVALUATIONS*** *that the member received prior to his/her absence for military duty. However, the credited rating must not be less than satisfactory (3.0) or less than the rating that the member received for the period immediately prior to his/her absence for military service. In the "Overall Rater's Comments:" caption the rater will note the length of time the member was on military duty during the evaluation period and that the evaluation is being prepared pursuant to New York State Military Law. Additional questions concerning evaluations of members of the service absent from their positions due to military service may be directed to either the Performance Analysis Section or the Legal Bureau.*

When a sub-managerial civilian member is transferred, the commanding officer/supervisory head will direct that the ***PERFORMANCE EVALUATION - CIVILIAN - SUB-MANAGERIAL*** *is completed and that the form is forwarded to the Human Resources Division. The ratee will be given a copy of the form. The immediate supervisor in the new command will prepare a new* ***PERFORMANCE EVALUATION - CIVILIAN - SUB-MANAGERIAL*** *listing tasks and standards of the ratee's new assignment.*

If ratee performs below competent standard in the overall evaluation rating, the commanding officer MUST be the reviewer.

Comment on all areas rated BELOW STANDARDS or WELL BELOW STANDARDS and all areas rated ABOVE STANDARDS or WELL ABOVE STANDARDS.

If excessive absence, tardiness or poor performance are cited as reasons for a BELOW STANDARDS or WELL BELOW STANDARDS rating, include a copy of the appropriate form including: ***CIVILIAN RECORD OF SUPERVISORY CONFERENCES (SUB-MANAGERIAL) (PD433-1411)****,* ***CIVILIAN LATENESS/WARNING NOTIFICATION (PD449-122)****, or* ***CIVILIAN UNSATISFACTORY PERFORMANCE WARNING (PD439-012)****, when appropriate.*

RELATED PROCEDURES

Evaluations - General - Members of the Service (P.G. 205-48)
Appeal of Evaluation - Civilian Member of the Service (P.G. 205-59)

FORMS AND REPORTS

PERFORMANCE EVALUATION - CIVILIAN - SUB-MANAGERIAL (PD439-152)
CIVILIAN RECORD OF SUPERVISORY CONFERENCES (SUB-MANAGERIAL) (PD433-1411)
CIVILIAN LATENESS/WARNING NOTIFICATION (PD449-122)
CIVILIAN UNSATISFACTORY PERFORMANCE WARNING (PD439-012)
Typed Letterhead

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-54	
EVALUATION OF CAPTAIN THROUGH DEPUTY CHIEF			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that each uniformed member of the service in the rank of captain through deputy chief, as well as police surgeons and deputy chief surgeon is evaluated at least once each year.

PROCEDURE During the evaluation period:

RATER

1. Evaluate probationary captains three times during probationary period, on the 4th, 10th, and 16th month, if necessary, using the **PERFORMANCE EVALUATION CAPTAIN (PD439-1518)**.

NOTE *All newly promoted captains are on probation for a period of twelve months unless cause exists to extend such period for an additional six months. Extension of probation beyond twelve months may be authorized on a case-by-case basis. Interim **PERFORMANCE EVALUATIONS** are to be submitted when necessary (e.g., change in the ratee's performance, etc). Raters must conscientiously evaluate probationary captains to ensure that members who are unable to satisfactorily perform their duties are identified. Those members in the rank of captain who are on probation, yet are serving in the capacity of commanding officer, may be rated on **PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF (PD439-1517)**. The bureau chief concerned will make the determination of which evaluation instrument is best suited to the ratee.*

RATER

2. Evaluate permanent captains through deputy chiefs, as well as police surgeons and deputy chief surgeons using the **PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF**.

NOTE *This evaluation instrument is based on a Management By Objectives (MBO) system. This system is flexible, allowing changes to be made to each Key Result Area as circumstances dictate. This allows raters and ratees to better address actual problems and priorities as they arise.*

3. Discuss and define five Key Result Areas (KRAs) with the ratee at the beginning of the rating period.
4. Discuss and define the "Performance Expectations" for each KRA and the "Action Plans" by which to attain results.
5. Record the KRAs and "Performance Expectations" on page 2 of the **PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF**.
6. Record the actual "Performance Achievements" on the form at the end of the rating period.
7. Discuss and measure the individual's performance during the post-appraisal interview, using the predetermined criteria.

REVIEWER

8. Review and sign **EVALUATION**.

RATER

9. Forward a copy of **PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF** to the Human Resources Division at beginning of rating period (July 1st.).

ADDITIONAL DATA

*Captains assigned as precinct commanders will be rated by patrol borough operations commander and the patrol borough commander will serve as the reviewing officer. Deputy Inspectors and above assigned as precinct commanders will be rated by the patrol borough adjutant and the patrol borough commanding officer will serve as the reviewing officer. Rater will use **PERFORMANCE EVALUATION CAPTAIN** for captains that are on probation. Rater will use **PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF** for all other captain evaluations.*

*A uniformed or civilian member of the service who is absent for either the majority or the entirety of a rating period due to military service is still entitled to receive a **PERFORMANCE EVALUATION**. Pursuant to New York State Military Law, to compute the rating for such a member, raters are to take the average of the three **PERFORMANCE EVALUATIONS** that the member received prior to his/her absence for military duty. However, the credited rating must not be less than satisfactory (3.0) or less than the rating that the member received for the period immediately prior to his/her absence for military service. In the "Overall Rater's Comments:" caption the rater will note the length of time the member was on military duty during the evaluation period and that the evaluation is being prepared pursuant to New York State Military Law. Additional questions concerning evaluations of members of the service absent from their positions due to military service may be directed to either the Performance Analysis Section or the Legal Bureau.*

RELATED PROCEDURES

Evaluations - General - Members of the Service (P.G. 205-48)
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)

FORMS AND REPORTS

PERFORMANCE EVALUATION CAPTAIN THROUGH DEPUTY CHIEF (PD439-1517)
PERFORMANCE EVALUATION CAPTAIN (PD439-1518)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-55

EVALUATION OF ASSISTANT CHIEFS AND ABOVE/CIVILIAN MANAGERS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/20	06/01/20		1 of 2

PURPOSE To ensure that each uniformed member of the service in the rank of assistant chief and above as well as civilian employees in the management pay plan, is evaluated at least once each year.

PROCEDURE During the evaluation period:

RATER

1. Discuss key responsibilities and performance expectations with ratee at the beginning of the evaluation period.
   a. If ratee's immediate supervisor is transferred during the rating period, the newly assigned rater will discuss the previously determined responsibilities and expectations and determine if revisions are required.
2. Record the key responsibilities and performance expectations in section "A" of **MANAGERIAL PERFORMANCE EVALUATION (PD439-1521)**. Assign an importance level to each responsibility.
3. Record in section "B" the relative importance of each of the pre-identified Citywide responsibilities and performance expectations to the ratee's specific position.
4. Forward a copy of **MANAGERIAL PERFORMANCE EVALUATION** to the Human Resources Division at the beginning of the rating period (January 1st).

NOTE *A revision in performance expectations or key responsibilities may be made at any time during the evaluation period. When a revision is made, the ratee must be notified and a new **MANAGERIAL PERFORMANCE EVALUATION** must be prepared, including a notation identifying the change, signed by both the rater and ratee.*

5. Assign ratings to key responsibilities and discuss with ratee at end of rating period.
6. Forward completed **MANAGERIAL PERFORMANCE EVALUATION** to reviewer.

REVIEWER

7. Review, sign and forward completed **MANAGERIAL PERFORMANCE EVALUATION** to the Human Resources Division.

COMMANDING OFFICER/ SUPERVISORY HEAD

8. Ensure that an evaluation is prepared and forwarded to the Human Resources Division if ratee is transferred during rating period.

NEW COMMANDING OFFICER/ SUPERVISORY HEAD

9. Discuss key responsibilities and performance expectations with ratee and enter on new **MANAGERIAL PERFORMANCE EVALUATION.**

RELATED PROCEDURES *Evaluations - General - Members of the Service (P.G. 205-48)*
Appeal of Evaluation - Uniformed Members of the Service (P.G. 205-58)
Appeal of Evaluation - Civilian Member of the Service (P.G. 205-59)

FORMS AND REPORTS ***MANAGERIAL PERFORMANCE EVALUATION (PD439-1521)***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-57

POLICE OFFICER/DETECTIVE SPECIALIST MONTHLY/ QUARTERLY PERFORMANCE REVIEW AND RATING SYSTEM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/04/18	09/04/18		1 of 5

PURPOSE To evaluate the monthly and quarterly performance, when applicable, of police officers/detective specialists assigned to non-investigative Bureaus.

SCOPE The Police Officer/Detective Specialist Monthly/Quarterly Performance Review, utilizing the **OFFICER PROFILE REPORT**, measures the performance levels of uniformed members of the service performing enforcement functions.

Police officers/detective specialists assigned to non-investigative Bureaus (e.g., precinct, police service area [PSA], transit district, Strategic Response Group, etc.) performing enforcement functions will be assessed monthly utilizing the **OFFICER PROFILE REPORT** and evaluated quarterly using the **SUPERVISOR'S QUARTERLY EVALUATION**.

Uniformed members of the service whose duties do not involve enforcement activity will not prepare the **OFFICER PROFILE REPORT** nor be evaluated quarterly using the **SUPERVISOR'S QUARTERLY EVALUATION**. Such positions include:

a. Community Affairs Officer
b. Traffic Safety Officer
c. Crime Prevention Coordinator
d. Auxiliary Police Coordinator.

PROCEDURE When preparing monthly/quarterly performance reviews of police officers and detective specialists utilizing the Police Officer/Detective Specialist Monthly/Quarterly Performance Review:

UNIFORMED MEMBER OF THE SERVICE

1. Access the Performance Evaluation System and print out a hard copy of the **OFFICER PROFILE REPORT** at the conclusion of each month.

NOTE *The **OFFICER PROFILE REPORT** is an electronic form that is generated in the Performance Evaluation System, which compiles data from numerous Department databases to provide an accurate account of a uniformed member's performance. It will include statistical data (e.g., 7 Majors, Top 911 Locations, Top Collision Locations, etc.) unique to the precinct and platoon to which the reporting member is assigned. In addition, the **OFFICER PROFILE REPORT** will contain information from **OFFICER SELF – REPORT FORMS** and the **SUPERVISOR FEEDBACK FORMS**, when submitted (see ADDITIONAL DATA).*

2. Review and submit **OFFICER PROFILE REPORT** to designated supervisor for review by the second day of the following month.
   a. Submit **REPORT** prior to leave, or if not possible, without delay upon return to duty if scheduled for vacation or other leave.
   b. Inform designated supervisor of any excessive time off patrol for the reported month due to vacation, sick, administrative duties, details, etc.

NOTE *The designated supervisor or another supervisor may print the **OFFICER PROFILE REPORT** for the uniformed member concerned, if the member is unavailable for an extended period due to vacation or other leave.*

DESIGNATED SUPERVISOR

3. Review member's **OFFICER PROFILE REPORT**.
   a. Evaluate the uniformed member's performance in proactively addressing community concerns.
   b. Assess the quality and caliber of the member's efforts by carefully reviewing activity including, **SUPERVISOR FEEDBACK FORMS** and **OFFICER SELF-REPORT FORMS**.
      (1) Determine the accuracy, validity, and integrity of the **OFFICER SELF-REPORT FORMS**.
   c. Provide positive feedback and comments for proactive and quality activity.
   d. Compare member's current monthly performance to other members with similar duties by referring to the "Officer Comparison" page of the **OFFICER PROFILE REPORT**.
   e. Provide guidance and direction for improvement and conduct regular follow-ups, when a deficiency is identified.
      (1) Take appropriate steps to improve the uniformed member's performance. These steps include, but are not limited to, assisting the uniformed member in identifying the conditions to be addressed.
      (2) If member fails to improve performance, confer with platoon commander/special operations lieutenant or next higher supervisor.
4. Sign **OFFICER PROFILE REPORT**.
5. Deliver completed **OFFICER PROFILE REPORTS** to platoon commander or other reviewer by the fifth day of the following month.

PLATOON COMMANDER OR OTHER REVIEWER

6. Review and sign **OFFICER PROFILE REPORTS**.
7. Forward completed **OFFICER PROFILE REPORTS** to operations coordinator by the seventh day of the month for filing.

OPERATIONS COORDINATOR

8. File copies of **OFFICER PROFILE REPORTS**.

COMMANDING OFFICER

9. Log into Performance Evaluation System periodically, and review completed **OFFICER PROFILE REPORTS**.

EACH JANUARY, APRIL, JULY AND OCTOBER

DESIGNATED SUPERVISOR

10. Log into the Performance Evaluation System to conduct **SUPERVISOR'S QUARTERLY EVALUATION** within seven days following the quarter for which the review is due (e.g., January-March, April-June, July-September and October-December).

DESIGNATED SUPERVISOR (continued)

a. Review activity for all three months of the quarter.
b. Rate uniformed member of the service in each of twelve performance areas and be guided by instructions on the electronic form.
   (1) Documentation is mandatory for any rating above or below "Meets Standards." Examples of documentation include, but are not limited to, **SUPERVISOR FEEDBACK FORMS**, **OFFICER SELF-REPORT FORMS**, and content listed on the **OFFICER PROFILE REPORT**.
   (2) **SUPERVISOR FEEDBACK FORMS**, **OFFICER SELF-REPORT FORMS** and above average activity on the **OFFICER PROFILE REPORT** are to be considered to support rating criteria.
   (3) Performance Evaluation System in the Department Intranet will automatically calculate members rating as a score out of 100 points based on ratings.
c. In the "Supervisory Comments" section of the **SUPERVISOR'S QUARTERLY EVALUATION**, note the following:
   (1) Any outstanding action or achievement. Examples of outstanding action or achievement include, bribery arrests, pattern robbery arrest or other action, which significantly impacts on crime or issues of community concern
   (2) Any deficiencies or areas that need improvement. Include notation if member is designated chronic sick, subject of any disciplinary action or placed on performance monitoring.

11. Discuss ratee's **SUPERVISOR'S QUARTERLY EVALUATION** with platoon commander or other reviewer.
12. Sign off on completed evaluation.
13. Interview member in a private setting and discuss overall performance.
    a. Review evaluation with member.
14. Forward evaluation to the platoon commander or other reviewer by the seventh day of the month following reporting period.

NOTE *If a member consistently fails to perform at satisfactory levels, the supervisor will confer with the platoon commander or next higher level supervisor regarding referring the member for performance monitoring. Each quarter, the commanding officer will review all under-performing members and notify the next higher command in writing of action taken and/or recommended.*

PLATOON COMMANDER OR OTHER REVIEWER

15. Log into the Performance Evaluation System to review **SUPERVISOR'S QUARTERLY EVALUATION**.
    a. If reviewer concurs with rater's evaluation:
       (1) Sign off and enter comments.
    b. If reviewer disagrees with rater's evaluation:

PLATOON COMMANDER OR OTHER REVIEWER (continued)

(1) Confer with rater and direct rater to re-evaluate performance based on conferral and review of activity.

(2) If reviewer still disagrees with rater:

(i) Sign and enter reasons for disagreement in comments

(ii) Prepare separate evaluation, if appropriate.

NOTE ***SUPERVISOR'S QUARTERLY EVALUATION*** *rating score will not be finalized until platoon commander or other reviewer reviews and concurs with rating.*

SUPERVISOR'S QUARTERLY EVALUATION *may be appealed to the next higher-ranking supervisor. In all cases, the member's commanding officer (in the rank of captain or above) will make the final determination.*

16. Deliver printed copy of **SUPERVISOR'S QUARTERLY EVALUATION** to the operations coordinator by the tenth day of the month following the reporting period.

OPERATIONS COORDINATOR

17. Ensure **SUPERVISOR'S QUARTERLY EVALUATIONS** are finalized by the fifteenth day of the month following the reporting period.

COMMANDING OFFICER

18. Access the Performance Evaluation system and review **SUPERVISOR'S QUARTERLY EVALUATIONS**.

19. Personally conduct performance interview for those members who receive a numerical score of 67 or lower (out of 100) for any quarter.
    a. Provide direction and/or take necessary corrective action to improve member's performance.
    b. Inform member that continued below standard performance will, absent mitigating circumstances, results in the member being placed on performance monitoring and possible imposition of sanctions by the Personnel Review Board concerned.
    c. Record and file results of interview.

20. Notify next higher command in writing of uniformed members of the service who received a score of 67 or lower in any two quarters within a one year period.

NEXT HIGHER COMMAND

21. Provide oversight and direction in monitoring and improving a uniformed member's performance when they are underperforming.

22. Establish a Personnel Review Board to review all cases of members who receive a score of 67 or lower in any two quarters within a one year period.
    a. Select a minimum of three supervisory members who through assignment and/or knowledge of the member's performance are appropriate for inclusion for the Personnel Review Board.

PERSONNEL REVIEW BOARD CONCERNED

23. Review cases and recommend corrective action to be taken.
    a. Corrective action may include change of assignment within the command, intraborough or interborough transfer, transfer from administrative command and/or disciplinary action.

NEXT HIGHER COMMAND

24. Review recommendations of Personnel Review Board concerned and make final determination and/or recommendation.
    a. Endorse recommendation concerning transfers and/or disciplinary action, through channels, to the Chief of Personnel.

ADDITIONAL DATA

*The **OFFICER SELF-REPORT FORM** can be accessed on a member's Department mobile phone through the "Craft" application and will allow uniformed members of the service to document notable actions that they consider to be positive (e.g., achievements in crime prevention, problem-solving, community engagement, etc.). By noting community interactions and engagements, members are afforded the ability to showcase their efforts towards furthering the Department's commitment to neighborhood policing.*

*The **SUPERVISOR FEEDBACK FORM** can be accessed on a supervisor's Department mobile phone through the "Craft" application and will allow the supervisor to highlight commendable actions by a uniformed member of the service (e.g., supervisor observes or becomes aware of exceptional community interaction, uniformed member of the service makes an arrest that closes a precinct pattern, etc.). The **FORM** will also allow supervisors to note areas that may need improvement and indicate what actions were taken to address the deficiency. In addition, minor violations of Department regulations committed by uniformed members of the service can be documented using the **FORM**. The **FORM** can also be completed by supervisors for uniformed members outside of their command (e.g., UMOS assigned to supervisors on details, etc.).*

Commanding officers will be responsible for determining performance standards within their respective commands and resolving all issues within their command relative to the Monthly Performance Review. Precinct, PSA and transit district commanding officers will also review and direct the conditions to be addressed consistent with applicable crime control strategies and areas of community concern.

RELATED PROCEDURES

Officer Profile Report (Operations Order 50, series 2018)

FORMS AND REPORTS

OFFICER PROFILE REPORT
OFFICER SELF – REPORT FORM
SUPERVISOR FEEDBACK FORM

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-58	
APPEAL OF EVALUATION - UNIFORMED MEMBERS OF THE SERVICE			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To permit a uniformed member of the service in permanent rank to appeal his/her evaluation.

SCOPE This procedure does not apply to uniformed members of the service who are in the rank on probation (e.g., entry-level probationary police officers, probationary sergeants, probationary lieutenants or probationary captains).

PROCEDURE When a uniformed member in permanent rank wants to appeal a **PERFORMANCE EVALUATION**:

RATER

1. Inform commanding officer.

COMMANDING OFFICER

2. Act as initial hearing officer.
   a. Schedule interview with members concerned (i.e., rater, reviewer and ratee named on **PERFORMANCE EVALUATION** form), within thirty days of appeal notice.

NEXT HIGHER COMMAND

3. Schedule interview and serve as the hearing officer if the commanding officer is the rater on the **PERFORMANCE EVALUATION** form.

COMMANDING OFFICER/ NEXT HIGHER COMMAND

4. Attempt to resolve the appeal.
5. Notify the Performance Analysis Section, via **Typed Letterhead**, within three days of the hearing, detailing the outcome of the hearing or whether the member is going to continue the appeal process to the next level.

RATEE

6. Submit a report on **Typed Letterhead**, within thirty days of the hearing, if appeal is NOT RESOLVED at rater/commanding officer/next higher command level, as follows:
   a. Uniformed members of the service below the rank of captain - Personnel Officer concerned
   b. Captains and above – Personnel Officer, Chief of Personnel.

PERSONNEL OFFICER CONCERNED

7. Review the matter by interviewing appropriate parties and examining pertinent records.
8. Present findings to Borough/Bureau Commanding Officer or Chief of Personnel.

BOROUGH/ BUREAU COMMANDING OFFICER/ CHIEF OF PERSONNEL

9. Evaluate findings presented by personnel officer and render decision.

PERSONNEL OFFICER CONCERNED

10. Report decision of Borough/Bureau Commanding Officer or Chief of Personnel in quadruplicate, within <u>three days</u> of receipt of **Typed Letterhead** and interview of parties, as follows:
    a. <u>ORIGINAL</u> - to reviewer named on evaluation form, who will inform rater and ratee of findings and direct preparation of new evaluation, if necessary. Place a copy of report in ratee's command personnel folder
    b. <u>DUPLICATE</u> - to member appealing (i.e., ratee)
    c. <u>TRIPLICATE</u> - forward to Human Resources Division, Personnel Services Unit for inclusion in ratee's personnel folder
    d. <u>QUADRUPLICATE</u> - forward to Performance Analysis Section.

ADDITIONAL DATA

<u>CAUSE FOR AN APPEAL OF PERFORMANCE EVALUATION</u>

A uniformed member of the service in permanent rank has the right to appeal the contents, recommendations or overall rating of his/her performance evaluation, ONLY if cause for appeal stems from:

a. Factual error
b. Rater's misinterpretation of instructions
c. Bias or prejudice on the part of the rater
*d. **PERFORMANCE EVALUATION** is completed and based upon OTHER THAN performance factors.*

*A uniformed member of the service has the right to review comments and recommendations made by a reviewer named on the **PERFORMANCE EVALUATION** form; however, such comments and recommendations are not causes for appeal by the ratee. Such a review by the ratee is for the ratee's informational purposes only.*

RELATED PROCEDURES

Evaluations - General - Members of the Service (P.G. 205-48)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-59	
APPEAL OF EVALUATION - CIVILIAN MEMBER OF THE SERVICE			
DATE ISSUED: 03/19/15	DATE EFFECTIVE: 03/19/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To permit a civilian member of the service to appeal an evaluation.

SCOPE This procedure does not apply to individuals who have not completed their probationary period or have served less than two years in a provisional status.

PROCEDURE When a civilian member wants to appeal a performance evaluation:

RATER 1. Inform commanding officer.

COMMANDING OFFICER 2. Schedule interview with members concerned (rater, reviewer and ratee), within thirty days of appeal notice.

NOTE *If the commanding officer is also the rater, the rater's immediate supervisor will schedule the interview and serve as the reviewer. If ratee performs below desirable standard, commanding officer MUST be reviewer.*

3. Attempt to resolve appeal.

NOTE *If the matter is not resolved after review by the commanding officer, upon the written request of the ratee to the respective bureau/borough personnel officer for further appeal, a review board will be empanelled at the borough or equivalent level. The respective bureau/borough personnel officer will be responsible for convening the review board. The review board must resolve the appeal within thirty days from receipt of the written request for appeal to the respective bureau/borough personnel officer. For Patrol Services Bureau personnel, the review board will consist of:*

a. Borough personnel officer
b. Borough adjutant
c. Borough Equal Employment Opportunity (EEO) liaison
d. Commanding officer from other than the command of the ratee.

For bureaus or divisions other than the above, the review board will consist of:

a. Personnel officer
b. Bureau executive officer
c. EEO liaison
d. Division commander from other than the command of the ratee.

RATEE 4. Prepare **Typed Letterhead**, to respective bureau/borough personnel officer requesting further appeal, if appeal is not resolved at the command level, and further review is desired.

PERSONNEL OFFICER 5. Convene review board.
a. Appeal must be resolved within thirty days of receipt of request for appeal.

PERSONNEL OFFICER (continued)

b. Review board will prepare report in triplicate and forward copies to ratee, rater and Performance Analysis Section for inclusion in member's personal folder.

NOTE *The determination of the review board may be further appealed to the Police Commissioner or his/her designee for a final determination.*

RATEE

6. Prepare **Typed Letterhead**, to the Police Commissioner requesting final review if further appeal beyond the determination of the review board is desired.

NOTE *The Police Commissioner or his/her designee will make written notification of the final determination of ratee's appeal.*

A civilian member of the service has the right to appeal the contents, recommendations or overall rating of his/her performance evaluation, <u>ONLY</u> if cause for appeal stems from:

a. Factual error
b. Rater's misinterpretation of instructions
c. Bias or prejudice on the part of the rater
d. Evaluation is based upon OTHER THAN performance factors.

A civilian member of the service has the right to review comments and recommendations made by a reviewer; however, such comments and recommendations are not cause for appeal. Such a review is solely for the ratee's informational purposes.

RELATED PROCEDURES *Evaluations - General - Members of the Service (P.G. 205-48)*

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-60

REPORTING TO DEPARTMENT SURGEON AND RETURNING TO DUTY FROM SICK REPORT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To ensure the appropriate procedures are followed when a member of the service reports to the Department surgeon and when the member is directed to return to duty.

PROCEDURE When a member of the service has reported sick as per *P.G. 205-01, "Reporting Sick,"* and is not eligible for, or declines Administrative Sick:

UNIFORMED MEMBER OF THE SERVICE

1. Report to assigned district surgeon at next regular office hours, EXCEPT;
   a. Member designated Chronic Absent – Category B, will report to the Medical Division, Special Medical District/Confidential Medical District at next regular office hours
   b. Member reporting sick on Friday or Saturday will report to Medical Division, Weekend Surgeon, at 1000 hours the following day
   c. Member unable to travel will remain at place of confinement and phone assigned district surgeon or "weekend" surgeon during next office hours
   d. Member with dental problems will be guided by the Sick Desk supervisor/member regarding reporting requirements
   e. When directed otherwise by the Medical Division supervisor.

NOTE *Uniformed members of the service are NOT to bring their children to the Department Surgeon's Office, because children and uniformed members of the service present in the waiting room may be susceptible to illness.*

COMMANDING OFFICER

2. Telephone member's district surgeon, in all cases, if member has been on sick report for five workdays, ascertain estimated dates of return and enter information on **ABSENCE AND TARDINESS RECORD (PD433-145)**.

<u>UPON BEING DIRECTED TO RETURN TO DUTY BY A DEPARTMENT SURGEON</u>:

UNIFORMED MEMBER OF THE SERVICE

3. Immediately notify desk officer/supervisor, by telephone, of time and date to report for duty.
   a. Include limitations, if any, on type of duty to be performed.
4. Report for duty when ordered.
5. Deliver **SICK REPORT RETURN (PD429-131)** and/or **ASSIGNMENT TO LIMITED CAPACITY (PD406-050)** to desk officer/supervisor upon return to duty.

DESK OFFICER/ SUPERVISOR

6. Make entry indicating member's return to duty in Telephone Record upon receipt of telephone notification.

ADDITIONAL DATA

Cooperate with supervisor, regardless of rank, who has been dispatched by competent authority, (e.g., Commanding Officer-Medical Division, Internal Affairs Group, precinct commanding officer or duty captain, etc.) to visit member on sick report, and directs such member to comply with lawful order/instruction (e.g., appear in court, Trial Room, in front of an investigatory unit, etc.).

Uniformed members of the service, who have not been classified as chronic absent, or who have not been referred for supervision, and who have any of the following medical conditions, as per the Department surgeon's diagnosis, will NOT be the subject of routine supervisory visits or telephone calls:

a. Heart condition
b. Broken limbs
c. Post surgical convalescence
d. Illnesses diagnosed by Department surgeon as likely to be of a duration in excess of six months, after conferral with the Supervising Chief Surgeon
e. Pregnancy.

A uniformed member of the service whose medical condition is NOT listed in the second paragraph of the "ADDITIONAL DATA" statement (subdivisions "a" through "e"), may also be granted permission to leave his/her residence while on sick report for a period of time as determined by the district surgeon. Prior to granting such permission, the surgeon must certify that:

a. The member is unable to perform in a limited/restricted duty status
b. It will not adversely affect the member's health
c. It will not prolong or impede the member's return to duty.

The permission granted may be revoked at any time by the Commanding officer, Medical Division, or designee, upon appropriate notice to the member and the district surgeon concerned.

In case of serious need or emergency, a uniformed member may request permission to leave his residence at a time other than that specified by the district surgeon. Such request should be directed to the Sick Desk supervisor. In addition, requests to leave residence to obtain medical services, food, household necessities or church attendance, voting, etc., are routinely granted by the Sick Desk supervisor at times other than that specified by the district surgeon. Permission to leave residence should be denied or revoked only if a violation of the guidelines takes place or if activities requested would hinder recovery. The Sick Desk supervisor shall notify the district surgeon at the next office hours, when such permission is granted, to ensure that leaving residence is not inconsistent with the member's medical condition and/or had not previously been denied by the surgeon. District surgeons are responsible for notifying the Supervising Chief Surgeon and Commanding Officer, Medical Division, of the identities of members granted:

a. Non-supervisory privileges
*b. Permission to leave his/her residence on specific dates and times which will be indicated on **PERMISSION TO LEAVE RESIDENCE WHILE ON SICK REPORT (PD429-051)**, a copy of which will be given to the sick member.*

*A uniformed member of the service on sick report may not leave the confines of the City or residence counties without the approval of the Chief of Personnel. A request for such permission is made through the member's district surgeon on **ABSENCE FROM CITY WHILE ON SICK LEAVE (PD429-161)**. Members will be contacted on a weekly basis by their district surgeon during absence from residence counties.*

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)
Chronic Absence Control Program (P.G. 205-45)
Pregnancy Leave For Uniformed Members Of The Service (P.G. 205-27)
Absence Control (A.G. 318-12)
Notifying Court, Trial Room or Other Agencies When Member Reports Sick (P.G. 205-61)

FORMS AND REPORTS

ABSENCE AND TARDINESS RECORD (PD433-145)
ASSIGNMENT TO LIMITED CAPACITY (PD406-050)
PERMISSION TO LEAVE RESIDENCE WHILE ON SICK REPORT (PD429-051)
SICK REPORT (PD429-122)
SICK REPORT RETURN (PD429-131)
ABSENCE FROM CITY WHILE ON SICK LEAVE (PD429-161)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-61

NOTIFYING COURT, TRIAL ROOM OR OTHER AGENCIES WHEN MEMBER OF THE SERVICE REPORTS SICK

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To notify court, Trial Room or other government agency when a member of the service reports sick and is unable to attend a pending arraignment or scheduled appearance.

PROCEDURE When illness, injury or any other physical/psychological condition prevents the performance of duty and the member of the service has a pending arraignment, or scheduled appearance in court, the Trial Room, or any other governmental agency:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 205-01, "Reporting Sick."*
2. Inform desk officer/supervisor at assigned command of any pending arraignment, or scheduled appearance in court, the Trial Room, or any other government agency when reporting sick.

DESK OFFICER/ SUPERVISOR

3. Make entry in Command Diary of any scheduled court appearance or other agency appearance, under date of scheduled appearance AND under date two days prior to appearance date (exclusive of Saturday, Sunday or holidays).
4. Notify borough court section concerned if sick member is unable to appear for pending arraignment.

ROLL CALL CLERK

5. Notify the court or other agency concerned immediately of the member of the service's inability to attend due to being on sick report.

WHEN MEMBER OF THE SERVICE IS ON SICK REPORT

OPERATIONS COORDINATOR/ PRINCIPAL ADMINISTRATIVE ASSOCIATE

6. Telephone district surgeon to determine if member is capable of appearing at scheduled court appearance when member remains on sick report two days prior to such scheduled appearance.
7. Notify member to appear if district surgeon approves and telephone Sick Desk of surgeon's determination.

ROLL CALL CLERK

8. Notify Criminal Court, Trial Room or other government agency and request adjournment two days before appearance date, if member is unable to appear.

NOTE *If member reports sick on a scheduled appearance date, make immediate notification to court or other agency concerned.*

9. Notify the court, if other than Criminal Court, on the morning of the appearance date if the member is unable to appear.
10. Enter notifications to district surgeons, courts, etc., regarding scheduled appearances of members on sick leave in Telephone Record.

NOTE *A uniformed member on sick report whose condition changes after being directed to appear in court or before another agency, thereby preventing a scheduled appearance, will notify the roll call clerk or desk officer/supervisor, as appropriate. The roll call clerk/desk officer/supervisor will make required notifications.*

RELATED PROCEDURES *Reporting Sick (P.G. 205-01)*
Reporting to Department Surgeon and Returning to Duty From Sick Report (P.G. 205-60)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-62	
FIREARMS PROFICIENCY REQUIREMENT			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure that uniformed members demonstrate and maintain minimum proficiency in the use of firearms.

SCOPE This procedure will apply when a uniformed member, who claims to be medically and/or psychologically unable to use firearms, is deemed fit for full duty by the Medical Division.

PROCEDURE Upon being deemed fit for full duty assignment:

UNIFORMED MEMBER OF THE SERVICE

1. Report as directed by Commanding Officer, Medical Division to the Firearms and Tactics Section for firearms qualification.
2. Demonstrate proficiency by achieving the Department's standard passing score.

UPON FAILURE OF UNIFORMED MEMBER OF THE SERVICE TO QUALIFY WITH FIREARM(S)

SUPERVISOR, FIREARMS AND TACTICS SECTION

3. Notify Absence Control and Investigations Unit (ACIU) immediately.
4. Fax **FIREARMS SCORE SHEET (PD124-141)** to ACIU.

SUPERVISOR, ABSENCE CONTROL AND INVESTIGATIONS UNIT

5. Direct uniformed member of the service concerned to report to medical specialist designated by the Medical Division for examination.
6. Maintain appropriate records of notifications and the results of said examination.
7. Request member to complete **Notice of Failure to Qualify with Firearms**.
8. Witness signature of member on **Notice**.
   a. Retain original for unit file
   b. Provide member concerned with copy.
9. Advise member of the availability of remedial firearms training.

NOTE *Uniformed members must demonstrate and maintain minimum proficiency in the use of firearms. The Department's policy is that minimum proficiency is a condition of employment for uniformed members. Members failing to qualify within ninety days of signing the* ***Notice of Failure to Qualify With Firearms*** *will receive* ***CHARGES AND SPECIFICATIONS (PD468-121)*** *and face an administrative hearing under Section 75 of the New York State Civil Service Law, "Removal and Other Disciplinary Action." Members found to be incompetent after an administrative hearing will be removed from the Department.*

IF MEMBER HAS NOT QUALIFIED WITHIN 90 DAYS OF NOTICE

SUPERVISOR, ABSENCE CONTROL AND INVESTIGATIONS UNIT

10. Consult with Department Advocate's Office.
11. Comply with *P.G. 206-05*, "*Preparation of Charges and Specifications*" as appropriate.

NOTE *Members of the service are reminded that existing Department programs provide one hundred rounds of ammunition and the use of a Department firearms range for practice. Members are also reminded that it is their responsibility to take corrective action on their own time and at their own expense. Instruction is available through the Firearms and Tactics Section by appointment. Members may call to arrange for training.*

Commands will photocopy and utilize the ***Notice of Failure to Qualify With Firearms****, depicted in Appendix "A", as necessary.*

APPENDIX "A"

Notice of Failure to Qualify With Firearms

Date: _____

TAKE NOTICE that you have failed to achieve the minimum passing score in your most recent attempt at firearms qualifications on (date): _____. You have not qualified with firearms since (date): _____. This Department has deemed you medically and/or psychologically fit to perform full duty with firearms.

Firearms proficiency is an essential function of the job of police officer and is a condition of your employment as a uniformed member of the service. You are hereby required to demonstrate and maintain minimum firearms proficiency within ninety days of this notice.

It is your responsibility to contact the Firearms and Tactics Section and take the firearms requalification course. If you fail to do so, the Department will schedule an appointment for you to take this course prior to ninety days after the date of this notice.

Your failure to demonstrate minimum proficiency within the above time limit will result in formal action being taken against you pursuant to Section 75 of the New York State Civil Service Law, "Removal and Other Disciplinary Action." If there is an affirmative finding of incompetence after an administrative hearing which is approved by the Police Commissioner, this action will result in your removal from the Department.

You are reminded that existing Department programs provide one hundred rounds of ammunition and use of a Department range for practice. In addition, you may contact the Firearms and Tactics Section to arrange for additional remedial firearms training. However, be aware that is your responsibility to take whatever steps are necessary for you to qualify with firearms including practice on your own time and at your own expense.

Acknowledgement of subject uniformed member of the service.

Rank	Name (Last, First, M.I.) Print	Signature	Tax Registry #	Date

Witness:

Rank	Name (Last, First, M.I.) Print	Signature	Tax Registry #	Date

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-63	
MONITORING OFF-DUTY VISITS TO INMATES AT CORRECTIONAL FACILITIES BY MEMBERS OF THE SERVICE			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide a system to monitor visits by members of the service to city, state, or federal correctional facilities.

PROCEDURE When a member of the service intends to visit an inmate at a correctional facility while off-duty:

MEMBER OF THE SERVICE

1. Prepare **Typed Letterhead** with the following information and forward to commanding officer at least seven days prior to the intended visit:
   a. Name, rank, shield and tax registry numbers.
   b. Name and I.D. number of inmate to be visited.
   c. Relationship of inmate to member of the service.
   d. Place of incarceration; (include full facility name, address and phone number.)
   e. Date and time of proposed visit.
   f. Packages to be brought to facility.

NOTE *A separate notification must be made for each visit.*

COMMANDING OFFICER

2. Notify IAB, Command Center of details.
3. Approve/disapprove request.
4. Notify member of determination.
5. Forward copy of request to Deputy Commissioner, Internal Affairs.
   a. File copy of request in member's personal folder.

ADDITIONAL DATA *Members of the service shall cooperate fully with all rules and procedures of the correctional facility concerned regarding securing weapons, visitor searches, sign-in/sign-out practices etc.*

RELATED PROCEDURES *Public Contact – Prohibited Conduct (P.G. 203-10)*

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-64

LAW ENFORCEMENT OFFICERS SAFETY ACT (LEOSA) QUALIFICATION FOR RETIRING UNIFORMED MEMBERS OF SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To provide one-time Law Enforcement Officers Safety Act (LEOSA) qualification free of charge to qualified uniformed members of the service.

SCOPE LEOSA exempts active and retired law enforcement officers from local and state prohibitions on the carrying of concealed firearms. The qualification course must be performed at a firearms range and is valid for a one-year period from the date of qualification.

DEFINITION LEOSA CERTIFICATION CARD – A wallet-sized certification card issued by the Department containing the retired member's rank, name, tax number, date of retirement and date of expiration. The card also contains the Operations Unit's telephone number for verification purposes. To be valid, a LEOSA Certification Card MUST be accompanied by a valid **IDENTIFICATION CARD (PD416-091)** marked "Retired."

PROCEDURE When a uniformed member of service in good standing is retiring from the Department with at least twenty years of service or due to a line of duty injury which does not preclude them from carrying a firearm:

UNIFORMED MEMBER OF THE SERVICE

1. Attend firearms qualification course at a Department range within twelve months of anticipated date of retirement.
2. Inform firearms instructor of intention to retire and desire to obtain LEOSA qualification.

FIREARMS AND TACTICS SECTION SUPERVISOR

3. Enter retiring member's last firearms qualification date into the Firearms Tracking System database.

UNIFORMED MEMBER OF THE SERVICE

4. Provide range attendance slip to the Shield, ID and Uniform Services Unit when being issued an **IDENTIFICATION CARD** marked "Retired."

SHIELD, ID AND UNIFORMED SERVICES UNIT

5. Access the Firearms Tracking System database and verify that the member concerned attended and qualified at the firearms range.
6. Issue LEOSA Certification Card, if qualified, with an expiration date of one year after the last firearms requalification.

OPERATIONS UNIT

7. Utilize the Firearms Tracking System database to verify the issuance and expiration date of the Department-issued LEOSA Certification Card when fielding calls from law enforcement agencies and other government entities.

ADDITIONAL DATA

The LEOSA Certification Card will expire twelve months from the date of the last range qualification. A member is not able to obtain a LEOSA Certification Card from the Department unless such member has qualified during a regular Department range cycle within the past twelve months. The LEOSA qualification is solely for a retiring member's service and off-duty firearms.

If a retired member becomes ineligible due to a change in medical and/or psychological condition, the LEOSA Certification Card is invalid and must be returned to the Department.

This is a one-time benefit provided in appreciation for uniformed members of the service retiring in good standing. Due to constraints on Department facilities and staffing, LEOSA requalification cannot be provided by the Department and will be at the retired member's own expense at a private range. Members are encouraged to review the Law Enforcement Officers Safety Act to better understand all of the laws requirements.

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
LEOSA Certification Card

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-65	
DEPARTMENT MEDALS - UNIFORMED MEMBERS OF THE SERVICE			
DATE ISSUED: 02/02/15	DATE EFFECTIVE: 02/02/15	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide an informative list of Department medals that an individual uniformed member of the service and/or Department unit may be awarded through the Department's Departmental Recognition procedure:

DEFINITIONS

DEPARTMENT MEDAL OF HONOR
Awarded to a uniformed member who intelligently and in line of police duty distinguished himself/herself by the performance of an act of gallantry and valor at imminent personal hazard to life with knowledge of the risk, above and beyond the call of duty.

DISTINGUISHED SERVICE MEDAL
Awarded to next of kin of a uniformed member of the service, in recognition of the dedicated performance of duty under unusual hazards and demands where the uniformed member of the service has suffered death.

POLICE COMBAT CROSS MEDAL
Awarded for the successful performance of an act of extraordinary heroism while engaged in personal combat with an armed adversary at imminent personal hazard to life in the intelligent performance of duty.

MEDAL FOR VALOR
Awarded for an act of outstanding personal bravery intelligently performed in line of duty at imminent personal hazard to life under circumstances evincing a disregard of personal consequences.

PURPLE SHIELD MEDAL
Awarded to uniformed members of the service, or their next of kin in the event of a line of duty death, who have suffered extremely serious physical injury or death, permanent disfigurement, protracted or permanent impairment of health, or of any bodily function while performing an official act either while on or off-duty.

HONORABLE MENTION
Awarded for an act of extraordinary bravery intelligently performed in the line of duty at imminent and personal danger to life.
The Honor Committee will review all Honorable Mention awards granted during the previous year and may select uniformed members of the service as recipients of the aforementioned medals.

EXCEPTIONAL MERIT
Awarded for an act of bravery intelligently performed involving personal risk to life.

DEFINITIONS (Continued)

COMMENDATION

Awarded for an act involving:

a. Grave personal danger in the intelligent performance of duty, OR
b. A highly creditable unusual police accomplishment.

COMMENDATION - INTEGRITY

Awarded for an act which demonstrates an extraordinary commitment to integrity.

COMMENDATION - COMMUNITY SERVICE

Awarded to uniformed members of the service for:

a. Initiative contributing to the substantial improvement in Community Policing/Community Quality of Life, OR
b. Performance which substantially improves the quality of life in neighborhoods or communities through creative problem-solving ideas, techniques or skills, OR
c. Performance and consistent progress in implementing meaningful, significant improvements in rendering or securing community service or fostering police-community relations through Community Policing/Problem Solving Programs.

MERITORIOUS POLICE DUTY

Awarded for:

a. An act of intelligent and valuable police service demonstrating special faithfulness or perseverance, OR
b. Highly creditable acts of police service over a period of time.

MERITORIOUS POLICE DUTY - INTEGRITY

Awarded for an act which demonstrates highly creditable integrity.

EXCELLENT POLICE DUTY

Awarded for:

a. An intelligent act materially contributing to a valuable accomplishment, OR
b. Submission of a device or method adopted to increase efficiency in an administrative or tactical procedure, OR
c. Enforcement activity over a period of time that represents organization and skill applied to the reduction of crime or a positive impact on a condition. The awarding of an Excellent Police Duty award is not automatic or based on a set number of arrests or other activity in a given span of time. Commanding officers are required to ensure that each Excellent Police Duty award is based on circumstances beyond the expected performance of duty by a member of the service. When reviewing submitted requests, commanding officers will consider the personal initiative, observations and actions of the recommended member that materially contributed to the action taken.

DEFINITIONS (Continued)

Additionally, the successful resuscitation of an aided using an Automated External Defibrillator (AED) will be considered for Departmental recognition when the aided is hospitalized with a reasonable chance of survival. Commanding officers/counterparts reviewing applications for Departmental recognition for successful use of Automated External Defibrillators will, in all circumstances, submit such request to the Supervising Chief Surgeon or the Deputy Chief Surgeon for endorsement and recommendation of appropriate Departmental recognition, prior to final approval.

The following awards are issued to Department units:

UNIT CITATION
Unit Citations recognize outstanding performance by an entire unit in developing and implementing goals and objectives or other highly creditable accomplishments over a substantial period of time (calendar year).

POLICE COMMISSIONER'S PERSONAL LETTER OF CONGRATULATIONS
Awarded to units that do not otherwise qualify for a Unit Citation.

ADDITIONAL DATA

DEPARTMENT POLICY

DISPLAY OF MEDALS
A uniformed member of the service must wear the prescribed breast bar at all times while in uniform. However, breast bars or other authorized ribbons are not to be worn when wearing corresponding medals. A member who has been awarded the Department Medal of Honor, Police Combat Cross or Medal for Valor is required to wear the breast bar denoting the particular award in lieu of the Honorable Mention breast bar previously awarded for the same act.

RELATED PROCEDURES

Departmental Recognition - Uniformed Members of the Service (P.G. 205-39)
Boards and Committees (O.G. 101-23)
Emblems, Insignia and Breast Bars (P.G. 204-16)
Presentation of Departmental Recognition Awards (A.G. 305-03)
Unit Citations (A.G. 305-04)
Educational Achievement Citation (A.G. 320-19)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-66

COUNSELING SERVICES UNIT DRUG SCREENING FOR UNIFORMED AND CIVILIAN MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To screen uniformed and civilian members of the service for alcohol and illegal drugs/controlled substances at the completion of the Counseling Services Unit Program.

SCOPE The Department's goal is to ensure the safety of its employees and the public by maintaining a drug/controlled substance free work environment.

PROCEDURE When uniformed and civilian members of the service are screened for alcohol and illegal drugs/controlled substances at the completion of the Counseling Services Unit Program:

COMMANDING OFFICER, MEDICAL DIVISION

1. Ensure the supervisor, Counseling Services Unit schedules all members of the service (uniformed and civilian) participating in the Counseling Services Unit Program for a urine drug screening analysis, prior to the completion of the program.

NOTE *The purpose of the urine drug screening is to detect the presence of alcohol and/or illegal drugs/controlled substances.*

SUPERVISOR, COUNSELING SERVICES UNIT

2. Schedule and notify all members of the service (uniformed and civilian) who are about to complete the Counseling Services Unit Program to appear at the Medical Division at the appropriate date and time.

MEMBER OF THE SERVICE

3. MUST report to Medical Division when notified, except if member is on:
   a. Sick report
   b. Bereavement leave
   c. Terminal leave.

NOTE *Members scheduled for court may be directed to appear for testing immediately upon completion of court, or rescheduled as appropriate. Members reporting sick on the testing date will be required to visit a Department surgeon and obtain approval for excusal from the testing.*

4. MUST submit to a urine drug screening analysis. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department.
5. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519)** listing all medications ingested or prescribed in the last ninety days, prior to testing.
6. Present shield and **IDENTIFICATION CARD (PD416-091)** at the testing location to ensure that the proper individual has reported for testing.
7. Comply with instructions received at testing location.

ADDITIONAL DATA

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

Privacy and dignity will be protected. Samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine). All testing expenses, including chain of custody, will be paid by the affected member of the service. The results of the retest will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

Uniformed members of the service subject to screening under this procedure will also be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)

RELATED PROCEDURES (continued) *End of Probation Drug Screening for Probationary Police Officers (P.G. 205-67)*
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS ***DRUG SCREENING QUESTIONNAIRE (PD407-1519)***
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-67

END OF PROBATION DRUG SCREENING FOR PROBATIONARY POLICE OFFICERS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To drug screen probationary police officers during their end of probation medical exam prior to coming off probation.

SCOPE The Department's goal is to ensure the safety of its employees and the public by maintaining a drug/controlled substance free work environment.

PROCEDURE When probationary police officers submit to drug screening during their end of probation medical exam prior to coming off probation:

COMMANDING OFFICER, MEDICAL DIVISION

1. Ensure that the supervisor, Drug Screening Unit schedules all probationary police officers for end of probation medical exams (which will include hair and urine analysis test) prior to the concerned member's end of probation.

NOTE *Ordinarily, this will occur within six months of the date that the member is scheduled to end their probationary period.*

SUPERVISOR, DRUG SCREENING UNIT

2. Schedule and notify probationary police officers to report for their end of probation medical exam, including drug screening, at the Medical Division at the appropriate date and time.

PROBATIONARY POLICE OFFICER

3. MUST report to Medical Division when notified, except if member is on:
   a. Sick report
   b. Regularly scheduled day off
   c. Military leave
   d. Annual vacation
   e. Bereavement leave.

NOTE *Members scheduled for court or training may be directed to appear for testing immediately upon completion of court, or rescheduled as appropriate. Members reporting sick on the testing date will be required to visit a Department surgeon and obtain approval for excusal from the testing.*

4. MUST submit to a hair and urine analysis. Refusal to submit to the test will result in suspension from duty and will be grounds for dismissal from the Department.
5. Prepare **DRUG SCREENING QUESTIONNAIRE (PD407-1519**) listing all medications ingested or prescribed in the last ninety days, prior to testing.
6. Present shield and **IDENTIFICATION CARD (PD416-091)** at the testing location to ensure that the proper individual has reported for testing.

PROBATIONARY POLICE OFFICER (continued)

7. Comply with instructions received at testing location.

ADDITIONAL DATA

When hair samples are required, three hair samples will be collected, cut as close to the skin as possible. The samples should be collected from the same body area, preferably the head. The samples will be individually placed in separate laboratory supplied "Sample Acquisition Cards," and sealed by the collector in the presence of the test subject. These cards will be placed in separate plastic bags, sealed by the collector, and initialed and dated by the test subject. Two hair samples will be forwarded to the contracted laboratory for analysis. The third hair sample will be secured at the Medical Division for use in testing, should the test of the first two hair samples reveal positive results for illegal drugs/controlled substances. Appropriate chain of custody will be maintained at all times.

Except in unusual circumstances, samples will be taken at a facility operated by the Medical Division, or at another health care facility.

In the event that the member concerned is unable to provide adequate hair samples as required in this procedure, the Commanding Officer, Medical Division, or designee, will be contacted. The Commanding Officer, Medical Division, or designee, may authorize the collection of alternate specimen(s) to complete the drug screening test.

When urine samples are required, two urine samples will be collected, each in a separate vial. Prior to testing, the drug screening serial number assigned by the Medical Division and date of test will be affixed to each vial. The serial number will be logged separately with the member's name and maintained at the Medical Division. The member being tested and the witness will then initial the vial stickers. The vials will be sealed in the member's presence after the urine samples have been collected. Appropriate chain of custody will be maintained at all times.

Privacy and dignity will be protected. Hair and urine samples will be collected under maximum feasible privacy. Except in unusual circumstances, only one person of the same sex will be present with the test subject to observe the urine sample being provided. For chain of custody purposes, that same person will also collect the hair samples.

One or more scientifically accepted initial screening samples will be employed in analysis. A positive report will be made only after final confirmation testing has been conducted. Negative test samples will not be maintained; instead, they will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty days of notification of such result, submit a written request to the Department Advocate's Office for further independent testing of the third sample by a laboratory certified by the State of New York Department of Health, and approved by the Medical Division to conduct the particular type of forensic drug testing (i.e., urine or hair) being requested. All additional testing expenses, including chain of custody, will be paid by the affected

ADDITIONAL DATA (continued)

member of the service. The results of the additional test will be forwarded by the independent laboratory to the Medical Division. The Medical Division will then forward the results to the Department Advocate's Office. The affected member/counsel will be notified of the results by the Department Advocate's Office.

Positive test results, which indicate illegal drug/controlled substance use, will result in Department Charges and Specifications, and suspension from duty.

Probationary police officers who graduated from the Police Academy and are subject to screening under this procedure will also be subject to drug screening pursuant to the Department's random drug screening procedures.

RELATED PROCEDURES

Random Drug Screening for Uniformed Members of the Service Not Assigned to Select Detective Bureau Sub-Units, Internal Affairs Bureau (IAB) or as Probationary Police Officers in Training at the Police Academy (P.G. 205-29)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Drug Screening Tests for Uniformed Members of the Service Applying for Assignments to Designated Specialized Units (P.G. 205-31)
Random Drug Screening for Uniformed Members of the Service Assigned to Select Detective Bureau Sub-Units and Internal Affairs Bureau (IAB) (P.G. 205-32)
Drug Screening Tests for Uniformed Members of the Service as a Condition of Civil Service Promotion (P.G. 205-33)
Drug Screening for Uniformed Members of the Service as a Condition of Discretionary Promotion (P.G. 205-34)
Voluntary Drug Testing (P.G. 205-35)
Counseling Services Unit Drug Screening for Uniformed and Civilian Members of the Service (P.G. 205-66)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)

FORMS AND REPORTS

DRUG SCREENING QUESTIONNAIRE (PD407-1519)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-68

MEMBER OF THE SERVICE SEEKING TO NOTIFY THE DEPARTMENT OF TRANSGENDER OR GENDER NON-CONFORMING TRANSITION, OR STATUS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
04/15/21	04/15/21		1 of 3

PURPOSE To provide guidance to members of the service who decide to notify the Department of their transgender or gender non-conforming transition, or status.

SCOPE A member of the service's transition should be treated with as much sensitivity and confidentiality as any member of the service who is going through a significant life experience. Transgender members have the right to discuss their gender identity or expression openly, or to keep that information private. Transgender members decide when, with whom, and how much to share their private information. This policy will guide transgender members that choose to share information about their own gender transition.

DEFINITIONS

GENDER IDENTITY - An individual's internal sense of gender which may be the same or different from their assigned sex at birth. Gender identity is distinct from sexual orientation.

GENDER EXPRESSION - An individual's characteristics and behaviors (e.g., appearance, dress, mannerisms, speech patterns, social interactions, etc.) that may be perceived as masculine or feminine.

TRANSGENDER - An individual, whose gender identity or expression is not typically associated with their assigned sex at birth.

GENDER NON-CONFORMING - An individual, who has or is perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.

TRANSITION - The process in which an individual changes their gender from their assigned sex at birth to their gender identity. The duration of a transition may differ for each individual. A transition may include, but is not limited to:

a. Informing family, friends and co-workers of gender identity
b. Obtaining medical services (i.e., hormones, surgery, etc.)
c. Name and legal gender changes.

PROCEDURE When a member of the service decides to notify the Department of his/her transgender or gender non-conforming transition, or status:

MEMBER CONCERNED

1. Request meeting with commanding officer, or representative from the Equal Employment Opportunity Division regarding transgender or gender non-conforming transition, or status.
   a. Any supervisor or representative from a fraternal organization, union, etc. may be present during meeting at the request of the member concerned.

COMMANDING OFFICER OR REPRESENTATIVE, EQUAL EMPLOYMENT OPPORTUNITY DIVISION

2. Discuss the following with member of the service:
   a. The preferred name the member is requesting to use (may be different from legal name)
   b. Member's gender identity and how the member is requesting to be addressed (i.e., gender specific pronouns)
   c. Inquire if, and/or when, the member is requesting to inform co-workers and other command staff
   d. Locker room and restroom accesibility.

NOTE *Mayor's Executive Order 16 and New York City Local Law No.3 mandates that all employees of New York City agencies are allowed to use facilities (i.e., restrooms and locker rooms) that most closely align with their gender identity or expression without being required to show identification, medical documentation, or any other proof or verification of gender.*

   e. Member may request a new **IDENTIFICATION CARD (PD416-091)**
      (1) If member requests a new **IDENTIFICATION CARD**, notify the Shield, ID and Uniform Services Unit

NOTE *The Shield, ID and Uniformed Services Unit will take a new Department photograph and issue the transitioning member a new **IDENTIFICATION CARD**, if requested. Documentation will <u>not</u> be required in order to update the member's photograph; however, supporting documentation (i.e., court order, marriage certificate, birth certificate, valid government identification, etc.) will be required for name and legal gender changes.*

   f. Member may request an application for transfer to another command
      (1) If member requests a transfer, have member comply with the applicable Department procedure (i.e., *P.G. 205-14, "Uniformed Members of the Service - Transfer Procedure,"* etc.) and/or utilize the Personnel Online System for Transfers (P.O.S.T.)
         i. Notify the Personnel Bureau regarding the member's transfer request.

NOTE *The Personnel Bureau will make every effort to accommodate reasonable requests for transfer; however, members are reminded that all transfers are subject to the needs of the Department.*

   g. Other concerns that the member may have regarding their transgender or gender non-conforming transition, or status.
3. Notify the following regarding member's transgender or gender non-conforming transition, or status:
   a. Personnel Bureau
   b. Police Commissioner's LGBTQ Liaision Unit
   c. Employee Assistance Unit
   d. Member's immediate supervisor
   e. Any other member of the service, if deemed appropriate.

MEMBER CONCERNED

4. Comply with *P.G. 203-24, 'Personal Information via Department Intranet,'* and use the Centralized Personnel Resource System to update personal information (e.g., name, gender, etc.).
5. Notify commanding officer and/or Equal Employment Opportunity Division regarding any compliance issues or concerns (i.e., locker room accessibility, **IDENTIFICATION CARD** issuance, etc.) related to transgender or gender non-conforming transition, or status.

ADDITIONAL DATA

DRUG SCREENING TESTS

When it becomes necessary to perform a drug screening test, a staff member will be assigned that matches the gender identity as specified by the transgender or gender non-conforming member.

Members of the service with questions regarding this procedure should call the Equal Employment Opportunity Division.

RELATED PROCEDURES

Employment Discrimination (P.G. 205-36)
Personal Information Via Department Intranet (P.G. 203-24)
Uniformed Members of the Service - Transfer Procedure (P.G. 205-14)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
PERSONNEL ONLINE SYSTEM FOR TRANSFERS (P.O.S.T.)

VACATION POLICY

1. Vacation selections for police officers and detectives are based on date of appointment to the rank of police officer.
   a. Vacation selections are granted according to seniority in rank and by squad assignment, if appropriate.
      (1) Police officers and detectives with prior service as police cadets, traffic enforcement agents, associate traffic enforcement agents, school safety agents, supervisor of school security, or police communications technican, who were appointed off of a promotional exam, have senority over police officers and detectives with the same appointment date.
   b. Exam numbers will be used to determine seniority for uniformed members of the service with the same appointment date (i.e., the uniformed member of the service hired from the older exam will have senority).
   c. In instances where uniformed members of the service are appointed on the same date from same exam, the exam list number will determine senority.
      (1) Contact the Uniform Exams & Promotions Unit to obtain exam and list numbers.
2. Vacation selections for supervisors are based on seniority in rank.
   a. The number of supervisors eligible for vacation at one time will be determined by *A.G. 304-06, "Ranking Officers Vacations."*
3. No more than 12% of police officers and detectives (e.g., precinct, police service area, transit district, etc.) will be permitted to take vacation at the same time.
4. Staff members of uniformed patrol commands and uniformed members of the service of those commands who perform special tours of duty (i.e., anti-crime, NCO, etc.), will select vacation separately from other uniformed members of the command.
   a. The 12% limitation will be maintained, if possible.
5. Probationary police officers are not permitted to take vacation while in training at the Police Academy.
   a. After assignment to permanent command probationary police officers are allowed to take vacation in excess of the 12% limitation.
6. Vacations for uniformed members of the service assigned to other than uniformed patrol commands will be granted at the discretion of the commanding officer.
   a. The 12% limitation will be adhered to, if possible.
7. Uniformed members of the service (police officer through deputy chief) may carry over a maximum of 15 days of vacation into the following year subject to the following conditions:

VACATION POLICY (continued)

a. Selection of accrued vacation is subject to exigencies of the Department,
b. Selection of accrued time will be made after regular vacation picks, and
c. The 12% limitation remains in effect.

8. Uniformed members will apply for vacation lost during the preceding year due to sick leave, without delay, upon return to duty.
   a. Accrued vacation guidelines do not apply to vacation time lost due to uniformed members of the service being on sick report, as per *P.G. 205-19, "Vacation Lost Due to Sick Leave."*
9. Regular days off (RDOs) occurring immediately prior to, within and immediately following vacation are an integral part of such vacation.
   a. RDOs before and after a member's individual vacation day (IVD) are not considered an integral part of their vacation.
   b. Only scheduled work days may be selected as vacation or IVDs.
10. Members shall start vacation at the beginning of a set of tours and consisting of a complete set, if possible.
   a. Members are entitled to use all or any portion of an annual vacation selection elected on the current year's **ANNUAL SQUAD VACATION SELECTION (PD106-142/143/144/145/146)** worksheet.
11. Commanding officer/designee will ensure preparation of annual vacation lists prior to January 1, to permit commencement of vacations on January 1, if possible.
12. Two IVDs must be selected within the calendar year of selection, subject to the following guidelines:
   a. Uniformed members of the service concerned may select individual days when making regular vacation selection; however, if not selected with regular pick, they may be selected at later date subject to exigencies of the service,
   b. Only 2% of uniformed members assigned to uniformed patrol commands may take individual vacation days at one time,
   c. Uniformed members of the service may not select more than one of the following holidays as an IVD: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day, and
   d. A maximum of two IVDs may be carried into the following year, to be used by the last day of February.
13. **LEAVE OF ABSENCE REPORTS (PD433-041)** requesting annual vacation selection, IVDs, a prior year's vacation day(s), as well as leave requests for compensatory time, chart days, special leave for former members of the military, or commander's days must be submitted at least five calender days in advance.
   a. Uniformed members of the service may not be denied annual vacation selection, any part of the selection, or an IVD for failure to submit a **LEAVE OF ABSENCE REPORT** five days in advance if the vacation was properly selected.
   b. Uniformed members of the service may be subject to discipline for failing to submit **LEAVE OF ABSENCE REPORTS** five calendar days in advance.

VACATION POLICY (continued)

c. Uniformed members of the service who wish to forgo their entire vacation, or a portion thereof, shall make their intention known to their commanding officer five days prior to the scheduled start of their vacation.

14. Command timekeeper will enter vacation selections in the Command Diary.
15. Vacation selections may be changed to fill a vacant period or when members mutually agree to change vacation selections ONLY with permission of commanding officer.
16. Police officers and detectives retain original vacation selections when transferred.
    a. Minor adjustments to vacation selections may be made to reflect new chart assignments.
17. Supervisory officers, when transferred, may retain original selections if the efficiency of the command is not impaired.
    a. Minor adjustments may be made to reflect new chart assignments.
18. Neither the executive officer nor the operations coordinator are permitted to take vacations at the same time as the commanding officer.
19. Vacation time granted in excess of accrued yearly allowance will result in reduction of vacation allowance in the following year

ADDITIONAL DATA

The combined total number of vacation days a uniformed member of the service may carry into the following year is 17 (15 days vacation and two individual vacation days). Vacation days and individual vacation days carried over from previous years may be scheduled on an ad hoc basis after all uniformed members of the service in the requesting uniformed member of the service's command have made their initial vacation selections as per the needs of the Department.

RELATED PROCEDURES

Working During Vacation (A.G. 320-23)

PATROL GUIDE

Section: Personnel Matters		Procedure No: 205-71
AUTHORIZED LEAVE		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 41	PAGE: 1 of 2

MEMBER OF THE SERVICE REQUESTING AUTHORIZED LEAVE

1. Prepare **LEAVE OF ABSENCE REPORT (PD433-041)** and submit to commanding officer/supervisory head, for approval, at least five days before leave commences except in emergency.
   a. Uniformed and civilian members of the service must complete the "Location During Absence" section on the **LEAVE OF ABSENCE REPORT** including each country, with the city/town or province where the member will be staying, date(s) of departure and date of return, unless on military leave or leave of absence without pay thirty calendar days or more
   b. If member will remain at their residence, member will enter "residence" and include location and dates
   c. Prior to approving recommendation for leave, commanding officer/supervisory head will ensure that each country, with the city/town or province where the member will be staying is entered in Location During Absence section of **LEAVE OF ABSENCE REPORT**.
2. Leaves may be terminated at discretion of Police Commissioner.
3. Member who is granted extended leave of absence without pay must take all accrued leave prior to the start of leave of absence, except for military leave.
4. Leave without pay for thirty or more consecutive days during a year, except military leave, will reduce authorized vacation by 1/12th for each thirty consecutive days of absence.
5. Member returning from leave without pay for one year or more may not be granted unaccrued vacation until member performs active duty for a minimum of three months, unless otherwise authorized by law.
6. A member of the service (uniformed or civilian) applying for any extended leave, e.g., educational leave with or without pay, hardship leave, etc., is required to communicate with the Military and Extended Leave Desk for instructions.
7. Leave without pay may be granted to observe a religious holiday. No more than 1/6th of each squad may be granted such leave.

OPERATIONS COORDINATOR

8. Ensure all captions are completed in "Location During Absence" section on **LEAVE OF ABSENCE REPORT (PD433-041)** including each country, with the city/town or province where member of the service will be staying, date(s) of departure and date of return when member request leave.
9. Ensure all members of the service are submitting **LEAVE OF ABSENCE REPORT** at least five days before leave commences, except in emergencies.
10. Ensure timekeepers make mandatory entries into Leave of Absence – Location During Absence database, when a member submits a **LEAVE OF ABSENCE REPORT** and is traveling to a foreign country.

OPERATIONS COORDINATOR (continued)

11. Access Leave of Absence – Location During Absence database to verify mandatory entries are made by command timekeepers for members who are traveling to a foreign country daily during monthly self-inspections.
12. Ensure compliance with required entries on **LEAVE OF ABSENCE REPORT** during monthly self-inspections

ADDITIONAL DATA

If an emergency situation arises and a uniformed member of the service requests an emergency excusal day (E-day) for their next scheduled tour of duty, the requesting uniformed member of the service must receive approval from the desk officer on duty at the time of the request.

Members of the service may only request an E-Day during the interval between the member's last tour of duty performed and the start of their next scheduled tour of duty.

*All other requests for a leave of absence, that does not fall under the guidelines for an E-Day, will be submitted on a **LEAVE OF ABSENCE REPORT** to the member's commanding officer/supervisory head.*

*Once a decision has been rendered regarding the E-Day request, the desk officer will make an entry on the **Roll Call Adjustment (Misc. 3084)**. The entry will consist of the requesting member's rank, name and whether the E-Day request was granted or denied. If the E-Day has been granted, the desk officer will ensure a **LEAVE OF ABSENCE REPORT** is prepared for the requesting member.*

A denial of an E-Day by the desk officer is a final decision. If the request is denied, members are prohibited from attempting to receive approval of the same request from another supervisor and may be subject to disciplinary action.

Commanding officers will ensure that supervisors are aware of the command's criteria for the granting of E-Days. This includes, but is not limited to, the reason for requested excusal, number of emergency day requests made by the member, and the operational impact on the command.

ADMINISTRATIVE GUIDE

Section: General Regulations		Procedure No: 205-72
RANKING OFFICERS VACATIONS		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 41	PAGE: 1 of 2

PURPOSE To maintain adequate coverage by ranking officers and provide an opportunity for ranking officers to select and utilize annual vacation.

PROCEDURE During the month of December:

COMMANDING OFFICER

1. Prepare ranking officer vacation schedules for the upcoming year in each command using the following formula:

RANK	NUMBER ACTIVELY PERFORMING DUTY IN COMMAND	NUMBER ON VACATION AT SAME TIME
Inspector, Deputy Inspector, Borough	1-8 9 or more	1 2
Inspector, Deputy Inspector, Precinct/TD/PSA Commander	1-8 9 or more	1 2
*Captain, Precinct/TD/PSA Commanding Officer, Executive Officer	1-8 9-11 12 or more	1 2 3
Captain, Borough	1-8 9-11 12 or more	1 2 3
Lieutenant	1-4 5 or more	1 2
Sergeant	1-8 9-14 15-21 22 or more	1 2 3 4

NOTE **Captains assigned as Precinct Commanders and Executive Officers will be grouped all together for the purpose of vacation selection. Vacation selections will be determined by date of promotion. In some instances, it may be possible that a Captain Executive Officer will make their vacation selection before the Captain Precinct Commander. A Precinct Commander and their Executive Officer(s) may not be on vacation at the same time.*

ADDITIONAL DATA

Neither the Borough Commander or Borough Executive Officer may select the same vacation pick, unless there is another Borough Executive Officer assigned within the Borough and available to perform duty.

In Patrol Borough and Bureau commands, Inspectors and Deputy Inspectors will be grouped together for the purpose of vacation selection. Vacation selection order will be determined by seniority in rank with Inspectors picking first followed by Deputy Inspectors.

Precinct/Unit Operations Coordinators will select vacation separately from other lieutenants assigned to the command and may not be on vacation at the same time as the Commanding Officer.

Precinct Integrity Control Officers in the rank of either lieutenant or sergeant are to select vacation separately from other lieutenants or sergeants assigned to the command. If there are two ranking officers performing ICO duties, they may not be on vacation at the same time.

Bureau/Division/Unit Commanders, other than Patrol Services Bureau, Patrol Borough commands may prepare an alternate vacation selection plan, consistent with the needs of their respective Bureau/Division/Unit. The twelve percent limit on vacations should be adhered to when possible, however, there may be times when due to limited staffing in certain commands this is not possible.

All ranking officers are entitled to receive twenty-seven vacation days per year which are accrued on January 1st. Ranking officers may select up to five separate weeks vacation, however, only three weeks may be type "A" weeks. Ranking officers should use entire weeks, if possible. Ranking officers are also entitled to two individual vacation days per year to be selected in conjunction with the annual vacation selection. Only two percent of the unit rank complement are entitled to use an individual vacation day on any given day, however, other types of leave may be granted, needs of the service permitting. Ranking officers may not select more than one of the following holidays as an IVD: Independence Day, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day.

Ranking officers who are transferred or promoted during the calendar year do not automatically retain their vacation selections. Ranking officers may retain original vacation selections if the efficiency of the command is not impaired, however, minor adjustments may be made to reflect new chart assignments. If this is not possible, ranking officers will select vacation from the weeks remaining.

PATROL GUIDE

Section: Personnel Matters	Procedure No: 205-73	
EXTENDED LEAVE OF ABSENCE - EDUCATIONAL FELLOWSHIP/ SCHOLARSHIP NOTIFICATION OF INTENT		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 41	PAGE: 1 of 2

PURPOSE To ensure that the Department is notified in a timely manner when a member of the service (uniformed or civilian) intends to apply for a specified opportunity that will require an extended leave of absence.

DEFINITION ELIGIBILITY - A member of the service (uniformed or civilian) is not eligible to apply for any extended leave of absence with pay for thirty consecutive days or more for an educational fellowship/scholarship or similar opportunity after previously receiving such a leave during their career.

PROCEDURE When a member of the service (uniformed or civilian) intends to apply for a non-Department sponsored educational fellowship/scholarship (e.g., White House Fellowship, Fulbright Award, Kennedy School of Government Scholarship, etc.) or similar opportunity (e.g., United Nations Civilian Policing position [UNCIVPOL], etc.) that will result in a request for an extended leave of absence (paid or unpaid) for thirty consecutive days or more:

MEMBER OF SERVICE

1. Prepare a "Request to Attend/Participate," on **Typed Letterhead**, detailing the specific nature of the educational fellowship/scholarship (e.g., anticipated leave requirements, deadline for submission of application, etc.).
2. Forward the "Request to Attend/Participate" to the Chief of Personnel, through channels.

NOTE *Final approval of the "Request to Attend/Participate" must be obtained prior to applying for the non-Department sponsored educational fellowship/scholarship. Failure to do so will result in being denied the leave of absence.*

CHIEF OF PERSONNEL

3. Forward an acknowledgement of receipt on **Typed Letterhead** to the requesting member of the service indicating that the "Request to Attend/Participate" has been received and is being processed.
4. Forward the "Request to Attend/Participate," with endorsements, to the Office of the Police Commissioner for final approval.
   a. Forward a copy of the "Request to Attend/Participate," with endorsements, to the Commanding Officer, Office of Management Analysis and Planning for informational purposes.

OFFICE OF THE POLICE COMMISSIONER

5. Forward, through channels, approval/disapproval "Request to Attend/Participate" to the member of service making the request.

ADDITIONAL DATA

Members of the service are urged to submit the "Request to Attend/Participate" well in advance of any application deadline for a non-Department sponsored educational fellowship/scholarship in order to allow ample time for the approval process and the forwarding of any necessary documentation.

It is the policy of the Department to encourage its members to pursue educational opportunities in furtherance of their police careers.

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-01	
REPORTING VIOLATIONS OBSERVED BY SUPERVISORS			
DATE ISSUED: 04/20/17	DATE EFFECTIVE: 04/20/17	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report violations observed by supervisory officers to commanding/executive officers for corrective action.

PROCEDURE Upon observing or becoming aware of a violation of the rules or procedures by a member of the service:

SUPERVISORY MEMBER

1. Prepare **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)**.
2. Notify desk officer of member's command and obtain next serial number from the **COMMAND DISCIPLINE LOG (PD468-102)**.
   a. Serial numbers commence with number <u>one</u> each year.

DESK OFFICER

3. Make required entries in **COMMAND DISCIPLINE LOG**.

SUPERVISORY MEMBER

4. Submit **REPORT** to the commanding officer of the subject member.
5. Provide copy of **REPORT** to commanding officer for information and file if subject member is from different command.

ADDITIONAL DATA *Personnel assigned to the Department Advocate's Office are available to advise commanding/executive officers concerning command discipline charges.*

RELATED PROCEDURES

Violations Subject To Command Discipline (P.G. 206-03)
Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)
Authorized Penalties Under Command Discipline (P.G. 206-04)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)

FORMS AND REPORTS

COMMAND DISCIPLINE LOG (PD468-102)
SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-02	
SCHEDULE "A" AND SCHEDULE "B" COMMAND DISCIPLINES			
DATE ISSUED: 04/20/17	DATE EFFECTIVE: 04/20/17	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To empower a commanding/executive officer to maintain discipline within his/her command, without resorting to formal charges and a Department trial.

DEFINITION COMMAND DISCIPLINE - Non-judicial punishment available to a commanding/ executive officer to correct deficiencies and maintain discipline within the command.

PROCEDURE Upon receiving a **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)** concerning a member of the service (uniformed or civilian) assigned to his/her command:

COMMANDING/ EXECUTIVE OFFICER

1. Investigate to determine if allegation is substantiated.
   a. Direct integrity control officer to investigate subject's prior twelve month disciplinary history and indicate findings on the front of **SUPERVISOR'S COMPLAINT REPORT/ COMMAND DISCIPLINE ELECTION REPORT**.
   b. Consider subject's prior twelve month disciplinary history when adjudicating a command discipline.
2. Indicate findings on **REPORT**, if allegation is not substantiated and:
   a. For actions described in violations subject to command discipline procedure Schedule "A":
      (1) File the report in back of Command Discipline Log after recording disposition.
   b. For actions described in violations subject to command discipline procedure Schedule "B":
      (1) File original in back of Command Discipline Log
      (2) Forward copy to next higher command for informational purposes.
3. Determine if the violations, when substantiated, may be disposed of under command discipline.
4. Confer with supervisor who prepared **REPORT**, if necessary.
5. Schedule interview, if possible, with member concerned on a date when supervisor who prepared **REPORT** is available.
6. Advise member that one local representative of a line organization may be present at the interview.
7. Inform member of alleged violations and conduct interview.
   a. Do not record minutes.
   b. Interview will be informal and non-adversarial.
8. Give member an opportunity to make a statement in rebuttal.
9. Conduct further investigation, if necessary.
10. Inform supervisor who prepared **REPORT** of the results of the investigation and any proposed penalty.
11. Inform member of results of investigation and any penalty.

COMMANDING/ EXECUTIVE OFFICER (continued)

12. Advise member that he/she is entitled to:
    a. Accept finding and proposed penalty, or
    b. Accept finding but appeal proposed penalty to Command Discipline Review Panel, or
    c. Decline to accept the finding and proposed penalty and have the matter resolved through formal charges and specifications.
13. Inform the member that the decision of the Command Discipline Review Panel is final and not subject to review, and that the Panel has the authority to:
    a. Approve proposed penalty, or
    b. Reduce proposed penalty to any corrective measure the commanding officer was authorized to impose, or
    c. Increase proposed penalty to not more than double that proposed by the commanding officer.
14. Give member copy of **REPORT** at close of interview.

NOTE *Absent exigent circumstances (for example: extended sick, leave of absence, etc.,) the commanding/executive officer shall ensure that the above steps are completed within sixty days of the date of issuance.*

UNIFORMED MEMBER OF THE SERVICE

15. Notify commanding officer, in writing, on **REPORT** of the option elected within three working days of the commanding/executive officer's decision.

IF MEMBER ACCEPTS FINDINGS AND PROPOSED PENALTY

COMMANDING OFFICER

16. Enter disposition on **REPORT** and ensure that timekeeper makes and verifies adjustments made to member's time records with Payroll Management System, as necessary.

NOTE *Command disciplines generated by investigative unit/Department Advocate's Office will not require command timekeeper to make adjustment in the Payroll Management System. The Department Advocate's Office will make the adjustment to member's time with the Leave Integrity Management Section.*

17. File **REPORT** in command.
18. File **REPORT** in subject member's personnel folder in all cases where a Schedule "B" command discipline has been substantiated and disposed of.
    a. Immediately forward one copy of **REPORT** (both sides) to the Department Advocate's Office.

IF MEMBER ACCEPTS FINDINGS AND DECLINES PROPOSED PENALTY FOR COMMAND LEVEL COMMAND DISCIPLINE

COMMANDING/ EXECUTIVE OFFICER

19. Enter disposition on **REPORT**.
20. Forward to the next higher command, the **REPORT**, and facts of incident on **Typed Letterhead** with member's disciplinary history.

NEXT HIGHER COMMAND

21. Assemble a Command Discipline Review Panel and adjudicate the matter, if necessary.
    a. Inform the member's commanding officer of the findings relative to the penalty.

COMMANDING/ EXECUTIVE OFFICER

22. Immediately forward a copy of the **REPORT** and a copy of the Review Panel's decision to the Department Advocate's Office <u>for all Schedule "B" violations</u>.

<u>IF MEMBER ACCEPTS FINDINGS AND DECLINES PROPOSED PENALTY FOR COMMAND DISCIPLINE GENERATED BY INVESTIGATIVE UNIT/ DEPARTMENT ADVOCATE'S OFFICE</u>

COMMANDING/ EXECUTIVE OFFICER

23. Do not adjudicate command discipline.
24. Contact commanding/executive officer, Department Advocate's Office for consultation and further direction.

<u>IF MEMBER ELECTS FORMAL CHARGES</u>

COMMANDING/ EXECUTIVE OFFICER

25. Enter disposition on **REPORT** and file.
26. Confer with the Department Advocate's Office regarding the preparation of charges and specifications and comply with the directions of the Department Advocate's Office.

DEPARTMENT ADVOCATE'S OFFICE

27. Prepare and forward **CHARGES AND SPECIFICATIONS (PD468-121)**, after conferral with the commanding officer/executive officer, if appropriate.
28. Record all substantiated Schedule "B" command disciplines in member's Central Personnel Index.

<u>WHEN A SUBSTANTIATED COMMAND DISCIPLINE IS RENDERED AS A RESULT OF AN INTERNAL AFFAIRS BUREAU OR ANY OTHER INVESTIGATIVE UNIT'S INVESTIGATION:</u>

COMMANDING/ EXECUTIVE OFFICER

29. Comply with the provisions of *P.G. 206-04, "Authorized Penalties Under Command Discipline*" and offer member concerned the three election options found in step "12" above.
    a. An investigation of the stated misconduct or determination of whether the allegation(s) are substantiated is NOT required.
    b. Do NOT change the stated findings without conferral with and approval of the investigating entity.
    c. Do NOT change the recommended disciplinary action (if noted), without conferral with and approval of the Deputy Commissioner, Department Advocate.

NOTE *The ICO/Asst. ICO/other authorized member is required to create a new command discipline record for each command discipline issued by entering all relevant information into the Citywide Command Discipline System within five working days of the issuance of a command discipline.*

NOTE (continued) *Within five working days of the adjudication of a command discipline, the ICO/Asst. ICO/other authorized member shall complete all system entries pertaining to the adjudication of the command discipline.*

Within five working days of the completion of the adjudication entries by the ICO/Asst. ICO/other authorized member, the commanding officer/executive officer shall be responsible to review the command discipline record and finalize (sign-off) the record in the Citywide Command Discipline System to verify that it is accurate and complete.

ICOs and Assistant ICOs who do not have access to the Department's Wide Area Network (WAN) must personally enter command discipline data pertaining to members of their command at their next higher command that possesses WAN access.

ADDITIONAL DATA *If the subject of command discipline is transferred, the commanding/executive officer of the former command is responsible for the completion of the case. Upon adjudication of command discipline, all relevant records shall be forwarded to the member's new commanding officer. If the commanding/executive officer is transferred, the new commanding/executive officer will complete the case.*

Remove and destroy records and dispositions of convictions listed under Schedule "A" on the anniversary date of each entry, provided the member has no subsequent disciplinary violations. Additionally, remove and destroy all unsubstantiated command disciplines from the ***Command Discipline Log*** *on the anniversary date of entry.*

RELATED PROCEDURES
Reporting Violations Observed by Supervisors (P.G. 206-01)
Violations Subject to Command Discipline (P.G. 206-03)
Authorized Penalties Under Command Discipline (P.G. 206-04)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Sealing Disciplinary Records (P.G. 206-14)
Review of Disciplinary Action Proposed Under Command Discipline (A.G. 318-05)

FORMS AND REPORTS
CHARGES AND SPECIFICATIONS (PD468-121)
COMMAND DISCIPLINE LOG (PD468-102)
SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-03
VIOLATIONS SUBJECT TO COMMAND DISCIPLINE		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 42	PAGE: 1 of 3

PURPOSE To inform members of the service (uniformed and civilian) of the violations of Department regulations which may be adjudicated by command discipline.

PROCEDURE When any of the following violations are brought to the attention of a commanding/executive officer, the commanding/executive officer concerned may initiate command discipline:

SCHEDULE "A" VIOLATIONS

1. Absence from meal location, post or assignment
2. Failure to sign return roll call
3. Failure to signal or signal improperly
4. Improper uniform or equipment
5. Failure to maintain neat and clean personal appearance
6. Omitted digital **Activity Log** entries
7. Omitted entries in Department records, forms or reports
8. Failure to submit reports in a timely manner
9. Failure to make proper notifications
10. Smoking as prohibited
11. Unnecessary conversation
12. Failure to lock an unguarded Department vehicle
13. Loss of **IDENTIFICATION CARD (PD416-091)**
14. Reporting late for duty
15. Carrying packages, newspapers or other articles as prohibited while in uniform or Department vehicle
16. Failure to notify supervising officer when leaving post for Department or personal necessity
17. Failure to make routine inspections and surveys as required
18. Unauthorized person riding in Department vehicle
19. Failure to notify commanding officer when address, telephone number, or social condition changes
20. Using a personal electronic/digital device (e.g., smartphone, tablet, gaming device, Bluetooth headset, etc.) while performing duties during tour (except on authorized meal or in the event of an emergency).

NOTE *A cellular phone is authorized to be used by members of the service when conducting official Department related business, or on an assigned meal, or as otherwise authorized by competent authority. The cellular phone must be carried in a concealed manner that does not interfere with authorized equipment.*

21. Loss of summons or loss of summons book
22. Failure to have locker secured or properly tagged
23. Failure to sign in or out of court
24. Failure to perform duties in connection with court appearances
25. Failure to properly perform or improperly perform patrol or other assignment

SCHEDULE "A" VIOLATIONS (continued)

26. Failure to present required firearms to the range officer at firearms training cycle
27. Obvious neglect of care of firearm(s)
28. Failure to attend a training cycle (firearms included)
29. Failure to maintain live, authorized ammunition in authorized weapons (includes having the required maximum amount of ammunition in the weapon)
30. Illegal parking of Department or private vehicle(s)
31. Use or display of **Vehicle Identification Plate (Misc. 740)**, **NYPD Restricted Parking Permit (Misc. 23-N)**, **Headquarters Annex Parking Permit (Misc. 814HQ-Annex)** or any other Department issued vehicle parking permit while off duty or while not on official Department business
    a. Failure to return any Department issued vehicle parking permit when assigned to the Military and Extended Leave Desk, when transferred or when the permit expires
32. Failure to make a timely notification to the Sick Desk and command, as required
33. Failure to comply with proper driving rules and regulations
34. Unauthorized use of Department telephones
35. Any other minor violation that, in the opinion of the commanding/executive officer is appropriate for Schedule A command discipline procedure.
36. Reporting present for duty before the start of the regular tour without prior authorization from a supervisor of a higher rank.

SCHEDULE "B" VIOLATIONS

1. Loss of shield
2. Failure to safeguard prisoner
3. Loss of Department property
4. Failure to respond, report disposition promptly or acknowledge radio calls directed to member's unit
5. Bringing alcoholic beverages into a Department facility or vehicle unless it is within the scope of an assignment
6. Loss of **ACTIVITY LOG (PD112-145)**
7. Failure to give name and shield number to person requesting
8. Any other violation, which, in the opinion of the commanding/executive officer and after notification to the patrol borough adjutant and consultation with the Department Advocate, is appropriate for Schedule "B" command discipline procedure.

SCHEDULE "C" VIOLATIONS

1. Any violation reviewed and determined by the Department Advocate to be suitable for a Schedule "C" command discipline.
    a. Schedule "C" violations will only be adjudicated by the patrol borough/bureau adjutant.

ADDITIONAL DATA

The above violations may not be processed as command discipline if the violation is aggravated by conditions that make it inappropriate for disposition by command discipline or if member concerned requests a Department trial.

ADDITIONAL DATA (continued)

The Department Advocate's Office is available to provide field commanders or internal investigation units with advice concerning charges and specifications, command disciplines, suspensions, and/or arrests of members of the service (uniformed or civilian).

When it has been determined that disciplinary action should be taken for the loss of or failure to safeguard a firearm, a consultation with the Department Advocate's Office will be made to determine appropriate disciplinary action.

A commanding/executive officer must confer with the patrol borough/bureau adjutant, prior to adjudicating a third command discipline for the same member within a six month period, to determine if charges and specifications should be instituted. If charges are appropriate, do not adjudicate the command discipline, a consultation with the Department Advocate will be necessary for final approval of charges and specifications.

Borough adjutant will inspect command discipline records to ascertain that the above procedures are complied with.

RELATED PROCEDURES

Reporting Violations Observed by Supervisors (P.G. 206-01)
Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)
Authorized Penalties Under Command Discipline (P.G. 206-04)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Service and Disposition of Charges and Specifications (P.G. 206-06)
Sealing Disciplinary Records (P.G. 206-14)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
IDENTIFICATION CARD (PD416-091)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-04	
AUTHORIZED PENALTIES UNDER COMMAND DISCIPLINE			
DATE ISSUED: 04/20/17	DATE EFFECTIVE: 04/20/17	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To inform members of the service (uniformed and civilian) of the penalties a commanding/executive officer, or the Department Advocate's Office, may impose under command discipline.

PROCEDURE When a command discipline is substantiated:

COMMANDING/ EXECUTIVE OFFICER

1. Impose one of the following penalties:
   a. Forfeiture of up to five days vacation or accrued time for Schedule "A" violations
   b. Forfeiture of up to ten days vacation or accrued time for Schedule "B" violations
   c. Revocation of permission to engage in outside employment for a fixed period of time, not to exceed thirty days, if the violation is related to the outside employment
   d. Restrict out-of-command assignments, which pay "portal-to-portal" and overtime for a fixed period, not to exceed five such assignments.

NOTE *The above penalties <u>DO NOT</u> prohibit a commanding/executive officer from:*
a. Warning and admonishing verbally
b. Warning and admonishing in writing, copy to be filed with the papers
c. Changing assignment within the command either for a fixed period or indefinitely.

PATROL BOROUGH/ BUREAU ADJUTANT

2. Impose penalty for Schedule "C" violations, as determined by the Department Advocate's Office:
   a. Forfeiture of up to twenty days vacation or accrued time.

NOTE *Penalties for Schedule "C" violations cannot be adjusted without the approval of the Department Advocate's office.*

RELATED PROCEDURES *Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)*
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)

Section: Disciplinary Matters		Procedure No: 206-05	
PREPARATION OF CHARGES AND SPECIFICATIONS OR SCHEDULE "C" COMMAND DISCIPLINE			
DATE ISSUED: 04/20/17	DATE EFFECTIVE: 04/20/17	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To ensure that **CHARGES AND SPECIFICATIONS (PD468-121)** or a **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT (PD468-123A)**, and/or related documents, are prepared expeditiously, accurately and completely.

PROCEDURE When a violation is inappropriate for a Schedule "A" or Schedule "B" command discipline, or, the Department Advocate's Office determines that a Schedule "C" command discipline may be suitable (only the Department Advocate's Office can direct the issuance of a Schedule "C" command discipline) or, when a command discipline is declined:

TO REQUEST CHARGES AND SPECIFICATIONS

COMMANDING OFFICER/ SUPERVISOR PREFERRING CHARGES

1. Direct assigned supervisor/investigator to consult with the Department Advocate's Office regarding the alleged misconduct and to obtain verbal approval for the preparation of **CHARGES AND SPECIFICATIONS**.
   a. Provide written documentation, files, investigative reports, and/or additional information supporting the basis for charges and specifications, upon request.
2. Provide the Department Advocate's Office with two copies of the investigative file that the charges and specifications are to be based on.
   a. Provide any other additional documentation and/or reports (including any audio, videos, photos, etc.) that are requested by the Department Advocate's Office.
3. Provide the Department Advocate's Office with a request for charges and specifications on a **Typed Letterhead**, addressed to the First Deputy Commissioner, describing the basis for all charges and specifications.
   a. Include the following:
      (1) Original Internal Affairs Bureau log number
      (2) Duty schedule of complainant and respondent
      (3) Name of attorney consulted with from Department Advocate's Office.

DEPARTMENT ADVOCATE'S OFFICE

4. Review case and determine if violation is suitable for preparation of **CHARGES AND SPECIFICATIONS**, or a Schedule "C" command discipline.
   a. When a Schedule "A" or Schedule "B" command discipline has been declined, a Schedule "C" command discipline will not be issued.

IF VIOLATION IS SUITABLE FOR A SCHEDULE "C" COMMAND DISCIPLINE

DEPARTMENT ADVOCATE'S OFFICE

5. Prepare a report on **Typed Letterhead** addressed to the investigative unit concerned indicating that a Schedule "C" command discipline is suitable.
   a. Report will contain appropriate language to support violation charge and penalty.

INVESTIGATIVE UNIT CONCERNED

6. Prepare **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT**.
   a. Forward **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT** and the **Typed Letterhead** from Department Advocate's Office to patrol borough or bureau adjutant for adjudication.
   b. Notify member that they are the subject of a Schedule "C" command discipline.

NOTE *Schedule "C" command disciplines will not be adjudicated by member's commanding officer.*

PATROL BOROUGH/ BUREAU ADJUTANT

7. Notify member of the service concerned of the date he/she is scheduled for processing of the Schedule "C" command discipline.
8. Advise member of the service that one local representative of a line organization may be present for the adjudication process.
9. Inform member of the service of alleged violation, finding and penalty.
   a. Penalty cannot be adjusted without consultation with, and approval of, the Commanding/Executive Officer, Deputy Commissioner, Department Advocate's Office.
10. Advise member of the service that he/she is entitled to:
    a. Accept the finding and penalty; OR
    b. Decline to accept the finding and penalty, and have the matter resolved through formal charges and specifications.

MEMBER OF THE SERVICE

11. Inform patrol borough/bureau adjutant of option elected, in writing, on **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT**.

PATROL BOROUGH/ BUREAU ADJUTANT

12. Notify Department Advocate's Office and investigative unit concerned immediately, of the option elected by the member of the service, and the outcome of adjudication.

IF SUBJECT MEMBER ACCEPTS SCHEDULE "C" COMMAND DISCIPLINE AND FINDING AND PENALTY

PATROL BOROUGH/ BUREAU ADJUTANT

13. Enter the disposition on **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT** in all cases where a Schedule "C" command discipline has been accepted and adjudicated.
14. Forward original **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT** immediately to Department Advocate's Office, and a copy (both sides), to each of the following:
    a. Investigative unit concerned
    b. Office of the First Deputy Commissioner
    c. Member's permanent command, for entry in his/her personnel folder.

DEPARTMENT ADVOCATE'S OFFICE

15. Record all adjudicated Schedule "C" command disciplines in member's Central Personnel Index.
16. Notify Leave Integrity Management Section of penalty and confirm that appropriate adjustments are made to the member's time records.

IF VIOLATION IS SUITABLE FOR CHARGES AND SPECIFICATIONS OR THE SUBJECT MEMBER DECLINES SCHEDULE "C" COMMAND DISCIPLINE AND ELECTS FORMAL CHARGES

PATROL BOROUGH/ BUREAU ADJUTANT

17. Complete appropriate caption on **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT** and forward to investigative unit concerned and Department Advocate's Office, if member declines Schedule "C" command discipline.

DEPARTMENT ADVOCATE'S OFFICE

18. Direct the preparation of an original set of **CHARGES AND SPECIFICATIONS**, as necessary.
    a. Date stamp **CHARGES AND SPECIFICATIONS**.
    b. Enter Department Advocate's Office serial number on the **CHARGES AND SPECIFICATIONS**.
    c. Forward **CHARGES AND SPECIFICATIONS** to commanding officer of the originating command, along with original report on **Typed Letterhead**.

AFTER CHARGES AND SPECIFICATIONS HAVE BEEN APPROVED BY DEPARTMENT ADVOCATE'S OFFICE

COMMANDING OFFICER/ SUPERVISOR PREFERRING CHARGES

19. Review **CHARGES AND SPECIFICATIONS** for accuracy.
20. Telephone the Internal Affairs Bureau Command Center to obtain a new log number for each member receiving charges and specifications, and enter on **CHARGES AND SPECIFICATIONS**.
21. Obtain a bureau/command serial number, if applicable, and enter on **CHARGES AND SPECIFICATIONS**.

COMMANDING OFFICER/ SUPERVISOR PREFERRING CHARGES (continued)

22. Advise the respondent that he/she is the subject of charges and specifications.
    a. Obtain the name, address and telephone number of the respondent's attorney and provide it to the Department Advocate's Office.
23. Have member of the service preferring charges and specifications sign the original **CHARGES AND SPECIFICATIONS**.
24. Date stamp and forward original **CHARGES AND SPECIFICATIONS**, and original **Typed Letterhead**, to the next higher command <u>within forty-eight hours</u>.

<u>WITHIN THREE BUSINESS DAYS OF CHARGES AND SPECIFICATIONS</u>

COMMANDING OFFICER, NEXT HIGHER COMMAND

25. Endorse the original set of **CHARGES AND SPECIFICATIONS**.
26. Date stamp and forward the <u>original</u> set of **CHARGES AND SPECIFICATIONS**, and **Typed Letterhead**, to the Department Advocate's Office.
27. Forward copy of **CHARGES AND SPECIFICATIONS** to:
    a. Chief of Personnel
    b. Respondent's command
    c. Originating command/investigative unit concerned.
28. Retain copy of **CHARGES AND SPECIFICATIONS**.

<u>UPON RECEIPT OF CHARGES AND SPECIFICATIONS FROM C.O., NEXT HIGHER COMMAND OR C.O./SUPERVISOR PREFERRING CHARGES</u>

DEPARTMENT ADVOCATE'S OFFICE

29. Review for completeness and date stamp.
30. Ensure assigned attorney completes review and assessment of the **CHARGES AND SPECIFICATIONS** in a timely manner.

ADDITIONAL DATA

<u>DEPARTMENT ADVOCATE'S OFFICE – PREPARATION OF CHARGES AND SPECIFICATIONS</u>

*The member assigned to the Department Advocate's Office preparing the **CHARGES AND SPECIFICATIONS** will indicate in the box captioned "RANK/TITLE," the appropriate status, e.g., "Probationary Police Officer" or "Provisional Office Aide," etc. The member's rank/title will also be indicated under the caption "SPECIFICATIONS," when making reference to the member, e.g., "Said Probationary Police Officer Smith," etc. Additionally, if charges are preferred against a member who has been placed on dismissal probation, the specifications will be prefaced with the words, "While on dismissal probation."*

The Internal Affairs Bureau, investigative units/commands and the Department Advocate's Office will notify the Risk Management Bureau, and provide appropriate information of all members on probationary status where disciplinary recommendations are being made. The Risk Management Bureau will refer, and make recommendations to the First Deputy Commissioner and Police Commissioner's Office relative to the discipline or the member's probationary status.

ADDITIONAL DATA (continued)

The Department Advocate's Office shall ensure that a sufficient legal basis exists for each charge and specification approved and that all necessary steps associated with the investigation have been completed. The Internal Affairs Bureau and investigative units/commands will comply with directions received from the Department Advocate's Office. In appropriate cases, the Department Advocate's Office may direct the issuance of a command discipline in lieu of charges and specifications.

*Commanding officers are directed to fully complete the **COMMANDING OFFICER'S REVIEW OF MOS INVOLVED IN A DISCIPLINARY MATTER (PD468-153)**, relating to evaluation and whether or not member is on dismissal probation. This form must be completed and forwarded within five days of receipt to the Department Advocate's Office.*

CHARGES AND SPECIFICATIONS AGAINST SUSPENDED MEMBER

*When a member of the service has been suspended, a copy of the report on **Typed Letterhead** prepared by the commanding officer/supervisor must immediately be forwarded to the Department Advocate's Office DIRECT. The report will also be faxed to the Department Advocate's Office, Attn: Department Advocate's Office, Charges Unit.*

*When a member of the service has been suspended, the Department Advocate's Office will forward the completed **CHARGES AND SPECIFICATIONS** to the requesting supervisor, upon completion. The **CHARGES AND SPECIFICATIONS** will ordinarily be forwarded within two business days from the time the request for charges is received.*

LEGAL CONSIDERATIONS

*Whether or not the member of the service accepts or rejects the Schedule "C" command discipline, it is imperative that all underlying memorandums (**Typed Letterhead**, etc.), and substantiating documents be preserved. The patrol borough/bureau adjutant should, upon the completion of an adjudicated Schedule "C" command discipline, forward a copy of any finalized investigative memorandums and supporting documentation along with the completed **SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT** to the Department Advocate's Office.*

RELATED PROCEDURES

Service and Disposition of Charges and Specifications (P.G. 206-06)
Cause for Suspension or Modified Assignment (P.G. 206-07)
Suspension from Duty Uniformed Member of the Service (P.G. 206-08)
Official Communications - Preparation (A.G. 322-11)

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)
SCHEDULE C COMMAND DISCIPLINE ELECTION REPORT (PD468-123A)
COMMANDING OFFICER'S REVIEW OF MOS INVOLVED IN A DISCIPLINARY MATTER (PD468-153)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-06	
SERVICE AND DISPOSITION OF CHARGES AND SPECIFICATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that the formal disciplinary process is commenced (service of charges and specifications) and concluded (disposition of charges and specifications) in a coordinated, timely and efficient manner.

PROCEDURE Upon receipt of **CHARGES AND SPECIFICATIONS (PD468-121)** from the borough commander/next higher command:

COMMANDING OFFICER, DEPARTMENT ADVOCATE'S OFFICE

1. Forward copy of **CHARGES AND SPECIFICATIONS** to respondent's attorney within two weeks along with the underlying explanatory memorandum prepared by the supervisor/investigator preferring the charges and specifications.

NOTE ***CHARGES AND SPECIFICATIONS*** *will be served upon a suspended member of the service expeditiously. (Exception may be made, with the approval of the First Deputy Commissioner, when extenuating circumstances exist). A suspended probationary member of the service will not be served, except as directed by the First Deputy Commissioner.*

2. Serve original and copy of **CHARGES AND SPECIFICATIONS** upon member of the service.
   a. If personal service cannot be made, see *"ADDITIONAL DATA"* below.

NOTE *Absent exigent circumstances, service of charges and specifications shall be within six weeks after receipt by the Department Advocate's Office. However, in disciplinary cases where the statute of limitations and/or other matters require expeditious attention, the Department Advocate's Office will have the authority to direct whatever actions are deemed necessary to effectuate the timely service of charges and specifications.*

RESPONDENT

3. Sign and return the original copy to the person serving the **CHARGES AND SPECIFICATIONS**.
4. Have available and provide to Department Advocate's Office personnel:
   a. Chart/squad, vacation and military schedule, and
   b. Any other leave/absences.
      (1) Advise the Department Advocate's Office of any changes of the aforementioned.
5. Retain copy of **CHARGES AND SPECIFICATIONS**.

MEMBER CONCERNED, DEPARTMENT ADVOCATE'S OFFICE

6. Sign original copy of **CHARGES AND SPECIFICATIONS** as a witness.

COMMANDING OFFICER, DEPARTMENT ADVOCATE'S OFFICE

7. Provide the respondent with an opportunity to accept a penalty disposition in disciplinary case(s), when appropriate.

NOTE *The Department Advocate will confer regularly with the First Deputy Commissioner concerning the Department's disciplinary policy.*

8. Schedule Department trial date the day of service of **CHARGES AND SPECIFICATIONS**, when disciplinary case(s) are not otherwise disposed of, absent exigent circumstances.

NOTE *When Department charges and specifications relate to outstanding criminal charges, the disciplinary case may only be set for trial or otherwise disposed of with the prior approval of the First Deputy Commissioner.*

DEPARTMENT ADVOCATE

9. Ensure that all disciplinary decisions are accurately and promptly recorded.
10. Review all disciplinary cases for trends or patterns and policy implications.
    a. Make periodic recommendations to the First Deputy Commissioner.

ADDITIONAL DATA

*If personal service of the **CHARGES** <u>cannot</u> be made, service may be effected:*

*a. By mailing the **CHARGES AND SPECIFICATIONS** to the person to be served at his last known residence by registered or certified mail, <u>return receipt requested</u>, OR delivering the **CHARGES AND SPECIFICATIONS** to a person of suitable age and discretion at his place of business, dwelling or usual place of abode of the person to be served. Proof of service will be filed with the Deputy Commissioner - Trials or the Commanding Officer, Operations Unit.*

(1) Service is complete three days after filing.

*b. By delivering a copy of the **CHARGES AND SPECIFICATIONS** to the agent of the person to be served.*

*c. Where service under subdivisions "a" and "b" <u>cannot</u> be made, affix **CHARGES AND SPECIFICATIONS** either to the door of the actual place of business, dwelling or usual place of abode, of the person to be served and by mailing (registered or certified, <u>return receipt requested</u>) the **CHARGES AND SPECIFICATIONS** to the person at his last known residence.*

(1) Proof of such service will be filed with the Deputy Commissioner - Trials or the Commanding Officer, Operations Unit.

(2) Service is complete three days after filing.

d. In such manner as the Deputy Commissioner-Trials directs, upon motion without notice, if service is impractical under subdivisions "a," "b" or "c."

RELATED PROCEDURE *Preparation of Charges and Specifications (P.G. 206-05)*

FORMS AND REPORTS ***CHARGES AND SPECIFICATIONS (PD468-121)***

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-07	
CAUSE FOR SUSPENSION OR MODIFIED ASSIGNMENT			
DATE ISSUED: 08/04/20	DATE EFFECTIVE: 08/04/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To describe those actions for which uniformed or civilian members of the service may be suspended or, for which uniformed members of the service may be placed on modified assignment.

NOTE *Civilian members of the service may NOT be placed on modified assignment.*

1. The Police Commissioner, a deputy commissioner, a hearing officer assigned to the Office of Deputy Commissioner - Trials, the Chief Surgeon, Deputy Chief Surgeon, a civilian director, or a uniformed member of the service in the rank of captain or higher may suspend a member of the service (uniformed or civilian) or place a uniformed member of the service on modified assignment when, in their opinion, such action is necessary.
2. A ranking officer (uniformed member of the service in rank of sergeant or above) in-charge or in-command MUST SUSPEND a member of the service when the member:
   a. Refuses to perform assigned duties at roll call or during tour of duty,
   b. Refuses an order of a ranking member to answer question specifically directed and narrowly related to the performance of official duties, after being informed of member's rights as specified in *P.G. 206-13, "Interrogation of Members of the Service,"*
   c. Is absent without leave for five consecutive tours,
   d. Refuses to obey a lawful order by a ranking member,
   e. Refuses to submit to a drug-screening test,
   f. Has an interest in, or association with, or patronizes premises (licensed or unlicensed) engaged in illegal gambling operations, use of drugs, smoke shops, social clubs, or after hours clubs, except in the performance of duty,
   g. Is arrested for a New York State Penal Law crime (or analogous federal crime or criminal statute of another state), or
   h. Is arrested for New York State Vehicle and Traffic Law 1192, subdivisions "2" through "4-a" (or analogous statute of another state).

NOTE *When determining whether an out of state interaction is an arrest for the purposes of this procedure, the presumptive factor is whether the member of the service was fingerprinted.*

Traffic Managers and above, and School Safety Deputy Directors and above, are authorized to suspend civilian personnel under their commands for violations listed in step "2" (The principal of the school where the school safety agent is assigned will be notified of the suspension). Suspension by a ranking officer (other than a captain and above), Traffic Manager and above, or School Safety Deputy Director and above, is by authority of the First Deputy Commissioner. Prior conferral or approval of the First Deputy Commissioner is NOT required.

3. A captain or above may place a uniformed member of the service on modified assignment or suspension when a member:
   a. Is indicted by a grand jury,
   b. Is charged with an offense,
   c. Is served with **CHARGES AND SPECIFICATIONS (PD468-121)**, alleging serious misconduct,
   d. Is unfit for duty due to the effects of an intoxicant or drug, or after effects thereof,
   e. Patronizes an unlicensed premises (neighborhood tavern or restaurant with an expired/suspended license) where the only apparent illegal activity is the sale of alcoholic beverages, except in the performance of duty, or
   f. Has participated in an act of serious misconduct, and the ranking officer in-charge of investigation determines that disciplinary action will be taken, or is being contemplated.

ADDITIONAL DATA *Uniformed members of the service who are suspended or modified due to being unfit for duty as the result of a drug that is legally prescribed will be subject to an immediate post suspension/modification evaluation conducted by the Medical Division.*

A member of the service (uniformed or civilian) presently on suspension, or a uniformed member of the service on modified assignment pursuant to either steps "2" or "3" above, MUST be re-suspended or suspended, as applicable, for any subsequent violation of the subject steps.

The Department will commence an investigation immediately upon becoming aware of misconduct, or an allegation of misconduct, that includes a serious physical injury, or allegation of a serious physical injury, caused by a member of the service. The Internal Affairs Bureau will evaluate each allegation and assign the investigation to the appropriate investigative authority, or ranking officer in the rank of captain or above. Members of the service may be suspended during the course of a Departmental investigation prior to a hearing and final determination of the charges. A captain or above may suspend a member of the service, or place a uniformed member of the service on modified assignment, when they deem it necessary given the nature of the misconduct alleged, and because disciplinary action is being taken or contemplated. The captain or above in-charge will make an initial determination as to the member of the service's duty status upon completion of the preliminary investigation, typically within 24 hours,

ADDITIONAL DATA (continued)

but no more than 48 hours, of the Department becoming aware of the incident. Given the complexity of some investigations, a duty status determination may be deferred until such time as sufficient evidence is gathered supporting the conclusion to suspend or modify the member concerned.

In all cases in which the investigating commanding officer/duty captain is contemplating changing the duty status of a member of the service (i.e., suspension, modification or restricted duty pending evaluation of duty status), they should confer with the Internal Affairs Bureau Command Center to ascertain any relevant information pertaining to the member(s) of the service, PRIOR to making this decision. 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.

In appropriate cases, a captain or above may assign a uniformed member of the service to administrative duties in the next higher command without placing the member on suspension or modified assignment, when there is no disciplinary action contemplated and facts or circumstances indicate such assignment would be in the best interests of the Department.

The borough commander/counterpart will review the assignment within three days and determine further appropriate action. A report of this review and results, including the anticipated date member will be returned to command, will be prepared on ***Typed Letterhead*** *and forwarded to the First Deputy Commissioner.*

In all cases where the decision to suspend a member of the service (uniformed or civilian) or to place a uniformed member of the service on modified assignment is based on the discretion of the captain or above (steps "1" and "3" of this procedure), they will, prior to making that decision, confer with the borough commander/counterpart or executive officer.

The Office of Deputy Commissioner - Legal Matters will be available for questions related to law and the Department Advocate's Office will be available for advice on procedures for suspension or modified assignment. However, the decision to suspend or place a uniformed member of the service on modified assignment will rest with the field commander.

A ranking officer who reasonably believes that a uniformed member of the service is unfit for duty due to effects of an alcoholic intoxicant will notify the precinct commander/duty captain who will respond, conduct an investigation, and based upon common sense standards determine if the member is fit for duty. If found unfit, whether on or off duty, the captain making such determination will suspend the member or place them on modified assignment; apprise the member concerned of the availability of the Counseling Service Programs, and, if the member desires to participate, contact the Counseling Services Unit DIRECT, during normal business hours, or during other than business hours, request conferral by contacting the Sick Desk Supervisor. The precinct commander/duty captain will also prepare eight copies of report on Typed Letterhead detailing observations and circumstances leading to determination of unfitness and action taken. Forward each, with copies of all ***SUPERVISOR'S FITNESS FOR DUTY REPORTS (PD469-150)****, (DIRECT) to First Deputy Commissioner, Deputy Commissioner, Internal Affairs, Deputy Commissioner, Trials, Chief of Department, Chief of Personnel, Department Advocate's Office, and member's commanding officer. An additional copy will be forwarded to the First Deputy Commissioner (THROUGH CHANNELS).*

FORMS AND REPORTS

SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)
CHARGES AND SPECIFICATIONS (PD468-121)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-08	
SUSPENSION FROM DUTY UNIFORMED MEMBER OF THE SERVICE			
DATE ISSUED: 04/27/20	DATE EFFECTIVE: 04/27/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To temporarily prohibit a uniformed member of the service from performing assigned duties.

PROCEDURE When a uniformed member of the service is suspended:

RANKING OFFICER IN CHARGE

1. Inform member concerned of suspension from duty and the reason.
2. Direct member to surrender <u>all</u> Department property, including Department issued smartphone, tablet, Body-Worn Camera, portable radio and all revolvers or pistols owned or possessed.
3. Direct member to report in person, if not on sick report, each Monday, Wednesday and Friday to resident precinct, at 0900 hours (captain and above will report to resident borough command).
   a. Members of the service who reside in Westchester, Rockland, Orange, or Putnam Counties will report to the 50th Precinct.
   b. Members of the service who reside in Nassau or Suffolk Counties will report to the 105th Precinct.
4. Inform suspended member that he/she may request waiver of reporting requirement by submitting form **AGREEMENT TO ACCEPT SERVICE OF NOTICE (PD468-126)** at resident precinct or Department Advocate's Office.

NOTE *If suspended member prepares form in resident precinct, the commanding officer will ensure a copy of the form is sent to the Department Advocate's Office. Additionally, the desk officer, resident precinct must telephone the Department Advocate's Office, Trial Calendar Unit at (646) 610-5147 for approval of the request and make an entry in the Telephone Record. Under no circumstances will* ***AGREEMENT TO ACCEPT SERVICE OF NOTICE*** *be granted without prior approval from the Department Advocate's Office. If the form is prepared in the Department Advocate's Office, Department Advocate personnel will notify the desk officer, resident precinct that the suspended member no longer has to report.*

UNIFORMED MEMBER OF THE SERVICE

5. Surrender, promptly, <u>all</u> Department property, including Department issued smartphone, tablet, Body-Worn Camera, portable radio and <u>all</u> revolvers or pistols owned or possessed.
6. Do not wear uniform while suspended.

RANKING OFFICER IN CHARGE

7. Enter facts concerning suspension in Command Log.
8. Notify supervisor on duty at Operations Unit, member's command, and member's resident precinct, if below rank of captain, or resident borough command if captain or above.
   a. Notify Internal Affairs Bureau Command Center.
9. Follow procedure for removal of property as outlined in *P.G. 206-17, "Removal and Restoration of Firearms.*"

RANKING OFFICER IN CHARGE (continued)

a. Property other than firearms, shield and **IDENTIFICATION CARD (PD416-091)** will be retained at member's command.

10. Immediately forward report (DIRECT) to First Deputy Commissioner, Deputy Commissioner - Trials, Chief of Department, Chief of Personnel, Department Advocate and member's commanding officer. Forward an additional copy of report to First Deputy Commissioner (THROUGH CHANNELS).

SUPERVISOR ON DUTY, OPERATIONS UNIT

11. Inform ranking officer in charge that **CHARGES AND SPECIFICATIONS (PD468-121)** must be forwarded within forty-eight hours of the suspension.

MEMBER'S COMMANDING OFFICER

12. Prefer **CHARGES AND SPECIFICATIONS** for suspended member.

IF SUSPENDED MEMBER ELECTS NOT TO SUBMIT, OR IS NOT GRANTED, THE WAIVER (AGREEMENT TO ACCEPT SERVICE OF NOTICE)

UNIFORMED MEMBER CONCERNED

13. Report to resident precinct each Monday, Wednesday and Friday at 0900 hours.

DESK OFFICER, RESIDENT PRECINCT

14. Direct member to prepare **REPORT OF SUSPENDED MEMBER'S VISIT (PD408-061)** in your presence.
15. Complete appropriate captions under section entitled "Witnessed By."
16. Make entry in Command Log and deliver **REPORT** to integrity control officer.

INTEGRITY CONTROL OFFICER, RESIDENT PRECINCT

17. Maintain a list of uniformed members of the service who are suspended and are required to report to their resident precinct.
18. Check Telephone Record and FINEST messages each day to ensure that uniformed members who are required to report are added to the list as required.

NOTE *If doubt exists regarding reporting by uniformed members of the service, contact Department Advocate's Office.*

19. Monitor appearances of suspended uniformed members of the service.
20. Inform commanding officer when suspended member fails to report as required.

COMMANDING OFFICER, RESIDENT PRECINCT

21. Prepare **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)**, if member fails to report as required.
22. Forward **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT** to member's commanding officer for further disciplinary action, if required.

MEMBER'S COMMANDING OFFICER

23. Confer with Department Advocate's Office prior to adjudication of command discipline to determine if suspended member should instead receive additional **CHARGES AND SPECIFICATIONS**.

ADDITIONAL DATA

A uniformed or civilian member of the service under suspension who desires to be restored to duty or a uniformed member under suspension who desires to be placed on modified assignment will submit a request to the First Deputy Commissioner through the Department Advocate's Office.

When a uniformed member of the service, in the rank of sergeant and above, is being suspended the following provisions shall be applied. The member shall be suspended with pay until the following Sunday. Commencing at 0001 hours on that Sunday, the member shall be on suspension without pay. The suspension without pay will continue in full week (Sunday to Saturday) increments. The minimum suspension without pay shall be for one full week. The maximum time shall be four full weeks. The member shall always be returned to duty on a Sunday at 0001 hours.

*Uniformed members of the service who are on "Suspended With Pay" status must submit a **LEAVE OF ABSENCE REPORT (PD433-041)** when required to appear in court as a defendant in a criminal case on a date they were scheduled to report to the Internal Affairs Bureau. Such court appearances shall be made on regular days off or with an approved **LEAVE OF ABSENCE REPORT**.*

RELATED PROCEDURES

Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Cause for Suspension or Modified Assignment (P.G. 206-07)
Modified Assignment (P.G. 206-10)
Removal and Restoration of Firearms (P.G. 206-17)

FORMS AND REPORTS

AGREEMENT TO ACCEPT SERVICE OF NOTICE (PD468-126)
CHARGES AND SPECIFICATIONS (PD468-121)
REPORT OF SUSPENDED MEMBER'S VISIT (PD408-061)
SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)
LEAVE OF ABSENCE REPORT (PD433-041)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-09	
SUSPENSION FROM DUTY - CIVILIAN MEMBER OF THE SERVICE			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To temporarily prohibit a civilian member of the service from performing duty and to complete disciplinary procedures within thirty days.

PROCEDURE When a civilian member of the service is suspended:

RANKING OFFICER IN CHARGE

1. Inform member concerned of suspension from duty and reason.
2. Direct member to surrender <u>all</u> Department property.
   a. Have **IDENTIFICATION CARD (PD416-091)** and shield, when applicable, hand delivered with **Typed Letterhead** to the Human Resources Division, Shield, ID and Uniform Services Unit by next business day and obtain receipt for file in command.
   b. Have other Department issued property safeguarded at command (e.g., Department issued smartphone, tablet, radio, keys, headsets, etc.), as applicable.
3. Direct civilian member of the service <u>not</u> to wear uniform or part of uniform while under suspension.
4. Notify member concerned that charges are to be preferred and will be processed in normal manner.
   a. Supervise preparation of charges.
5. Notify the following:
   a. Operations Unit
   b. Internal Affairs Bureau Command Center
   c. Civilian member's commanding officer/counterpart, if not present.

SUPERVISOR ON DUTY, OPERATIONS UNIT

6. Enter facts concerning suspension in Command Log.
7. Inform ranking officer in charge that **CHARGES AND SPECIFICATIONS (PD468-121)** <u>must</u> be forwarded within forty-eight hours of suspension.

RANKING OFFICER IN CHARGE

8. Submit report on **Typed Letterhead** within twenty-four hours to:
   a. First Deputy Commissioner
   b. Chief of Department
   c. Deputy Commissioner-Trials
   d. Department Advocate's Office
   e. Civilian member's commanding officer.

COMMANDING OFFICER

9. Notify next higher command.

COMMANDING OFFICER, NEXT HIGHER COMMAND

10. Contact Department Advocate's Office.
11. Ascertain if every effort is being made to complete disciplinary process within thirty days.
12. Notify Department Advocate of all relevant facts, if circumstances indicate case may <u>not</u> be disposed of within thirty days.

IF CIVILIAN HAS BEEN ARRESTED

COMMANDING OFFICER, NEXT HIGHER COMMAND

13. Advise civilian of the following available options prior to arranging conference concerning charges:
    a. May request conference be held in usual manner, OR
    b. May request, in writing, an adjournment of all department action pending final determination of criminal case.
14. Instruct civilian member of the option of signing a waiver for any pay due him/her, if he/she is continued on suspension past thirty days.
    a. Waiver does not apply to lost wages if civilian is ultimately found not guilty.
       (1) Civilian is entitled to full pay during period of suspension beyond thirty days, less any amount of compensation earned during same period in such case.

NOTE *If civilian member has criminal charges pending and refuses to sign waiver, the commanding officer next higher command of civilian must hold informal conference within thirty days of date of suspension.*

IF CIVILIAN IS AWOL

COMMANDING OFFICER OF CIVILIAN

15. Prepare and forward **CHARGES AND SPECIFICATIONS**.
    a. If Department property is not accounted for, have **COMPLAINT REPORT (PD313-152)** prepared.

DEPARTMENT ADVOCATE

16. Have civilian member report to the Human Resources Division, Shield, ID and Uniform Services Unit for **IDENTIFICATION CARD** and shield, when applicable, if suspension is rescinded.
    a. Commanding officer will be responsible for the return of any other Department property removed.

ADDITIONAL DATA *The Department Advocate will have **CHARGES AND SPECIFICATIONS** served as provided in P.G. 206-06, "Service of Charges and Specifications" and after service, a trial will be held before Deputy Commissioner - Trials, in absentia if necessary. Civilian member may request a formal conference at next higher command at any time prior to holding a formal trial.*

A civilian member of the service under suspension who desires to be restored to duty will submit a written request to the First Deputy Commissioner through the Department Advocate's Office.

Civilian Employee Handbook will be accounted for if civilian is dismissed.

RELATED PROCEDURES
Notifications in Certain Arrest Situations (P.G. 208-69)
Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Service of Charges and Specifications (P.G. 206-06)
Cause for Suspension or Modified Assignment (P.G. 206-07)
Civilian Member - Resignation (A.G. 319-17)

FORMS AND REPORTS
CHARGES AND SPECIFICATIONS (PD468-121)
COMPLAINT REPORT(PD313-152)
IDENTIFICATION CARD (PD416-091)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-10
MODIFIED ASSIGNMENT		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 47	PAGE: 1 of 3

PURPOSE To assign a uniformed member of the service to non-enforcement duties pending determination of fitness to perform police duties.

SCOPE Firearms may be removed from a uniformed member of the service for disciplinary as well as non-disciplinary reasons. In incidents where there is no misconduct and no disciplinary action is anticipated, the member will not be placed on modified assignment. When a firearms removal is based on non-disciplinary factors, the ranking officer directing the removal will comply with the applicable provisions of *P.G. 205-47, "Temporary Removal of Firearms in Non-Disciplinary Cases*."

PROCEDURE When placing a uniformed member of the service on modified assignment.

RANKING OFFICER IN CHARGE

1. Inform uniformed member that modified assignment is contingent upon being available for prompt Departmental disciplinary trial.
2. Remove firearms, shield, **IDENTIFICATION CARD (PD416-091)** and other Department property as directed in *P.G. 206-17, "Removal and Restoration of Firearms."*
3. Make a clear photocopy of member's **IDENTIFICATION CARD** and provide the photocopy to member concerned.
4. Direct the member to utilize the photocopy of their **IDENTIFICATION CARD** to gain access to One Police Plaza for modified assignment processing to avoid waiting in line with non-members of the Department.

NOTE *Uniformed member may retain Department Manual.*

5. Ensure that shield and **IDENTIFICATION CARD** are hand delivered to the Shield, ID and Uniform Services Unit t with appropriate copy of **REMOVAL/RESTORATION OF FIREARMS REPORT (PD524-152)** on the next business day and obtain receipt.
6. Direct uniformed member to report direct, in **appropriate business attire**, at 0900 hours on the next **business day** he/she is scheduled to work, to the Personnel Orders Division, Assignment Section.

NOTE *Uniformed members placed on modified assignment will report direct to the Personnel Orders Division, Assignment Section and will NOT be permitted to begin their tour at their command. Members on regular day off (RDO), sick report or scheduled vacation will report on the first business day upon return to work. Members will not perform an extended tour and no overtime is authorized.*

When a uniformed member is scheduled to return to work on a non-business day (Saturday, Sunday, holiday, etc.), direct the member to report, in appropriate business attire, to their assigned command for non-enforcement duty. Uniformed member will report direct to the Personnel Orders Division, Assignment Section the next business day he/she is scheduled to work.

RANKING OFFICER IN CHARGE (continued)

7. Enter facts concerning modified assignment in Command Log and notify:
   a. Supervisor on duty at Operations Unit immediately
   b. Internal Affairs Bureau, Command Center and obtain log number.
8. Immediately submit report on **Typed Letterhead** (DIRECT) to:
   a. First Deputy Commissioner (forward additional copy of report THROUGH CHANNELS)
   b. Deputy Commissioner, Department Advocate
   c. Deputy Commissioner, Trials
   d. Chief of Department
   e. Chief of Personnel
   f. Commanding Officer, Personnel Orders Division
   g. Commanding officer of member concerned.
9. Fax copy of **Typed Letterhead** to the Personnel Orders Division.

UNIFORMED MEMBER OF THE SERVICE CONCERNED

10. Report direct to the Personnel Orders Division, Assignment Section, at 0900 hours on the next **business day** scheduled to work, in **appropriate business attire**.

NOTE *When scheduled to work on a non-business day (Saturday, Sunday, holiday, etc.), report in appropriate business attire, to assigned command for non-enforcement duty. Uniformed members of the service will report direct to the Personnel Orders Division, Assignment Section, the next business day he/she is scheduled to work.*

*Uniformed members of the service will report to One Police Plaza, first floor employee entrance gate and present photocopy of their **IDENTIFICATION CARD** to Headquarters Security personnel to be issued an access pass for entry into One Police Plaza.*

11. Sign in the Personnel Orders Division sign-in log when directed.
12. Report to the Shield, ID and Uniform Services Unit for a new **IDENTIFICATION CARD**, when directed by Personnel Orders Division personnel.

NOTE *Modified members of the service are not authorized to possess any firearms or their shield. Modified members will be issued a "NO FIREARMS" **IDENTIFICATION CARD** by the Human Resources Division, Shield, ID and Uniform Services Unit during processing. Members who are restored from modified assignment and placed on restricted duty or remain on restricted duty for psychological or alcohol related reasons, may possess their shield and will retain their "NO FIREARMS" **IDENTIFICATION CARD** until their restricted duty status is revoked by the Psychological Evaluation Section or Counseling Services Unit, as appropriate. Upon restoration to full duty and approval for the return of firearms, the member's shield and full duty **IDENTIFICATION CARD** will be returned. The Personnel Orders Division will provide an official letterhead to members restored to full duty for retrieval of firearms from the Property Clerk Division.*

ADDITIONAL DATA

The First Deputy Commissioner MUST approve the return of firearms, shield and ***IDENTIFICATION CARD*** *to a uniformed member of the service on modified assignment unless the Police Commissioner directs the return of such property.*

A uniformed member of the service on modified assignment who desires to be restored to full duty will submit a request to the First Deputy Commissioner's Office through the Deputy Commissioner, Department Advocate.

A uniformed member continues to accrue vacation and is permitted to take vacation or authorized leave if there is no conflict with an appearance at a criminal or disciplinary trial.

Members who are defendants in a criminal action shall not appear in court on these cases while on duty. Such appearances shall be made on regular days off (RDOs) or with authorized excusals.

Uniformed members of the service placed on modified assignment may be transferred as per the needs of the Department. If the uniformed member on modified assignment does not carry out his/her duties in a satisfactory manner, the commanding officer of the unit may recommend to the First Deputy Commissioner, through channels, that the member be suspended.

Uniformed members being restored to full duty will be notified by the Deputy Commissioner, Department Advocate and will report, when directed, to the Department Advocate's Office. The Department Advocate's Office will direct member to report to the Personnel Orders Division, Assignment Section, for restoration processing.

Uniformed members of the service are placed on modified assignment for a number of reasons. The vast majority of these members will be restored to full duty and continue to have successful careers with the Department. When a modified member, who has been temporarily assigned to an administrative/support command, has performed in an exemplary manner, the commanding officer may request permanent assignment upon member's restoration to full duty, needs of the service permitting. Transfer requests must be forwarded, through channels, to the Police Commissioner for approval prior to restoration from modified assignment.

RELATED PROCEDURES

Temporary Removal of Firearms in Non-Disciplinary Cases (P.G. 205-47)
Cause for Suspension or Modified Assignment (P.G. 206-07)
Removal and Restoration of Firearms (P.G. 205-17)

FORMS AND REPORTS

IDENTIFICATION CARD (PD 416-091)
REMOVAL/RESTORATION OF FIREARMS REPORT (PD524-152)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters	Procedure No: 206-11

MEMBER OF THE SERVICE ARRESTED (UNIFORMED OR CIVILIAN)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/25/20	06/25/20		1 of 4

PURPOSE To record and investigate cases when members of the service, both uniformed or civilian, are arrested.

PROCEDURE When a member of the service is arrested:

DEFINITION CRIMINAL VIOLATION - For the purpose of this procedure, means any violation of law, rule or regulation, whether committed within New York State or outside of the State, for which a penalty of a term of imprisonment may be imposed, but shall not include parking violations, traffic infractions (other than leaving the scene of an incident without reporting and driving while ability impaired) and violations of law, rule or regulation when a personal service summons received contemplates a civil penalty only.

ARRESTED WITHIN CITY

MEMBER OF THE SERVICE ARRESTED

1. Immediately notify arresting authority of position as a member of the New York City Police Department.
2. Promptly notify desk officer, precinct of arrest, of details if arrest effected by law enforcement agency other than New York City Police Department.

NOTE *All members of the service (uniformed or civilian), who receive a personal service summons for a criminal violation, are required to immediately notify their commanding officer, and provide the commanding officer with a copy of the summons.*

DESK OFFICER

3. Immediately notify Internal Affairs Bureau Command Center.
4. Immediately notify precinct commander/duty captain.
5. Promptly notify the Operations Unit and include:
   a. Time and date of arrest
   b. Place of occurrence
   c. Present location of member or place where he will be available for interview
   d. Identity of all persons involved in the incident
   e. Manner in which member became involved
   f. Sickness or injury of member or other persons involved
   g. Identity and statements of witnesses
   h. Title and description of the law violated
   i. Identity of law enforcement agency making arrest (federal, state or local)
   j. Specific charges against the member
   k. Date and location of court appearance, if known
   l. Interim or final disposition, if any.
6. Make entry of notification in Telephone Record and include identity of precinct commander/duty captain notified.

PRECINCT COMMANDER/ DUTY CAPTAIN

7. Make certain arrested member's commanding officer is notified.
8. Notify patrol borough commander, borough of arrest.

PATROL BOROUGH COMMANDER CONCERNED

9. Assign captain or above to conduct investigation.

RANKING OFFICER CONDUCTING INVESTIGATION

10. Commence immediate investigation and interview arrested member and witnesses, if any.
11. Submit report on **Typed Letterhead** to Chief of Department within twenty-four hours.
12. Ascertain status of case no later than twenty-four hours after each court appearance of member.
13. Prepare a report on **Typed Letterhead** indicating status of case and adjournment dates and forward to:
    a. First Deputy Commissioner
    b. Chief of Department
    c. Chief of Personnel
    d. Deputy Commissioner, Internal Affairs
    e. Department Advocate's Office
    f. Patrol borough commander concerned.
14. Direct arrested member to immediately notify his commanding officer if charges are dismissed.

ARRESTED OUTSIDE CITY

MEMBER OF THE SERVICE ARRESTED

15. Immediately notify arresting authority of position as a member of the New York City Police Department.
16. Immediately notify Operations Unit, comply with the remainder of step 5, subdivisions "a" to "l", and include identity of local police authorities involved.
17. Notify commanding officer without delay.

NOTE *Commanding officer will contact arrested member within twenty-four hours of court appearance and ascertain status of case.*

All members of the service (uniformed or civilian), who receive a personal summons for a criminal violation, are required to immediately notify their commanding officer, and provide the commanding officer with a copy of the summons.

SUPERVISOR, OPERATIONS UNIT

18. Immediately notify Internal Affairs Bureau Command Center, and the following:

ARREST MADE IN	**NOTIFY**
• Westchester, Rockland Orange or Putnam	Commanding Officer, Patrol Borough Bronx
• Nassau or Suffolk	Commanding Officer, Patrol Borough Queens North or South, as appropriate

19. Notify commanding officer of arrested member.
    a. If command is closed, make notification at 0900 hours, next business day.

PATROL BOROUGH COMMANDER OR DEPUTY COMMISSIONER, INTERNAL AFFAIRS

20. Assign a captain or above, to conduct investigation.

RANKING OFFICER CONDUCTING INVESTIGATION

21. Communicate by telephone with arresting authorities to determine if there are witnesses to the incident.

NOTE *Ranking officer assigned is authorized to use a Department vehicle within city and the six residence counties without prior permission.*

22. Advise the supervising officer, Operations Unit, of facts.
23. Submit report on **Typed Letterhead** to the Chief of Department within twenty-four hours.
24. Ascertain status of case no later than twenty-four hours after each court appearance of member.
25. Prepare and forward a report, indicating status and adjournment date, to First Deputy Commissioner, Chief of Department, Chief of Personnel, Deputy Commissioner, Internal Affairs, Department Advocate's Office and patrol borough commander responsible for the investigation.
    a. Include arrest number, docket number, and jurisdiction in this report.

IN ALL CASES

MEMBER OF THE SERVICE ARRESTED

26. Keep commanding officer informed of status of case at least once every thirty days and include:
    a. Adjournment dates
    b. Final disposition
    c. If appeal made
    d. Disposition of appeal.
27. Notify commanding officer as soon as possible if charges are dismissed.

COMMANDING OFFICER, ARRESTED MEMBER

28. Telephone the Department Advocate and the borough commander responsible for the investigation of the disposition of all criminal charges, if Department charges have been preferred.
29. Provide the Deputy Commissioner, Internal Affairs with a final disposition of all criminal charges involving the arrest of a member of their command.

DEPARTMENT ADVOCATE

30. Obtain a "Certificate of Disposition" from the appropriate jurisdiction and verify conviction (or plea) of the member of the service, with special attention to crimes involving domestic violence, upon receipt of notification.

RELATED PROCEDURES

Notifications in Certain Arrest Situations (P.G. 208-69)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Interrogation of Members of the Service (P.G. 206-13)
Suspension from Duty Uniformed Member of the Service (P.G. 206-08)
Modified Assignment (P.G. 206-10)
Cause for Suspension or Modified Assignment (P.G. 206-07)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters	Procedure No: 206-12

REMOVAL OF FIREARMS FROM INTOXICATED UNIFORMED MEMBER OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/06/19	05/06/19		1 of 2

PURPOSE To determine if an on/off duty uniformed member of the service is unfit for duty due to intoxication.

DEFINITION INTOXICATION - Unfitness for duty due to the influence of alcohol, narcotics, or other drug, or under circumstances in which surrounding events of a timely nature indicate that the member may have been intoxicated during an earlier period directly related to the incident in question.

PROCEDURE Upon observing a uniformed member of the service who appears unfit for duty due to intoxication:

SUPERVISORY MEMBER

1. Direct that member remain at Department facility or other location pending the arrival of commanding officer/duty captain.
2. Prepare, immediately, **SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)** based upon observations of member of the service.
3. Notify precinct commander/duty captain to respond to facility.

COMMANDING OFFICER/ DUTY CAPTAIN

4. Prepare, immediately, **SUPERVISOR'S FITNESS FOR DUTY REPORT** based upon observations of member of the service.
5. Conduct an investigation to determine if member is unfit for duty due to intoxication at the time of the alleged misconduct.

NOTE *Common sense standards will be applied to determine whether a member of the service is unfit for duty due to intoxication. Commanding officers/duty captains will examine the totality of the circumstances and will consider all credible relevant information when determining a member's fitness for duty. Such information will include all* ***SUPERVISOR'S FITNESS FOR DUTY REPORTS*** *prepared, any witness statements made by civilians or members of the service, and any available scientific evidence (Breathalyzer, blood test, etc.). On the basis of all available information, viewed in light of the time elapsed since any alleged acts of misconduct or since the first supervisory observation of the member, the commanding officer/duty captain will conclude whether the member was unfit for duty at the time of the alleged misconduct.*

6. Remove firearms when it is determined that member is intoxicated (see *P.G. 206-17, "Removal and Restoration of Firearms"*).
7. Place member on modified assignment or suspend from duty, as appropriate.
8. Advise member of availability of Counseling Service Programs.

NOTE *A supervisory officer is mandated in all cases to contact the Counseling Services Unit on behalf of a member who is placed on modified assignment, suspended, or has his/her firearms removed due to being unfit for duty. The services of the Counseling Service Program are not available to personnel for illegal drug use and/or abuse problems.*

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

9. Have supervisory officer contact Counseling Services Unit DIRECT, during normal business hours. At other times, conferral with a counselor may be requested by contacting the Sick Desk supervisor.
10. Notify Internal Affairs Bureau Command Center and obtain a log number.
11. Prepare five copies of all completed **SUPERVISOR'S FITNESS FOR DUTY REPORTS** (commanding officer/duty captain's and referring supervisor's).
12. Prepare eight copies of a report on **Typed Letterhead** detailing observations and circumstances that led to determination that member was unfit for duty and forward each, with copies of all **SUPERVISOR'S FITNESS FOR DUTY REPORTS,** as follows:
    a. First Deputy Commissioner - Original (DIRECT)
    b. First Deputy Commissioner (THOUGH CHANNELS)
    c. Chief of Department (DIRECT)
    d. Chief of Personnel (DIRECT)
    e. Deputy Commissioner, Internal Affairs (DIRECT)
    f. Deputy Commissioner, Trials (DIRECT)
    g. Department Advocate's Office (DIRECT)
    h. Member's commanding officer (DIRECT).

ADDITIONAL DATA

Prior to the final adjudication of a disciplinary matter, in all misconduct cases in which the use of alcohol is indicated, a conferral with the Employee Assistance Unit must be made, and an assessment and/or referral by the Counseling Services Unit must be conducted. The Department Advocate's Office will ensure that these steps are taken.

RELATED PROCEDURES

Cause for Suspension or Modified Assignment (P.G. 206-07)
Suspension From Duty-Uniformed Member of the Service (P.G. 206-08)
Modified Assignment (P.G. 206-10)
Drug Screening Tests for Cause for Uniformed and Civilian Members of the Service (P.G. 205-30)
Removal and Restoration of Firearms (P.G. 206-17)

FORMS AND REPORTS

SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-13	
INTERROGATION OF MEMBERS OF THE SERVICE			
DATE ISSUED: 04/01/20	DATE EFFECTIVE: 04/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To protect the rights of the member of the service (uniformed or civilian) in an official Department investigation.

PROCEDURE Prior to questioning a member of the service (uniformed or civilian) who is the subject or a witness in an official investigation:

INTERROGATING OFFICER

1. Permit member to obtain counsel if:
   a. A serious violation is alleged, OR
   b. Sufficient justification is presented although the alleged violation is minor.

NOTE *All members of the service who are the subject of an official investigation or are a witness in an official investigation, shall be given a reasonable period of time to obtain and confer with counsel prior to questioning. Interrogations of members in routine, non-critical matters should be scheduled during business hours on a day when the member is scheduled to work.*

Interrogations in emerging investigation, where there is a need to gather timely information, should usually be done after all preliminary steps and conferrals have been completed and the member to be questioned has been afforded a reasonable time to obtain and confer with counsel. In determining what is a reasonable period of time, consideration should be given to the nature of the investigation, the need for the Department to have the information possessed by the member in a timely manner, and the stage the investigation is at when the need to question the member has been determined. The emergent nature and exigent circumstances of each investigation will determine the length of time afforded the member before questioning is conducted. However, in all cases the determination as to what is a reasonable time will be made by the captain (or above) in charge of the investigation.

2. Inform member concerned of:
   a. Rank, name and command of person in charge of investigation
   b. Rank, name and command of interrogating officer
   c. Identity of all persons present
   d. Whether he is subject or witness in the investigation, if known
   e. Nature of accusation
   f. Identities of witnesses or complainants (address need not be revealed) except those of confidential source or field associate unless they are witnesses to the incident
   g. Information concerning all allegations.
   h. The Department's policy regarding making false, misleading, and inaccurate statements, as per *P.G. 203-08, "False or Misleading Statements."*
3. Permit representative of department line organization to be present at all times during interrogation.
4. Conduct interrogation at reasonable hour, preferably when member is on duty during daytime hours.

INTERROGATING OFFICER (continued)

5. Ensure that interrogation is recorded either mechanically or by a department stenographer.
   a. The Department Advocate will determine if a transcript is required in non-criminal or minor violation cases.
6. DO NOT use:
   a. "Off the record" questions
   b. Offensive language or threats (transfer, dismissal or other disciplinary punishment)
   c. Promises of reward for answering questions.
7. Regulate duration of question periods with breaks for meal, personal necessity, telephone call, etc.
8. Record all recesses.

NOTE *Interrogations may be conducted before or after **CHARGES AND SPECIFICATIONS (PD468-121)** have been served. An interrogation conducted after service of charges must be completed at least ten days prior to the date of Department trial except as directed by the Deputy Commissioner - Trials.*

9. Conduct interrogation within a reasonable time after disposition of criminal matter, when member was arrested, indicted or under criminal investigation.

DEPARTMENT ADVOCATE

10. Furnish member with copy of tape of interrogation no later than twenty days after service of charges.
    a. If interrogation was conducted after service of charges, tape must be furnished to member no later than five days after interrogation
    b. Furnish transcript, if one was prepared, by 1000 hours on trial date, in all cases.

NOTE *When the Department trial date is scheduled immediately after **CHARGES AND SPECIFICATIONS** are served, the Deputy Commissioner - Trials will grant the Department reasonable time to conduct an interrogation. In any event, a copy of the tape and a copy of the transcript must be furnished as indicated above, if appropriate.*

COMMANDING OFFICER OF MEMBER

11. Assign member to 2nd Platoon, if possible.

MEMBER OF THE SERVICE

12. Answer questions specifically directed and narrowly related to official duties. (Refusal shall result in suspension from duty).
13. Submit **OVERTIME REPORT (PD138-064)** if lost time accrues as result of investigation.

SUPERVISOR IN CHARGE OF INVESTIGATION

14. Notify the desk officer immediately when member of the service is directed to leave his post or assignment to report for an official investigation.

SUPERVISOR IN CHARGE OF INVESTIGATION (continued)

15. Ensure that notifications concerning official investigations are properly recorded in appropriate Department records when made to or recorded from:
    a. Complainants
    b. Witnesses
    c. Lawyers
    d. Respondents
    e. Other interested parties.

DESK OFFICER

16. Record in appropriate department records and notify the investigating command immediately of notifications or messages received from:
    a. Lawyers
    b. Witnesses
    c. Complainants
    d. Other interested parties involved in the subject investigation.

ADDITIONAL DATA

If a member of the service (uniformed or civilian) is under arrest or is the subject of a criminal investigation or there is a likelihood that criminal charges may result from the investigation, the following warnings shall be given to the member concerned prior to commencement of the interrogation:

"I wish to advise you that you are being questioned as part of an official investigation by the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your duties. You are entitled to all the rights and privileges guaranteed by the laws of the State of New York, the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself and the right to have legal counsel present at each and every stage of this investigation.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties, you will be subject to departmental charges, which could result in your dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent departmental charges."

The questions and answers resulting from the interrogation conducted pursuant to this procedure are confidential. They are not to be revealed nor released to any person or agency outside the department <u>without</u> prior written approval of the Deputy Commissioner - Legal Matters. If a subpoena duces tecum is received for any such questions and answers, the Legal Bureau should be contacted <u>immediately</u>.

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)
OVERTIME REPORT (PD138-064)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-14	
SEALING DISCIPLINARY RECORDS			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To ensure that disciplinary records regarding Schedule "B" command disciplines and certain corruption/misconduct allegations are sealed in a member's Central Personnel Index file.

DEFINITION SEALED - Information is suppressed on member's Central Personnel Index whenever background inquiry is made, including promotion and transfer requests.

PROCEDURE When a member of the service wishes to seal all records pertaining to a Schedule "B" command discipline:

MEMBER OF THE SERVICE

1. Prepare a **Typed Letterhead** addressed to commanding officer requesting the sealing of Schedule "B" command discipline on the 3rd anniversary from the date of disposition.

COMMANDING OFFICER/ EXECUTIVE OFFICER

2. Determine if requesting member received charges and specifications and/or additional Schedule "B" command discipline(s) during the above time frame.
3. Expunge **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)** from member's command folder, endorse original request and forward to Human Resources Division, if no additional violations.
   a. If member has been the subject of an additional violation(s), advise member by endorsement on original request and file copy in member's command folder.
   b. Advise member that he/she may resubmit request three years after the disposition of the most recent disciplinary violation.

UPON RECEIPT OF ENDORSED REQUEST

HUMAN RESOURCES DIVISION

4. Seal Schedule "B" command discipline on member's Central Personnel Index if satisfied clemency requirement has been met.
5. Endorse original request and return to member concerned.
6. Forward a copy of endorsed request to:
   a. Office of the First Deputy Commissioner
   b. Department Advocate's Office.

ADDITIONAL DATA *Allegations of misconduct ("M" Cases) or corruption ("C" Cases) which result in a final disposition of exonerated or unfounded will be sealed in the member's Central Personnel Index by the Internal Affairs Bureau. Sealed allegations and command disciplines will only be available to the Internal Affairs Bureau for statistical evaluations and internal investigations. Additionally, these records will be made available to the Legal Bureau and the Employee Assistance Unit as necessary to enable those commands to perform their respective responsibilities.*

RELATED PROCEDURES *Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)*
Authorized Penalties Under Command Discipline (P.G. 206-04)

FORMS AND REPORTS ***SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)***
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-15	
SEALING DISCIPLINARY CHARGES			
DATE ISSUED: 11/21/13	DATE EFFECTIVE: 11/21/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To seal disciplinary charges in a member of the service's Central Personnel Index file, the Department Advocate's Office Disciplinary Record System database and any other folders/files where disciplinary charges are maintained.

PROCEDURE When a member of the service (uniformed or civilian) who has been found "not guilty" after a Department trial requests to have disciplinary charges sealed:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare request on **Typed Letterhead**, <u>not earlier than two years following final decision after trial</u>, and include:
   a. Name of member of the service
   b. Shield/tax registry number
   c. Department Advocate's Office case number
   d. Date of final decision by Police Commissioner

NOTE *A trial decision is <u>final</u> on the date it is signed by the Police Commissioner.*

2. Forward request <u>direct</u> to Commanding Officer, Department Advocate's Office.

COMMANDING OFFICER, DEPARTMENT ADVOCATE'S OFFICE

3. Review request to have disciplinary charges sealed.
4. Make recommendation to Police Commissioner, through channels, considering:
   a. Member's overall service record
   b. Nature of charges
   c. Other relevant factors.
5. Attach request to recommendation and forward to Deputy Commissioner, Department Advocate.

DEPUTY COMMISSIONER, DEPARTMENT ADVOCATE

6. Review recommendation and request.
   a. Forward with comments to First Deputy Commissioner by endorsement.

FIRST DEPUTY COMMISSIONER

7. Review endorsed recommendation and forward to Police Commissioner by endorsement with recommendation for final determination.

POLICE COMMISSIONER

8. Approve/disapprove request by endorsement after review of recommendations.
9. Have approved/disapproved request forwarded to Commanding Officer, Department Advocate's Office, through channels.

COMMANDING OFFICER, DEPARTMENT ADVOCATE'S OFFICE

10. File approved/disapproved requests in appropriate case folder for member concerned.
11. Seal the appropriate disciplinary record in Department Advocate's Disciplinary Record System database, if request approved.
    a. Request that Central Personnel Index Unit seal the appropriate charges and specifications in member's Central Personnel Index file, for approved cases.
12. Notify member concerned, in writing, of final determination of Police Commissioner, whether approved or disapproved.
13. Request that Commanding Officer of member concerned delete relevant disciplinary record in folder/files, i.e., personal folder, integrity control officer's investigation folder, etc., for approved cases.

COMMANDING OFFICER, MEMBER CONCERNED

14. Ensure the deletion of member's disciplinary record from folders/files maintained in command, for approved cases.

ADDITIONAL DATA

The Department Advocate's Office shall ensure that charges and specifications from a member's Central Personnel Index file and the Department Advocate's Office Disciplinary Record System database are sealed whenever:

a. The charges were dismissed based on establishing (in the dismissal memorandum) that a violation of Department regulations did <u>not</u> occur, <u>OR</u>

b. The charges were based on mistaken identification.

The dismissal memorandum submitted by the Department Advocate shall include a recommendation that the charges be sealed in the member's Central Personnel Index file and the Department Advocate's Disciplinary Record System database.

*Once a disciplinary record is sealed, it may NOT be referred to when a member is being promoted, transferred or being considered for a detail assignment. <u>However</u>, the Department Advocate's Office disciplinary case file, including copies of **CHARGES AND SPECIFICATIONS (PD468-121)**, may be utilized for informational purposes as necessary.*

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)
Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-17	
REMOVAL AND RESTORATION OF FIREARMS			
DATE ISSUED: 06/01/20	DATE EFFECTIVE: 06/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To remove firearms from a uniformed member of the service at the direction of a ranking officer or other competent authority.

NOTE *This procedure does not pertain to members whose firearms removal is based on non-disciplinary factors, or who voluntarily surrender firearms solely for safekeeping while experiencing a current personal problem off-duty, (e.g. potential domestic violence accusations). See Patrol Guide procedure 205-47, "Temporary Removal of Firearms In Non-Disciplinary Cases."*

SCOPE Firearms may be removed from a uniformed member of the service for disciplinary as well as non-disciplinary reasons. In incidents where there is no misconduct and no disciplinary action is anticipated, the member will not be placed on modified assignment. When a firearms removal is based on non-disciplinary factors, the ranking officer directing the removal will comply with the applicable provisions of *Patrol Guide procedure 205-47, "Temporary Removal of Firearms in Non-Disciplinary Cases."*

DEFINITION RANKING OFFICER - For the purposes of this procedure, a ranking officer is a uniformed member of the service in the rank of sergeant or above.

PROCEDURE When a uniformed member of the service is suspended or placed on modified assignment, or when a police surgeon, ranking officer or other competent authority believes a uniformed member of the service is unable to properly safeguard his firearms.

SURGEON/ COMPETENT AUTHORITY

1. Request Communications Section to send a ranking officer to scene if necessary.
2. Direct member concerned to surrender all pistols, revolvers, **IDENTIFICATION CARD (PD416-091)** and shield.

RANKING OFFICER

3. Obtain member's pistols, revolvers, shield and **IDENTIFICATION CARD**.
4. Deliver property to precinct where the order to surrender was given.
5. Direct member who is assigned to restricted duty to report to the Shield, ID and Uniform Services Unit for new **IDENTIFICATION CARD**.
6. Question member to determine if he possesses additional pistols or revolvers.

DESK OFFICER PRECINCT OF SURRENDER

7. Notify member's permanent command and request a check of member's **FORCE RECORD (PD406-143)** to determine if all weapons listed have been surrendered.
8. Arrange to obtain other pistols and revolvers if necessary.
   a. The precinct/command where any of the member's pistols or revolvers are located may be directed to retrieve the weapons and deliver them to either the member's command or to the command in which the investigation is being conducted, if appropriate.

DESK OFFICER PRECINCT OF SURRENDER (continued)

9. Notify Medical Division - Sick Desk and obtain a Firearms Removal serial number.
10. Have **PROPERTY CLERK INVOICE (PD521-141)** prepared for firearms obtained, including notation "PROPERTY OF SUSPENDED/ MODIFIED ASSIGNMENT MEMBER - NOT TO BE RETURNED UNLESS APPROVED COPY OF **REMOVAL/RESTORATION OF FIREARMS REPORT (PART B) (PD524-152)** IS PRESENTED."
11. Prepare **REMOVAL/RESTORATION OF FIREARMS REPORT (PD524-152)** and distribute according to instructions on form.
12. Send firearms with **PROPERTY CLERK INVOICE** by messenger to borough office of Property Clerk.
    a. Forward to Firearms Analysis Section if circumstances warrant.
13. Forward **IDENTIFICATION CARD** and shield with one copy of **REMOVAL/RESTORATION OF FIREARMS REPORT** by messenger to the Shield, ID and Uniform Services Unit by next business day and obtain receipt for file in command.

TO RESTORE FIREARMS TO A MEMBER WHEN REASON FOR REMOVAL NO LONGER EXISTS:

MEMBER CONCERNED

14. Obtain from desk officer the three copies of the appropriate **REMOVAL/RESTORATION OF FIREARMS REPORT** which have been retained in command.
15. Sign request statement in Part B and submit to commanding officer.

COMMANDING OFFICER

16. Indicate APPROVAL or DISAPPROVAL on Part B and forward two copies to the Medical Division.

NOTE *If DISAPPROVED, state reason in Part B.*

C.O., MEDICAL DIVISION

17. Recommend approval or disapproval and forward both copies to the First Deputy Commissioner.

FIRST DEPUTY COMMISSIONER

18. APPROVE or DISAPPROVE request.
    a. Return both copies of **REMOVAL/RESTORATION OF FIREARMS REPORT** indicating action taken to command of member concerned through the Medical Division.

COMMANDING OFFICER

19. Return both copies of approved **REMOVAL/RESTORATION OF FIREARMS REPORT** to member concerned.
    a. Return one copy of disapproved **REPORT** to member concerned and file second copy.

MEMBER CONCERNED

20. Present one approved copy of **REMOVAL/RESTORATION OF FIREARMS REPORT** to:
    a. Shield, ID and Uniform Services Unit for return of shield and **IDENTIFICATION CARD**.

MEMBER CONCERNED (continued)

b. Property Clerk's borough office for return of firearms. (Shield and **IDENTIFICATION CARD** must be shown).

RELATED PROCEDURES

Cause for Suspension or Modified Assignment (P.G. 206-07)
Suspension from Duty Uniformed Member of the Service (P.G. 206-08)
Modified Assignment (P.G. 206-10)
Removal of Firearms from Intoxicated Uniformed Member of the Service (P.G. 206-12)

FORMS AND REPORTS

FORCE RECORD (PD406-143)
PROPERTY CLERK INVOICE (PD521-141)
REMOVAL/RESTORATION OF FIREARMS REPORT (PD 524-152)

PATROL GUIDE

Section: Disciplinary Matters		Procedure No: 206-18	
CITYWIDE COMMAND DISCIPLINE SYSTEM			
DATE ISSUED: 04/27/20	DATE EFFECTIVE: 04/27/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure authorized members of the service enter command discipline data into the Command Discipline System.

DEFINITION COMMAND DISCIPLINE SYSTEM - A confidential database for information regarding command disciplines that is maintained at the command level by commanding officers, or other personnel specifically authorized by the commanding officer (i.e., executive officer, integrity control officer, assistant integrity control officer, etc.).

PROCEDURE To grant access and properly maintain the Command Discipline System at the command level:

COMMANDING OFFICER

1. Forward report on **Typed Letterhead** to Deputy Commissioner, Department Advocate requesting access to the Command Discipline System for authorized uniformed members of the service, and include:
   a. Rank, name, tax registry number, command code and assignment (i.e., commanding officer, executive officer, integrity control officer, assistant integrity control officer, etc.) of uniformed member of the service who is to be granted access.,
   b. Reason access is required if requested uniformed member of the service is not assigned as commanding officer, executive officer, integrity control officer or assistant integrity control officer, and
   c. Rank, name, tax registry number, command code and assignment (i.e., executive officer, integrity control officer, assistant integrity control officer, etc.) of authorized uniformed member of the service to be removed from Command Discipline System, if necessary.
2. E-mail copy of signed report on **Typed Letterhead** to CCDS@nypd.org.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE

3. Create new command discipline record for each command discipline issued by entering all relevant information into the Command Discipline System within five working days of the issuance of command discipline.
4. Complete all relevant entries in the Command Discipline System pertaining to adjudication of the command discipline within five working days of adjudication of command discipline.

COMMANDING OFFICER/ EXECUTIVE OFFICER

5. Review and verify command discipline record in the Command Discipline System for completeness and accuracy within five working days of completion of adjudication entries.

PATROL GUIDE

Section: Disciplinary Matters	Procedure No: 206-19

ORDERS OF PROTECTION SERVED ON MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/25/20	06/25/20		1 of 3

PURPOSE To inform members of the service of the procedure to follow when notified that they are the respondent/defendant of any Order of Protection.

SCOPE All uniformed members of the service are required as a condition of employment to remain qualified to possess firearms for the duration of their tenure with the Department. Members who are the respondent/defendant of an Order of Protection that limits firearms possession may be subject to a change in duty status and/or disciplinary action up to and including termination.

PROCEDURE When a uniformed member of the service is notified that they are the subject of <u>any</u> Order of Protection:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer immediately.
   a. If command is not open, notify Internal Affairs Bureau, Command Center and obtain log number, and Operations Unit.

OPERATIONS UNIT

2. Direct appropriate patrol borough duty captain to respond to member's current location within residence counties, if member's command is not open.

<u>INITIAL INVESTIGATION OF AN ORDER OF PROTECTION SERVED ON MEMBER</u>

COMMANDING OFFICER/ DUTY CAPTAIN

3. Notify:
   a. Internal Affairs Bureau, Command Center, and obtain log number
   b. Bureau/borough Investigations Unit, to respond and assist.
4. Conduct investigation to determine if there is a basis for firearms removal.
   a. Place member on modified assignment if Order of Protection prohibits firearms possession at all times, or if otherwise appropriate.
   b. If Order of Protection prohibits firearms possession off-duty only, and member is not to be placed on modified assignment, member will be required to safeguard all firearms at command while off-duty. (See *P.G. 206-20, "Orders of Protection Prohibiting Off-Duty Firearms Possession by Uniformed Members of the Service."*)
5. Prepare a report on **Typed Letterhead** to the Deputy Commissioner, Internal Affairs and include:
   a. Details of investigation
   b. Decision regarding member's duty status
   c. Specifics of the Order of Protection.
6. Forward additional copies of report to:
   a. First Deputy Commissioner
   b. Chief of Personnel
   c. Commanding Officer, Employee Resources Section
   d. Commanding Officer, Investigations Unit concerned
   e. Commanding Officer of member concerned, if applicable
   f. Commanding Officer, Performance Analysis Section.

MEMBER IS THE SUBJECT OF A FINAL ORDER OF PROTECTION PROHIBITING FIREARMS POSSESSION AT ALL TIMES

COMMANDING OFFICER/ DUTY CAPTAIN

7. Notify:
   a. Internal Affairs Bureau, Command Center, and obtain log number
   b. Bureau/borough Investigations Unit, to respond and assist
   c. Commanding Officer, Employee Resources Section, if the Final Order of Protection will continue for greater than six months.
8. Place member on modified assignment if member is currently full-duty.
9. Prepare a report on **Typed Letterhead** to the Chief of Personnel and include:
   a. Details of investigation
   b. Specifics of the Order of Protection.
10. Forward additional copies of report to:
    a. First Deputy Commissioner
    b. Deputy Commissioner, Department Advocate
    c. Deputy Commissioner, Legal Matters
    d. Deputy Commissioner, Internal Affairs
    e. Commanding Officer, Employee Resources Section
    f. Commanding Officer, Investigations Unit concerned
    g. Commanding Officer of member concerned, if applicable
    h. Commanding Officer, Performance Analysis Section.
11. Direct member to report to the Employee Resources Section, if the Final Order of Protection will continue for greater than six months.

ADDITIONAL DATA

REPORTING TO THE EMPLOYEE RESOURCES SECTION

When a member is ordered to report to the Employee Resources Section, the member will report immediately or between the hours of 0900 and 1800 hours on the next business day member is scheduled to work, as appropriate.

FINAL ORDERS OF PROTECTION

Members who are the recipients of Final Orders of Protection prohibiting firearms possession at all times (on and off-duty) will be given the opportunity to apply to the issuing court for a modification of the Order to allow the member to possess firearms while on-duty.

If the member is unable to have the Final Order of Protection modified, or declines to seek such modification within six months from the date of issuance, the member will be subject to termination from the Department if the member has not retired, vested, or resigned.

ADDITIONAL DATA (continued)

CIVILIAN MEMBER OF THE SERVICE RESPONDENT/DEFENDANT OF ORDER OF PROTECTION

Whenever a civilian member of the service becomes aware that they are the respondent/defendant of any Order of Protection, they must immediately notify their commanding officer/supervisory head. The commanding officer/supervisory head will notify the Internal Affairs Bureau, Command Center, and obtain log number. The member will be interviewed and an investigation will be conducted to determine if the member should continue to perform duty. The commanding officer/supervisory head will prepare a report to the Deputy Commissioner, Internal Affairs and forward additional copies to the Commanding Officer, Employee Resources Section, Commanding Officer, Performance Analysis Section, and the Investigations Unit concerned.

MEMBER OF THE SERVICE COMPLAINANT ON ORDER OF PROTECTION

In cases where the member of the service is a petitioner/complainant on an Order of Protection, for safety reasons the member ***must*** *notify their commanding officer. If necessary, those affected should comply with the provisions of P.G. 221-19, "Threats Against Members of the Service."*

RELATED PROCEDURES

Modified Assignment (P.G. 206-10)
Removal and Restoration of Firearms (P.G. 206-17)
Allegation of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)
Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service (P.G. 208-37)
Threats Against Members of the Service (P.G. 221-19)
Orders of Protection Prohibiting Off-Duty Firearms Possession by Uniformed Members of the Service (P.G. 206-20)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Disciplinary Matters	Procedure No: 206-20

ORDERS OF PROTECTION PROHIBITING OFF-DUTY FIREARMS POSSESSION BY UNIFORMED MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/20	06/01/20		1 of 4

PURPOSE To inform members of the procedures to follow when a uniformed member of the service is served with an Order of Protection prohibiting firearms possession off-duty only, and the member is to be continued on full-duty status.

SCOPE A uniformed member of the service who is served with an Order of Protection prohibiting off-duty firearms possession only, may continue on full-duty status if there is no basis for placing the member on modified assignment. The member will be required to safeguard all firearms while off-duty.

PROCEDURE When a uniformed member is served with an Order of Protection prohibiting off-duty firearms possession only, and the member is to be continued on full-duty status:

COMMANDING OFFICER/ DUTY CAPTAIN

1. Request that member concerned complete **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION (PD424-010)** form.
   a. Place member on modified assignment if member fails or refuses to complete this form.
2. Ensure <u>all</u> firearms (including handguns, rifles, and shotguns) owned or possessed by member have been accounted for.
   a. Question member concerning firearms ownership and possession
   b. Notify desk officer/supervisor, member's permanent command, and request a check of appropriate records.
3. Designate a location at member's command where member's service weapon, authorized off-duty weapon (if applicable), "FULL DUTY" **IDENTIFICATION CARD**, and shield are to be safeguarded while member is off-duty.

DESK OFFICER/ SUPERVISOR, MEMBER'S PERMANENT COMMAND

4. Assist commanding officer/duty captain in determining if all firearms owned or possessed by member have been surrendered.
   a. Check member's **FORCE RECORD (PD406-143)**
   b. Notify Police Academy, Firearms and Tactics Section, and request a check of records maintained regarding member's firearms ownership
   c. Arrange to obtain additional firearms as necessary.
5. Have firearms, other than service weapon and authorized off-duty weapon, vouchered for safekeeping (see *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* "ADDITIONAL DATA" statement).
   a. Ensure "Remarks" section of **PROPERTY CLERK INVOICE (PD521-141)** includes the following statement: "Property of a uniformed member of the service – not to be returned without written authorization of Commanding Officer, Employee Resources Section"
   b. Ensure member receives copy of **INVOICE**.

DESK OFFICER/ SUPERVISOR, MEMBER'S PERMANENT COMMAND (continued)

6. Notify the Internal Affairs Bureau (IAB) Command Center of Order of Protection and limited firearm possession and obtain log number.
   a. Enter log number in "IAB Log No." caption on the **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION**.
7. Forward a copy of **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION** and copy of **PROPERTY CLERK INVOICE** to commanding officer/duty captain.

COMMANDING OFFICER/DUTY CAPTAIN

8. Prepare a report on **Typed Letterhead** with related details (i.e., IAB log number, **PROPERTY CLERK INVOICE** number, status of Order of Protection, etc.) and deliver to desk officer.

DESK OFFICER/ SUPERVISOR, MEMBER'S PERMANENT COMMAND

9. Forward copies of the report on **Typed Letterhead** prepared by commanding officer/duty captain and the **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION** to IAB Command Center for uploading/inclusion in the IAB log.
10. Direct member to report to the Employee Resources Section.

UNIFORMED MEMBER OF THE SERVICE

11. Report to the Employee Resources Section as directed, with all of the following:
    a. "FULL DUTY" **IDENTIFICATION CARD**
    b. Original copy of **ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION**
    c. Copy of report prepared by commanding officer/duty captain
    d. Copy of **PROPERTY CLERK INVOICE** for vouchered firearms, if applicable.
12. Report to the Shield, ID and Uniform Services Unit as directed and obtain a "NO FIREARMS" **IDENTIFICATION CARD**.

GUIDELINES FOR SAFEGUARDING DESIGNATED ITEMS

UNIFORMED MEMBER OF THE SERVICE

13. Deliver service weapon, authorized off-duty weapon (if applicable), "FULL DUTY" **IDENTIFICATION CARD**, and shield to desk officer/supervisor prior to signing out at the end of each tour.
    a. Retrieve "NO FIREARMS" **IDENTIFICATION CARD** from desk officer/supervisor.
14. Retrieve service weapon, authorized off-duty weapon (if applicable), "FULL DUTY" **IDENTIFICATION CARD**, and shield from desk officer/supervisor when reporting for duty each day.
    a. Deliver "NO FIREARMS" **IDENTIFICATION CARD** to desk officer/supervisor.

DESK OFFICER/ SUPERVISOR, MEMBER'S PERMANENT COMMAND

15. Make a Command Log entry when safeguarding or returning member's service weapon, authorized off-duty weapon (if applicable), "FULL DUTY" or "NO FIREARMS" **IDENTIFICATION CARD**, and shield.
    a. Safeguard items in designated location.

WHEN ORDER OF PROTECTION IS EXPIRED OR VACATED

UNIFORMED MEMBER OF THE SERVICE

16. Notify commanding officer.

COMMANDING OFFICER

17. Verify that Order of Protection is expired or has been vacated, and that there are no active Orders of Protection against member concerned.
    a. Contact court of issuance
    b. Telephone Central Records Division, Identification Section
    c. Conduct an Order of Protection inquiry via the FINEST system.
18. Prepare a report on **Typed Letterhead** to the Commanding Officer, Employee Resources Section with status of Order of Protection.
    a. Forward copy to Commanding Officer, Performance Analysis Section.
19. Instruct member not to carry any firearms while off-duty until authorization is received from Commanding Officer, Employee Resources Section.
20. Direct member to report to the Employee Resources Section.

UNIFORMED MEMBER OF THE SERVICE

21. Report to the Employee Resources Section as directed, with all of the following:
    a. "NO FIREARMS" and "FULL DUTY" **IDENTIFICATION CARDS**
    b. Copy of expired or vacated Order of Protection
    c. Copy of report prepared by commanding officer/duty captain
       (1) Member concerned will not be permitted to carry any firearms while off-duty until commanding officer receives authorization from Commanding Officer, Employee Resources Section.
22. Report, when directed, to Property Clerk Office with:
    a. "FULL DUTY" **IDENTIFICATION CARD**
    b. Copy of **PROPERTY CLERK INVOICE**
    c. Original report from Commanding Officer, Employee Resources Section, authorizing return of all firearms.

ADDITIONAL DATA

REPORTING TO THE EMPLOYEE RESOURCES SECTION

When a member is ordered to report to the Employee Resources Section, the member will report immediately or between the hours of 0900 and 1800 hours on the next business day member is scheduled to work, as appropriate.

ADDITIONAL DATA (continued)

OPERATIONAL CONSIDERATIONS

Personnel Bureau Investigations Unit members will make unannounced visits to commands where Departmental property is safeguarded under the provisions of this procedure. Command Log inspections will be performed to ensure that entries are made documenting the safeguarding of weapons, ***IDENTIFICATION CARDS****, and shields for affected members of the service.*

Commanding officers of affected commands will ensure that Personnel Bureau Investigations Unit members have access to these items during their visits.

LEGAL CONSIDERATIONS

The ***ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION*** *form includes the member's obligation to safeguard all firearms with the Department at all times while off-duty, and advises the member that no new firearms may be purchased. Failure to comply with the court order may result in criminal charges and court sanctions, as well as Departmental charges, which can lead to termination.*

Failure or refusal to complete the form will result in the member being placed on modified assignment and subject the member to disciplinary action.

RELATED PROCEDURES

Modified Assignment (P.G. 206-10)
Removal and Restoration of Firearms (P.G. 206-17)
Allegation of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)
Family Offenses and Domestic Violence Involving Uniformed or Civilian Members of the Service (P.G. 208-37)
Threats Against Members of the Service (P.G. 221-19)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)

FORMS AND REPORTS

ACKNOWLEDGEMENT OF RESPONSIBILITIES CONCERNING COURT ORDER LIMITING FIREARMS POSSESSION (PD424-010)
FORCE RECORD (PD406-143)
IDENTIFICATION CARD (PD416-091)
PROPERTY CLERK INVOICE (PD521-141)
Typed Letterhead

DEFINITIONS

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

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

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

SCOPE

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

WHERE RECORDED

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

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

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

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

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

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

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

SCOPE (continued)

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

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

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

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

[a] If the location of the rape/Criminal Sexual Act is KNOWN, the complaint will be recorded in the precinct where the rape/criminal sexual act occurred.

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

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

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

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

HOUSING BUREAU INCIDENTS:

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

TRANSIT BUREAU INCIDENTS**:**

Complaints under the jurisdiction of the Transit Bureau, that occur on a moving train, will be recorded as occurring at the next (very first) station where the train stops, regardless of precinct or borough boundaries. In a continuous event that

SCOPE (continued) begins on-transit system but ends off-transit system, or vice versa, the jurisdictional determinant will be the location where the incident originally started. For example, a continuous event that starts on a subway train but ends in the street, will be recorded as being under the jurisdiction of the NYPD Transit Bureau.

COMPLAINT REPORTING FORMS

- **COMPLAINT REPORT WORKSHEET (PD313-152A) -** Used by reporting members to report all complaints. The "Crime Incident Data" captions on the reverse side of the form will be utilized when reporting ALL crimes and violations.
- **COMPLAINT REPORT (PD313-152)** - A report generated by the OMNIFORM System and prepared from the information recorded on the **COMPLAINT REPORT WORKSHEET** submitted by the reporting member.
- **COMPLAINT INDEX REPORT** - A report generated by the OMNIFORM System used to chronologically record and catalog complaints received.
- **OMNIFORM COMPLAINT REVISION -** Used by reporting/investigating officers to report additional information as per *P.G. 207-09, "Follow-Up Investigation Of Complaints Already Recorded."*
- **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) and SECOND SHEET (PD313-081A)** - Used by reporting/investigating officers to report additional information **NOT** reported on an **Omniform Complaint Revision** as per *P.G. 207-09, "Follow-Up Investigation Of Complaints Already Recorded."*

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

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

PROCEDURE (continued)

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

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

ADDITIONAL DATA

When multiple offenses have occurred, for crime reporting purposes, the incident will be classified based on the "top," or most serious offense under the hierarchy generally known as the "Seven Major Felony Rule." The order of offenses under that rule, beginning with the most serious, is as follows:

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

ADDITIONAL DATA (continued)

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

The attempt to commit any of the above offenses will be counted as the completed offense, except Attempted Murder, which will be counted as a Felonious Assault.
Under this Seven Major Felony Rule, a murder/robbery is classified as Murder; a rape 1st/robbery, or rape 1st/felonious assault, or rape 1st/burglary is classified as Rape 1st. Any of the seven major felonies coupled with any other offense not within the seven major felony category will be classified as the appropriate major felony. For example:

a. Murder/kidnapping will be classified as Murder;
b. Rape 1st/kidnapping will be classified as Rape 1st;
c. Robbery/ Criminal Sexual Act 1st will be classified as a Robbery;
d. Robbery/kidnapping will be classified as a Robbery.

If any of the reported offenses are not one of the seven major felonies, the crime classification will be determined in the following order:

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

Proper preparation of Complaint Reporting forms requires that when space is insufficient to complete entries, additional forms will be prepared as follows:

FORM BEING PREPARED	***ADDITIONAL FORM TO BE USED***
COMPLAINT REPORT WORKSHEET	***COMPLAINT REPORT WORKSHEET***
COMPLAINT FOLLOW-UP INFORMATIONAL (pink)	***COMPLAINT FOLLOW-UP INFORMATIONAL SECOND SHEET***

The following situations are applicable to the above:
*a. Space is insufficient in the "Property" or "Details" areas of the **COMPLAINT REPORT WORKSHEET**.*

*For **COMPLAINT REPORT WORKSHEETS** only, when required to record additional victims, witnesses, vehicles, property, and/or perpetrators that do not fit in the captions on the worksheet, use another **WORKSHEET** and not the details area. DO NOT enter basic information in details section but utilize appropriate captions on form(s). Use as many worksheets as is necessary (e.g., 10 victims then use 10 forms; 10 perpetrators then use 5 forms).*

ADDITIONAL DATA (continued)

A SEPARATE COMPLAINT REPORT WILL BE PREPARED FOR:

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

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

*In cases where more than two wanted or arrested persons are being reported on a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink)**, another such form, not a **SECOND SHEET**, will be used.*

The additional forms prepared must be securely stapled to the basic document before forwarding, and the following captions on the forms will be completed:

a. Page _____ of _____ pages
b. PRECINCT
c. COMPLAINT NUMBER
d. DATE

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

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

***COMPLAINT REPORT WORKSHEET** and appropriate copies of **COMPLAINT FOLLOW-UP INFORMATIONAL (pink)**, if any, must be preserved, even if the information is later transferred word for word to permanent records. Such forms/reports will be attached to the precinct file copy of the relevant **COMPLAINT REPORT**.*

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

FORMS AND REPORTS

COMPLAINT FOLLOW-UP INFORMATIONAL and SECOND SHEET (PD313-081A)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-02	
COMPLAINTS NOT RECORDED ON COMPLAINT REPORT			
DATE ISSUED: 05/13/21	DATE EFFECTIVE: 05/13/21	REVISION NUMBER:	PAGE: 1 of 3

COMPLAINT	**HOW RECORDED OR REFERRED**
1. Complaints of Juvenile Delinquency (Except selected offenses listed in *P.G. 207-01, "Complaint Reporting System*").	➢ **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** see *P.G. 215-08, "On-Line Juvenile Report System."*
2. Truancy	➢ **YOUTH REFERRAL (PD377-153**) see *P.G. 215-07, "Truants."*
3. Person in need of supervision (PINS) male/female less than eighteen years of age.	➢ **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** see *P.G. 215-08, "*On-Line Juvenile Report System".
4. Persons wanted for crimes in or by other jurisdictions.	➢ Referred to detective squads concerned for appropriate follow-up.
5. Civilian Complaints made against uniformed members of the service under the jurisdiction of the Civilian Complaint Review Board.	➢ **CIVILIAN COMPLAINT REPORT** (**PD313-154**), **CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)**, inform Civilian Complaint Review Board and make Command Log entry, (if no Command Log then prepare **Typed Letterhead**) *see P.G. 207-31, "Processing Civilian Complaints.*"
6. Civilian Complaints made against civilian members of the service, including Traffic Enforcement Agents.	➢ **CIVILIAN COMPLAINT REPORT (PD313-154), CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)**, inform Internal Affairs Bureau and make Command Log entry (if no Command Log then prepare **Typed Letterhead**) *see P.G. 207-31, "Processing Civilian Complaints."*
7. Allegation of corruption and/or serious misconduct and/or misconduct involving another member of the service.	➢ Internal Affairs Bureau, see *P.G. 207-21, "Allegations Of Corruption And Other Misconduct Against Members of The Service."*
8. Allegation of corruption and/or serious misconduct and/or misconduct against self.	➢ Call supervising officer to scene, see *P.G. 207-21, "Allegations Of Corruption And Other Misconduct Against Members Of The Service."*
9. Allegation of corruption and/or serious misconduct and/or misconduct against any federal, state, or city employee other than a member of the service.	➢ Commanding Officer (if absent, highest ranking supervisor) **and** Internal Affairs Bureau, see *P.G. 207-22,* "*Allegations Of Corruption Against City Employees (Other Than Members Of The New York City Police Department)."*

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

15. PICK-UP ARRESTS FOR THE FOLLOWING OFFENSES WILL BE RECORDED ON **OLBS ARREST WORKSHEET (PD244-159)** when there are **NO ADDITIONAL CHARGES** which require a complaint report:
    a. Summonsable regulations of the New York City Administrative and Health Codes.
    b. Rules and Regulations of the Parks Department.
    c. Section 140.05, Penal Law - Trespass (Violation).
    d. Section 140.10, Penal Law - Criminal Trespass, 3rd Degree (B Misdemeanor).
    e. Section 240.40, Penal Law - Appearance in public under the influence of narcotics or drugs other than alcohol (Violation).
    f. Section 240.20, Penal Law - Disorderly Conduct (Violation).
    g. Section 165.15, Penal Law - Theft of Services (A Misdemeanor).
    h. Section 230.00, Penal Law - Prostitution.
    i. Section 240.35, Penal Law - Loitering (Violation) (EXCEPT subdivision two for which a **COMPLAINT REPORT** will be prepared and forwarded as per instructions in *P.G. 207-08, "Preliminary Investigation Of Vice Related, Narcotics Or Organized Crime Related Complaints"*).

NOTE *When an arrest has been made exclusively for the offenses listed in items 'a' through 'j' above, the On Line Complaint System will reject the **COMPLAINT REPORT**.*

*When the above offenses involve multiple arrests stemming from the same incident, enter the letter "C" in the COMPLAINT NUMBER BOX (Line 28) of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and C-1, C-2 for each subsequent arrest, e.g., C-7 would indicate eight persons have been arrested.*

FORMS AND REPORTS

CIVILIAN COMPLAINT REPORT (PD313-154)
CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
REPORT OF UNCLAIMED PROPERTY (PD542-122)
YOUTH REFERRAL (PD377-153)

RELATED PROCEDURES

Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)
Allegations of Corruption Against City Employees (Other than Members of the NYPD) (P.G. 207-22)
Processing Civilian Complaints (P.G. 207-30)
Unreasonable Noise Violations (P.G. 214-23)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Processing Found Property (P.G. 218-26)

PATROL GUIDE

Section: Complaints		Procedure No: 207-03	
VOIDING COMPLAINT REPORTS			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To eliminate complaints which were improperly recorded.

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

DESK OFFICER

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

IF COMPLAINT REPORT HAS NOT BEEN FINALIZED:

COMMAND CLERK

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

IF COMPLAINT REPORT HAS BEEN FINALIZED:

DESK OFFICER

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

COMMAND CLERK

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

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

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

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

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

RELATED PROCEDURES *Complaint Reporting System (P.G. 207-01)*
Complaints Not Recorded On Complaint Report (P.G. 207-02)
Citywide Intelligence Reporting System (P.G. 212-12)

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints	Procedure No: 207-04

REPORTING OF COMPLAINTS OCCURRING IN ANOTHER COMMAND

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 2

PURPOSE To refer certain complaints occurring in another command.

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

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

MEMBER OF THE SERVICE

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

DESK OFFICER (PRECINCT TAKING REPORT)

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

COMMAND CLERK (PRECINCT TAKING REPORT)

6. Telephone/Fax **COMPLAINT REPORT WORKSHEET** to precinct/ transit district of record.

NOTE *DO NOT input data into the OMNIFORM System UNLESS the incident which required the preparation of the **COMPLAINT REPORT WORKSHEET** occurred within the boundaries of the precinct/transit district of record (see SCOPE statement).*

*If **COMPLAINT REPORT WORKSHEET** is faxed (not telephoned) to precinct/transit district of record, the precinct/district of record will retain and file the faxed copy, i.e., the fax is NOT to be discarded.*

COMMAND CLERK (PRECINCT TAKING REPORT) (continued)

7. Enter precinct and/or transit district of record and title/rank, name of member of the service receiving complaint at precinct/transit district of record under "Details" on **COMPLAINT REPORT WORKSHEET**.
8. Retain **COMPLAINT REPORT WORKSHEET** in command file.

COMMAND CLERK, PRECINCT/ TRANSIT DISTRICT OF RECORD

9. Record and process complaint as if received directly from complainant and comply with provisions of *P.G. 207-07, "Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotics Complaints").*
   a. If report was faxed, retain faxed copy in command file.

ADDITIONAL DATA *A complaint received in writing is forwarded direct to precinct/transit district of record.* ***COMPLAINT REPORT*** *is not prepared in the command that forwarded the report.*

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

PATROL GUIDE

Section: Complaints		Procedure No: 207-05	
DUPLICATE COPIES OF COMPLAINT REPORTS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 3

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

PROCEDURE When other commands or agencies require duplicate copies of the **COMPLAINT REPORT**.

DESK OFFICER

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

COMPLAINT	DUPLICATE COPY FOR
1. Occurring on property of Transit Authority	✓ New York City Transit
2. Occurring on property of Housing Authority	✓ New York City Housing Authority
3. Pistol licensee cannot be found or fails to produce his/her pistol	✓ License Division, Pistol License Section
4. Involving conduct of attorneys	✓ Deputy Commissioner-Legal Matters
5. Occurring on piers and bulkheads; boats in docks, secured at piers or bulkheads and on waterways within New York City; all incidents involving boats and jet skis (i.e., thefts of or from); evidence or contraband disposed of in the various city waterways, including lakes, ponds and rivers.	✓ Harbor Unit
6. Involving pharmacist, drug wholesaler, manufacturer or associated person re: manufacture, sale or distribution of drugs	✓ State Board of Pharmacy
7. Pickpocket and confidence game	✓ Special Frauds Squad
8. Involving credit cards	✓ Special Frauds Squad
9. Involving dealers in rifles or shotguns, licensed by the Firearms Control Board	✓ License Division, Rifle and Shotgun Section
10. Lost/stolen auxiliary police shield	✓ Auxiliary Police Section
11. Lost, stolen rifles or shotguns, or rifles or shotguns used in commission of a crime which have been recovered	✓ License Division, Rifle and Shotgun Section
12. Involving actual bombing or threat of bombing	✓ Internal Revenue Service-Assistant Regional Commissioner, Alcohol, Tobacco and Firearms Division
13. Involving food stamps	✓ U.S. Department of Agriculture
14. Occurring on Department of Education property or involves personnel of Department of Education	✓ School Safety Division

15. Involving property theft exceeding $5,000 and property is identifiable through serial numbers or markings (excluding autos)	✓ FBI, Major Theft Squad ✓ Major Case Unit
16. Involving licensed tow car owner/operator	✓ Department of Consumer Affairs
17. Involving arson or stolen/recovered explosives	✓ Arson and Explosion Squad
18. Involving arson, attempted arson, or related criminal mischief	✓ New York City Fire Department, Division of Fire Investigation
19. Occurring in a New York City municipal garage or municipal parking lot	✓ New York City Department of Transportation, Bureau of Traffic Operations
20. Occurring on Federal facility	✓ Federal Protective Service
21. Occurring on LIRR facility/Metro-North facility	✓ MTA Police
22. Occurring on CSX Transportation Company facility	✓ CSX Police
23. Occurring on property under jurisdiction of NYC Health and Hospital Corporation	✓ Health and Hospitals Corporation
24. Occurring on Port Authority facility	✓ Port Authority Police
25. Occurring on property under jurisdiction of NYC Department of Parks & Recreation	✓ NYC Department of Parks & Recreation
26. Robbery/attempted robbery and homicide/attempted homicide of drivers of medallion taxicabs, non-medallion for-hire vehicles, and delivery trucks	✓ Central Robbery Unit
27. Burglary, larceny or criminal mischief of public fallout shelter	✓ Auxiliary Police Section
28. Complaints affecting Police Headquarters area	✓ Police Headquarters Security Unit
29. Impersonation of police officer	✓ Internal Affairs Bureau (Police Impersonation Investigation Unit)
30. Lost/stolen Department property	✓ Quartermaster Section and patrol borough, detective borough or bureau concerned
31. Department of Health employees or persons impersonating Department of Health employees	✓ Inspector General, Department of Health
32. Involving suicide/suspicious deaths of U.S. Army members or their immediate family dependents	✓ U.S. Army Criminal Investigation Division
33. Any incident involving licensed yellow medallion taxis, for-hire vehicles (liveries/limousines) or their owner/drivers	✓ NYC Taxi and Limousine Commission

34. A complaint against a federal, state or city employee other than a member of the service, that does not involve an allegation of corruption and/or serious misconduct and/or misconduct (for example, driving while intoxicated or domestic violence)	✓ Internal Affairs Bureau
35. Complaints of: (1) All sex crimes or attempts against any person of any age (2) Child Abuse: victim less than eleven years of age	✓ Special Victims Unit (Special Victims Unit will distribute copies to subordinate units, as appropriate).

NOTE *ANY complaint involving sex related offenses, including secondary offenses that are sex related, requires a duplicate copy of the* ***COMPLAINT REPORT*** *to be forwarded to the Special Victims Unit.*

36. Any graffiti incident involving defacement of public or private property	✓ Citywide Vandals Task Force
37. Defacement of New York City Transit facility property or the theft of any material from New York City Transit facilities (e.g., copper cable)	✓ Citywide Vandals Task Force
38. Involving Identity Theft	✓ Financial Crimes Task Force
39. Any offense and prisoner is a registered sex offender	✓ Sex Offender Monitoring Unit
40. Any complaint involving any ATM related larceny or attempt	✓ Detective Bureau MS, MN, BX, BS, BN, QS, QN or SI Grand Larceny Squad concerned
41. Any complaint involving a skimmer device	✓ Financial Crimes Task Force
42. Any complaint involving the recording of personal financial information	✓ Financial Crimes Task Force

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

PATROL GUIDE

Section: Complaints		Procedure No: 207-06	
NOTIFICATIONS			
DATE ISSUED: 06/13/19	DATE EFFECTIVE: 06/13/19	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To make special notifications for certain complaints.

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

DESK OFFICER 1. Notify the Operations Unit direct for:

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

2. Notify units/agencies DIRECTLY for the following:
   a. Child under eighteen years of age: ABUSED, NEGLECTED OR MALTREATED - notify New York State Child Abuse and Maltreated Register.
   b. IMPERSONATION OF A POLICE OFFICER - notify Command Center, Internal Affairs Bureau at (212) 741-8401.

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

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

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

DESK OFFICER (continued)

d. Any complaint involving an ATM related larceny or attempt - notify the Detective Bureau's MS, MN, BX, BS, BN, QS, QN or SI Grand Larceny Squad concerned via email at MSGLS@NYPD.org, MNGLS@NYPD.org, BXGLS@NYPD.org, BSGLS@NYPD.org, BNGLS@NYPD.org, QSGLS@NYPD.org, QNGLS@NYPD.org or SIGLS@NYPD.org and provide details.

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

f. Any complaint of sexual assault or sexual harassment of a prisoner while the prisoner is in custody of this Department – notify Criminal Justice Bureau of details via email at cjb@nypd.org.

PUBLIC WELFARE AND PUBLIC ASSISTANCE FRAUDS:

UNIFORMED MEMBER OF THE SERVICE

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

COMMANDING OFFICER

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

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

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

ADDITIONAL DATA (continued)

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

RELATED PROCEDURES

Complaints Not Recorded On Complaint Report (P.G. 207-02)
Duplicate Copies Of Complaint Reports (P.G. 207-05)
On-Line Booking System Computerized Arrest Notification Printout (P.G. 208-68)
Notifications - Certain Arrest Situations (P.G. 208-69)
City Policy Concerning Identifying Information and Access to City Services (P.G. 212-66)
Requests to Provide City Resources for Immigration Enforcement (212-126)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

Section: Complaints		Procedure No: 207-07	
PRELIMINARY INVESTIGATION OF COMPLAINTS (OTHER THAN VICE RELATED OR NARCOTICS COMPLAINTS)			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 7

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

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

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

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

PROCEDURE When assigned to investigate a complaint:

UNIFORMED MEMBER OF THE SERVICE

1. Interview complainant and any witnesses, obtain facts and safeguard evidence.
   a. DO NOT DISTURB POSSIBLE EVIDENCE AT A CRIME SCENE (see *P.G. 212-04, "Crime Scene"*).
2. Comply with *P.G. 212-90, "Guidelines for Interaction with Limited English Proficient (LEP) Persons,"* if complainant or witness appears to have difficulty understanding/communicating in English.
3. Comply with *P.G. 212-104, "Interaction with Hearing Impaired Persons,"* if complainant or witness appears to be hearing impaired.
4. Conduct thorough field investigation.
   a. Transmit alarm, if necessary.
   b. Where necessary, attempt to have witnesses remain and immediately record their names, addresses, telephone numbers, dates of birth, any relevant statements whether casually or formally made, and any other pertinent information.
   c. Make preliminary classification of "Complaint Type."
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   a. Comply with the **Crime Complaint Reporting System Reference Guide**.
   b. Indicate preliminary "Classification Type."
   c. Record sufficient facts that caused determination of preliminary classification of crime.

UNIFORMED MEMBER OF THE SERVICE (continued)

d. Indicate in the appropriate box on **COMPLAINT REPORT WORKSHEET** above the "Details" section whether an interpreter was used during the preliminary investigation and list the name, address and telephone number of the interpreter, as appropriate.

e. Indicate "yes" and the appropriate language under the caption "Is this person not proficient in English" in the victim and reporter/witness sections of the **COMPLAINT REPORT WORKSHEET**, if the listed person has apparent difficulty understanding/communicating in English, regardless of whether or not further investigation is required.

f. Indicate "Yes" or "No," as appropriate, in the "Victim of Similar Incident" caption located within the "Victim" section.

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

6. Determine if complaint should be closed or referred for further investigation.
   a. Refer complaint if it is determined through the field investigation that there is a need for a specialist or other investigative unit to conduct a further investigation.
   b. Consult with patrol supervisor or desk officer, if doubt exists as to whether a complaint should be closed or referred for investigation.
7. Notify and refer the case to the detective squad when further investigation is required for the following:
   a. Any offense and victim suffers a serious physical injury including assault
   b. Robbery, where a firearm or dangerous instrument was used or the victim is a senior citizen (sixty years of age or older)
   c. Burglary and person present or property valued over $5,000.00 ($10,000.00 in Manhattan) was taken or firearm or safe involved
   d. Crime was committed with a unique/unusual modus operandi
   e. Complainant was the victim of the same or similar crime within the last six months
   f. Perpetrator may be identified or is known
   g. Similar crimes have been committed in the vicinity
   h. Complainant, or offense committed, may create unusual community or police interest
   i. Impersonation of a police officer or other law enforcement officer
      (1) Notify Internal Affairs Bureau for <u>any</u> police impersonation as per *P.G. 207-14, "Robbery Complaints Involving Police Impersonation"*
      (2) An impersonation of a law enforcement officer coupled <u>with</u> a robbery will be <u>referred</u> to the Internal Affairs Bureau – Police Impersonation Investigation Unit (PIIU) and not the detective squad

UNIFORMED MEMBER OF THE SERVICE (continued)

j. Identity theft
   (1) The Financial Crimes Task Force will be responsible for the investigation of all cases involving identity theft related larcenies where loss is valued at $5,000 or more, or there is a pattern involving more than one NYPD precinct, or for any case where the expertise, equipment and resources of the Financial Crimes Task Force are most appropriate to the investigation
k. Other complaints as deemed necessary by competent authority.

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

ASSIGNED DETECTIVE

9. Perform step "8" while conducting follow-up investigation if circumstances prevented uniformed member of the service from making the personal notification.
   a. Document notification on **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)**.

UNIFORMED MEMBER OF THE SERVICE

10. Promptly notify the desk officer, precinct of occurrence, from scene of incident in order to ensure response of appropriate unit in the following cases:
   a. MAJOR CASE UNIT
      (1) Burglary or attempt of a bank or bank safe
      (2) Larceny by extortion or attempt, from a bank
      (3) Robbery or attempt of a bank and perpetrator not armed (simulated gun, threatening note, etc.)
      (4) Burglary of a truck contents over $100,000.00
      (5) Larceny of a truck contents over $100,000.00
      (6) Robbery of truck and contents by hijacking
      (7) All robberies in warehouse depots or similar locations where the object of the crime is a truck or its contents
      (8) All commercial burglaries in which the value of property stolen exceeds $100,000.00
      (9) Art theft.
   b. JOINT BANK ROBBERY TASK FORCE
      (1) All armed bank robberies.
   c. HIGHWAY DISTRICT
      (1) All motor vehicle/bicycle collisions which result in death, serious injury and likely to die, or critical injury to an individual.
   d. SPECIAL VICTIMS UNIT
      (1) All sex crimes or attempts against any person of any age (see *P.G. 207-38, "Complaints Involving Sex Crimes"*)

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Any allegation that a child less than eleven years of age is the victim of abuse inflicted by a parent or person legally responsible for the child's care (see *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children"*).

DESK OFFICER

11. Promptly report ALL cases listed directly above to the appropriate units.
    a. Notify the desk officer, police service area (PSA)/transit district when incident occurs on housing/transit jurisdiction, as appropriate.

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

14. Carefully examine **COMPLAINT REPORT WORKSHEET** for accuracy and completeness.
15. The following list, while not exclusive, should be closely scrutinized when examining **COMPLAINT REPORT WORKSHEET**:
    a. Verify that required notifications and proper referral of active cases have been made
    b. Ensure proper jurisdiction code is indicated
    c. Ensure the offense is classified properly.
16. Comply with **Crime Complaint Reporting System Reference Guide** to ensure proper crime classification.
17. Sign **COMPLAINT REPORT WORKSHEET** and have command clerk enter complaint into the OMNIFORM System.
    a. The OMNIFORM System will automatically assign next complaint number.

COMMAND CLERK

18. Enter information into OMNIFORM System from **COMPLAINT REPORT WORKSHEET**.

DESK OFFICER

19. Carefully examine the completed **COMPLAINT REPORT** and make certain that necessary captions (i.e., "Details" section) have been completed and accurately transposed and that the documentation accurately reflects crime classification.
    a. Take corrective action, as necessary.
20. Finalize (i.e., sign-off) the **COMPLAINT REPORT** utilizing the OMNIFORM System if **REPORT** is accurate and complete.

COMMAND CLERK

21. Distribute copies of **COMPLAINT REPORT**.
    a. Attach "ADA" copy of **PROPERTY CLERK INVOICE (PD521-141)**, if prepared, to copy of **COMPLAINT REPORT** forwarded for investigation.
    b. In cases closed by the reporting member, a copy of the **COMPLAINT REPORT** will be forwarded to the detective squad.
    c. Additional copies of **COMPLAINT REPORT(S)** will be forwarded pursuant to *P.G. 207-05, "Duplicate Copies of Complaint Reports"* and any other relevant Orders or directives.

DESK OFFICER

22. Ensure that copies of **COMPLAINT REPORT** are properly distributed by command clerk.
23. Ensure that all members of the service are complying with current complaint reporting procedures.
    a. Instruct members of the service (especially those with recurrent or serious mistakes) in proper procedures for preparing **WORKSHEETS** and **COMPLAINT REPORTS**.
        (1) Monitor and follow-up as necessary.
        (2) Advise training sergeant of deficiencies.

PLATOON COMMANDER

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

COMMANDING OFFICER

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

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

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

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

ADDITIONAL DATA (continued)

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

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

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

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

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

*Complaints of robbery/attempted robbery and homicide/attempted homicide of drivers of medallion taxicabs, non-medallion for-hire vehicles, and delivery trucks require a notification to the Central Robbery Unit. Desk officers will fax the **COMPLAINT REPORT** 24 hours a day, 7 days a week, to the Central Robbery Unit. A member from the Central Robbery Unit will then make a follow-up notification, Monday - Friday, 0700-2300 hours, to the desk officer of the reporting command and assign a Central Robbery Unit serial number to the complaint. This serial number and the name of the Central Robbery Unit member will be entered under "Details" section of the **COMPLAINT REPORT**. When preparing the **COMPLAINT REPORT WORKSHEET**, reporting members will include home and work telephone numbers of the victim. Also, include the vehicle's status (i.e., medallion taxi or non-medallion, for-hire vehicle), the presence or lack of a partition between the driver and passenger compartments, the location where the perpetrator was picked up and, if possible, the route traveled.*

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Preliminary Investigation of Vice Related, Narcotics and Organized Crime Related Complaints (P.G. 207-08)
Duplicate Copies of Complaint Reports (P.G. 207-05)

RELATED PROCEDURES (continued)

Lost or Stolen Property /Identity Theft (P.G. 207-12)
Robbery Complaints Involving Police Impersonation (P.G. 207-14)
Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)
COMPLAINT REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)
OFFICIAL LETTERHEAD (PD158-151)
PROPERTY CLERK INVOICE (PD521-141)
Crime Complaint Reporting System Reference Guide

Section: Complaints		Procedure No: 207-08	
PRELIMINARY INVESTIGATION OF VICE, NARCOTICS OR ORGANIZED CRIME-RELATED COMPLAINTS			
DATE ISSUED: 09/14/20	DATE EFFECTIVE: 09/14/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To record and refer complaints of vice, narcotics and organized crime-related offenses.

DEFINITIONS NARCOTIC OFFENSES - Violations of law related to the sale and possession of controlled substances and marijuana as defined in Articles 220 and 221 of the Penal Law, and any case of found controlled substances in which the amount exceeds two ounces, or found marijuana in which the amount exceeds two pounds.

VICE RELATED OFFENSES - violations of law related to illegal gambling, loan sharking, prostitution, sexual exploitation of children, fireworks, untaxed cigarettes, human trafficking, unlicensed social clubs, ABC/SLA violations or any incident that effects the licensing of bars/clubs.

FIREARMS OFFENSES - violations of law related to the sale or possession of illegal firearms.

ORGANIZED CRIME RELATED OFFENSES - these include but are not limited to, those offenses under the purview of the Detective Bureau, such as traditional and non-traditional organized crime, money laundering, labor racketeering, trademark counterfeiting, offenses involving the private carting industry, city owned wholesale markets, shipboard gambling and organized theft of motor vehicles, motor vehicle parts, and motor vehicle insurance frauds.

PUBLIC PREMISES - Any building, or portion thereof, to which the public or a substantial group of persons has access and in which vice, narcotics or organized crime-related offenses are suspected of occurring.

PROCEDURE When assigned to investigate vice, narcotics or organized crime-related offenses:

UNIFORMED MEMBER OF THE SERVICE

1. Make preliminary investigation and take summary action if offense committed in presence.
2. Request patrol supervisor to respond.
   a. If patrol supervisor is not available, contact desk officer and comply with instructions.
3. DO NOT ENTER PUBLIC PREMISES to conduct an investigation of an on-going complaint unless authorized by the patrol supervisor, desk officer, or other competent authority.

PATROL SUPERVISOR/ DESK OFFICER

4. Determine action to be taken regarding ongoing complaints, in public premises, by taking into consideration:
   a. History of premises
   b. Seriousness of complaint

PATROL SUPERVISOR/ DESK OFFICER (continued)

c. Facts alleged in complaint
d. If assignment of uniformed personnel would be effective
e. If assignment of uniformed personnel would interfere with a covert operation.

UNIFORMED MEMBER OF THE SERVICE

5. Report disposition to radio dispatcher.
6. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and deliver to desk officer.

DESK OFFICER

7. Direct member of the service to notify Investigative Support Section, Real Time Crime Center.
   a. Ensure Investigative Support Section serial number, rank, name and tax number of member receiving report is entered on **COMPLAINT REPORT WORKSHEET**.
8. Forward original written communication, if received in writing, to Investigative Support Section, Real Time Crime Center, and attach photocopy of written communication to file copy of **COMPLAINT REPORT WORKSHEET**.
9. Forward **COMPLAINT REPORT WORKSHEET** to commanding officer.

COMMANDING OFFICER

10. Review **COMPLAINT REPORT WORKSHEETS** referred to Investigative Support Section.
11. Have **COMPLAINT REPORT WORKSHEETS** filed chronologically in rear of complaint file marked "Complaints Referred to Detective Bureau."

ADDITIONAL DATA

*Any arrest made by uniformed personnel regarding vice, narcotics or organized crime-related offenses (except those offenses listed in P.G. 207-02, "Complaints Not Recorded On Complaint Report," step "15"), will be considered a pick-up arrest and a precinct complaint serial number will be assigned. Additionally, incidents of found controlled substances or drug paraphernalia, in any amount, when found in a building, will be entered on the precinct of occurrence **COMPLAINT INDEX REPORT** and a precinct complaint number assigned. Additional copies of the **COMPLAINT REPORT** will be sent as follows:*

*a. In arrest situations, a copy of the **COMPLAINT REPORT** will be forwarded to the Investigative Support Section, or*

*b. In instances where controlled substance/drug paraphernalia is found in a building, a copy of the **COMPLAINT REPORT** will be forwarded to the concerned narcotics borough for informational purposes.*

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

When a complaint is received at a Department unit other than a precinct/transit district/police service area, the member receiving the complaint will:

ADDITIONAL DATA (continued)

a. Telephone the details to the Investigative Support Section.

*b. Enter the Investigative Support Section serial number with the name and shield number of the member receiving report in the **Telephone Record**.*

*A **COMPLAINT REPORT** containing multiple offenses will be classified according to the most serious offense and referred to the unit charged with investigating such offenses. However, if a secondary offense is related to vice, narcotics or organized crime, an additional copy of the **COMPLAINT REPORT** will be sent to the Investigative Support Section. Furthermore, if the investigating officer prepares an **Omniform Complaint Revision**, a copy of such report will also be forwarded to Investigative Support Section.*

The Commanding Officer, Investigative Support Section, may classify the following complaints received at the Investigative Support Section as street conditions, and may refer them via the Chief of Department, to the command concerned for necessary attention:

a. Loitering for prostitution
b. Loitering for narcotics
c. Dice game on street
d. Sale of intoxicants to minors
e. Sale of intoxicants to intoxicated persons
f. Alcohol Beverage Control sale during prohibited hours
g. Unnecessary noise in licensed premises
h. Disputes in licensed premises
i. Unlicensed cabaret.

SAFETY GUIDELINES AT ILLICIT DRUG LABORATORIES

When a uniformed member of the service has cause to investigate a suspected drug laboratory, an immediate notification will be made to the desk officer, precinct of occurrence. The desk officer will notify the Police Laboratory without delay, requesting a chemist be dispatched to the scene immediately. Certain substances in a laboratory are highly volatile, therefore, ALL members of the service will follow these safety guidelines:

a. Ventilate the laboratory by opening doors and windows
b. DO NOT turn on lights or use flashlights until the area is well ventilated. If necessary to enter prior to the room being ventilated, a flashlight should be turned on BEFORE entering the area
c. DO NOT smoke at the scene
d. Use your nose. If vapors are very strong or there is any odor of bitter almonds, remain outside and await arrival of the laboratory chemist
e. DO NOT use Department radios while inside the laboratory
f. DO NOT disturb flasks or containers that are being heated or cooled. Direct the attention of the chemist to such items
g. DO NOT allow acid and cyanide to be mixed or come together. The fumes from this mixture can cause death.

When a search warrant has been obtained for a suspected drug laboratory, the Police Laboratory will be notified and the chemist will accompany the unit executing the warrant.

ADDITIONAL DATA (continued)

THREE CARD MONTE GAMES

Precinct/transit bureau/police service area commanders, when conditions warrant, will designate neighborhood coordination officers (NCOs) to respond to complaints of "three card monte" games. The Commanding Officer, Communications Section, will direct that all complaints of "three card monte" games received at 911 be referred by the 911 operator, directly to the telephone switchboard operator, precinct/transit district/police service area of occurrence. The telephone switchboard operator will enter the information in the ***TELEPHONE DISPATCH LOG (PD112-143)*** *and notify appropriate personnel at precinct/transit district/police service area concerned.*

In those instances in which NCOs are unavailable, AND/OR when some condition exists in conjunction with the "three card monte" game which requires immediate police response, e.g., assault in progress, etc., a marked radio motor patrol unit may be dispatched to the scene by the 911 operator or the telephone switchboard operator, as appropriate.

CHILD PORNOGRAPHY

A complaint involving child pornography (photos, movies, computer images, etc.) will be referred to the Vice Enforcement Coordinator's Major Case Team for investigation. The Vice Enforcement Coordinator will also investigate complaints involving other forms of sexual exploitation of children, including minors employed by peep shows, topless clubs, lap dancing clubs or escort services. Additionally, a telephone notification will be made to the Detective Bureau Wheel 24 hours a day, seven days a week, when child pornography is found or an arrest is made for any violation of Penal Law Article 263.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Complaints Not Recorded On Complaint Report (P.G. 207-02)
Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotic Complaints) (P.G. 207-07)
Citywide Intelligence Reporting System (P.G. 212-12)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT INDEX REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
TELEPHONE DISPATCH LOG (PD112-143)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-29	
FIELD REPORTS			
DATE ISSUED: 04/13/21	DATE EFFECTIVE: 04/13/21	REVISION NUMBER:	PAGE: 1 of 1

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

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

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

FORMS AND REPORT ***FIELD REPORT (PD313-1511)***

PATROL GUIDE

Section: Complaints		Procedure No: 207-10	
BIAS MOTIVATED INCIDENTS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 5

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

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

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

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

COMMANDING OFFICER/ DUTY CAPTAIN

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

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

PATROL SUPERVISOR

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

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

COMMANDING OFFICER/ DUTY CAPTAIN

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

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

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

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

DETECTIVE SQUAD MEMBER

20. Conduct an immediate investigation and confer with Hate Crime Unit personnel.
21. Forward additional copies of **COMPLAINT REPORT**, **Omniform Complaint Revision** and **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** to Commanding Officer, Hate Crime Unit direct within ten days of incident.

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

ECT PERSONNEL

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

COMMANDING OFFICER/HATE CRIME UNIT

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

COMMANDING OFFICER, COMMAND CONCERNED

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

CRIME PREVENTION OFFICER

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

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

COMMANDING OFFICER/HATE CRIME UNIT

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

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

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

COMMANDING OFFICER/ DUTY CAPTAIN

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

PRECINCT DETECTIVE

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

CRIME PREVENTION OFFICER

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

ADDITIONAL DATA

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

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

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
UNUSUAL OCCURRENCE REPORT (PD370-152)
Omniform Complaint Revision
Typed Letterhead

PATROL GUIDE

Section: Complaints	Procedure No: 207-11

PRELIMINARY INVESTIGATION, RECORDING AND TRANSMISSION OF ALARMS FOR STOLEN VEHICLES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 5

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

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

PROCEDURE When a complaint of a stolen vehicle is received:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to scene and conduct preliminary investigation.

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

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

2. Give complainant copy of **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT (PD371-082)** and **VEHICLE THEFT SUPPORTING DEPOSITION (PD371-083)** to prepare and sign.
3. Prepare **REPORT** and **DEPOSITION**, if complainant has a language barrier or other handicap, and have complainant sign both.
   a. If complainant refuses to prepare **REPORT** and/or **DEPOSITION** or sign **REPORT** and/or **DEPOSITION**, note fact on face of **REPORT/DEPOSITION** and sign.

NOTE *A refusal by the complainant to prepare a **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and/or **VEHICLE THEFT SUPPORTING DEPOSITION** does not preclude the requirement to prepare a **COMPLAINT REPORT WORKSHEET** and **COMPLAINT REPORT (PD313-152)** and to get an OMNIFORM System complaint number for such report.*

DESK OFFICER

4. Review **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION** for accuracy and legibility and sign.
5. Ascertain through the FINEST System:
   a. If vehicle has been impounded or repossessed
   b. If vehicle is wanted in connection with a crime
   c. If vehicle has been previously reported stolen
   d. Verification of Vehicle Identification Number (VIN) or ownership, if necessary
   e. Expiration date of registration plates, when necessary
   f. If vehicle was towed by rotation tow.
   g. If vehicle was relocated due to a special event by utilizing the TOPIS application.

STATIONHOUSE CLERK

6. Prepare **COMPLAINT REPORT WORKSHEET**, when required.

NOTE *Under no circumstances will the complainant be given a copy of the **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** or **VEHICLE THEFT SUPPORTING DEPOSITION**.*

IF COMPLAINANT APPEARS AT STATIONHOUSE TO REPORT AN AUTO LARCENY AND NO UNIFORMED MEMBER OF THE SERVICE IS AVAILABLE TO TAKE REPORT:

DESK OFFICER

7. Comply with steps 2 through 6, and corresponding *NOTES*, above.
8. Assign command clerk to assist complainant in preparing **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and/or **VEHICLE THEFT SUPPORTING DEPOSITION**, as necessary.
   a. Act as reviewing officer by signing completed **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION**.

NOTE *If complainant refuses to prepare **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and/or **VEHICLE THEFT SUPPORTING DEPOSITION**, desk officer will sign form as witness.*

UNIFORMED MEMBER OF THE SERVICE

9. Attach **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION** to **COMPLAINT REPORT WORKSHEET**.
10. Have alarm transmitted through the FINEST System and provide the following information:
    a. Rank, name, command and tax registry number
    b. Date, time and place of occurrence
    c. Complaint number from OMNIFORM System
    d. Type of complaint (Grand Larceny Auto, Unauthorized Use, etc.)

UNIFORMED MEMBER OF THE SERVICE (continued)

e. Make, year, model, style, color of vehicle
f. Registration plate numbers
g. State of registration and expiration date of plates
h. Type of plate (passenger, commercial, dealer, etc.)
i. Vehicle Identification Number (VIN)
j. Name, address and telephone number of registered owner
k. Name and address of insurance company and policy number, if available
l. Other information that might aid in vehicle's recovery.

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

11. CLOSE case EXCEPT if vehicle was used in the commission of a crime or other condition indicates that further investigation is necessary.

NOTE *Institute a telephone notification to the Stolen Property Inquiry Section for the transmittal of all Felony Vehicle Alarms.*

12. Refer **COMPLAINT REPORT**, with a copy of **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION**, to detective squad concerned if case remains open.

DESK OFFICER

13. Direct a standard NYSPIN inquiry be made via FINEST, by plate or VIN number, to verify that an alarm has been transmitted.
    a. Ensure that printed (hard) copy of NYSPIN alarm is accurate and attached to **COMPLAINT REPORT**.
14. Direct command clerk to prepare **COMPLAINT REPORT** utilizing OMNIFORM System.
    a. Ensure that original copy of **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION** is attached to precinct file copy of **COMPLAINT REPORT WORKSHEET**.

COMMAND CLERK

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

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

DESK OFFICER

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

FOLLOW-UP INVESTIGATION OF GRAND LARCENY AUTO COMPLAINTS:

ASSIGNED DETECTIVE

17. Interview complainant, either in person or by telephone, utilizing the format described in **VEHICLE THEFT FOLLOW-UP REPORT (PD371-081)**.
18. Record complainant's responses on **VEHICLE THEFT FOLLOW-UP REPORT**.
19. Confer with supervisor to determine if results of interview fall into three categories:
    a. Further investigation would prove positive
    b. Information received would be of value to other units within the Department, e.g., Auto Crime Unit.
    c. No further information available.
20. File **VEHICLE THEFT FOLLOW-UP REPORT** with **Omniform Complaint Revision**, if no further information is obtained.
21. Duplicate completed **VEHICLE THEFT FOLLOW-UP REPORT** and file duplicate copy with precinct file copy of **COMPLAINT REPORT WORKSHEET**.

ADDITIONAL DATA

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

*All complainants will be required to complete and sign the **VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT** and **VEHICLE THEFT SUPPORTING DEPOSITION** when reporting their vehicles stolen.*

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

*The arresting officer will be required, for affidavit preparation, to make two complainant notification attempts at reasonable intervals. If the arresting officer is unable to notify the complainant, the desk officer concerned will attempt to make a third notification. All notification attempts, dates and times are to be recorded in the narrative section of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**. If unable to notify the complainant, the arresting officer will request the precinct of occurrence (where the vehicle was reported stolen) to fax a copy of the **VEHICLE THEFT SUPPORTING DEPOSITION** and **COMPLAINT REPORT** to the precinct of arrest. Upon receipt of the completed **VEHICLE THEFT SUPPORTING DEPOSITION** and **COMPLAINT REPORT**, the arresting officer will then fax copies of these forms to the assigned assistant district attorney for affidavit preparation.*

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

ADDITIONAL DATA (continued)

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

The commitment to perform a preliminary canvass/investigation in regards to a past larceny of an auto should not be allowed to negatively impact on patrol strength. The desk officer has the discretion to utilize resources such as SP10, scooter personnel, etc., to complete the canvass/investigation.

RELATED PROCEDURES

Lost/Stolen Vehicle Plates, Licenses and other Department of Motor Vehicle Documents (P.G. 207-13)
Safeguarding Vehicles in Police Custody (P.G. 218-12)
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)
Vehicle Stolen Within New York City and Recovered Outside New York City or by the Port Authority Police (P.G. 218-16)
Derelict Vehicles Bearing Registration Plates (P.G. 214-29)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
VEHICLE THEFT FOLLOW-UP REPORT (PD371-081)
VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT (PD371-082)
VEHICLE THEFT SUPPORTING DEPOSITION (PD371-083)
Omniform Complaint Revision

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

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

COMPLAINTS OF LOST/STOLEN PROPERTY:

MEMBER OF THE SERVICE

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

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

4. Prepare a **COMPLAINT REPORT** or an **Omniform Complaint Revision** as appropriate, for all lost or stolen articles, including firearms. Ask the complainants if they know the serial numbers for such articles, and if they do, then include them in the **REPORT** or the **Revision**.
5. Request via telephone notification, to the Stolen Property Inquiry Section, that an alarm be transmitted for all lost or stolen articles containing serial numbers, including firearms, equipment, securities, currency and other documents. Do not forward hard copies of the **COMPLAINT REPORT** or **Omniform Complaint Revision** to SPIS WHEN THE SERIAL NUMBERS OF ARTICLES ARE KNOWN.
6. Provide the following information on lost or stolen firearms, via telephone, to SPIS:
   a. Make
   b. Model
   c. Caliber
   d. Type
   e. Serial Number
   f. Precinct
   g. Complaint number from OMNIFORM System

MEMBER OF THE SERVICE (continued)

h. Complainant's name and address
i. Whether or not UMOS owns firearm.

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

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

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

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

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

COMPLAINTS OF LOST/STOLEN PROPERTY INVOLVING IDENTITY THEFT:

MEMBER OF THE SERVICE

10. Instruct complainant to prepare pages 1 and 2 of **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** in their own handwriting.
    a. Furnish assistance or allow other person to assist in preparing the form, if necessary.
    b. Ensure complainant signs BOTH waivers on pages 1 and 2.
11. Comply with *P.G. 207-34, "Complaints Involving Identity Theft."*

ADDITIONAL DATA

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

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

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

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

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

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

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

ADDITIONAL DATA (continued)

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

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

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

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

RELATED PROCEDURES

Preliminary Investigation, Recording And Transmission Of Alarms For Stolen Vehicles (P.G. 207-11)
Lost/Stolen Vehicle Plates, Licenses, And Other Department Of Motor Vehicles Documents (P.G. 207-13)
Complaints Involving Identity Theft (P.G. 207-34)

FORMS AND REPORTS

COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)
IDENTITY THEFT - PRELIMINARY INVESTIGATION REPORT (PD313-084)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
VERIFICATION OF CRIME/LOST OR STOLEN PROPERTY (PD542-061)
Omniform Complaint Revision

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

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

MEMBER OF THE SERVICE

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

VEHICLE LICENSE PLATES:

MEMBER OF THE SERVICE

2. Ascertain that complainant is registered owner or a true representative of the owner of the plate(s).
3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
   a. IF ONE PLATE IS MISSING and there is no other evidence to suggest a larceny or other crime, classify the complaint as lost property and close complaint immediately as referred to Department of Motor Vehicles. Whether the complaint is classified as a crime (e.g., larceny) or lost property, direct the owner/representative to turn in the remaining plate to the Department of Motor Vehicles. Advise complainant to contact the precinct after the plate is turned in for transmission of an alarm. A person subsequently found to be in possession of a lost license plate can be charged with larceny by *acquiring lost property* (Penal Law 155.05 subd. 2b). A license plate missing from an out of state registered vehicle and only required to have one plate will *not* be classified as a larceny or other crime unless there is additional evidence to support the crime. An alarm, however, will be transmitted in all cases.

NOTE *When one plate is missing from a vehicle registered to this Department, have alarm transmitted as soon as possible via FINEST System and attach copy of NYSPIN acknowledgement to* ***COMPLAINT REPORT (PD313-152)****. Ensure that the "DETAILS" section of the* ***COMPLAINT REPORT*** *includes that the missing/stolen plate is registered to a Department vehicle.*

   b. IF BOTH PLATES ARE MISSING - have alarm transmitted via FINEST System and attach copy of NYSPIN acknowledgement to **COMPLAINT REPORT**.

NOTE *Unless additional information is available to determine if missing plate(s) is stolen, one missing plate will be classified as "Lost Property" and two missing plates will be classified as "Petit Larceny."*

MEMBER OF THE SERVICE (continued)

4. Prepare and sign **Report of Lost or Stolen License or Registration Items (MV-78B [6/88])** and give to complainant.
   a. Make certain box on form captioned "Was the Loss the Result of a Crime?" is checked "Yes" or "No", as appropriate.

NOTE *If MV-78B [6/88] is not available to member on patrol, instruct the complainant to obtain form from precinct of occurrence at the earliest convenience. Precinct personnel concerned will verify that a **COMPLAINT REPORT** has been recorded before preparing MV-78B [6/88] form.*

5. Instruct complainant to deliver MV-78B [6/88] and registration certificate for lost plates to Department of Motor Vehicles to obtain new plates.
   a. If one plate is reported lost/stolen, the remaining plate, vehicle registration and MV-78B [6/88] will be surrendered to Department of Motor Vehicles personnel to obtain new plates. The complainant must then notify the precinct of record for transmission of an alarm on the missing plate.

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

MEMBER OF THE SERVICE

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

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

7. Prepare and sign Report of Lost or Stolen License or Registration Items (MV-78B [6/88]) and give to complainant.
   a. Make certain box on form captioned "Was the Loss the Result of a Crime?" is checked "Yes" or "No", as appropriate.
8. Instruct complainant to deliver MV-78B [6/88] to Department of Motor Vehicles to obtain new documents.

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

RELATED PROCEDURES
Complaint Reporting System (P.G. 207-01)
Preliminary Investigation of Complaints (Other Than Vice Related Or Narcotics Complaints) (P.G. 207-07)
Lost or Stolen Property/Identity Theft (P.G. 207-12)
Preliminary Investigation, Recording And Transmission Of Alarms For Stolen Vehicles (P.G. 207-11)

FORMS AND REPORTS
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-14	
ROBBERY COMPLAINTS INVOLVING POLICE IMPERSONATION			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 2

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

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

a. Pretends to be a police officer or wears or displays any uniform, badge, insignia or facsimile thereof by which a police officer of any jurisdiction is generally identified; OR

b. Expresses by words or actions that he/she is a police officer or acting with the approval or authority of any police department; OR

c. Displays, wears or uses police equipment in a manner likely to create the impression that he/she is a police officer.

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

UNIFORMED MEMBER OF THE SERVICE

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

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

MEMBER CONCERNED, COMMAND CENTER

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

PATROL SUPERVISOR

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

DESK OFFICER

11. Finalize **COMPLAINT REPORT WORKSHEET** and fax copy of **COMPLAINT REPORT (PD313-152)** to the Internal Affairs Bureau Command Center.

SUPERVISOR, P.I.I.U.

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

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

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

SUPERVISOR, P.I.I.U.

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

ADDITIONAL DATA

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

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

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

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

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Complaints		Procedure No: 207-15	
THREATS TO COMPLAINANTS AND WITNESSES			
DATE ISSUED: 02/18/15	DATE EFFECTIVE: 02/18/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To investigate, record and refer complaints of threats to witnesses/complainants involved in criminal proceedings.

PROCEDURE When notified of a threat to a witness/complainant:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain as much detailed information as possible, e.g., possible motive, type of threat, subject of threat, etc.
2. Immediately notify desk officer, precinct of occurrence.
   a. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

DESK OFFICER

3. Ensure that a supervisor is responding, if not already present.
   a. Direct the preparation of a **COMPLAINT REPORT (PD313-152)**.
4. Immediately notify precinct detective squad concerned or borough nightwatch, if appropriate.

NOTE *Communications Section will automatically direct the patrol supervisor to respond to all incidents involving threats to witnesses.*

ASSIGNED DETECTIVE

5. Immediately interview complainant, conduct preliminary investigation and confer with assigned detective supervisor.
6. Process and safeguard physical evidence, e.g., note, tape recording, etc., if any.
7. Determine if person(s) threatened is a complainant or witness in a criminal proceeding.
   a. When the threat involves an arrest or investigation previously conducted by this Department, notify the detective assigned to the case and obtain his/her assistance in assessing the threat.

DETECTIVE SUPERVISOR

8. Immediately conduct a <u>personal</u> interview with person threatened and person receiving threat, if not the same person.
9. Notify the District Attorney's Office concerned if subject has been a complainant/witness at a hearing, grand jury, trial, etc.
10. Direct the establishment of any immediate security measures necessary, if appropriate.
11. Confer with detective duty captain, patrol duty captain and desk officer, precinct of occurrence regarding security measures implemented and the need for continued or additional measures.
12. Notify detective borough commander/executive officer of details of threat and steps taken to insure security of complainant/witness.

DETECTIVE BOROUGH COMMANDER/ EXECUTIVE OFFICER

13. Consult with patrol borough commander/executive officer as soon as possible regarding duration and extent of security measures when coverage is provided.

ADDITIONAL DATA

Security options may include directed patrol, fixed post (foot or RMP), and advising complainant/witness to contact 911, if any suspicious person is observed or further threats received.

Simple refusal by threatened party shall not be the sole factor in determining that no security measures be taken.

Locations where a witness who is threatened is present are considered sensitive locations. A generic ICAD message to have the patrol supervisor respond to these locations is automatically entered. However, this does not preclude a commanding officer from requesting inclusion of additional information related to safety in ICAD as per A.G. 316-35, "Hazardous/Sensitive/Hazardous Material Locations."

RELATED PROCEDURES

Hazardous/Sensitive/Hazardous Material Locations (A.G. 316-35)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Complaints		Procedure No: 207-16	
OVERDUE RENTAL VEHICLES			
DATE ISSUED: 12/31/15	DATE EFFECTIVE: 12/31/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To record and investigate complaints of overdue rental vehicles.

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

PROCEDURE When a rental agency reports an overdue rental vehicle:

UNIFORMED MEMBER OF THE SERVICE

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

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

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

DESK OFFICER

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

PRECINCT DETECTIVE

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

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

PRECINCT DETECTIVE (continued)

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

ADDITIONAL DATA

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

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

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

RELATED PROCEDURES *Preliminary Investigation, Recording And Transmission Of Alarms For Stolen Vehicles (P.G. 207-11)*

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-17	
CONTRABAND WEAPONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record seizures of contraband weapons.

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

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

NOTE *Include information concerning any vehicle, vessel or aircraft that is or may be involved in violation of Federal Law.*

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Contraband Weapons (P.G. 208-49)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)

PATROL GUIDE

Section: Complaints		Procedure No: 207-18	
COMPLAINTS INVOLVING CREDIT CARDS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To investigate complaints involving credit cards.

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

MEMBER OF THE SERVICE

1. Report information to desk officer.

DESK OFFICER

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

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

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

UNIFORMED MEMBER OF THE SERVICE

4. Comply with *P.G. 207-07, "Preliminary Investigation of Complaints (Other than Vice Related or Narcotics Complaints)."*
5. For investigations concerning identity theft, comply with *P.G. 207-34, "Complaints Involving Identity Theft."*

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

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

RELATED PROCEDURES

Preliminary Investigation of Complaints (Other Than Vice Related Or Narcotics Complaints) (P.G. 207-07)
Counterfeiting/Forging U.S. Government Obligations or Counterfeiting/Unauthorized Use of Access Devices (P.G. 208-47)
Complaints Involving Identity Theft (P.G. 207-34)

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

PATROL GUIDE

Section: Complaints		Procedure No: 207-19	
THEFTS FROM DEPARTMENT LOCKERS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To investigate reported thefts from Department lockers.

PROCEDURE Upon discovery of a theft or attempted theft from a Department locker:

MEMBER OF THE SERVICE

1. Report facts to desk officer.

DESK OFFICER

2. Notify commanding officer or duty captain.
3. Notify IAB, Command Center and obtain a Log Number.

COMMANDING OFFICER/ DUTY CAPTAIN

4. Investigate circumstances of incident including, but not limited to, photographing damage to locker, obtaining fingerprints, results of interviews, etc.
5. Notify precinct detective squad concerned, if necessary.
6. Direct preparation of **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
7. Take steps to prevent recurrence of theft.
8. Prepare three copies of report on **Typed Letterhead** and forward:
   a. First two copies to bureau chief concerned
   b. Third copy to Internal Affairs Bureau.

ADDITIONAL DATA *Members of the service are responsible for securing their lockers with a combination type padlock without a serial number.*

FORMS AND REPORTS ***COMPLAINT REPORT WORKSHEET (PD313-152A)***
Typed Letterhead

PATROL GUIDE

Section: Complaints	Procedure No: 207-20

INVESTIGATION OF CRIMES INVOLVING COMPUTERS OR COMPUTER TECHNOLOGY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1

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

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

UNIFORMED MEMBER OF THE SERVICE CONCERNED

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

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

2. Confer with Computer Crimes Squad whenever:
   a. A criminal investigation by a unit of this Department is conducted where computers or computer evidence may be involved.
   b. A warrant to seize computers or computer-related evidence is being sought, prior to the preparation of the warrant.
3. For investigations concerning identity theft, comply with *P.G. 207-34, "Complaints Involving Identity Theft."*

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

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

RELATED PROCEDURE *Complaints Involving Identity Theft (P.G. 207-34)*

PATROL GUIDE

Section: Complaints	Procedure No: 207-21

ALLEGATIONS OF CORRUPTION AND OTHER MISCONDUCT AGAINST MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/25/20	06/25/20		1 of 2

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

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

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

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

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

MEMBER OF THE SERVICE CONCERNED

1. Telephone Internal Affairs Bureau, Command Center (212) 741-8401 (24 hours) or 1-800-PRIDE PD (24 hours) or (212) CORRUPT (24 hours).
   a. Give preliminary facts.
   b. Identify self or, if opting to remain anonymous, obtain Confidential Identification Number from the Command Center investigator.
   c. Furnish details of corruption or other misconduct.

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

OR

2. Prepare a detailed written report addressed to the Deputy Commissioner, Internal Affairs.
   a. Forward DIRECT, or via FAX (212) 741-8408, to the Command Center, 315 Hudson Street, within twenty-four hours.

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

MEMBER OF THE SERVICE CONCERNED (continued)

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

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

ADDITIONAL DATA *A member of the service having or receiving information relative to corruption or other misconduct, or an allegation of corruption or other misconduct, has the responsibility to report such information directly to the Internal Affairs Bureau, Command Center.*

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

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

RELATED PROCEDURES *Allegations of Corruption Against City Employees (Other than Members of the New York City Police Department) (P.G. 207-22)*
Processing Civilian Complaints (P.G. 207-31)
Civilian Complaints - Witness Statement (P.G. 207-30)

PATROL GUIDE

Section: Complaints		Procedure No: 207-22	
ALLEGATIONS OF CORRUPTION AGAINST CITY EMPLOYEES (OTHER THAN MEMBERS OF THE NEW YORK CITY POLICE DEPARTMENT)			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 1

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

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

MEMBER OF THE SERVICE

1. Report the facts immediately to commanding officer, or if absent, the highest-ranking supervisor in the command.
2. Telephone Internal Affairs Bureau, Command Center (212) 741-8401 (24 hours) and:
   a. Identify self
   b. Give telephone number where you can be reached
   c. Give preliminary facts
   d. Comply with instructions of ranking officer, Internal Affairs Bureau.

SUPERVISORY MEMBER

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

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

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Preliminary Investigation of Complaints (Other than Vice Related or Narcotics Complaints) (P.G. 207-07)
Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Complaints		Procedure No: 207-23	
MISSING PERSONS			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 9

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

DEFINITIONS

MISSING PERSON - Person missing from a NEW YORK CITY RESIDENCE and:

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

SPECIAL CATEGORY MISSING PERSON – Person missing from a NEW YORK CITY RESIDENCE and:

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

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

PROCEDURE Upon receiving a complaint of a missing person:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene, interview complainant and obtain as much of the following background information as possible for report preparation:
   a. An accurate description of the missing person, including clothing worn
   b. Whether person has gone missing before and, if so, location(s) where person was found
   c. An accurate electronic and/or hard copy photo of the missing person, if available (electronic photo is preferred)
   d. School information, if applicable

UNIFORMED MEMBER OF THE SERVICE (continued)

e. Names and contact information of the missing person's friends
f. Any dispute that the missing person may be or may have been involved in which may have a connection to the disappearance
g. Locations where the missing person frequents
h. Location where last seen
   (1) If missing person is believed to be using public transportation, obtain information on the type of transportation, route and possible destination(s)
i. Missing person's cellular telephone number
   (1) Ascertain if missing person's mobile device has tracking capabilities. If so, attempt to access the device and obtain the last known location
j. Missing person's email address(es) and password(s), if known
k. Missing person's social media usernames and passwords, if known
l. Administration for Children's Services caseworker's name and telephone number, if applicable
m. Biological parents' name, address and telephone number, as appropriate
n. Closest relative or guardian's name, address and telephone number, as appropriate
o. Whether missing person has Alzheimer's disease or a related dementia, or is taking medication for Alzheimer's disease or a related dementia, and is enrolled with the MedicAlert + Alzheimer's Association Safe Return program, as appropriate
   (1) If so, determine whether the missing person was wearing a MedicAlert + Safe Return bracelet or necklace and request that complainant provide the Safe Return identification number
      (a) If the identification number is unknown, contact the MedicAlert + Alzheimer's Association Safe Return program at 1-800-625-3780 to obtain the number and any other information the Association has on the missing person (e.g., medical condition(s), list of medication(s), emergency contact information, recent photograph)
p. The location where missing person grew up and if missing person has been known to return to that location in the past
q. Whether missing person has been known to communicate matters of personal importance with friends, relatives, coworkers or others
   (1) If so, record the names and contact information of these individuals, as appropriate
r. The language the missing person usually uses, and the level of his/her ability to communicate in English
s. Whether missing person is registered with Operation Safe Child
   (1) If so, obtain missing person's information from the Safe Child Card when available.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Conduct an immediate search of the building or structure to verify that such person is missing when a person sixty-five years of age and older, or a child nine years of age or younger, or a cognitively impaired/developmentally disabled person is missing from a hospital, institution or any building, PRIOR TO INITIATING ANY OTHER ACTION. AN INITIAL SEARCH OF THE BUILDING WILL BE CONDUCTED TO VERIFY THAT SUCH PERSON IS ACTUALLY MISSING.
3. Request patrol supervisor to respond.
4. Notify desk officer of details.

DESK OFFICER, PRECINCT/ PSA/TRANSIT DISTRICT OF OCCURRENCE

5. Check Department records to determine if missing person has been the subject of police action.
   a. Query Department databases to obtain prior law enforcement contacts with the missing person, as necessary.
   b. Notify Operations Unit and request a name and address check be completed for the missing person, in addition to the above database checks.
6. Notify desk officer, precinct/PSA of residence, to conduct a search of missing person's residence.
   a. In these instances, the desk officer, precinct/PSA/transit district of occurrence, shall be notified of the search results.
7. Ascertain if Missing Persons Squad has any information on the missing person by requesting a records search.
   a. Missing Persons Squad is available from 0600 hours until 2400 hours. During all other times, contact Real Time Crime Center.
8. Notify detective squad(s), command(s) concerned.
9. Direct the immediate preparation of **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)**.
   a. Ensure that any information relating to a missing person registered with the MedicAlert + Alzheimer's Association Safe Return program is included in the **MISSING/UNIDENTIFIED PERSON REPORT** under caption, "Remarks/Other Pertinent Information" (see step "1," subdivision "o").

NOTE *The Missing Persons Squad cannot process a **MISSING/UNIDENTIFIED PERSON REPORT** unless **ALL** captions are filled out. Members of the service are to contact Missing Persons Squad or Nightwatch for assistance in the event information is unknown or not available.*

10. Direct the immediate preparation of **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
    a. Ensure that same complaint number is used for both **MISSING/ UNIDENTIFIED PERSON REPORT** and **COMPLAINT REPORT**.
11. Have **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** prepared, if missing person is at least seven but less than sixteen years of age.

DESK OFFICER, PRECINCT/ PSA/TRANSIT DISTRICT OF OCCURRENCE (continued)

12. Comply with *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* if circumstances indicate that youth may be missing due to abuse, neglect or maltreatment.
13. Cause the electronic transmissions of the **MISSING/UNIDENTIFIED PERSON REPORT** and **COMPLAINT REPORT** to the Missing Persons Squad via Omniform.
    a. Have command clerk enter Missing Persons Squad case number and the assigned Missing Persons Squad case detective on the **MISSING/UNIDENTIFIED PERSON REPORT**.
    b. Confer with desk officer of resident precinct/PSA. Convey status of investigation and apprise of investigative steps taken.

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

UPON DETERMINING MISSING PERSON IS A "SPECIAL CATEGORY"

DESK OFFICER, PRECINCT/ PSA/TRANSIT DISTRICT OF OCCURRENCE

14. Open and maintain Command Post Log at desk.
15. Make the following additional notifications:
    a. Precinct/PSA/transit district commanding/executive officer/duty captain
    b. Detective squad, precinct of occurrence, to respond and assist in search
        (1) If no detective is available, notify the detective borough dispatcher
    c. Commanding/executive officer or duty captain of missing person's resident precinct/PSA
    d. Operations Unit
    e. Missing Persons Squad - Notify Missing Persons Squad of identity of member assigned to conduct the immediate investigation and/or search (i.e., name and rank of patrol supervisor, commanding/executive officer or duty captain).

COMMANDING /EXECUTIVE OFFICER/ DUTY CAPTAIN, PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE AND PRECINCT/PSA OF RESIDENCE

16. Direct, coordinate and control the search in the appropriate areas.
    a. Common sense standards should be used to determine areas of search.
    b. If child nine years of age or younger is missing, the commanding/executive officer or duty captain, precinct/ PSA/transit district of occurrence shall perform steps "17" through "26."

PATROL SUPERVISOR, PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE

17. Request additional personnel, as required.
    a. Emergency Service Unit, if needed.
    b. Aviation Unit to survey rooftops, when necessary.
    c. Strategic Response Group, if needed.
        (1) Patrol supervisor will consult with commanding officer/duty captain prior to activating a Level 1 mobilization, absent exigent circumstances (see *ADDITIONAL DATA* statement).
18. Request radio dispatcher to broadcast description of missing person to members on patrol.
    a. If missing person is believed to be using public transportation, request broadcast of description to precincts, PSAs and transit districts along travel route and confer with a supervisor assigned to the Transit Bureau (subways) and/or Traffic Management Center (buses), as appropriate.
19. Immediately initiate search at location where missing person was last observed prior to the arrival of the precinct/PSA/transit district commanding/executive officer or duty captain.
    a. Include travel route, if any, in search pattern.
20. Direct members performing the search to maintain records of area, routes and premises searched and identities of persons questioned.
21. Coordinate search with the following:
    a. Precinct/PSA/transit district commanding/executive officer/duty captain, when applicable
    b. Desk officers of precinct/PSA/transit district of occurrence and precinct/PSA of residence, if different
    c. Missing Persons Squad
        (1) Make notification within a reasonable time (usually four hours but not later than end of tour) of progress of search. Upon completion of investigation and search, obtain the Missing Persons Squad serial number
    d. Operations Unit
    e. Communications Section.

ASSIGNED DETECTIVE, PRECINCT/PSA OF RESIDENCE

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

IN ALL CASES REGARDLESS OF CATEGORY

DESK OFFICER, PRECINCT/ PSA/TRANSIT DISTRICT OF OCCURRENCE

27. Review, sign and forward **MISSING/UNIDENTIFIED PERSON REPORT** and **JUVENILE REPORT SYSTEM WORKSHEET**, if prepared, as per instructions on forms.
    a. Enter precinct/PSA serial number on **JUVENILE REPORT SYSTEM WORKSHEET** prior to forwarding.

DESK OFFICER, PRECINCT/PSA OF RESIDENCE

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

ASSIGNED DETECTIVE, PRECINCT/PSA OF RESIDENCE

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

COMMANDING /EXECUTIVE OFFICER/ DUTY CAPTAIN, PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE

31. Supervise and review actions taken by members of the service.
32. Ensure that all forms are properly prepared and forwarded.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

THERE ARE NO MINIMUM TIME LIMITS THAT MUST BE OBSERVED BEFORE ACCEPTING A REPORT OF A MISSING PERSON.

Missing person complaints WILL BE ACCEPTED for persons missing from temporary residences within New York City (hotels, rooming houses, etc.). However, complainants will also be instructed to report such cases to the local police agency covering the permanent residence of the missing person. UNDER NO CIRCUMSTANCES WILL COMPLAINANTS BE REFERRED DIRECTLY TO THE MISSING PERSONS SQUAD.
Missing persons ordinarily DO NOT INCLUDE the following:

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

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

In the event that a special category missing person is not found prior to the change of tour, the outgoing desk officers of both the precinct/PSA/transit district of occurrence and precinct/PSA of residence MUST confer with the incoming desk officer regarding the facts and details surrounding the case. The incoming desk officer will reference the Command Post Log to ensure the missing person's pedigree and important details pertaining to the case are disseminated during roll call for the outgoing platoon. The patrol boroughs of both the locations of occurrence and residence will inform the incoming duty captains of the status of all special category missing person investigations. The incoming precinct/PSA commanding officers, executive officers and/or duty captains concerned, in coordination with the assigned detective, will direct additional searches as necessary and will determine their scopes and durations. Complaints of missing New York City residents shall be recorded at the missing person's resident precinct and the commanding officer of the precinct/PSA of residence is ultimately responsible for directing the overall effort to locate the missing person.

ADDITIONAL DATA (continued)

Maintain, in front of Command Post Log, a listing of "special category" missing persons captioned as follows:

NAME OF MISSING PERSON	***SAFE RETURN INFORMATION***	***AGE***	***DATE OF REPORT***	***PAGE NUMBER***

SIXTY YEARS OF AGE AND OLDER – The Missing Persons Squad will make a daily telephone notification to the New York City Department for the Aging (DFTA) of persons sixty years of age and older who were reported missing for any reason during the previous calendar day. Hours of operation for the DFTA are 0900 to 1700 hours, Monday thru Friday, and the Missing Persons Squad will notify DFTA the next business day for missing persons reported on weekends or holidays.

The telephone notification shall include the name, address and contact numbers of a family member and/or caretaker of the missing person. A brief synopsis of the details along with the missing person's medical situation shall also be included in the telephone notification to DFTA.

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

VICTIM OF A CRIME - When a person reported missing or unidentified is found to be the victim of a crime, the investigating member will notify the desk officer, precinct/PSA of residence and precinct/PSA/transit district of occurrence (if different) and the Missing Persons Squad. The member will also prepare an ***Omniform Complaint Revision*** *to close the missing person case. The member will then prepare another* ***COMPLAINT REPORT*** *and have a new complaint number assigned to the new case.*

The Missing Persons Squad is required to make a report through NYSPIN to the Central Registry as soon as possible upon receiving a notification of a missing child under eighteen years of age.

ACTIVATING LEVEL 1 MOBILIZATION

The patrol supervisor will not activate a Level 1 mobilization for a missing person without first consulting the commanding officer/duty captain. If additional personnel are deemed necessary by the patrol supervisor, they may, without prior consultation, deploy personnel from their command (e.g., administrative personnel, specialized personnel, etc.) to assist in the missing person investigation. If there are exigent circumstances and an immediate need for additional personnel for a missing person investigation (e.g., possible kidnapping-in-progress, etc.), the patrol supervisor may activate a Level 1 mobilization without prior approval, and consult with the commanding officer/duty captain as soon as possible.

RELATED PROCEDURES

Department Social Media Accounts and Policy (P.G. 203-28)
Complaint Reporting System (P.G. 207-01)
Release of Information to News Media (P.G. 212-77)
On-Line Juvenile Report System (P.G. 215-08)
Unidentified Persons (P.G. 216-03)
Notifications (P.G. 216-15)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints	Procedure No: 207-25

NOTIFICATIONS FROM CASEWORKERS EMPLOYED BY ADULT PROTECTIVE SERVICES AND THE DEPARTMENT FOR THE AGING

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/09/15	01/09/15		1 of 3

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

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

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

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

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

MEMBER OF THE SERVICE RECEIVING REPORT

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

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

MEMBER OF THE SERVICE RECEIVING REPORT

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

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

MEMBER OF THE SERVICE RECEIVING REPORT

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

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

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

ADDITIONAL DATA

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

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

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

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

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

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

ADDITIONAL DATA (continued)

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

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

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

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

RELATED PROCEDURES

Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)
Family Offenses/Domestic Violence (P.G. 208-36)
Involuntary Protection Service (P.G. 212-69)
Aided Cases General Procedure (P.G. 216-01)
Guidelines Regarding Release of Victim Information to Victim Advocacy Agencies (Operations Order 3, series 2015)

PATROL GUIDE

Section: Complaints		Procedure No: 207-26	
VOLUNTARY SURRENDER OF WEAPONS WITH WRITTEN NOTICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

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

PROCEDURE When a person asks how to surrender a dangerous weapon:

UNIFORMED MEMBER OF THE SERVICE

1. Direct person requesting such information to write a "notice of intent to surrender weapon" to the commanding officer of resident precinct including:
   a. Name and address
   b. Description of weapon
   c. Present location of weapon, and
   d. Time, date and place where weapon will be surrendered.

NOTE *If at the time of inquiry, the person physically possesses the weapon, the uniformed member of the service concerned will escort the person to the appropriate command where "Voluntary Surrender of Weapons Without Prior Notice" procedure will be followed (see P.G. 207-27).*

CLERICAL MEMBER

2. Enter name and address of writer and description of weapon in the Command Communications Log upon receipt of the written notice, and forward same to command clerk.

COMMAND CLERK

3. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
4. Attach copy of written "notice of intent" to file copy of the **COMPLAINT REPORT (PD313-152)**.

DESK OFFICER

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

RELATED PROCEDURE *Voluntary Surrender of Weapons Without Prior Notice (P.G. 207-27)*

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

PATROL GUIDE

Section: Complaints		Procedure No: 207-27	
VOLUNTARY SURRENDER OF WEAPONS WITHOUT PRIOR NOTICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

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

PROCEDURE When a person appears at a Department facility to surrender a dangerous weapon without having given prior notice:

DESK OFFICER

1. Request identification.
2. Make Command Log entry, including person's name and address, description of the weapon and other circumstances.

COMMAND CLERK

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

DESK OFFICER

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

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Complaints	Procedure No: 207-28

RECORDING OF COMPLAINTS OCCURRING WITHIN THE NEW YORK CITY TRANSIT SYSTEM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 3

PURPOSE To assist members of the service in the proper preparation and forwarding of **COMPLAINT REPORT WORKSHEETS (PD313-152A)** pertaining to complaints under the jurisdiction of the N.Y.P.D. Transit Bureau.

PROCEDURE When assigned to prepare a **COMPLAINT REPORT WORKSHEET** involving complaints alleged to have occurred under the jurisdiction of the Transit Bureau:

MEMBER OF THE SERVICE

1. Interview complainant thoroughly to ascertain:
   a. "Type of Location" and applicable "Jurisdiction Code."

NOTE *"Jurisdiction Code" refers to the bureau, division or agency having primary patrol responsibility over the specific location of occurrence. (See "ADDITIONAL DATA").*

2. Comply with the following for complaints that are under the jurisdiction of the Transit Bureau (i.e., New York City subway or elevated train lines):
   a. Enter the word **"NYC Transit Subway"** in the *"Type of Location (specific)"* caption of the **COMPLAINT REPORT WORKSHEET**
   b. Enter "01" as the jurisdiction code (meaning Transit Bureau) in Box 1 entitled *"Jurisdiction"*
   c. Enter the <u>name of the train station of occurrence and the train line(s) that run at the location of incident</u> in the *"Address/Location of Occurrence"* caption of the **COMPLAINT REPORT WORKSHEET**.
      i. <u>Examples:</u> 86 Street Station - "1, 9" lines
      Parsons Blvd. Station - "F" line
      High St. Station - "A, C" lines.

NOTE *To identify the appropriate "Location of Occurrence" for incidents occurring on a moving train, the incident will be recorded as occurring at the next (very first) station where the train stops regardless of precinct or patrol borough boundaries.*

   d. Fully describe the incident and reconstruct the elements of the offense(s) if any, and in addition, record the following information in the "Details" section of the **COMPLAINT REPORT WORKSHEET**:
      i. Time of victim's entry into the transit system
      ii. Station of entry into the transit system
      iii. Specific incident location in the transit system, e.g., train platform, mezzanine, booth, elevator, passageway, ramp, stairway, street stairway, escalator, etc.
         (a) If incident occurred on the train, indicate <u>direction of travel</u> (northbound/southbound/Manhattan bound, etc.), <u>train line (letter or number)</u> and <u>train car location</u> (indicate car number or location of car as front, middle, rear of train) if known

MEMBER OF THE SERVICE (continued)

Examples:
Northbound "4" train, car #944
Southbound "R" train, rear car

(b) If incident occurred on a N.Y.C. Transit System stairway, street stairway, passageway, ramp, escalator or booth, indicate the common N.Y.C. Transit System marking visibly posted or painted upon the location, if known

Examples:
S-3 (Street stairway)
M-4 (Mezzanine stairway)

iv. Method of escape, i.e., onto tracks, into tunnel, street, etc.

v. Total value of property damaged - in criminal mischief cases

vi. NOTIFICATIONS - include the rank, name, shield number and command of members notified from units within the Department (i.e., Borough Transit Squad, Precinct Detective Squad/BRAM, Missing Persons Squad, Transit Bureau Wheel, etc.).

PRECINCT/PSA DESK OFFICER

3. Verify that required notifications and proper referral of active cases have been made.
4. Review **COMPLAINT REPORT WORKSHEET** and make certain that necessary captions are completed and required information is provided in the "Details" section of the report.
5. Sign **COMPLAINT REPORT WORKSHEET**, upon verification that information is accurate and complete.
6. Give **COMPLAINT REPORT WORKSHEET** to command clerk for entry into the OMNIFORM System, as appropriate.
7. Direct command clerk to IMMEDIATELY FAX the **COMPLAINT REPORT WORKSHEET** to the desk officer, transit district of record so that the district concerned may take appropriate supplemental action, as necessary.
   a. Have command clerk telephone the district concerned to ensure receipt of FAXED report.

NOTE *If command's FAX machine is inoperable for any reason, the details of the **COMPLAINT REPORT WORKSHEET** MUST be telephoned to the desk officer, transit district of record. The desk officer, transit district of record shall ensure that the telephoned details are recorded on a **COMPLAINT REPORT WORKSHEET**.*

8. Have command clerk enter the transit district of record and the title/rank, name of the district member receiving the report in the "Details" section of the **COMPLAINT REPORT WORKSHEET**.
9. Retain **COMPLAINT REPORT WORKSHEET** in command file.
10. Ensure that those members of the service assigned to the operation of the OMNIFORM System enter the required transit - related information and correct jurisdiction code in the appropriate fields PRIOR TO FINALIZATION of the **COMPLAINT REPORT (PD313-152)**.

ADDITIONAL DATA

All members of the service are reminded that a clear distinction exists between the "Jurisdiction" code and the "Reporting Agency" code listed on a ***COMPLAINT REPORT WORKSHEET/Omniform Complaint Revision****.*

The "Jurisdiction" code refers to the bureau, division or agency having the primary patrol responsibility over the location of occurrence. The Transit Bureau (Jurisdiction code "01") has primary responsibility to patrol the New York City subway, subway stations and elevated train lines and the Transit Bureau District offices only. Accordingly, complaints not under the jurisdiction of the NYPD Transit Bureau shall ***NOT*** *be classified as "01" (Transit Bureau).*

Some stairways, street stairways, passageways and ramps are the property of other transportation facilities such as the LIRR (code "06), PATH (code "03"), AMTRAK (code "07"), or Metro-North (code "15"). Complaints alleged to have occurred at these locations are considered off the NYC Transit System and the appropriate jurisdiction code ***MUST*** *be entered by the member of the service preparing a* ***COMPLAINT REPORT WORKSHEET/Omniform Complaint Revision****.*

The Pattern Identification Module (PIM) Transit Bureau Liaison assigned to each Patrol Services Bureau Borough command will thoroughly review all complaints, regardless of jurisdictional code, to ensure that all transit-related crimes have been reported to the appropriate transit district of record.

The "Reporting Agency" code refers to the specific assignment of the member of the service who is preparing the ***COMPLAINT REPORT WORKSHEET/Omniform Complaint Revision*** *or who effected the recorded arrest, as follows:*
Code "00" NYPD MOS (not assigned to Transit Bureau or Housing Bureau)
Code "01" NYPD Transit Bureau MOS
Code "02" NYPD Housing Bureau MOS
Codes "03 through 15" Other Agency Officers

RELATED PROCEDURE

Follow-Up Investigations Of Complaints Already Recorded (P.G. 207-09)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD 313-152A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-29	
FIELD REPORTS			
DATE ISSUED: 04/13/21	DATE EFFECTIVE: 04/13/21	REVISION NUMBER:	PAGE: 1 of 1

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

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

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

FORMS AND REPORT ***FIELD REPORT (PD313-1511)***

PATROL GUIDE

Section: Complaints		Procedure No: 207-30	
CIVILIAN COMPLAINTS - WITNESS STATEMENT			
DATE ISSUED: 03/14/18	DATE EFFECTIVE: 03/14/18	REVISION NUMBER:	PAGE: 1 of 2

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

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

MEMBER OF THE SERVICE

1. Interview witness.

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

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

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

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

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

MEMBER OF THE SERVICE (continued)

8. Attach one copy of witness's statement to each related copy of civilian complaint.
9. Process in accordance with *P.G. 207-31, "Processing Civilian Complaints."*

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

RELATED PROCEDURES *Processing Civilian Complaints (P.G. 207-31)*
Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)

FORMS AND REPORTS ***CIVILIAN COMPLAINT REPORT (PD313-154)***
CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD 313-154B)

PATROL GUIDE

Section: Complaints		Procedure No: 207-31	
PROCESSING CIVILIAN COMPLAINTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 7

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

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

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

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

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

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

MEMBER OF THE SERVICE RECEIVING COMPLAINT

1. Report all misconduct complaints (see exceptions in following "*NOTE*") including unnecessary use of force, abuse of authority, discourtesy, offensive language, etc., to Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (24 hours).

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

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

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

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

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

b. RECEIVED BY MAIL

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

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

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

c. RECEIVED BY TELEPHONE

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

(2) Advise complainant he/she will receive a written acknowledgement from the Civilian Complaint Review Board.

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

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

(2) Advise complainant that the complaint may be delivered in person, taken over the telephone, or sent by mail to any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau, or any other office of the Department, including the Office of the Police Commissioner or office of a deputy commissioner. IN ADDITION, provide the complainant with the telephone number of the Civilian Complaint Review Board, Intake Unit at 1-800-341-2272 (24 hours).

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

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

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

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

3. Prepare **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)** and include the following under the caption "Additional Comments:"
   a. If complainant is apparently under the influence of an intoxicant or drug.
   b. If complainant is apparently suffering from a mental disorder or evidences any condition bearing on his/her credibility.
   c. Physical condition of complainant, noting any visible marks or injuries relative to the complaint.
      (1) Take photograph of area of body that was reportedly injured, when possible, with complainant's consent.
4. Inform Civilian Complaint Review Board, Intake Unit, immediately by telephone 1-800-341-2272 (24 hours) of:
   a. Summary of alleged misconduct
   b. Time complainant arrived, or letter or call received
   c. Name and address of complainant. Indicate if anonymous, transient or homeless
   d. Rank, name, shield number and command of member complained of, if known
   e. Reporting command
   f. Name, rank, and command of member transmitting information.

NOTE *A follow-up notification to the Internal Affairs Bureau Command Center at (212) 741-8401, will also be made to obtain an Internal Affairs Bureau log number. Indicate that number on the top of the **CIVILIAN COMPLAINT REPORT**, under the caption I.A.B. LOG #.*

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

MEMBER OF THE SERVICE RECEIVING COMPLAINT (continued)

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

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

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

INVESTIGATING SUPERVISOR

13. Initiate investigation as indicated in step 7 above.
14. Notify the Civilian Complaint Review Board, Intake Unit at (800) 341-2272 (24 hours) of the results of the investigation.
15. Record the results of the investigation on the **CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY WORKSHEET)** under the caption "Additional Comments" and return to the member of the service receiving complaint for distribution.
16. Record results of investigation in Command Log.
    a. Commands not maintaining a Command Log will record the results of the investigation as per step 12 above.
17. Notify the commanding officer/duty captain if unable to ascertain the identity of the member against whom the complaint is being lodged.

SUPERVISOR REVIEWING CIVILIAN COMPLAINT REPORT

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

COMMANDING OFFICER OF MEMBER RECEIVING COMPLAINT

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

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

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

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

ADDITIONAL DATA

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

Complaints made against civilian members of the service, including traffic enforcement agents, which would normally be within the jurisdiction of the Civilian Complaint Review Board (i.e., unnecessary use of force, abuse of authority, discourtesy, or offensive language), will be directed to the Internal Affairs Bureau for screening at (212) 741-8401, 8402, 8403 or 8404. One typewritten copy of the ***CIVILIAN COMPLAINT REPORT*** *will be given to the complainant as a receipt. The handwritten copy and the "Investigating Entity" copy of the* ***CIVILIAN COMPLAINT REPORT*** *and the "Investigating Entity" copy of the* ***STATISTICAL SUMMARY SHEET*** *will be forwarded to the Internal Affairs Bureau direct in a sealed envelope. The remaining copies of the* ***CIVILIAN COMPLAINT REPORT*** *and* ***STATISTICAL SUMMARY SHEET*** *will be distributed as indicated at the bottom of each form. It should be noted that NO portion of either the* ***CIVILIAN COMPLAINT REPORT*** *or the* ***STATISTICAL SUMMARY SHEET*** *is to be forwarded to the Civilian Complaint Review Board for complaints made against civilian members of the service. Steps 1, 4, 5 and 19 of this procedure do not apply to complaints involving civilian members of the service.*

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

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

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

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

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

ADDITIONAL DATA (continued)

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

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

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Civilian Complaints – Witness Statement (P.G. 207-30)
Allegations of Corruption and other Misconduct against Members of the Service (P.G. 207-21)
Allegations of Corruption against City Employees (Other than Members of the New York City Police Department) (P.G. 207-22)

FORMS AND REPORTS

CIVILIAN COMPLAINT REPORT (PD313-154)
CIVILIAN COMPLAINT REPORT (STATISTICAL SUMMARY SHEET) (PD313-154B)
ROLL CALL (PD406-144)
Typed Letterhead

PATROL GUIDE

Section: Complaints		Procedure No: 207-32	
INVESTIGATION OF CARJACKINGS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 2

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

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

ASSIGNED BRAM/PDS/SVS INVESTIGATOR

12. Conduct initial interview of complainant and witnesses.
    a. Canvass vicinity of crime scene, if necessary, to locate witnesses
    b. Evaluate available evidence
    c. Prepare **COMPLAINT FOLLOW-UP INFORMATIONAL**(s) **(PD313-081A)**, recording results of interview(s) and other investigative steps taken.
13. Identify and arrest perpetrator(s).
14. Analyze complaint information and compare to other available complaint and recovery data from Computer Assisted Robbery System (CARS) Unit and Alarm Board.
    a. Determine if case is part of a pattern of organized robberies
    b. Determine if autos are being exported, tagged or resold for parts, if part of a pattern.

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

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

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

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

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

FORMS AND REPORTS ***COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-018A)***
COMPLAINT REPORT WORKSHEET (PD313-152A)
CONSENT FORM - NON-SUSPECT MINOR (PD377-030)

PATROL GUIDE

Section: Complaints		Procedure No: 207-33	
RECORDING ENFORCEMENT INCIDENTS			
DATE ISSUED: 05/31/18	DATE EFFECTIVE: 05/31/18	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To clarify the boundaries within which police service area/transit district/precinct commands will record enforcement incidents as being "ON-DEVELOPMENT" or within the jurisdiction of the New York City Housing Authority.

DEFINITIONS ENFORCEMENT INITIATIVE - For the purpose of this procedure, is considered to be:

a. A complaint as defined in *P.G. 207-01, "Complaint Reporting System,"* OR

b. An arrest as defined in *P.G. 208-03, "Arrests - General Processing,"* OR

c. A summons as defined in *P.G. 209-01, "Conditions of Service"* or Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) as described in *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses,"* OR

d. Any situation which requires the preparation of a **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** or a **YOUTH REFERRAL (PD377-153)**.

DEVELOPMENT - An "enforcement incident" will be classified "ON-DEVELOPMENT" if it occurred at any of the following locations:

a. All New York City Housing Authority buildings, apartments, managers' offices, maintenance areas, storage rooms, etc.

b. All walkways, grounds, parking areas and development driveways located within New York City Housing Authority developments.

c. Stores, laundries, community centers, childcare centers, senior citizen centers, health stations, etc., which operate within New York City Housing Authority buildings.

d. From the center line of streets which are contiguous to New York City Housing Authority grounds inward toward New York City Housing Authority buildings.

e. Entire city streets where Housing Authority developments are located on both sides of the street. For those city streets where Housing Authority developments are immediately adjacent to privately owned residences, commercial establishments, etc., then only the length of the Housing Authority development, from the center line of the street to the Housing Authority development building line, will be considered an on-project enforcement incident.

f. New York City Parks Department areas and playgrounds within or immediately adjacent to New York City Housing Authority grounds.

g. New York City Department of Education playgrounds within or immediately adjacent to New York City Housing Authority grounds.

h. Piers or bulkheads immediately adjacent to New York City Housing Authority grounds.

DEFINITIONS (continued)

OFF-DEVELOPMENT - For the purpose of this procedure, is an "enforcement incident" which occurs at a location not listed above.

NOTE

When an "enforcement incident" begins "off-development" but ends "on-development," or vice versa, the jurisdictional determinant will be the location where the incident originally started.

PROCEDURE

When an "enforcement incident" is determined to be "on-development" or having occurred within the jurisdiction of the New York City Housing Authority:

MEMBER OF THE SERVICE

1. Ensure that the Housing Authority jurisdiction code "02" is entered, in the appropriate captions on **COMPLAINT REPORTS (PD313-152)**, **ON LINE BOOKING SYSTEM ARREST WORKSHEETS (PD244-159)**, and other appropriate reports prepared, for enforcement incidents occurring on Housing Authority locations.
   a. Data entries into the On Line Complaint and On Line Booking Systems of such enforcement incidents will include the Housing Authority jurisdiction code "02," if applicable.

PRECINCT/ DISTRICT COMMANDERS

2. Ensure that respective police service area commanders are informed of all complaints and enforcement activity occurring on Housing Authority locations which were recorded by other than Housing Bureau personnel.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Conditions of Service (P.G. 209-01)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Arrests - General Processing (P.G. 208-03)
On-Line Juvenile Report System (P.G. 215-08)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
YOUTH REFERRAL (PD377-153)

PATROL GUIDE

Section: Complaints	Procedure No: 207-34		
COMPLAINTS INVOLVING IDENTITY THEFT			
DATE ISSUED: 12/31/15	DATE EFFECTIVE: 12/31/15	REVISION NUMBER:	PAGE: 1 of 3

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

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

SCOPE Complaints involving Identity Theft can be complex in nature stemming from a myriad of variables and permutations. The member of the service encountering such a complaint must realize the possibility that such a complaint can potentially encompass numerous crimes. As a result, the **Crime Complaint Reporting System Reference Guide (Rev. 6/11)** will be used to classify Identity Theft related crimes. Significant clarifications and changes have been made to the **Crime Complaint Reporting System Reference Guide** to instruct the member of the service in the proper classification of Identity Theft related crimes. It must be noted that the "Seven Major Felony Rule" *P.G. 207-01, "Complaint Reporting System"* will still be applicable.

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

MEMBER OF THE SERVICE

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

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

MEMBER OF THE SERVICE (continued)

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

DESK OFFICER

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

DETECTIVE SQUAD MEMBER

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

ADDITIONAL DATA

*If a **COMPLAINT REPORT** was initially taken for lost/stolen property or related offenses (Robbery, Burglary, etc.) and the complainant/victim subsequently becomes a victim of Identity Theft resulting from the initial complaint, the member of the service will prepare an **Omniform Complaint Revision** or **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)**, as appropriate, and instruct and assist the complainant/victim in preparing pages 1 and 2 of **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT**. The above will be adhered to only after a thorough investigation reveals a nexus between the initial **COMPLAINT REPORT** and the complainant consequently becoming a victim of Identity Theft. If this criteria is not met, then a new **COMPLAINT REPORT** will be generated for the appropriate crime. If the reporting command is not the command of incident, the Desk Officer will ensure the **Omniform Complaint Revision** or **COMPLAINT FOLLOW-UP INFORMATIONAL**, and **COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT** are forwarded to the originating command of incident.*

ADDITIONAL DATA (continued)

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

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

RELATED PROCEDURE

Lost or Stolen Property/Identity Theft (P.G. 207-12)

FORMS AND REPORTS

COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY/IDENTITY THEFT (PD313-1516)
IDENTITY THEFT PRELIMINARY INVESTIGATION REPORT (PD 313-084)
COMPLAINT REPORT (PD313-152).
COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)
Omniform Complaint Revision

PATROL GUIDE

Section: Complaints		Procedure No: 207-35	
SILVER ALERT SYSTEM			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 4

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

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

DEFINITIONS

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

DESK OFFICER

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

PRECINCT DETECTIVE SQUAD INVESTIGATOR /SUPERVISOR

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

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

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

DETECTIVE ZONE COMMANDING OFFICER/ DETECTIVE BUREAU DUTY CAPTAIN

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

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

OPERATIONS UNIT

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

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

OPERATIONS UNIT

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

ADDITIONAL DATA

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

RELATED PROCEDURES

Missing Persons (P.G. 207-23)
Aided Cases – General Procedure (P.G. 216-01)

Section: Complaints		Procedure No: 207-36	
COMPLAINTS INVOLVING CELLULAR TELEPHONES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure a proper investigation is conducted when a cellular telephone is reported stolen.

DEFINITION IMEI NUMBER – International Mobile Equipment Identity Number. Each cellular telephone handset that utilizes GSM technology is assigned a unique serial number called the IMEI number. **The IMEI number consists of either fifteen or sixteen digits**. In the New York metropolitan area, T-Mobile, AT&T and Nextel/Boost Mobile use GSM technology.

PROCEDURE When a person reports the theft of a cellular telephone, in addition to Department complaint reporting procedures, members of the service will:

MEMBER OF THE SERVICE

1. Interview complainant and obtain facts regarding the theft of the cellular telephone.
2. Request response of patrol supervisor.

PATROL SUPERVISOR

3. Notify Detective Squad to respond to the scene.
4. When the investigation by the Detective Squad at the scene has concluded, ensure complainant is brought to the Detective Squad, precinct of occurrence, to be interviewed by an investigator.

INVESTIGATOR, DETECTIVE SQUAD, PRECINCT OF OCCURRENCE

5. Interview complainant in Detective Squad.
   a. Obtain facts regarding the cellular telephone theft
   b. Obtain stolen cellular telephone phone number, make, model and network company (e.g., T-Mobile, AT&T, Nextel/Boost Mobile, Verizon, Sprint)
   c. Determine if complainant is subscriber of the service for the stolen cellular telephone. If complainant is not the subscriber:
      (1) Obtain identity of the subscriber
      (2) Immediately contact the subscriber
      (3) Expeditiously conduct an in-person interview of the subscriber.
6. If Network Company is T-Mobile, AT&T or Nextel/Boost Mobile, obtain International Mobile Equipment Identity (IMEI) number of the stolen cellular telephone by requesting the subscriber to **IMMEDIATELY call in your presence** T-Mobile Customer Service, AT&T Customer Service, or Nextel/Boost Mobile Customer Service. Request the subscriber to:
   a. Obtain the IMEI number from the customer service representative
   b. Report the cellular telephone stolen
   c. Request the customer service representative to determine if any phone calls were made after the theft occurred
      (1) If phone calls were made after the theft occurred, obtain any available information about the phone calls.

INVESTIGATOR, DETECTIVE SQUAD, PRECINCT OF OCCURRENCE (continued)

7. If Network Company is Verizon or Sprint, request the subscriber to **IMMEDIATELY call in your presence** Verizon Customer Service or Sprint Customer Service. Request the subscriber to:
   a. Report the cellular telephone stolen
   b. Request the customer service representative to determine if any phone calls were made after the theft occurred
      (1) If phone calls were made after the theft occurred, obtain any available information regarding the phone calls
   c. Request the Network Company to continue service to the stolen cellular phone for a reasonable time period (e.g., 72 hours) **AT NO COST TO THE SUBSCRIBER** in order to identify and apprehend the perpetrator(s) of the crime.
8. Prepare OMNIFORM System **COMPLAINT REPORT** if cellular telephone was stolen during a robbery.
   a. If Network Company is T-Mobile, AT&T or Nextel/Boost Mobile, enter IMEI number in the "IMEI" section
   b. Enter telephone number, Network Company, make and model of the stolen cellular telephone in the "IMEI" section.
9. Prepare an Enterprise Case Management System (ECMS) "*Electronic Identification Program*" DD-5.
   a. If Network Company is T-Mobile, AT&T or Nextel/Boost Mobile, enter IMEI number in the "Device Info" section
   b. Enter telephone number, Network Company, make and model of the stolen cellular telephone in the "Device Info" section.
10. Obtain intelligence information regarding the stolen cellular telephone.
    a. If Network Company is T-Mobile, AT&T or Nextel/Boost Mobile, search IMEI number of the stolen cellular telephone in ECMS/OMNIFORM System using the "IMEI Search" function
    b. Search telephone number of the stolen cellular telephone in ECMS/ OMNIFORM System using "Full Text DD-5 Search" function
    c. Request Real Time Crime Center (RTCC) to perform a "Phone Finder" search for telephone number of the stolen cellular telephone.
11. Prepare ECMS "*Phone Subpoenas*" DD-5 to request required telephone records.

NOTE *If the Detective Squad is not available to interview the complainant, the desk officer may designate an appropriate member of the service (e.g., field intelligence officer) to perform steps 5, 6, 7 and 10.*

MEMBER OF THE SERVICE ASSIGNED

12. Prepare **COMPLAINT REPORT WORKSHEET (PD313-154A)** if cellular telephone was **not** stolen during a robbery, or if cellular telephone was stolen during a robbery but there is no investigator available in the Detective Squad, precinct of occurrence, to prepare the OMNIFORM System **COMPLAINT REPORT**.
    a. Enter IMEI number in appropriate caption in the "Property" section if the Network Company is T-Mobile, AT&T or Nextel/Boost Mobile

MEMBER OF THE SERVICE ASSIGNED (continued)

b. Enter telephone number, Network Company, make and model of the stolen cellular telephone in the "Details" section

c.. Refer all **COMPLAINT REPORTS** involving stolen cellular telephones to the Detective Squad, precinct of occurrence.

NOTE *If the cellular telephone was stolen during a robbery and there is no investigator available in the Detective Squad, precinct of occurrence, to prepare the OMNIFORM System* ***COMPLAINT REPORT****, the member of the service assigned will prepare the* ***COMPLAINT REPORT*** *under the supervision of the command desk officer.*

DESK OFFICER

13. Direct command clerk to prepare OMNIFORM System **COMPLAINT REPORT** if **COMPLAINT REPORT WORKSHEET** was prepared by the member of the service assigned.
    a. If Network Company is T-Mobile, AT&T or Nextel/Boost Mobile, ensure IMEI number is entered in the "IMEI" section
    b. Ensure telephone number, Network Company, make and model of the stolen cellular telephone is entered in the "IMEI" section.
14. Ensure the correct International Mobile Equipment Identity (IMEI) number is properly entered in the "IMEI" section of the OMNIFORM System.

NOTE *It is* ***imperative*** *that the correct IMEI number is properly entered in the "IMEI" section of the OMNIFORM System.*

15. Ensure all **COMPLAINT REPORTS** involving stolen cellular telephones are referred to the Detective Squad, precinct of occurrence.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Preliminary Investigations of Complaints (Other than Vice Related or Narcotics Complaints) (P.G. 207-07)
Lost or Stolen Property/Identity Theft (P.G. 207-12)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Complaints	Procedure No: 207-37

OPERATIONAL GUIDELINES FOR PROCESSING COMPLAINTS/ARRESTS FOR GRAFFITI

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/01/20	01/01/20		1 of 3

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

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

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

IN ALL GRAFFITI ARREST SITUATIONS:

UNIFORMED MEMBER OF THE SERVICE

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

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

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

IN ALL GRAFFITI CASES:

COMMAND CLERK

6. Input information into the OMNIFORM System.

DESK OFFICER

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

SPECIAL OPERATIONS LIEUTENANT, PRECINCT OF OCCURRENCE

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

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS:

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

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

LEGAL CONSIDERATIONS:

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

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

RELATED PROCEDURES

Desk Appearance Ticket – General Procedure (P.G. 208-27)
Desk Appearance Ticket – Disqualifying Factors (P.G. 208-81)
Graffiti Reward Program (P.G. 214-03)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT WORKSHEET (PD313-152A)
COMPLAINT REPORT
DESK APPEARANCE TICKET

Section: Complaints		Procedure No: 207-38	
COMPLAINTS INVOLVING SEX CRIMES			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To properly investigate complaints involving a sex crime.

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

DEFINITION For purposes of this procedure, the term "sex crime" shall include those offenses enumerated in Article 130 of the New York State Penal Law, including but not limited to rape, criminal sexual act, sexual abuse and forcible touching.

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid and prepare **AIDED REPORT**, if applicable.
   a. Remove victim to hospital, if necessary.
   b. Encourage necessary medical attention when victim is reluctant to be removed to hospital.
2. Attempt to apprehend perpetrator(s), if present.
3. Establish a crime scene, if necessary.
   a. Ensure any potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.
   b. Comply with *P.G. 218-33, "Processing Sexual Offense Collection Kits in Sex Offense Cases,"* if applicable.
4. Request response of patrol supervisor.
5. Notify desk officer, precinct of occurrence, in all circumstances.

PATROL SUPERVISOR

6. Respond to location and coordinate patrol response.
7. Verify that notification to desk officer was made and ascertain if Special Victims Unit investigator is responding to scene.
8. Supervise crime scene, if established, pending the arrival of Detective Bureau personnel.
   a. Ensure crime scene is safeguarded.
   b. Ensure potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.
9. Have **COMPLAINT REPORT WORKSHEET (PD313-152A)** prepared.

DESK OFFICER

10. Promptly report ALL cases involving a sex crime to Special Victims Unit and provide preliminary details.
    a. Notify desk officer, police service area (PSA)/transit district when sex crime incident occurs on housing/transit jurisdiction, as appropriate.

SPECIAL VICTIMS UNIT

11. Notify Special Victims Unit investigative squad concerned, provide details and coordinate the response to incident.
12. Notify desk officer, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.

UNIFORMED MEMBER OF THE SERVICE

13. Provide victim of sex offense with a written notice detailing the name, address and telephone number(s) of the nearest Rape Crisis Center.
    a. Document referral in the "Details" section of **COMPLAINT REPORT WORKSHEET**.
14. Advise victim of sexual offense(s) as defined in Article 130 and Sections 255.25, 255.26 and 255.27 of the New York State Penal Law who has relocated, or is planning to relocate, due to safety concerns that they may be eligible to participate in the New York State Address Confidentiality Program to shield their addresses.
    a. Refer victim who wishes to participate in the New York State Address Confidentiality Program to the New York State Department of State's website for additional information.
15. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Unit, the Special Victims Squad assigned, investigator assigned and case number, if available,
    b. Include any other investigative unit assigned, investigator assigned and case number, if applicable (e.g., IAB, Crime Scene Unit, etc.).

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

COMMANDING OFFICER, COMMUNICATIONS SECTION

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

SPECIAL VICTIMS UNIT

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

ASSIGNED INVESTIGATOR, SPECIAL VICTIMS UNIT

18. Respond to location, interview victim and initiate investigation.
    a. Advise victim of sexual offense(s) as defined in Article 130 and Sections 255.25, 255.26 and 255.27 of the New York State Penal Law who has relocated, or is planning to relocate, due to safety concerns that they may be eligible to participate in the New York State Address Confidentiality Program to shield their addresses.
       (1) Refer victim who wishes to participate in the New York State Address Confidentiality Program to the New York State Department of State's website for additional information.
19. Confer and coordinate with other members of the service at the scene.
20. Comply with all applicable Patrol Guide procedures, including *P.G. 218-33, "Processing Sexual Offense Collection Kits in Sex Offense Cases,"* if applicable.

ASSIGNED INVESTIGATOR, SPECIAL VICTIMS UNIT (continued)

a. Ensure any potential physical evidence (e.g., DNA, fingerprints, discharged shell casings, cell phones, computers, hairs, clothing, masks, etc.) is not contaminated, lost, altered, destroyed, etc.

21. Prepare **COMPLAINT REPORT WORKSHEET** and **AIDED REPORT**.

22. Notify desk officer, precinct of occurrence and provide details.

DESK OFFICER

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

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

ARRESTING OFFICER

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

DESK OFFICER

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

SPECIAL VICTIMS UNIT

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

ASSIGNED INVESTIGATOR

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

ARRESTING OFFICER

28. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Unit, the Special Victims Squad assigned, investigator assigned and case number, if available,
    b. Include any other investigative unit assigned, investigator assigned and case number, if applicable (e.g., IAB, Crime Scene Unit, etc.).

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

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

ADDITIONAL DATA (continued)

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

Duplicate copies of closed misdemeanor and felony sex crime ***COMPLAINT REPORTS*** *will be forwarded to the Special Victims Unit for statistical analysis, identification of crime patterns and to ensure that all complaints involving a sex crime are properly classified and investigated.*

Any complaint involving sex related offenses, including secondary offenses that are sex related, requires a duplicate copy of the ***COMPLAINT REPORT*** *to be forwarded to the Special Victims Unit.*

Members of the service will notify the Internal Affairs Bureau Command Center immediately, for complaints involving sex crimes and the impersonation of a law enforcement officer, for notification to the Police Impersonation Investigation Unit (PIIU), as per P.G. 207-14, "Robbery Complaints Involving Police Impersonation."

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

LEGAL ISSUES

Many hospital emergency rooms, as part of their Sexual Assault Treatment Protocol, will provide a sexual assault advocate for victims of sexual assault. The sexual assault advocate's role is to provide support for the sexual assault victim and is authorized to be present in a support capacity when uniformed members of the service are interacting with the sexual assault victim. The sexual assault advocate is allowed to be present at the request of the victim.

DEPARTMENT POLICY

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

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

RELATED PROCEDURES

Processing Sexual Offense Collection Kits in Sex Offense Cases (P.G. 218-33)
Robbery Complaints Involving Police Impersonation (P.G. 207-14)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
COMPLAINT REPORT (PD313-152)

PATROL GUIDE

Section: Arrests		Procedure No: 208-01	
LAW OF ARREST			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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)

Section: Arrests	Procedure No: 208-02	
ARRESTS - REMOVAL TO DEPARTMENT FACILITY FOR PROCESSING		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 42	PAGE: 1 of 5

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").*

ARRESTING OFFICER (continued)

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."*

DESK OFFICER (continued)

a. Inform prisoner wearing a religious head covering that it must be searched.
   (1) Advise prisoner search may be conducted in private, if he/she prefers.
   (2) Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if prisoner refuses to remove religious head covering for search.
   (3) Allow prisoner to wear religious head covering after it has been searched for weapons and contraband.
   (4) A religious head covering will *not* be routinely removed, unlike outer garments that are removed (e.g., belts, neckties, shoelaces, drawstrings, etc.), unless there is an articulable reason to believe it is likely to be dangerous to life, is likely to facilitate escape, or is likely to be used to damage Department property.
   (5) If the arresting officer removes a religious head covering due to safety/security concerns, make a Command Log entry indicating the reason.

14. Verify prisoner's identity by satisfactory documentary proof, preferably government issued identification.
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,

ADDITIONAL DATA (continued)

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."

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.

ADDITIONAL DATA (continued)

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.

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 juvenile, Miranda warnings will be read to the juvenile utilizing **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)**. **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS** should be read while the parent/guardian is present. The juvenile may be questioned if he/she waives the Miranda rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur, even if the juvenile is willing to answer questions.
   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,

DESK OFFICER (continued)

(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.
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"*)

DESK OFFICER (continued)

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)**.
       (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.

DESK OFFICER (continued)

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. Press Card issued by this Department
        (1) Forward card to Deputy Commissioner, Public Information, with report of facts.
    g. Auxiliary Police Shield, Civil Defense Shield/Identification Card
        (1) Forward to Auxiliary Police Section, with report of facts.
    h. 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.
    i. 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.
    j. 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.

DESK OFFICER (continued)

k. 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 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

ARRESTING OFFICER (continued)

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**.*

To ensure officer safety and to prevent escape of a prisoner or the destruction of evidence while phone numbers are being retrieved, a prisoner must be either secured in a holding cell, or by handcuffs.

In certain arrest situations, the prisoner may be granted possession of his/her phone to retrieve contact numbers, provided the arresting officer can articulate there are no safety and/or escape concerns, or risk of destruction of evidence, witness tampering, or victim/witness intimidation.

ARRESTING OFFICER (continued)

19. Notify relatives or friends if the prisoner is under nineteen years of age, or is admitted to a hospital, or is apparently emotionally disturbed.
20. Prepare a **MISSING - UNIDENTIFIED PERSON REPORT (PD336-151)** and notify the precinct detective squad and the Missing Person Squad, if unable to make the above notification.
    a. If the notification is made after preparation of the **MISSING - UNIDENTIFIED PERSON REPORT**, notify the detective squad and the Missing Person Squad.
21. Comply with *P.G. 214-07, "Cases for Legal Action Program,"* if applicable, which ensures that all New York City Public Housing residents who are arrested pursuant to the execution of a search warrant where contraband is recovered or arrested for a designated crime committed on the grounds of any New York City Public Housing Development are targeted for possible eviction proceedings.
22. Perform license check through FINEST, using the "DALL" format, on all defendants arrested for the following:
    a. Driving a stolen vehicle, or,
    b. Driving an auto with an altered vehicle identification number (VIN), or,
    c. Driving an auto with stolen plates.
23. Comply with *P.G. 208-72, "Obtaining Prisoner DNA Sample,"* if discovered that prisoner owes DNA for inclusion in the New York State DNA Databank.
24. Deliver the following completed forms to the desk officer:
    a. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
        (1) Ensure that any graffiti tag and/or gang-related nickname is entered in the appropriate box, if applicable.
        (2) Indicate any preferred name used by prisoner in "Nickname/Alias/Maiden Name" section, prefaced by "P-".
    b. **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
        (1) If the arrest is for a crime previously reported and recorded on a **COMPLAINT REPORT**, use the serial number assigned to the original **COMPLAINT REPORT**.
        (2) Follow *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting"* immediately upon desk officer's review and approval of **COMPLAINT REPORT WORKSHEET**.
    c. **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for evidence or other property taken into police custody.
        (1) A separate **WORKSHEET** will be prepared for firearms, narcotics, or other property requiring analysis at the Police Laboratory.
    d. **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, if required.

ARRESTING OFFICER (continued)

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.

   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.

DESK OFFICER (continued)

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.
    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.

DESK OFFICER (continued)

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. Notify Manhattan Court Section if prisoner indicates a refusal to remove their religious head covering for the official Department photograph at borough Court Section.
    a. Inform Manhattan Court Section of the gender of the arrestee in order to have a member of the service of the same gender available to take the official Department photo.
    b. Direct arresting officer to transport prisoner to the Mass Arrest Processing Center (MAPC) at One Police Plaza, between 0800 and 2400 hours, where the arrestee will have an official Department picture taken without their religious head covering.
    c. Direct arresting officer to transport prisoner to the respective borough Court Section upon completion of the official Department photograph at the MAPC.

ARRESTING OFFICER/ ESCORTING OFFICER

38. Deliver prisoner to borough Court Section or lodging location designated by borough Court Section concerned.
    a. Inform borough Court Section supervisor if prisoner(s) was strip-searched, including reason for and results of the search.
39. Present all forms relating to arrest to the borough Court Section supervisor.
40. Comply with all directions of the borough Court Section supervisor.

BOROUGH COURT SECTION SUPERVISOR

41. Examine all forms to verify completeness and accuracy.
42. Forward a complete set of **MEDICAL TREATMENT OF PRISONER** form, if prepared, with arresting/escorting officer to Department of Corrections (see *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment"*).
    a. Arresting/escorting officer will obtain receipted pink copy of the form and return it to the borough Court Section facility.
43. Ensure that the computer-generated Prisoner Movement Slip has a notation in the Detention Alert section when a prisoner is violent, resists arrests, is emotionally disturbed, threatens, or attempts suicide. When a prisoner has been strip-searched, enter that fact under "Other," in the Detention Alert section. Include the command and Command Log page number for reference. A notation indicating that the prisoner has been strip-searched will also be made on the **PRISONER TRANSPORT DISPATCH (PD171-132)** for notification to the desk officer, precinct of detention.
44. Notify Manhattan Court Section if prisoner refuses to remove their religious head covering for the official Department photograph.
    a. Inform Manhattan Court Section of the gender of the arrestee in order to have a member of the service of the same gender available to take the official Department photo.
    b. Direct arresting officer to transport prisoner to the Mass Arrest Processing Center (MAPC) at One Police Plaza, between 0800 and 2400 hours, where the arrestee will have an official Department picture taken without their religious head covering.
    c. Direct arresting officer to return the prisoner to the borough Court Section upon completion of the official Department photograph at the MAPC.
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-".*

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)

RELATED PROCEDURES (continued)

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)
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

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) Inform prisoner wearing a religious head covering that it must be searched.

a. Advise prisoner search may be conducted in private, if he/she prefers.

b. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if prisoner refuses to remove religious head covering for search.

c. Search religious head covering for weapons and contraband and return it to the prisoner.

d. A religious head covering will *not* be routinely removed, unlike outer garments that are removed (e.g., belts, neckties, shoelaces, drawstrings, etc.), unless there is an articulable reason to believe it is likely to be dangerous to life, is likely to facilitate escape, or is likely to be used to damage Department property.

e. If a religious head covering is removed due to safety/security concerns, the desk officer will make a Command Log entry indicating the reason.

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

ARRESTING OFFICER (continued)

(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.

(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

ARRESTING OFFICER (continued)

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.*

(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

ARRESTING OFFICER (continued)

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.*

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)

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:

TRANSPORTING PRISONERS IN DEPARTMENT VEHICLES

ARRESTING/ ESCORTING OFFICER

When a prisoner is transported in a Department vehicle, the prisoner will be rear handcuffed, placed in the rear seat and secured with a seat belt on. Seat belts will be used to secure prisoners, when practical, in non-emergency situations. In Department vehicles equipped with a fiberglass partition, both the operator and recorder will ride in the front seat. If the Department vehicle is not equipped with a fiberglass partition, the recorder will ride in the rear seat, directly behind the operator, with the prisoner seated on the passenger side of the vehicle. Transporting members will ensure that:

a. The handcuffs are double locked.
b. The prisoner is placed in a position in the rear seat to allow the recorder to visually monitor the prisoner during transport.
c. The rear compartment of Department vehicle is examined before and after prisoner transport.
d. All personal property (e.g., flashlights, batons, briefcases, etc.) is removed prior to placing the prisoner inside the Department vehicle.
e. When the seat belt is being secured on the prisoner by a member, the other member will remain on the opposite side of the RMP with the rear door open to be tactically able to assist in the event of an unforeseen occurrence.

Prisoners will be transported in an RMP equipped with a safety partition whenever available. In all cases, prisoner(s) will be kept under observation at all times and both the operator and recorder will be physically present at the embarkment/disembarkment point of the vehicle to supervise prisoner entry and exit.

NOTE

Whenever it is necessary to transport/secure prisoners in a marked or unmarked RMP and the vehicle has child safety locks on the rear door, these locks will be engaged. Most passenger vehicles are equipped with child safety locks which, when engaged, will prevent the opening of the rear door from the inside of the vehicle.

The child safety locks are engaged through the operation of a switch located in the door jamb area of each rear door. On Ford Crown Victoria vehicles, the switch must be slid to the "Lock On" position. On Chevrolet Impala vehicles, a key or similar device must be inserted into an opening in the door jamb to move the switch upward. For further clarification or for directions for other passenger vehicles, the respective owner's manual should be reviewed. It is important to note that when child safety locks are

NOTE (continued) *engaged, the doors are operable only from the outside; however, a passenger can reach outside the vehicle through an open window and operate the door. It is further recommended that the child safety locks be disengaged when transporting members of the service.*

TRANSPORTING PRISONERS IN TWELVE PASSENGER VANS

ARRESTING/ ESCORTING OFFICER

The transportation of prisoners in a twelve passenger van or similar vehicle will be avoided whenever a RMP with a safety partition is available.

When it is necessary to utilize a twelve passenger van to transport prisoner(s), the prisoner(s) will be rear handcuffed with handcuffs double locked. The prisoner(s) will be secured on the second bench seat utilizing the seatbelts. The recorder will ride on the 1st bench seat. Normally, no more than three prisoners should be transported at one time (see ADDITIONAL DATA graphic for Seating Plan.)

Select twelve passenger vans are equipped with an electric rear door lock. This lock will be engaged when prisoners are secured in the vehicle.

When it is necessary to utilize a twelve passenger van to transport more than three prisoners, e.g. transporting prisoners from a precinct to court, in addition to the procedures outlined above, leg restraints will be utilized, if available. When members of the service are utilizing leg restraints, the use of transport chains may not be necessary and will not be mandated as in *Patrol Guide procedure 210-01, "Prisoners General Procedure."* If transport chains are not utilized, prisoners will be rear handcuffed and handcuffs double locked. No more than seven prisoners will be transported in this manner and the prisoners will be secured on the 2nd and 3rd bench seats. The recorder and additional escort officer(s), if assigned, will ride in the 1st bench seat (see ADDITIONAL DATA graphic for Seating Plan.)

When utilizing a twelve passenger van to transport/secure prisoners during SNEU operations, or any other operation where the prisoner(s) may spend protracted periods of time in the van, all of the above security devices will be utilized, i.e. handcuffs, leg restraints, door locks, seatbelts, etc., when available. Prisoners should not be kept in vans for excessive periods of time.

In all cases, the prisoner(s) will be kept under observation at all times and both the operator and recorder will be physically present at the embarkment/disembarkment point of the vehicle to supervise prisoner entry and exit. Whenever prisoners wearing leg restraints are being transported in twelve passenger vans, members of the service will take care to ensure that the prisoners enter and exit the van safely. Because of the height of the vans, and the fact that prisoners wearing leg restraints will generally be rear handcuffed and may have greater difficulty in breaking their fall should they slip, officers will assist prisoners into and out of the vans.

DELIVERING PRISONERS TO DETENTION FACILITY OR PRE-ARRAIGNMENT

ARRESTING/ ESCORTING OFFICER

Arresting/escorting officers shall notify attendants or Correction Department personnel if prisoner(s) offered resistance, exhibited other threatening or dangerous behavior, attempted suicide or escape. Such notification and behavior will be recorded in the member's digital **Activity Log** and noted on the **Prisoner Movement Slip**, in the "Detention Alert" section.

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 transported to a hospital for medical treatment, 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.

Whenever an arresting officer/investigator becomes aware of 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/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/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/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 should then be brought to the attention of the Court Section personnel for entry on the courthouse generated movement slips.

ARRESTING/ ESCORTING OFFICER (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/investigator/escorting officer will notify the concerned borough court section supervisor.

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

Department policy prohibits the carrying of firearms within detention facilities. Therefore, when delivering prisoners for pre-arraignment processing, arresting/ transporting officers must:

a. Respond to the appropriate borough court section intake area with required arrest related documents, and enter with prisoner(s) to be processed.
b. Upon entering facility, immediately secure firearms in designated Department locker as directed by assigned Department personnel.
c. Upon completion of police duties within the detention facility, the uniformed member will retrieve the firearm from the location where it was secured prior to leaving the facility.

When delivering prisoners to the Manhattan Court Section at the rear of 100 Centre Street, uniformed members of the service are to secure their firearms in the Department of Correction security booth located in the intake sally port area.

The court section locations are as follows:

MANHATTAN COURT SECTION - Rear of 100 Centre Street (at Baxter Street)

MIDTOWN COMMUNITY COURT – 314 West 54th Street (Midtown North Pct.)

BROOKLYN COURT SECTION - Rear of 120 Schermerhorn Street (State St.)

QUEENS COURT SECTION - 125-01 Queens Boulevard

BRONX COURT SECTION - 215 East 161st Street

STATEN ISLAND COURT SECTION - 78 Richmond Terrace (120th Pct. 2nd Fl.)

ARRESTING/ ESCORTING OFFICER (continued)

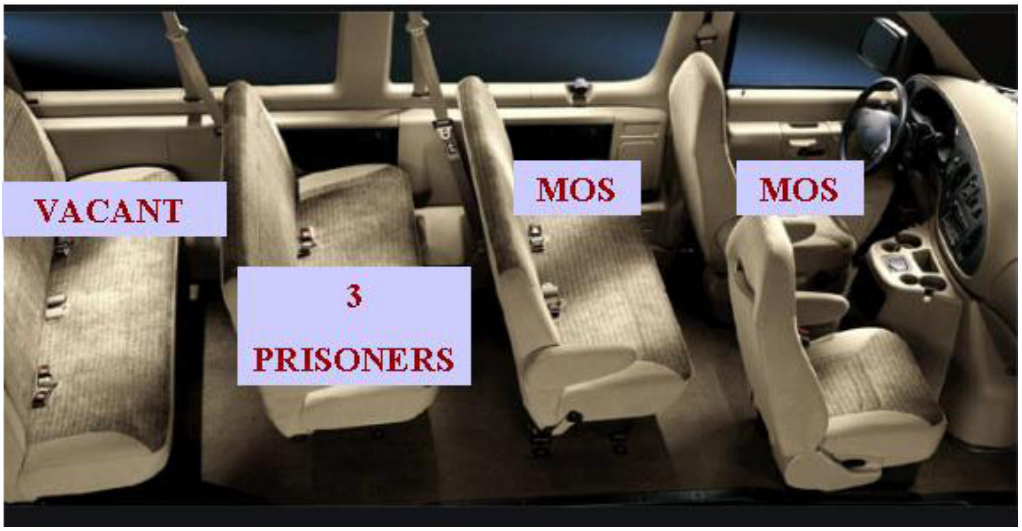
Uniformed members of the service at the scene of an incident at which a prisoner is acting in a deranged, erratic manner apparently caused by a drug overdose, i.e., cocaine psychosis, angel dust, heroin overdose, etc., will request the response of the supervisor on patrol, if an ambulance is not immediately available. The supervisor will determine if prisoner should be removed to the appropriate hospital by utilizing a Department vehicle or await the arrival of an ambulance. The prisoner is not to be brought to a police facility.

Cocaine induced psychosis or other illegal drug usage may cause violent behavior which may be a means of self-defense against imagined persecutors. In addition to paranoia, the individual may experience visual, auditory, or tactile (e.g., bugs crawling under the skin, etc.), hallucinations, high body temperature and seizures. Since sudden death may ensue, uniformed members of the service are reminded to have such person brought to an appropriate hospital facility and NOT TO A POLICE FACILITY.

Absent unusual circumstances, and when an unoccupied detention cell is available, prisoners who are being processed and require the use of toilet facilities will utilize those located within precinct detention cells. Detention cell facilities chosen must be fully operational (e.g., toilets, alarm and cell lock in working condition). Prisoners will be escorted by a uniformed member of the service of the same sex. All Department directives relative to prisoner security guidelines remain in effect.

ADDITIONAL DATA

Seating Plan
Up to 3 Prisoners

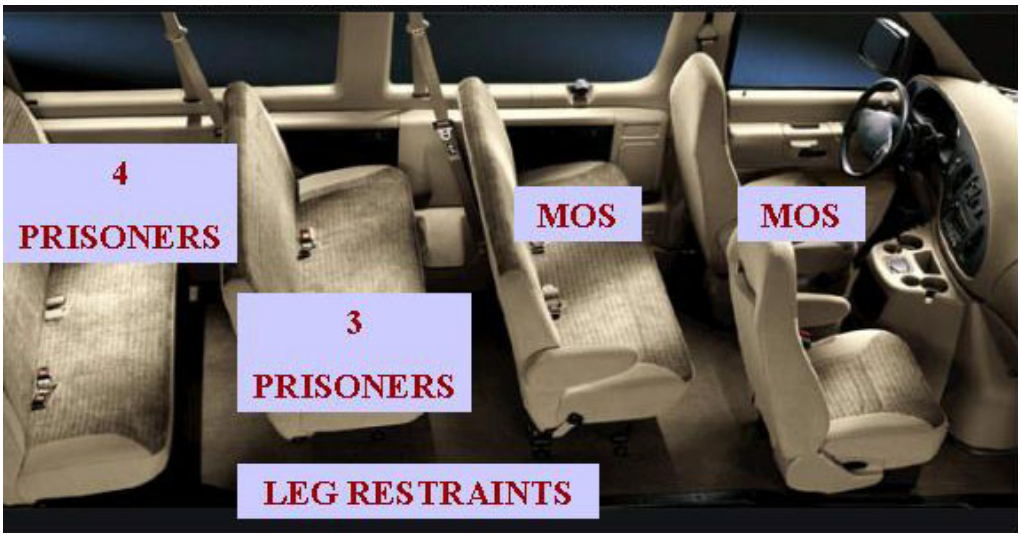


Side Door

*** Rear door must be locked to ensure prisoners do not escape.**

ADDITIONAL DATA (continued)

Seating Plan
Up to 7 Prisoners



Side Door

*** Maximum transport of prisoners is 7 prisoners for 12 passenger vans.**

*** Rear door must be locked to ensure prisoners do not escape.**

*** Assign additional escort officer as necessary.**

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)
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)

Section: Arrests		Procedure No: 208-07	
PHOTOGRAPHABLE OFFENSES			
DATE ISSUED: 05/13/21	DATE EFFECTIVE: 05/13/21	REVISION NUMBER:	PAGE: 1 of 2

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 charged with any felony.
   c. Juvenile Offender - A person less than 16 years of age taken into custody and charged with a felony as indicated:
      (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) if 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.
         (k) Criminal Possession of a Weapon 2nd Degree - Section 265.03 and the offense takes place on school grounds.

NOTE *School grounds consist of any building or property within the property line of a public, private or parochial school from elementary up to and including high school or within 1,000 feet of the property line of such school (Penal Law Section 220.00, subdivision 14).*

UNIFORMED MEMBER OF THE SERVICE (continued)

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.

If arrestee refuses to remove their religious head covering for a photograph taken for identification purposes (i.e., Prisoner Movement Slip), the arresting officer will take a digital photograph of the arrestee wearing their religious head covering. The arresting officer will then inform the arrestee that the Department is required to take an official Department photograph at the borough Court Section in which the arrestees head covering must be removed. If the arrestee indicates that they will continue to refuse to remove their religious head covering at the borough Court Section they will be informed that they will be transported to the prisoner photography facility at the Mass Arrest Processing Center (MAPC), at One Police Plaza between 0800 and 2400 hours where their head gear will be removed and an official Department photograph will be taken in privacy. Furthermore, the arrestee will be informed that their arrest processing may be delayed due to operational requirements incumbent in using the MAPC. Notification to Manhattan Court Section must be made before the arrestee is transported.

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.

Section: Arrests		Procedure No: 208-08	
FINGERPRINTABLE AND PALMPRINTABLE OFFENSES			
DATE ISSUED: 05/13/21	DATE EFFECTIVE: 05/13/21	REVISION NUMBER:	PAGE: 1 of 2

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 (16 or 17 years of age) charged with any felony.
   c. Juvenile Offender - A person less than 16 years of age taken into custody and charged with a felony as indicated:
      (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) if 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.
         (k) Criminal Possession of a Weapon 2nd Degree - Section 265.03 and the offense takes place on school grounds.

NOTE *School grounds consist of any building or property within the property line of a public, private or parochial school from elementary up to and including high school or within a thousand feet of the property line of such school (Penal Law Section 220.00, subdivision 14).*

ARRESTING OFFICER/ ARREST PROCESSING OFFICER (continued)

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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-09	
RIGHTS OF PERSONS TAKEN INTO CUSTODY			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	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 the juvenile and the parent/guardian must be read Miranda warnings by utilizing* ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)****. The juvenile may be questioned if he/she waives these rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive the rights; they only need to be advised of such rights. If, however, the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur, even if the juvenile is willing to answer questions.*

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.*

13. Request Communications Section to transmit FINEST message to all commands advising that the particular defendant is represented by counsel.

DESK OFFICER/ SUPERVISOR CONCERNED

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-10

ALTERNATE PROCEDURE FOR ARREST NUMBER GENERATION AS A RESULT OF COMPUTER FAILURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
02/04/15	02/04/15		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 Help Desk to attempt to correct problem.
2. Ascertain from member assigned to Information Technology Bureau Help 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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-11	
ARREST PROCESSING - "LIVESCAN" FINGERPRINTING AND PALMPRINTING			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 5

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 (see P.G. 202-14, "Desk Officer"). 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.

<u>ARRESTS PROCESSED AS "FOR OTHER AUTHORITY (FOA)"</u>

*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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-12

ALTERNATE PROCEDURE FOR FINGERPRINT AND PALMPRINT PROCESSING DUE TO COMPUTER SYSTEM FAILURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
02/04/15	02/04/15		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 Help Desk, if "LIVESCAN" becomes disabled at any time, to attempt to correct problem.
2. Ascertain from member assigned to Information Technology Bureau Help 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 Help 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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-14	
ARREST BY UNIFORMED MEMBER OUTSIDE CITY			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 2

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 (PD429-154)** 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.

COMMANDING OFFICER CONCERNED (continued)

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)
LINE OF DUTY INJURY REPORT (PD429-154)
UNUSUAL OCCURRENCE REPORT (PD370-152)

RELATED PROCEDURES

Line Of Duty Injury Or Death Outside City In Residence Counties (P.G. 205-06)
Accidents and Collisions – City Involved (P.G. 217-04)

PATROL GUIDE

Section: Arrests		Procedure No: 208-15	
ARREST REPORT PREPARATION AT STATIONHOUSE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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

PATROL GUIDE

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)

PATROL GUIDE

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

PATROL GUIDE

Section: Arrests		Procedure No: 208-20	
"TURNOVER" ARRESTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-22

PERFORMING LOCAL, STATE AND FEDERAL WARRANT CHECKS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 3

PURPOSE To assess an individual's fugitive status.

PROCEDURE Whenever it is necessary to conduct a warrant check:

MEMBER CONCERNED

1. Conduct a warrant check using appropriate Department resources (i.e., Domain Awareness System [DAS/DAS Lite], FINEST, Communications Section, etc.).
   a. Include search of state and federal warrant files (when using DAS/DAS Lite, check "Include NYSPIN Results").
   b. Conduct further inquiry if there is an exact pedigree match and/or a corresponding New York State Identification (NYSID) number (using the "NYSID" search box within DAS/DAS Lite).
   c. View "Summary Report" after search results are received when using DAS/DAS Lite to check if aliases or different names have different results.
2. Determine if an active warrant exists.
   a. View warrant within appropriate Department databases, if applicable.
3. Determine if an Originating Case Agency serial number (OCA #) or an **INVESTIGATION CARD (PD373-163)** has been assigned.
   a. Comply with "Additional Data" statement, if certain OCA #s have been assigned.
   b. Comply with *P.G. 208-23, "Computerized Investigation Card System,"* if an **INVESTIGATION CARD** has been assigned.
4. Verify validity of warrant (i.e., contact Warrant Verification Desk, Real Time Crime Center, utilize Criminal Record Information and Management System [CRIMS], etc.).

ADDITIONAL DATA

WARRANTS

Warrants are issued OCA #s by Warrant Section to identify a warrant as follows:

LETTER *Designates the TYPE OF WARRANT and COURT OF ISSUANCE Followed by YEAR*

YEAR *Designates the year issued. Followed by NUMBER*

NUMBER *Indicates the BOROUGH DESIGNATION of the court and is followed by an additional/sequential number*

ADDITIONAL DATA (continued)

Borough Designation #
Manhattan - 1, Brooklyn - 2, Bronx - 3, Queens - 4, Richmond - 5
An example of an OCA #:
OCA # R2018100001
R ➔ *Supreme Court/Bench Warrant*
2018 ➔ *Year of Issuance*
1 ➔ *Manhattan*
00001 ➔ *The first Supreme Court/Bench Warrant issued in Manhattan during the year 2018.*

The following is a list of OCA # letter designations indicating WARRANT TYPE and COURT OF ISSUANCE:

LETTER	*TYPE OF WARRANT*	*COURT*	*VERIFICATION*
A	*Summons*	*Criminal Court*	*CRIMS*
B	*Summons/Unclassified MISD*	*Criminal Court*	*CRIMS*
C	*Bench Warrant/MISD.*	*Criminal Court*	*CRIMS*
D	*Bench Warrant/FELONY*	*Criminal Court*	*CRIMS*
E	*Arrest Warrant*	*Criminal Court*	*CRIMS*
F	*Arrest Warrant*	*Supreme Court*	*CRIMS*
H	*P.I.N.S.*	*Family Court*	*Family Court*
J	*Juvenile Delinquent*	*Family Court*	*Family Court*
K	*Bench Warrant/Violation*	*Criminal Court*	*CRIMS*
M	*Other Family Court Act*	*Family Court*	*Family Court*
N	*Abuse/Neglect*	*Family Court*	*Family Court*
P	*Violation Probation*	*Supreme Court*	*CRIMS*
R	*Bench Warrant*	*Supreme Court*	*CRIMS*

LETTER	*TYPE OF WARRANT*	*COURT*	*VERIFICATION*
S	*Parole Violator*	*New York State Department of Corrections and Community Supervision (DOCCS)*	*DOCCS*
V	*Bench/FEL vs Person*	*Criminal Court*	*CRIMS*
W	*Support*	*Family Court*	*Family Court*
Y	*Material Witness*	*D.A. Office*	*NYPD DA SQUAD*
Q	*Recidivist*	*Not a warrant*	*Notify Unit Concerned*
X	*Narcotic Violator*	*Not a warrant*	*NICC*
I	*Investigation*	*Not a warrant*	*Detective Borough Wheel*

An OCA # designation preceded by the letter A, B, C, D, E, F, H, J, K, M, N, P, R, S, V, W, or Y is an indication of a POSSIBLE WARRANT and is <u>not</u> sufficient authority for arrest.

<u>Family Court</u> and <u>Parole Warrant</u> status <u>cannot</u> be verified utilizing the CRIMS court computer application.

ADDITIONAL DATA (continued)

A search indicating letter designations H, J, M, N or W, are Family Court warrants and require verification from the Family Court concerned (i.e., Manhattan, Brooklyn, Bronx, Queens and/or Staten Island). A docket number is needed.

Telephone verifications are to be made during Family Court business hours, 0900 to 1700 hours, Monday through Friday.

"J" (Juvenile Warrants) can be verified by contacting Juvenile Crime Desk, (Real Time Crime Center).

If DAS/DAS Lite search indicates letter designation "S," be guided by instructions provided by DAS/DAS Lite.

CRIMS is controlled by the N.Y.S. Office of Court Administration. User access is granted by the state. Members can apply for access via NYS Unified Court System CRIM Application Security Request For NON-UCS Personnel (Form UCS-SEC-1 CRIM) by contacting the NYS Office of Court Administration.

FORMS AND REPORTS

INVESTIGATION CARD (PD373-163)

PATROL GUIDE

Section: Arrests		Procedure No: 208-23	
COMPUTERIZED INVESTIGATION CARD SYSTEM			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that an investigator originating an **INVESTIGATION CARD (PD373-163)** is notified, as appropriate, when an individual named in **INVESTIGATION CARD** comes into contact with police.

PROCEDURE When a uniformed member of the service becomes aware of an **INVESTIGATION CARD** in an arrest situation or a non-arrest situation:

ARREST SITUATIONS

ARRESTING OFFICER

1. Follow appropriate arrest processing guidelines.
2. Determine if prisoner is subject of an **INVESTIGATION CARD**.
   a. Conduct name check of individual using appropriate Department resources.
3. Contact appropriate originator when an active **INVESTIGATION CARD** is discovered.
   a. Contact appropriate Detective Borough Wheel, if **INVESTIGATION CARD** is originated by a member of Detective Bureau.
      (1) Contact Detective Bureau Wheel, if Detective Borough Wheel is unavailable.
   b. Contact Intelligence Bureau's Criminal Intelligence Section, Regional Intelligence Support Center (RISC), if **INVESTIGATION CARD** is originated by an outside agency or Field Intelligence Officer (FIO).
4. Comply with instructions provided.

INDIVIDUAL IS NOT UNDER ARREST

UNIFORMED MEMBER OF THE SERVICE

5. Determine if individual is subject of an **INVESTIGATION CARD**.
   a. Conduct name check of individual using appropriate Department resources.
   b. Determine whether **INVESTIGATION CARD** indicates individual is a:
      (1) *Perpetrator - Probable Cause To Arrest*
      (2) *Suspect Only - No Probable Cause To Arrest*
      (3) *Witness.*
6. Contact appropriate Detective Borough Wheel that originated **INVESTIGATION CARD**.
   a. Contact Detective Bureau Wheel, if Detective Borough is unavailable.
   b. Contact Intelligence Bureau's Criminal Intelligence Section, Regional Intelligence Support Center (RISC), if **INVESTIGATION CARD** originated by an outside agency or FIO.

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Confirm validity of **INVESTIGATION CARD**.

7. Detain individual named on **INVESTIGATION CARD**, if described as "*Perpetrator - Probable Cause To Arrest.*"
   a. Obtain further instructions from appropriate authority (i.e., investigator, investigative supervisor, Detective Bureau Captain).
8. **DO NOT handcuff or otherwise physically restrain individual**, if **INVESTIGATION CARD** is described as "*Suspect Only - No Probable Cause To Arrest*" or "*Witness.*"
   a. Inform individual he/she is free to leave at any time; **and**,
   b. Comply with instructions provided by investigator in the "*Specific Instructions for Apprehending Officers*" caption box of **INVESTIGATION CARD**, if possible; **and**,
   c. Attempt to get individual to voluntarily consent to remain until an investigator arrives, if applicable.

IN ALL CASES

UNIFORMED MEMBER OF THE SERVICE

9. Make digital **Activity Log** entry, including pertinent information received on **INVESTIGATION CARD**, rank, name and tax number of member contacted in regard and instructions received.
10. Notify desk officer regarding **INVESTIGATION CARD**.

DESK OFFICER/ COUNTERPART

11. Ensure that if individual named on **INVESTIGATION CARD** is listed as "*Suspect Only - No Probable Cause to Arrest,*" "*Witness*" or unless specifically informed by competent authority that the person in question is not to be arrested, then:
    a. Ensure individual is **NOT handcuffed or otherwise physically restrained**; and,
    b. Ensure, individual is informed that he/she is free to leave at any time; **and**,
    c. Ensure, the instructions provided by the investigator in the "*Specific Instructions for Apprehending Officers*" caption box of the **INVESTIGATION CARD** are performed, if possible; **and**,
    d. Ensure an attempt is made to get individual to voluntarily consent to remain until an investigator arrives, if applicable.

FORMS AND REPORTS ***INVESTIGATION CARD (PD 373-163)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-24	
IDENTIFICATION LINEUPS/SHOWUPS			
DATE ISSUED: 06/23/20	DATE EFFECTIVE: 06/23/20	REVISION NUMBER:	PAGE: 1 of 3

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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-25	
FIRST AND THIRD PLATOON ARRESTS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

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 by A.G. 320-12, "Overtime Report." 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 (P.G. 205-17)
Overtime Report (A.G. 320-12)

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

PATROL GUIDE

Section: Arrests		Procedure No: 208-26	
FORFEITURE PROCEEDINGS FOR SEIZED PROPERTY			
DATE ISSUED: 09/24/18	DATE EFFECTIVE: 09/24/18	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To retain custody of property (vehicles, money, etc.) seized during the course of an arrest or investigation as the proceeds of crime, or as a means of furthering a crime, or as a means of transporting or concealing illegal substances, or as unlawfully obtained.

DEFINITION Property, including vehicles or money, for which forfeiture proceedings may be instituted:

a. VEHICLES
   (1) Where the vehicle is used in used in the unlawful transportation of controlled substances, marijuana, gambling devices and/or records; or
   (2) Where the vehicle is used as a means of facilitating the sale or possession of controlled substances or marijuana, furthering illegal gambling, or committing any other criminal activity; or
   (3) Where the vehicle is unlawfully obtained or stolen and the true owner cannot be identified.

b. ALL OTHER PROPERTY, EXCEPT CONTRABAND, WHERE THERE IS REASONABLE CAUSE TO BELIEVE THAT THE PROPERTY WAS:
   (1) Unlawfully obtained (owner not identified)
   (2) Stolen (owner not identified)
   (3) The means of committing, aiding or furthering a crime, or
   (4) The proceeds of crime.

PROCEDURE When property is seized as evidence or for investigation under circumstances in which forfeiture proceedings may be initiated, follow normal arrest/invoicing procedures and:

ARRESTING/ INVESTIGATING OFFICER

1. Seize property.
   a. If no arrest is made, confer with immediate supervisor and obtain consent.
   b. Property will normally be seized for forfeiture in connection with a felony or misdemeanor arrest but may also be held for investigation, under certain circumstances, without an arrest, e.g., if the true owner is not yet determined or arrest of the true owner is contemplated.
2. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.
   a. On **PROPERTY CLERK INVOICE WORKSHEET**, check box "Arrest Evidence" or "Investigatory Evidence," as appropriate. In addition, make entry under 'Remarks' section 'Held For Forfeiture Proceedings,' and state reasons for forfeiture recommendation in detail.
3. Prepare **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)** as described in *P.G. 218-30, "Invoicing Property Taken from a Person's Possession,"* if applicable.

ARRESTING/ INVESTIGATING OFFICER (continued)

4. Prepare **VEHICLE SEIZURE FORM (PD571-1218),** if applicable.
   a. Provide arrestee an opportunity to sign **VEHICLE SEIZURE FORM**, if applicable.
      (1) Check box 'Defendant Refused Signature,' if applicable.
   b. Ensure **VEHICLE SEIZURE FORM** is issued to arrestee, if applicable."

DESK OFFICER

5. Direct command clerk to prepare **PROPERTY CLERK INVOICE (PD521-141)** from **WORKSHEET**, utilizing the Property and Evidence Tracking System.
6. Make a Command Log entry specifying that the person received the "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**, copy of **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT**, if applicable, and copy of **VEHICLE SEIZURE FORM**, if applicable.
   a. Indicate in Command Log if any documents were refused or refused to be signed and specify the circumstances of refusal(s).
7. Review facts and determine whether forfeiture is appropriate.

NOTE *A **VEHICLE SEIZURE FORM** must be served in all cases in order to proceed with forfeiture. Failure to serve the **VEHICLE SEIZURE FORM** may result in the inability to prosecute forfeiture cases.*

8. Forward property to Property Clerk's Storage Facility with:
   a. Appropriate copies of **PROPERTY CLERK INVOICE** prepared
   b. Copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if prepared
   c. Copy of **Omniform Complaint Revision**, if prepared
   d. Copy of search warrant or other investigating documents, if prepared.

PROPERTY CLERK

9. Forward documents in support of forfeiture to Legal Bureau when a claimant makes a demand for return of property.

LEGAL BUREAU

10. Notify arresting officer if forfeiture proceeding is commenced.

ARRESTING/ INVESTIGATING OFFICER

11. Comply promptly with requests received from Legal Bureau to conduct additional investigation, sign affidavits, supply additional documentation, provide testimony, etc.

ADDITIONAL DATA *Only ten working days are allowed for commencing forfeiture proceedings once a proper demand is made at an office of the Property Clerk for return of the property. Therefore, all steps in this procedure must be complied with promptly.*

RELATED PROCEDURES

Follow-up Investigations of Complaints Already Recorded (P.G. 207-09)
Invoicing Property - General Procedure(P.G. 218-01)
Invoicing Property Taken from a Person's Possession (P.G. 218-30)
Unlicensed Peddler Forfeiture Program (P.G. 218-41)
Invoicing Vehicles/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)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)
VEHICLE SEIZURE FORM (PD571-1218)
Omniform Complaint Revision

PATROL GUIDE

Section: Arrests	Procedure No: 208-27	
DESK APPEARANCE TICKET - GENERAL PROCEDURE		
DATE EFFECTIVE: 06/30/21	LAST REVISION: I.O. 64	PAGE: 1 of 4

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 except 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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-28

DESK APPEARANCE TICKET - IDENTIFICATION STANDARDS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/01/20	01/01/20		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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-30	
DESK APPEARANCE TICKET – HOSPITALIZED PRISONER			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 2

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. 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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-34	
BRIBERY ARREST 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 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)*

Section: Arrests		Procedure No: 208-36	
FAMILY OFFENSES/DOMESTIC VIOLENCE			
DATE ISSUED: 04/30/21	DATE EFFECTIVE: 04/30/21	REVISION NUMBER:	PAGE: 1 of 18

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-37

FAMILY OFFENSES AND DOMESTIC VIOLENCE INVOLVING UNIFORMED OR CIVILIAN MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/20/20	05/20/20		1 of 5

PURPOSE To process domestic incidents involving uniformed or civilian members of the service.

PROCEDURE When directed to respond on a radio run or assignment that is later deemed to be a family offense or domestic incident (as per the Department's expanded definition of Family/Household) involving uniformed or civilian members of the service:

NOTE *Effective January 1, 1996, the Criminal Procedure Law mandates that an arrest be made when an officer establishes probable cause that any family offense misdemeanor has been committed, unless the victim, on his/her own volition, requests that an arrest not be made. The law prohibits a uniformed member of the service from inquiring whether the victim seeks an arrest of such person. In addition, uniformed members of the service are reminded that P.G. 208-36, "Family Offenses/Domestic Violence," sets out a mandatory arrest policy if a uniformed member of the service establishes probable cause that any felony has been committed or an order of protection has been violated.*

RESPONDING MEMBER OF THE SERVICE

1. Obtain medical assistance if requested or the need is apparent.
2. Ascertain the facts.
3. Ensure that the patrol supervisor is responding.

NOTE *Communications Section will automatically direct the patrol supervisor to respond to the scene of all family-related incidents involving members of the service.*

A member of the service performing stationhouse duties who is apprised of a domestic incident involving a member of the service will notify the desk officer. The desk officer will ensure that the procedures outlined in this order are followed.

PATROL SUPERVISOR

4. Comply with the provisions of *P.G. 208-36, "Family Offenses/Domestic Violence."*
   a. Direct the preparation of a **New York State Domestic Incident Report (DCJS-3221**) in all cases.
   b. Give complainant/victim copy of both pages of the **New York State Domestic Incident Report** (pink copies) and the "Victim Rights Notice" (pink copy) to the complainant/victim, if present.

<u>IN ALL CASES INCLUDING WHEN NO OFFENSE HAS BEEN ALLEGED</u>:

PATROL SUPERVISOR

5. Comply with *P.G. 208-36, "Family Offenses/Domestic Violence."*
6. Apprise the parties of the availability of counseling (see *Additional Data* statement).

NOTE *When there is doubt as to who is the offender and who is the victim, or if there is a cross-complaint situation, the commanding officer/duty captain will be notified and will determine the course of action.*

WHEN THE MEMBER OF THE SERVICE IS A VICTIM:

PATROL SUPERVISOR

7. Notify precinct commanding officer/duty captain who will ensure that appropriate action is taken and apprise parties of the availability of counseling.

DUTY CAPTAIN

8. Respond, ensure appropriate action is taken, and apprise parties of the availability of counseling when a member of the service is a victim of an incident that occurred within New York City.

IF THE MEMBER OF THE SERVICE IS ALLEGED TO HAVE COMMITTED AN OFFENSE, IN ADDITION TO STEPS 5 AND 6, COMPLY WITH THE FOLLOWING STEPS:

PATROL SUPERVISOR

9. Direct that a **COMPLAINT REPORT WORKSHEET (PD313-152A)** be prepared.

NOTE *If a member of the service is arrested, comply with 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 (P.G. 205-36)
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)

PATROL GUIDE

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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-40	
INTOXICATED OR IMPAIRED DRIVER ARREST			
DATE ISSUED: 05/24/21	DATE EFFECTIVE: 05/24/21	REVISION NUMBER:	PAGE: 1 of 8

PURPOSE To process persons arrested for operating a vehicle while under the influence of alcohol and/or drugs.

PROCEDURE Upon arresting a person for operating a vehicle while under the influence of alcohol and/or drugs:

ARRESTING OFFICER

1. Request response of patrol supervisor.

PATROL SUPERVISOR

2. Respond to scene and verify arrest.
3. Direct arresting officer to request Communications Section to dispatch Highway District, Intoxicated Driver Testing Unit (I.D.T.U.) personnel to designated testing location.
   a. Ensure time of arrest is stated when making request.
4. Direct arresting officer to remove prisoner, in a Department vehicle, directly to designated testing location without undue delay so that the IDTU technician commences testing within two hours from time of arrest.
   a. Assign adequate personnel to escort prisoner, depending on circumstances.

NOTE *When a prisoner arrested for Driving While Intoxicated/Impaired is hospitalized, normal arrest procedures will be followed and the Highway District I.D.T.U. technician will respond to the hospital to conduct appropriate tests.*

5. Have prisoner's vehicle removed to precinct of arrest for safeguarding.
   a. A prisoner shall not be permitted to operate a motor vehicle to depart from the command, if issued a Desk Appearance Ticket (DAT) for a violation of VTL 1192.1, Driving While Ability Impaired (DWAI).
6. Comply with *P.G. 218-19, "Invoicing Vehicles/Property as Arrest/ Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner,"* if circumstances warrant seizure of vehicle.
7. Notify desk officer, precinct of arrest regarding details of arrest.
8. Inform desk officer, precinct of arrest to notify Operations Unit and request a notification be made to District Attorney's Office, if prisoner has caused a serious physical injury or death to another individual or a serious physical injury to him/herself.
9. If arrestee is a member of the service, immediately notify the commanding officer/duty captain.

COMMANDING OFFICER/ DUTY CAPTAIN

10. If a member of the service is arrested, respond to the scene and ensure said member is transported directly to the designated testing location without undue delay and ensure that the IDTU technician commences testing within two hours from time of arrest.

DESK OFFICER, PRECINCT OF ARREST

11. Make required entries in Command Log and on **ROLL CALL (PD406-144)** pertaining to arresting officer's post change and Department auto number of vehicle used to transport prisoner to testing location.
12. Contact Operations Unit and request a notification be made to District Attorney's Office, if prisoner has caused a serious physical injury or death to another individual or a serious physical injury to him/herself.
    a. Provide Operations Unit member with the following:
        (1) Arresting officer's name, tax registry number, shield number and command
        (2) Prisoner's pedigree information
        (3) Desk telephone number of designated testing location.
    b. Make Telephone Record entry regarding notification.

OPERATIONS UNIT MEMBER

13. Notify appropriate District Attorney's Office.
14. Provide assistant district attorney with the following:
    a. Arresting officer's name, tax registry number, shield number, and command
    b. Prisoner's pedigree information
    c. Desk telephone number of designated testing location.
15. Notify desk officer, precinct of arrest and provide assistant district attorney's name and telephone number.

ARRESTING OFFICER

16. Conduct a thorough field search of prisoner prior to transportation.
17. Remove prisoner to designated testing location, and comply with pertinent arrest procedures.
    a. Arresting officer will invoice, as evidence, any of the following items found on the prisoner, or in the prisoner's vehicle:
        (1) Credit card receipts from a recent stop from restaurants, bars, sporting events, etc.
        (2) Any alcohol beverage or alcohol beverage container, etc.
        (3) Any controlled substances, prescription medicine/drugs, prescription bottles, marijuana, synthetic drug, synthetic drug packaging, or any substance that is reasonably believed to cause impairment.
18. Report, with prisoner, to desk officer at testing location.
19. Inform desk officer, testing location, if prisoner has caused a serious physical injury or death to another individual.

DESK OFFICER, TESTING LOCATION

20. Make entry in Command Log of:
    a. Identity of arresting officer and Department vehicle used
    b. Identity and pedigree of prisoner.
21. Verify that Highway District has been notified and responding.

ARRESTING OFFICER

22. Complete captions on **ARRESTING OFFICER'S REPORT - INTOXICATED DRIVER ARREST (PD271-152)**.

I.D.T.U. TECHNICIAN

23. Complete data entry on the Intoxilyzer, and digitally record signature in the appropriate caption.

24. Complete captions on **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1 (PD271-161)** and **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 2 (PD271-161A)**.

25. Comply, on video, with "Section One Chemical Test" on **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1**.

NOTE *In the event that the video camera system in an I.D.T.U. facility is inoperable, I.D.T.U. technicians will make an IMMEDIATE notification to the Highway District. All tests will be moved to another testing location with operable video, as directed by the Highway District.*

26. Administer breath test to prisoner.

NOTE *It is the policy of the New York City Police Department that subjects be observed by the I.D.T.U. technician for a minimum period of twenty minutes immediately preceding the administration of an evidentiary breath test, during which period the subject must not have ingested alcoholic beverages or other fluids, regurgitated, vomited, eaten, smoked, or have placed anything in his/her mouth. This requirement exceeds New York State minimum time period of fifteen minutes.*

*I.D.T.U. technicians will offer the breath test by reading the request directly from **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1**, and instruct the prisoner on how to give a proper breath sample. Prisoners will be given three initial attempts at giving a proper breath sample. After each unsuccessful attempt, I.D.T.U. technicians should reinstruct the prisoner on how to give a proper breath sample.*

*The Intoxilyzer is set to 'time out' after three minutes. Prisoners will be given unlimited attempts to blow into the Intoxilyzer until either an adequate sample registers OR three minutes have expired. After each unsuccessful attempt, the I.D.T.U. technician should reinstruct the prisoner on how to give a proper breath sample. After the initial three attempts, the I.D.T.U. technician will read a refusal warning directly from **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1**. After three minutes, if none of the additional attempts are successful, the Intoxilyzer will terminate the test and indicate that the results are 'Insufficient.' The Intoxilyzer will complete the testing sequence and prompt the I.D.T.U. technician to retest the subject. The I.D.T.U. technician will select 'yes' on the Intoxilyzer, offer an additional test, read the refusal warning, and provide instructions on how to give a proper breath sample.*

If an 'insufficient' result occurs at the conclusion of the second test, the test will be recorded as a refusal by conduct. If a prisoner refuses a second test, the test will be recorded as a refusal. In both cases, I.D.T.U. technicians will comply with steps "34" and "35" of this procedure. I.D.T.U. technicians will proceed to step "27."

NOTE (continued) *If at any time, a complete sample is obtained, the breath test will be concluded, and I.D.T.U. technicians will proceed to step "27."*

I.D.T.U. technicians will provide arresting officers with a copy of all printouts generated for each test.

When interacting with a non-English speaking or Limited English Proficient (LEP) person, in order to provide accurate translations of the request for chemical tests, and refusal warnings, I.D.T.U. technicians conducting breath tests will utilize the Language Videos produced by the Video Unit utilizing certified Department interpreters. In the event that a language needed is not available on video, I.D.T.U. technicians will comply with P.G. 212-90 "Guidelines for Interaction With Limited English Proficient (LEP) Persons."

I.D.T.U. TECHNICIAN (continued)

27. Upon completion or refusal of breath test, comply with "Section Two Horizontal Gaze Nystagmus Test" on the **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1**.
28. Comply with "Section Three Coordination Test" on the **HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 2**, and conduct "Test Number 1 - Walk and Turn," and "Test Number 2 - One Leg Stand."

NOTE *If, upon completion of the coordination test, it is determined by the I.D.T.U. technician that the subject's level of impairment is not consistent with the subject's Blood Alcohol Content Reading, (the BrAC reading obtained is below a .07%) the I.D.T.U. technician is required to contact the Highway District and request the response of a certified Drug Recognition Expert, and comply with the directions on* ***HIGHWAY DISTRICT IMPAIRED DRIVER EXAMINATION REQUEST FOR URINE (PD221-160)****.*

The Highway District will direct a certified Drug Recognition Expert to respond to the I.D.T.U. facility.

A Drug Recognition Expert will generally only conduct an evaluation if the subject's BrAC reading is below .07% and the subject's level of impairment is not consistent with the reading, however, an evaluation will never be conducted when a reading obtained is a .15% or above.

*I.D.T.U. technicians trained in Advanced Roadside Impaired Driving Enforcement, if in their professional opinion deem necessary, may continue with Test A – "Modified Romberg Balance Test," Test B – "Lack of Convergence Test," and Test C – "Finger to Nose Test," found on the form entitled, "****ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (PD271-162)****."*

ARRESTING OFFICER

29. Comply with **INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY (PD244-1414)**, on video, after all testing is completed.

I.D.T.U. TECHNICIAN

30. Distribute copies of all reports as indicated, and provide arresting officer with signed computer printout(s) from the Intoxilyzer.

NOTE *Any toxicological sample(s) (i.e., blood, urine, saliva, etc.), if collected, will be inventoried by the arresting officer utilizing the Property and Evidence Tracking System. Any toxicological samples, if taken, will be delivered to the Police Laboratory without delay.*

*A **COMPLAINT REPORT (PD313-152), PROPERTY CLERK INVOICE (PD521-141),** and a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** must be forwarded with each specimen box.*

*All **REQUEST FOR LABORATORY EXAMINATION REPORTS** will request the samples to be analyzed for "7-DNA Analysis to identify source of;" "30-Determine Blood Alcohol Concentration;" and "44-Other" stating in the "Details" section "To Be Tested for Drugs."*

If a prisoner, under the age of twenty-one, has a breath test reading of .02 of one per centum or more but not more than .05 of one per centum by weight of alcohol in the person's blood (BrAC) as shown by chemical analysis of such person's breath, the arresting officer and I.D.T.U. technician will comply with applicable provisions of P.G. 208-41, "Arrests - Person Under Twenty-One Operating a Motor Vehicle After Having Consumed Alcohol."

This procedure will be followed when the prisoner is under the age of twenty-one and the following conditions exists:

a. A prisoner's BrAC is determined to be a .06% or greater; or
b. A prisoner refused a breath test and believed to be intoxicated; or
c. Impairment from a drug other than alcohol is suspected, regardless of the BrAC reading.

ARRESTING OFFICER

31. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
32. Record the following vehicle information in the "Narrative" section of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**:
    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
        (1) If the vehicle does not have a metal plate, the temporary or alternate plate will be recorded.
    c. Rank, name and shield number of I.D.T.U. technician
    d. Date and time test conducted.

DESK OFFICER, TESTING LOCATION

33. 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 Driving While Intoxicated or Impaired Driver arrests.

IF PRISONER REFUSES CHEMICAL TEST (BREATH, BLOOD, URINE, AND/OR SALIVA) OR ANY PORTION THEREOF AT ANY TIME

I.D.T.U. TECHNICIAN

34. Prepare and sign **Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)**.
    a. Have arresting officer sign **Report of Refusal to Submit to Chemical Test**.
35. Distribute copies of **Report of Refusal to Submit to Chemical Test** as indicated on form.
    a. Arresting officer must provide the assistant district attorney with a copy of the form when the complaint is drawn.

COLLISION INVESTIGATION SQUAD MEMBER

36. Notify assistant district attorney if prisoner refuses to submit to a chemical test and has caused critical injury, serious physical injury or death to another, refer to *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
    a. Be guided by instructions from assistant district attorney and comply with *P.G. 217-16, "Chemical Test Warrant Application."*

NOTE

Regardless of the operator's decision to consent to a chemical test, a notification to Operations Unit and the District Attorney's Office concerned will be made when a vehicle collision which meets the criteria in P.G. 217-02, "Vehicle Collisions Which Results in Death, Serious Injury and Likely to Die, or Critical Injury." The arresting officer will keep the District Attorney's Office apprised of the arrest process and will apply for a chemical test warrant if the prisoner subsequently refuses to submit to a chemical test. If the operator suffers a serious physical injury and no other person suffers a serious physical injury or death, a member of the service cannot apply for a chemical test warrant for that operator.

ARRESTING OFFICER

37. Notify assistant district attorney if prisoner has any previous arrests for same crime within the past ten years.

DESK OFFICER, TESTING LOCATION

38. Ensure prisoner is transported to borough Court Section facility, as appropriate.

ADDITIONAL DATA

In arrest cases for Driving While Intoxicated/Impaired, where a vehicle collision is involved, a photocopy of the ***Police Accident Report (MV104AN)*** *will be provided to the assistant district attorney in the Complaint Room.*

Members assigned to the Strategic Response Group or Citywide Traffic Task Force, Driving While Intoxicated Unit who have been trained and certified as Intoxilyzer technicians will perform the functions (testing, video recording, etc.) which would normally be performed by Highway District Intoxicated Driver Testing Unit (I.D.T.U.) technicians only for arrests for Driving While Intoxicated/Impaired effected by members of their own units.

ADDITIONAL DATA (continued)

If a prisoner requests to consult with an attorney prior to submitting to a chemical test, he or she will be allowed such consultation provided it will not delay the administration of the test unnecessarily. If the prisoner requests to contact an attorney, ask the prisoner if he/she has the name and phone number of the attorney. If the prisoner does not have the phone number, provide the prisoner with a phone book (if available) and access to a telephone for a reasonable amount of time (e.g., fifteen minutes). After fifteen minutes, advise the prisoner that their time is up, and they must give a "yes/no" answer. I.D.T.U. technicians will read the refusal warnings if the prisoner answers "no" or fails to give a clear "yes/no" answer. A prisoner's request to contact an attorney will not be denied under any circumstances. Absent a prisoner's request for an attorney, there is no obligation to inform the prisoner prior to the test that he/she may consult with an attorney. However, if an attorney contacts the Department and states that he/she represents the prisoner, the prisoner MUST be informed of such and provided with an opportunity to consult with the attorney BEFORE the test is offered. A prisoner's conversation with an attorney may not be recorded. Turn off video recording equipment while the prisoner converses with an attorney.

If a prisoner requests to be tested for intoxication by his/her personal physician, the test will not be allowed until the Department testing has been completed. If the prisoner refuses the administration of a chemical test by this Department, he/she shall not be allowed to have a test be administered by his/her personal physician. The desk officer concerned will personally witness the test given by the physician and will direct that an entry be made in the "Narrative" section of the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET****. The entry will include the name and address of the physician and the time and date the test was given. If the test is conducted at a detention or borough Court Section facility, the desk officer thereat will make a telephone notification to the precinct of occurrence for the information of the arresting officer.*

When a prisoner arrested for Driving While Intoxicated/Impaired is hospitalized, normal arrest procedures will be followed and the Highway District I.D.T.U. technician will respond to the hospital and conduct appropriate tests. I.D.T.U. technicians will prepare the ***INTOXICATED DRIVER EXAMINATION - BLOOD (PD221-161)****. Arresting officers will prepare* ***ARRESTING OFFICER'S REPORT - INTOXICATED DRIVER ARREST*** *and* ***INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY****. Copies of all reports are to be distributed as indicated on the forms. If a prisoner refuses to submit to any chemical test, comply with steps "34" through "36."*

The I.D.T.U. technician and the arresting officer will both utilize their body-worn cameras (BWC) to record the reading of Miranda warnings and questioning of a prisoner, as well as any requests to draw blood. The officers will record the blood draw on their BWC, 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 BWC, and make digital ***Activity Log*** *entries detailing the circumstances.*

A prisoner charged with violation of Vehicle and Traffic Law, Section 1192 subdivisions (1), (2), (3) or (4) shall <u>not</u> be eligible for a ***DESK APPEARANCE TICKET*** *unless such prisoner is hospitalized for more than twenty-four hours. Such prisoner may be issued a* ***DESK APPEARANCE TICKET****, if eligible, whether or not he submitted to a chemical test. However, under no circumstances will a prisoner charged with violation of Vehicle and Traffic Law, Section 1192 subdivisions (1), (2), (3) or (4) be issued a* ***DESK APPEARANCE TICKET*** *if he/she has caused serious physical injury or death to another.*

RELATED PROCEDURES

Persons Under Twenty-One Operating a Motor Vehicle After Having Consumed Alcohol (P.G. 208-41)
Release of Prisoners (P.G. 210-13)
Guidelines for Interaction with Limited English Proficient (LEP) Persons (P.G. 212-90)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Chemical Test Warrant Application (P.G. 217-16)
Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)
Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)
Use of Body-Worn Cameras (P.G. 212-123)

FORMS AND REPORTS

ADVANCED ROADSIDE IMPAIRED DRIVER ENFORCEMENT (PD271-162)
ARRESTING OFFICER'S REPORT - INTOXICATED DRIVER ARREST (PD271-152)
HIGHWAY DISTRICT IMPAIRED DRIVER EXAMINATION REQUEST FOR URINE (PD221-160)
HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 1 (PD271-161)
HIGHWAY DISTRICT INTOXICATED DRIVER EXAMINATION - PAGE 2 (PD271-161A)
INTERROGATION WARNINGS TO PERSONS IN POLICE CUSTODY (PD244-1414)
INTOXICATED DRIVER EXAMINATION - BLOOD (PD221-161)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
ROLL CALL (PD406-144)
STANDARDIZED FIELD SOBRIETY TEST NOTES (PD383-141)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
Police Accident Report (MV104AN)
Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)

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)
Citywide Intelligence Reporting System (P.G. 212-12)
Safeguarding Vehicles in Police Custody (P.G. 218-12)
Delivery of Vehicles to Property Clerk (P.G. 218-20)

FORMS AND REPORTS

ROLL CALL (PD406-144)
Report of Refusal to Submit to a Chemical Test (AA-134)
Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A)
Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1)

PURPOSE To arrest persons for whom warrants have been issued.

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

PROCEDURE When arresting a person for whom a warrant has been issued:

ARRESTING OFFICER

1. Inform defendant of warrant and offense charged unless physical resistance, flight or other factors make such procedure impractical.
2. Present warrant, if requested, or as soon as possible, if not possessed at time of arrest.
3. Announce authority and purpose if premises is involved, and there is reasonable cause to believe that defendant is inside, EXCEPT if giving such notice may:
   a. Endanger the life or safety of the officer or another person, OR
   b. Result in defendant attempting to escape, OR
   c. Result in material evidence being destroyed, damaged or hidden.

NOTE *The City Charter authorizes the immediate and unannounced entry into a premise in an emergency situation; this includes an "urgent child abuse" case situation where the life or safety of a child or any other person is endangered. In other cases where there is no emergency, exceptions DO NOT apply (i.e., Family Court warrants, including Urgent Child Abuse Warrants).*

4. Make a forced entry into premises, if necessary.

NOTE *If premise is a third party residence, such forced entry is prohibited without a search warrant.*

5. Make arrest and comply with the pertinent arrest processing guidelines.
   a. When court is not in session, contact borough Court Section supervisor for instructions as to location to which prisoner is to be transported.
6. Ascertain if any additional warrants or active **INVESTIGATION CARD(S) (PD373-163)** exist concerning the subject of the immediate warrant via applicable Department resources as described in *P.G. 208-22, 'Performing Local, State and Federal Warrant Checks.'*
   a. Comply with *P.G. 208-23, 'Computerized Investigation Card System,'* if an **INVESTIGATION CARD** has been discovered.

NOTE *A subject can be run by name, NYSID, or by the docket number (if known) under the "Keyword" function in DAS. In addition, in order to sort through the information returned through DAS, it is recommended that the "Warrants Active" tab be checked under the Source Section of the Filter System.*

ARRESTING OFFICER (continued)

7. Complete **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** if arrest warrant, or **ARREST REPORT - SUPPLEMENT (PD244-157)** if bench warrant, and enter under "NARRATIVE":
   a. Date warrant issued, court, judge, and county of issuance
   b. Rank, name, shield number and command of member of the service who verified the status of the warrant
   c. Docket number and other pertinent information.
8. Arraign prisoner as follows:
   a. CRIMINAL COURT WARRANTS
      (1) Warrants issued by New York, Queens, Bronx, or Kings County Criminal Court:
         (a) Arraign prisoner in Criminal Court or Weekend/ Night Court of the borough that issued the warrant.
      (2) Warrants issued by Staten Island Criminal Court:
         (a) When in session, arraign prisoner in Staten Island Criminal Court
         (b) When not in session, confer with Staten Island borough Court Section and process prisoner as directed.
   b. SUPREME COURT WARRANTS
      (1) If in session, take prisoner before Supreme Court that issued warrant.
      (2) When a police officer cannot bring the defendant to Supreme Court for arraignment (after 1700 hours on weekdays and on weekends), the officer will deliver defendant as follows:
         (a) Adult males to the Department of Correction facility listed (see ADDITIONAL DATA for Department of Correction locations)
         (b) Adult females to the Rose M. Singer Center on Rikers Island
         (c) Male adolescents (18 years of age) will be brought to the Adolescent Reception and Detention Center on Rikers Island.
         (d) Male and female juveniles (16 and 17 years of age) will be brought to the appropriate facility designated by the Administration for Children's Services (ACS).
   c. FAMILY COURT WARRANTS
      (1) When in session, remove prisoner to Family Court that issued warrant.
      (2) When not in session, arraign prisoner in Weekend/Night Court, borough of arrest.
9. The police officer delivering the prisoner will provide the Department of Correction with a copy of the Supreme Court arrest warrant or bench warrant.

ARRESTING OFFICER (continued)

10. Police officers delivering defendants to Rikers Island will proceed across the Rikers Island bridge and go directly to the appropriate reception center where they will be required to check all their weapons. After complying, they will proceed to the receiving entrance of the facility to lodge the defendant, and will retrieve their weapons after the defendant is lodged.
11. In order to accurately account for instances where a defendant is returned to court solely on the basis of a warrant (Criminal or Supreme Court, bench, etc.) and there is no associated arrest number generated, all escorting officers, **with the exception of members of the service assigned to the Fugitive Enforcement Division or any of its sub-units**, must report to the designated borough Court Section location as follows:
    a. Manhattan – Room 132
    b. Brooklyn – Room 207
    c. Bronx – Prisoner Intake
    d. Queens – Prisoner Intake
    e. Staten Island – 120th Precinct Arrest Processing Office.

    In all cases, escorting officers will obtain a "Return on Warrant" number from Court Section personnel prior to departing the court facility.
12. If arrest made in borough other than borough where warrant was issued (Inter-County Warrant): prepare following statement on Court Complaint, "At (time) hours, on (date), Police Officer (name, shield number, command) performing duty in (borough) Criminal Court has verified through records on file at said court that the warrant forming the basis of this arrest is active."

<u>WHEN AN ARREST IS AFFECTED SOLELY ON A BENCH WARRANT</u>

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

<u>PAROLE WARRANT</u>

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)

Female Facility
Rose M. Singer Center (RMSC)
19-19 Hazen Street
East Elmhurst, New York 11370

RELATED PROCEDURES

Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Computerized Investigation Card System (P.G. 208-23)
Certificate of Warrant (Non-Support) (P.G. 208-50)
Documenting and Reporting Court Appearances Pertaining to Arrests on a Warrant (P.G. 211-08)
Search Warrant Applications (P.G. 212-75)
Leaving City on Official Business (P.G. 212-83)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-157)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
APPEARANCE TICKET - FAMILY COURT (PD277-130)
INVESTIGATION CARD (PD373-163)

PATROL GUIDE

Section: Arrests		Procedure No: 208-44	
PROSTITUTION			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To process persons arrested for prostitution.

PROCEDURE When a person is arrested for prostitution, follow normal arrest procedure and:

ARRESTING OFFICER

1. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
2. Include under details on **ON LINE BOOKING SYSTEM ARREST WORKSHEET**:
   a. Length of time of observation
   b. Action which caused arrest
   c. Any statements by prisoner to substantiate charge
   d. Location of offense
   e. How person was attired
   f. Character of room
   g. Fee paid
   h. Was money returned?
   i. Other necessary information.
3. Notify Borough Vice Module (or Detective Bureau Wheel, if unavailable) if:
   a. Defendant is less than eighteen years of age, or;
   b. Defendant states that he/she is being compelled to work as a prostitute, or;
   c. Defendant states that he/she has been transported across state lines for the purpose of engaging in prostitution.

DESK OFFICER

4. Verify identity and address if prisoner is not in possession of satisfactory documentary proof.

ARRESTING OFFICER

5. Sign all copies of **ON LINE BOOKING SYSTEM ARREST WORKSHEET** under booking officer's signature.

ADDITIONAL DATA *The arresting officer will submit a copy of the court affidavit and the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** to his/her immediate supervisor after arraignment of the prisoner. A **COMPLAINT REPORT (PD313-152)** is not prepared, however fingerprints and photos are taken.*

RELATED PROCEDURES *Photographable Offenses (P.G. 208-07)*
Police Action in Premises Licensed or Unlicensed Where Alcoholic Beverages Are Sold (A.G. 321-19)

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

PATROL GUIDE

Section: Arrests		Procedure No: 208-45	
LOITERING FOR PURPOSES OF PROSTITUTION			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To process arrests for "Loitering for Purposes of Prostitution."

DEFINITION INTERACTION – Beckons to, stops, attempts to stop, attempts to engage passers-by in conversation, stops or attempts to stop motor vehicles, or interferes with the free passage of other persons.

PROCEDURE When a person is arrested for "Loitering for Purposes of Prostitution," follow normal arrest procedures and:

ARRESTING OFFICER

1. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
   a. Include in the "Narrative" section of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**:
      (1) Number of observed interactions
      (2) Description of each interaction
      (3) Total length of time observing interactions
      (4) Whether observing officer lost sight of the defendant between or during interactions
      (5) Location of interactions
      (6) Any overheard conversations
      (7) If defendant's interaction involves a vehicle, indicate whether vehicle is private, commercial, or livery
      (8) Any statements made by defendant
      (9) Other necessary information.
2. Notify Borough Vice Module (or Detective Bureau Wheel, if unavailable) if:
   a. Defendant is less than 18 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.
3. Draw up complaint detailing behavior and other actions of the defendant, also include additional pertinent information, such as:
   a. Conversation with various men or women, as appropriate
   b. Repeatedly stopping or attempting to stop automobiles or leaning into cars and engaging motorists in conversation
   c. Time of observations
   d. Conduct and clothing
   e. Defendant's response to questioning.

ADDITIONAL DATA *Prior to making an arrest for "Loitering for Purposes of Prostitution," members of the service MUST observe at least three separate interactions. None of these interactions should be initiated by members of the service.*

ADDITIONAL DATA (continued)

Gender, gender identity, clothing, and location are not sufficient alone or together to establish probable cause.

No more than five arrests for "Loitering for Purposes of Prostitution" are to be made by the same uniformed member of the service at one time.

*A **COMPLAINT REPORT (PD313-152)** is NOT prepared for a pick-up arrest for "Loitering for Purposes of Prostitution" (Section 240.37, subdivision 2, Penal Law), however, fingerprints MUST be taken.*

*A **DESK APPEARANCE TICKET** must be issued in lieu of detention, if eligible, as per P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

RELATED PROCEDURES

Desk Appearance Ticket – General Procedure (P.G. 208-27)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
DESK APPEARANCE TICKET

PATROL GUIDE

Section: Arrests		Procedure No: 208-46	
GAMBLING			
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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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-47

COUNTERFEITING/FORGING U.S. GOVERNMENT OBLIGATIONS OR COUNTERFEITING/UNAUTHORIZED USE OF ACCESS DEVICES

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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).*

PATROL GUIDE

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)

PATROL GUIDE

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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-52	
TRAFFIC VIOLATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-53

ARREST PROCESSING – AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To process arrests for operating a vehicle with a suspended or revoked license.

PROCEDURE When a uniformed member of the service observes, or has reasonable cause to believe that a person operating a vehicle has a suspended or revoked driver's license:

UNIFORMED MEMBER OF THE SERVICE

1. Effect an arrest for violation of any degree of Aggravated Unlicensed Operation of a Motor Vehicle.
   a. Remove prisoner to police facility for processing.
2. Conduct license check (DALL) and name check via FINEST.
   a. Retain printout and include in DAT or On Line arrest folders.
3. Comply with current Department procedures regarding issuance of a **DESK APPEARANCE TICKET (PD260-121)** and steps 5, 6, 7, 8, and 9 below, if prisoner is charged with Aggravated Unlicensed Operation of a Motor Vehicle (AUO) 3rd degree and is otherwise eligible.
4. Comply with all pertinent arrest processing procedures.

PERSONS CHARGED WITH V.T.L. 511 (1)(a) OR 511 (2)(a) MISDEMEANORS

5. Prepare the following court related forms, (in addition to **ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)** and other arrest related paperwork):
   a. **SUPPORTING DEPOSITION-SUSPENDED/REVOKED LICENSE (PD244-068)** or **SUPPORTING DEPOSITION - SUSPENDED/ REVOKED LICENSE-BRONX (PD244-068A)** or appropriate Supporting Deposition [i.e., "SUPPORTING DEPOSITION – DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE (EAP – VTL SECTIONS 509 & 511(1)(a) AND 511(2)(a)(iv) only)" or "SUPPORTING DEPOSITION – DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE (VTL SECTIONS 509 & 511)"] for Kings County
   b. **PRE-ARRAIGNMENT NOTIFICATION REPORT (PD244-153)**
   c. Arraignment Card (Misc. 4661)
   d. Police Officer's Court Availability Schedule (Misc. 470a)
   e. Prisoner Movement Slip (Misc. 2011-A 8/84)
   f. DMV Certificate Concerning Violation of Law Relating to Vehicles (A-246), for the VTL Misdemeanor and Felony
   g. "ADA" copy of **PROPERTY CLERK INVOICE (PD521-141)**, if prepared
   h. FACT SHEET - VTL SECTIONS 509 AND 511 DRIVING UNLICENSED OR WITH A SUSPENDED PRIVILEGE, Kings County only.
6. Record the following vehicle information in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**:

UNIFORMED MEMBER OF THE SERVICE (continued)

a. The make, model, year and color of the vehicle operated by the defendant.

b. The license plate number of the vehicle operated by the defendant and the state the vehicle is registered in. If the vehicle does not have a metal plate the temporary or alternate plate will be recorded.

NOTE *The above information will be recorded in the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** even if the defendant was not the owner of the vehicle being operated at the time of arrest. The name and address (apartment number, if applicable) of the registered owner of the vehicle will be recorded in addition to the above.*

7. Prepare Criminal Court Summons for violation of VTL 511(1)(a) or VTL 511(2)(a) in Richmond County only.
   a. Clearly and concisely articulate the justification for the vehicle stop and violations observed on the rear portion of the white summons copy.
   b. List the VTL 511 misdemeanor violation in the "Charges Information" caption of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (OLBS)**.
   c. List any additional VTL violations (i.e. Disobey A Traffic Control Device) observed during the original vehicle stop as separate charges on the OLBS.
   d. Do not enter RETURN DATE on summons(es).
   e. Attach ORIGINAL copy of the summons to the SUPPORTING DEPOSITION.

NOTE *Step "7" above regarding the issuing of a summons is specific and applicable only to Patrol Borough Staten Island. The Richmond County District Attorney has mandated that a summons be issued and included as an ADDITIONAL part of the arrest package and arraignment process. The remaining Patrol Boroughs (i.e., Manhattan South, Manhattan North, Bronx, Brooklyn South, Brooklyn North, Queens South and Queens North) are EXEMPT from this requirement. In these Patrol Boroughs, for the purposes of this procedure only, all VTL violations will be listed as separate charges on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**; summonses will not be written.*

8. Fingerprint prisoner utilizing "Livescan."

NOTE *Persons charged with 511(3)(a) E Felony shall be processed in accordance with step "5" ("b" through "h") and step "9" below. A Criminal Court Summons will not be prepared in felony cases.*

9. Confiscate driver's license and comply with *P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."*

NOTE *Disregard subdivision "a" of step 3 and the "NOTE" following subdivision "3a" in P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License".*

NOTE *During the original vehicle stop if a summons was prepared prior to obtaining the results of a name check, for any VTL violation other than Aggravated Unlicensed Operation of a Motor Vehicle, the summons must be voided. P.G. 209-18, 'Summons Served Or Prepared In Error' will be followed. A photocopy of the summons(es) prepared will be included as part of the arrest paperwork package that is forwarded to the district attorney. The VTL violations will be listed as separate charges on the OLBS.*

UNIFORMED MEMBER OF THE SERVICE (continued)

10. Inform desk officer when arrest processing is complete.

DESK OFFICER

11. Review the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** to ensure completeness and verify that information regarding the vehicle operated by the defendant is recorded for all Aggravated Unlicensed Operation of a Motor Vehicle arrests.
12. Review all forms for completeness and accuracy.
13. Ensure that all applicable categories on **SUPPORTING DEPOSITION** are checked off.
    a. Have arresting officer sign and date.
14. Have prisoner (not eligible for a DAT) and related court papers delivered to borough Court Section and comply with "Citywide Expedited Arrest Processing."

BOROUGH COURT SUPERVISOR

15. Examine court papers for completeness and accuracy.
16. Make necessary entries on court papers and process as an "on line" arrest.

ADDITIONAL DATA

Section 511-b, "Seizure And Redemption Of Unlawfully Operated Vehicles" requires that, upon making an arrest for Aggravated Unlicensed Operation Of A Motor Vehicle, 1st or 2nd Degree committed in his/her presence, a uniformed member of the service shall remove or arrange for the removal of the vehicle to the Property Clerk, if:

a. The operator is the registered owner of the vehicle, OR
b. The vehicle is not properly registered, OR
c. Proof of financial security (insurance card) is not produced, OR
d. Where a person, other than the operator, is the registered owner and such person or another, properly licensed and authorized to possess and operate the vehicle, is not present.

The impounded vehicle must be entered into NYSPIN as an impounded vehicle (see P.G. 212-48, "Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program" [Additional Data]). The impounded vehicle will remain at the precinct stationhouse for forty-eight hours. If no one appears to redeem the vehicle, the vehicle will be delivered to the Property Clerk for storage. Additionally, the registered owner must promptly be notified, utilizing form ***AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)****, that the vehicle has been impounded. Vehicles seized pursuant to this section shall not be released unless:*

a. The person redeeming the vehicle has furnished satisfactory evidence of registration and financial security.

ADDITIONAL DATA (continued)

b. Reasonable removal and storage costs have been paid. (See P.G. 218-44, "Removal And Storage Charges").

Removal and storage charges shall not be required of the registered owner if the impounded vehicle was stolen or was rented or leased pursuant to a written agreement for a period of thirty days or less.

c. Where the vehicle was operated by a person who, at the time of the offense, was the owner, the following is required:

(1) Satisfactory evidence that the registered owner or other person seeking to redeem the vehicle has a license or privilege to operate a motor vehicle in New York, AND

(2) Satisfactory evidence that criminal charges have been terminated and that any fine imposed as a result of a conviction has been paid, OR

(3) A certificate issued by the court in which the criminal action was commenced ordering release of the vehicle prior to judgment or in compliance of the interest of justice, OR

(4) A certificate issued by the District Attorney, or other officer authorized to prosecute such charge, waiving the requirement that the vehicle be held.

In <u>all</u> 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 <u>will not</u> 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 <u>must</u> provide the same documenting evidence as required for release of a vehicle pursuant to Section 511-b of the VTL above, <u>except</u> that a District Attorney's release is required in <u>all</u> 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 <u>and</u> 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. <u>POSSESSION OF A FORGED/ALTERED REGISTRATION</u>

(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)

PATROL GUIDE

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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-56	
FOREIGN NATIONALS			
DATE ISSUED: 06/13/19	DATE EFFECTIVE: 06/13/19	REVISION NUMBER:	PAGE: 1 of 3

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	**Cyprus**	**Kyrgyzstan**	**Sierra Leone**
Algeria	**Czech - Republic**	**Malaysia**	**Singapore**
Anguilla	**Dominica *(Note: this country is NOT the Dominican Rep.)***	**Malta**	**Slovakia**
Antigua		**Mauritius**	**Tajikistan**
Armenia	**Fiji**	**Moldova**	**Tanzania**
Azerbaijan	**Gambia**	**Mongolia**	**Tonga**
Bahamas	**Gibraltar**	**Montserrat**	**Trinidad &**
Barbados	**Georgia**	**Northern Ireland**	**Tobago**
Barbuda	**Ghana**	**Nigeria**	**Tunisia**
Belarus	**Grenada**	**Philippines**	**Turkmenistan**
Belize	**Guyana**	**Poland**	**Turks and Caicos**
Bermuda	**Hong Kong**	**Romania**	**Tuvalu**
British Virgin Isl.	**Hungary**	**Russia**	**Ukraine**
Brunei	**Jamaica**	**St. Kitts & Nevis**	**United -**
Bulgaria	**Kazakhstan**	**St. Lucia**	**Kingdom**
Cayman Islands	**Kiribati**	**St. Vincent &**	**Uzbekistan**
China	**Kuwait**	**Grenadines**	**Zambia**
Costa Rica		**Seychelles**	**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.

WHEN NOTIFICATION MUST BE MADE (PRISONER IS FROM A COUNTRY LISTED ABOVE):

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

PATROL GUIDE

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)***

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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-59	
FELONY ARRESTS OF PAROLEES			
DATE ISSUED: 03/29/17	DATE EFFECTIVE: 03/29/17	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To notify the New York State Department of Corrections and Community Supervision (DOCCS) of the arrest of a parole absconder or a parolee who has been the subject of a new felony arrest.

PROCEDURE When a uniformed member of the service effects the arrest of a person and the charge is a felony:

UNIFORMED MEMBER OF THE SERVICE

1. Remove prisoner to precinct of arrest and comply with appropriate arrest processing procedures.

DESK OFFICER

2. Immediately notify precinct detective squad if charge is a felony.

MEMBER CONCERNED, P.D.S.

3. Conduct name check of person arrested against the "Target List of Recidivists" and the New York State Department of Corrections and Community Supervision (DOCCS) Parole File.
4. Make additional copies of the **COMPLAINT REPORT (PD313-152)** and **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and forward them to the New York State Department of Corrections and Community Supervision (DOCCS) via the Warrant Section.

ADDITIONAL DATA

If a uniformed member of the service conducting an investigation has a parole absconder in custody SOLELY on the authority of a parole warrant, the arrest will be processed as "FOA." The uniformed member of the service will notify the Warrant Section, Telephone Inquiry Unit immediately for the purpose of obtaining a copy of the parole warrant to lodge the parole violator in the appropriate Department of Correction facility. In addition, an immediate notification must also be made to the New York State Department of Corrections and Community Supervision (DOCCS), Operations Center.

The notification to the New York State Department of Corrections and Community Supervision (DOCCS) is necessary to provide a copy of the parole warrant to arresting officers in cases where the Warrant Section has not yet received a copy of this document, and also to ensure that parole violators are served with a copy of the charges upon which the warrant is based, as well as the dates on which the probable cause and revocation hearings are to be scheduled. PRISONERS IN THESE CASES WILL BE LODGED AT THE APPROPRIATE DEPARTMENT OF CORRECTION FACILITY AND ARE NOT TO BE TRANSPORTED TO BOROUGH COURT SECTION FACILITIES. When preparing the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)****, indicate in the "Narrative Section" the time, date and names of persons notified at the Warrant Section and at the New York State Department of Corrections and Community Supervision (DOCCS), Operations Center.*

Parole officers doing absconder work are authorized to sign for Department radios at precincts, subject to their availability.

ADDITIONAL DATA (continued)

KEY ELEMENTS OF THE PAROLE VIOLATOR PROGRAM:

Absconder Apprehension Task Force

The "Absconder Apprehension Task Force" will focus on the apprehension of dangerous parole absconders.

Arrested Parolee Enhanced Notification System

Each month, the New York State Department of Corrections and Community Supervision (DOCCS) will provide the New York City Police Department with a computer tape consisting of all active, delinquent, and absconder cases currently under the jurisdiction of the New York State Department of Corrections and Community Supervision (DOCCS).

The New York State Department of Corrections and Community Supervision (DOCCS) will also provide copies of all absconder warrants with appropriate physical descriptions to the New York City Police Department Warrant Section to facilitate lodging and execution of those warrants.

Parole/New York City Police Department Information Exchange

The "Parole/New York City Police Department Information Exchange" will facilitate cooperation between this Department and the New York State Department of Corrections and Community Supervision (DOCCS).

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Arrests		Procedure No: 208-60	
DELIVERY OF FELONY WARRANT DEFENDANTS BY MEMBERS OF NEW YORK STATE POLICE			
DATE ISSUED: 07/01/14	DATE EFFECTIVE: 07/01/14	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To accept custody from the New York State Police of persons arrested based on a felony warrant during hours when Warrant Section personnel are not available and to arrange lodging for said prisoners pending their return to the appropriate New York City Court.

NOTE *Warrant Section investigators are available to process such arrests as follows:*

- *Monday to Friday 0630 x 2300*
- *Saturday and Sunday 0630 x 1800*

PROCEDURE When members of the New York State Police return a defendant who has been arrested based on a felony warrant issued by a New York City Court to the custody of this Department:

DESK OFFICER 50th PRECINCT

1. Accept custody of prisoner and request a copy of the warrant or NYSPIN message from New York State Police Officer.
2. Verify validation of warrant through Central Warrant Unit, if necessary.
3. Prepare **Prisoner Movement Slip**, take one photograph of defendant and attach to **Prisoner Movement Slip**.
   a. Deliver **Prisoner Movement Slip**, with photo attached, to Warrant Section personnel.
4. Notify borough Court Section concerned and follow instructions received regarding lodging of prisoner.
   a. Comply with provisions of *P.G. 210-01, "Prisoners General Procedure,"* where appropriate.
5. Make Command Log entry of facts including delivering officer's name and command, prisoner's name, condition, OCA# of warrant and court part which issued warrant.
   a. Include all notifications made.

BOROUGH COURT SECT. CONCERNED

6. Designate appropriate location for lodging of prisoner.

NOTE *If possible, prisoner should be lodged in 50th Precinct.*

7. Notify Bronx Warrant Squad (Monday to Friday) or Central Warrant Unit (Saturday and Sunday), at 0630 hours to respond and take custody of prisoner.

WARRANT SECTION INVESTIGATOR

8. Respond to lodging facility and take custody of prisoner.
9. Prepare **ARREST REPORT SUPPLEMENT (PD244-157)**.
10. Deliver prisoner, **ARREST REPORT SUPPLEMENT**, and **Prisoner Movement Slip** to appropriate court for processing.

RELATED PROCEDURES *Arrest on a Warrant (P.G. 208-42)*
Prisoners General Procedure (P.G. 210-01)

FORMS AND REPORTS ***ARREST REPORT SUPPLEMENT (PD244-157)***
Prisoner Movement Slip

PATROL GUIDE

Section: Arrests		Procedure No: 208-61	
MATERIAL WITNESS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

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)***

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)***

PATROL GUIDE

Section: Arrests		Procedure No: 208-65	
FELONY AUGMENTATION PROGRAM			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To establish legally sound cases with the cooperation of the District Attorney, which will result in significant prison terms for career criminals.

PROCEDURE When a uniformed member of the service effects a felony arrest, except those involving controlled substances, marihuana, or gambling:

ARRESTING OFFICER

1. Comply with the pertinent arrest procedures.
2. Escort prisoner to stationhouse, precinct of arrest.

DESK OFFICER

3. After verifying that the arrest is valid, immediately notify the Precinct Detective Squad of the arrest and comply with existing arrest processing procedures.

ASSIGNED DETECTIVE

4. Query the Computer Assisted Robbery System (CARS) to ascertain whether the prisoner is a career criminal or a New York State parolee and inform desk officer of results of query (see *P.G. 208-59, "Felony Arrests Of Parolees"*).
5. Determine from prisoner's criminal history and facts of present case whether arrest should be augmented.
6. Inform desk officer of decision whether or not case will be augmented and advise as to any additional steps to be taken by the arresting officer if the case is to be augmented.

WHEN A YOUTH FOURTEEN TO EIGHTEEN YEARS OF AGE IS ARRESTED BY A UNIFORMED MEMBER OF THE SERVICE FOR ROBBERY 1ST DEGREE, ROBBERY 2ND DEGREE OR A SERIOUS VIOLENT FELONY:

ASSIGNED DETECTIVE

7. Review circumstances of the arrest.
8. Conduct an inquiry into the prisoner's background including his juvenile contacts with the police.
   a. If the prisoner's background indicates that he has two or more felony arrests, the investigator will determine if the case should be augmented.

DESK OFFICER

9. Contact the Identification Section - Youth Records Unit to obtain information on prior police record of juvenile in order to make certain that no youth arrested for a felony is released while awaiting trial on a violent felony.
   a. No violent youth will be released to a parent/guardian while awaiting trial on another violent offense.
10. Conduct warrant/juvenile recidivist/**INVESTIGATION CARD (PD373-163)** check in accordance with *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 *The major consideration as to whether the case will be augmented will be the nature of the present crime with which the youth is involved, in addition to a reasonable prospect of prosecution by the District Attorney's Office. All precinct based investigative units (e.g., RAM Unit, precinct detective squad, etc.) will enhance any case being made against a violent youth.*

RELATED PROCEDURES *Performing Local, State and Federal Warrant Checks (P.G. 208-22)*
Computerized Investigation Card System (P.G. 208-23)
Felony Arrests of Parolees (P.G. 208-59)

FORMS AND REPORTS ***INVESTIGATION CARD (PD373-163)***

PURPOSE To enhance the prosecution of designated felony arrests, to provide arrest intelligence to precinct detective squads and to train patrol personnel in case development procedures.

SCOPE The Felony Case Development Program has three main objectives:

a. Eliminate the gap between arrest and prosecution of certain designated felonies by providing for an immediate follow-up investigation by the appropriate investigative unit.

b. Provide intelligence to precinct detective squads regarding who is being arrested within the confines of the precinct for serious felonies.

c. Have experienced investigators train patrol personnel in case development.

DEFINITION DESIGNATED FELONY ARRESTS - FOR THE PURPOSE OF THIS PROCEDURE ONLY, listed below are the designated felonies (including attempts) and the appropriate units for referral:

CRIME	UNIT REFERRED TO
• Homicides	• Precinct Detective Squad
• Burglary (1st & 2nd degrees) • Assault (victim likely to die) • Weapons (loaded firearm) • Grand Larceny (unusual cases): ✓ By extortion ✓ From senior citizens, governmental or religious organizations ✓ Unusual public interest • 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

PATROL GUIDE

Section: Arrests	Procedure No: 208-67

FOLLOW-UP INVESTIGATIONS ON "DECLINE PROSECUTION" ARREST CASES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/14/20	09/14/20		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)***

PATROL GUIDE

Section: Arrests	Procedure No: 208-68

OLBS COMPUTERIZED ARREST NOTIFICATION PRINTOUT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 3

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** ➢ **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.

Section: Arrests		Procedure No: 208-69	
NOTIFICATIONS IN CERTAIN ARREST SITUATIONS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 5

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**

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-70

PROCESSING OF NEW YORK STATE DOMESTIC INCIDENT REPORTS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/16/20	01/16/20		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

Domestic Violence Sergeant (P.G. 202-19b)
Domestic Violence Prevention Officer (P.G. 202-29)
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)

RELATED PROCEDURES (continued) *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***
COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
New York State Domestic Incident Report (DCJS-3221)

PATROL GUIDE

Section: Arrests	Procedure No: 208-71

DOCUMENTATION OF ACTIVITY OF BAIL ENFORCEMENT AGENTS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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 <u>not</u> 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 (P.G. 205-10)*
Desk Appearance Ticket – General Procedure (P.G. 208-27)
Communicable Disease (P.G. 216-11)

PATROL GUIDE

Section: Arrests	Procedure No: 208-73

NOTIFICATION TO THE DETECTIVE BUREAU WHEN A SPECIFIED CONDITION EXISTS/IS SUSPECTED

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 2

PURPOSE To ensure that timely notifications are made to the Detective Bureau by other commands/units when a specified condition exists/is suspected, whether or not an arrest is effected.

DEFINITIONS A specified condition is any of the following:

NARCOTICS OFFENSES – Violations of law related to the sale and possession of controlled substances as defined in Article 220 of the Penal Law, any marijuana related offense that results in a Desk Appearance Ticket or live arrest, or any case of found controlled substances in which the amount exceeds two ounces, or found marijuana in which the amount exceeds two pounds.

VICE RELATED OFFENSES – Violations of law related to illegal gambling, loan sharking, prostitution, sexual exploitation of children, fireworks, untaxed cigarettes, human trafficking, unlicensed social clubs, ABC/SLA violations or any incident that effects the licensing of bars/clubs.

FIREARMS OFFENSES – Violations of law related to the sale or possession of illegal firearms.

ORGANIZED CRIME RELATED OFFENSES – These include but are not limited to, those offenses under the purview of the Detective Bureau, such as traditional and non-traditional organized crime, money laundering, labor racketeering, trademark counterfeiting, offenses involving the private carting industry, city owned wholesale markets, shipboard gambling and organized theft of motor vehicles, motor vehicle parts, and motor vehicle insurance frauds.

PROCEDURE When a specified condition exists/is suspected, whether or not an arrest is effected **AND/OR**

a. The debriefing of a defendant(s) by Detective Bureau personnel would be beneficial **AND/OR**
b. A follow-up investigation by Detective Bureau personnel is necessary **AND/OR**
c. The expertise of Detective Bureau is needed to enhance the prosecution of the case **AND/OR**
d. A summons, where applicable, is issued in lieu of arrest for offenses outlined in "Definitions," except for marijuana related summonses:

ARRESTING/ RESPONDING OFFICER OF RECORD

1. Notify the Detective Bureau Wheel, 24 hours, seven days a week as required above.

NOTE *The Detective Bureau Wheel MUST be notified of ALL controlled substances arrests and ALL marihuana arrests for the following charges:*

a. Criminal possession of a controlled substance first degree (P.L 220.21), second degree (P.L. 220.18) and third degree (P.L. 220.16)

b. Criminal sale of a controlled substance in the first degree (P.L. 220.43), the second degree (P.L. 220.41) and the third degree (P.L. 220.39)

c. Criminal sale of a controlled substance in or near school grounds (P.L. 220.44)

d. Criminal possession of marihuana in the first degree (P.L. 221.30) or second degree (P.L. 221.25)

e. Criminal sale of marihuana first degree (P.L. 221.55) or second degree (P.L. 221.50).

ARRESTING/ RESPONDING OFFICER OF RECORD (continued)

2. Provide pertinent details of arrest and/or circumstances requiring conferral from the Detective Bureau.
3. Make record of notification in "Narrative" section of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, including date, time and rank, name and tax number of person notified, if applicable.
4. Be guided by Detective Bureau Wheel personnel.

DESK OFFICER

5. Ensure arresting/responding officer of record has made required notification to the Detective Bureau Wheel as indicated above.
6. Make Command Log entry of notification details.

ADDITIONAL DATA *If any question exists as to whether or not a notification must be made, always make the notification.*

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

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-75

ENHANCEMENT OF OFFENSES INVOLVING FIREARMS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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)

PURPOSE To improve the safety and quality of life for residents of public housing by providing notice of the exclusion of, or the limitation of, an individual's permission and/or authority to enter or remain upon premises and properties of the New York City Housing Authority (NYCHA) as a result of certain arrests.

SCOPE This procedure has been developed as part of an ongoing effort to reduce crime within New York City Housing Authority developments. Under this procedure, persons arrested "On-Development," as defined below, will be excluded from entering New York City Housing Authority Property. Those excluded persons who are found to have violated the terms of the **NEW YORK CITY HOUSING AUTHORITY TRESPASS NOTICE (PD672-120)** will be arrested and charged with trespass as outlined in *Patrol Guide procedure 208-77, "Processing Arrests Made Pursuant to the New York City Housing Authority Trespass Notice Program."* Members must also be aware that the trespass offense must occur on "NYCHA Property" which differs from "On-Development." See *Patrol Guide procedure 208-77, "Processing Arrests Made Pursuant to the New York City Housing Authority Trespass Notice Program"* for a definition of "NYCHA Property."

DEFINITIONS ON-DEVELOPMENT – An arrest for felony sale of a controlled substance or felony sale of marijuana will be subject to this process if it occurs on:

a. All New York City Housing Authority buildings, apartments, managers' offices, maintenance areas, storage areas, etc.
b. All walkways, grounds, parking areas and development driveways located within New York City Housing Authority developments.
c. Stores, laundries, community centers, childcare centers, senior citizen centers, health stations, etc., which operate within New York City Housing Authority buildings.
d. From the center line of streets which are contiguous to New York City Housing Authority grounds inward toward New York City Housing Authority buildings.
e. Entire city streets where Housing Authority developments are located on both sides of the street. For those city streets where Housing Authority developments are immediately adjacent to privately owned residences, commercial establishments, etc., then only the length of the Housing Authority development, from the center line of the street to the Housing Authority development building line, will be considered an on-development enforcement incident.
f. New York City Parks Department areas and playgrounds within or immediately adjacent to New York City Housing Authority grounds.
g. New York City Department of Education playgrounds within or immediately adjacent to New York City Housing Authority grounds.
h. Piers or bulkheads immediately adjacent to New York City Housing Authority grounds.

NOTE *Housing development residents arrested under this program will be excluded from all NYCHA properties and premises, other than their resident apartment and related common areas within their resident development. (See Patrol Guide procedure 208-77, "Processing Arrests Made Pursuant to the New York City Housing Authority Trespass Notice Program").*

DEFINITIONS (continued)

NYCHA TRESPASS DATABASE – A database maintained by the New York City Housing Authority and accessible to members of the New York City Police Department which identifies arrestees served with **TRESPASS NOTICES** under this program. This database is accessible from all Department LAN terminals, and contains current information regarding exclusions, conditions (if any), and the status of appeals to these exclusions.

PROCEDURE

Whenever a member of the service effects the arrest of an individual at least 18 years of age for felony sale of a controlled substance or for felony sale of marijuana committed "On-Development," as defined above, that member will, in addition to appropriate arrest related procedures:

ARRESTING OFFICER

1. Comply with *P.G. 208-03, "Arrests – General Processing"* and, in addition, prepare a **NYCHA TRESPASS NOTICE** and serve **NOTICE** on arrestee.
   a. A new **TRESPASS NOTICE** will be served on an arrestee each time he/she is arrested for felony sale.

NOTE *If the only basis for a felony criminal sale of marijuana arrest is that portion of Penal Law 221.50, which states "knowingly and unlawfully sells one or more preparations, compounds, mixtures or substances containing marijuana to a person less than eighteen years of age," the arrestee WILL NOT be served with a **TRESPASS NOTICE**.*

2. Complete all captions, sign and date as indicated on the **TRESPASS NOTICE**.
   a. If the individual claims to reside on NYCHA property, verify that the address given is NYCHA property.

NOTE *Addresses can be verified by contacting the desk officer of any PSA or the Housing Bureau Wheel. Each PSA will maintain a current NYCHA property directory at the desk.*

3. Telephone the Housing Bureau Wheel to obtain a Trespass Notice log number.
4. Enter Trespass Notice log number on the original **TRESPASS NOTICE**.
5. Request the defendant sign and date the original **TRESPASS NOTICE** to acknowledge receipt.
   a. If the defendant refuses to sign the **TRESPASS NOTICE**, arresting officer will enter REFUSED in the defendant's signature space, initial and date.
6. Make five copies of the signed **TRESPASS NOTICE** and serve a copy on the arrestee.

ARRESTING OFFICER (continued)

7. Fax a copy of the signed **TRESPASS NOTICE** to the Housing Bureau Wheel.
8. Telephone the Housing Bureau Wheel to confirm receipt of the fax.
9. Prepare a "Trespass Notice Package" and ensure all of the following documents are included in the package:
   a. The original signed copy of the **TRESPASS NOTICE**
   b. Copy of computer generated **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   c. Copy of computer generated **COMPLAINT REPORT (PD313-152)**
   d. Copy of **PROPERTY CLERK INVOICE (PD521-141)**
   e. Copy of **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, when prepared
   f. Copy of Search Warrant (not the application for a search warrant), when applicable.
10. Deliver the NYCHA Trespass Notice package and four copies of the **TRESPASS NOTICE** to the desk officer PSA/precinct of arrest.

DESK OFFICER

11. Review completeness and accuracy of all documents included in the package.
12. Enter Trespass Notice log number in the Command Log with the original arrest entry.
13. Forward completed NYCHA Trespass Notice package via Department mail to the Housing Bureau Special Operations Section, 2768 Frederick Douglas Blvd, Room H-507, New York, New York, 10013, Attention: NYPD Trespass Program Liaison.
14. Distribute four copies of **TRESPASS NOTICE** as follows:
    a. PSA of occurrence - to be maintained chronologically, in a binder at the desk for future reference. (For Housing locations not covered by a Police Service Area, file at desk of precinct covering such Housing location)
    b. District Attorney, with arrest package
    c. Precinct of occurrence
    d. Arresting officer

NOTE *If the arresting officer is not assigned to the Housing Bureau, a copy of the* **TRESPASS NOTICE** *will be sent to the PSA of occurrence*.

NYPD TRESPASS PROGRAM LIAISON

15. Enter all required information on excluded individuals into the NYCHA Trespass Database and confirm Trespass Notice log number.
16. Forward the Trespass Notice package to the NYCHA Trespass Coordinator.
17. Coordinate all related activities with the NYCHA Trespass Coordinator.
18. If Case for Legal Action is appropriate, comply with *P.G. 214-07, "Cases for Legal Action Program."*

POLICE SERVICE AREA CRIME ANALYSIS UNIT

19. Query, on a daily basis, the "BADS" system to identify all arrests eligible for a **TRESPASS NOTICE**.
20. Contact the Housing Bureau wheel to verify that a **TRESPASS NOTICE** has been issued for each eligible arrest found in BADS.
21. Record Trespass Log number on BADS printout and file chronologically.
22. Notify commanding officer when arresting officer fails to prepare a completed **NYCHA TRESPASS NOTICE**.

NOTE *For Housing locations not covered by a Police Service Area the precinct crime analysis unit will perform steps 19 through 22.*

COMMANDING OFFICER

23. Confer with commanding officer concerned regarding non-compliance.

COMMANDING OFFICER CONCERNED

24. Refer non-compliance incidents to integrity control officer.

INTEGRITY CONTROL OFFICER

25. Investigate all incidents of non-compliance.
26. Initiate disciplinary action as appropriate.
27. If warranted, ensure that a **TRESPASS NOTICE** is issued by arresting officer and remaining steps of this procedure are complied with.
    a. **TRESPASS NOTICE** must be personally served on arrestee.

ADDITIONAL DATA

Responsibility for the verification of tenancy, and subsequent modifications to exclusions, rests with the Housing Authority.

*Anytime a uniformed member of the service takes enforcement action, e.g. arrest or summons, against a person on NYCHA property, member is required to query the NYCHA Trespass Database to determine if person is in violation of a **TRESPASS NOTICE**. (See Patrol Guide procedure 208-77, "Processing Arrests Made Pursuant to the New York City Housing Authority Trespass Notice Program").*

RELATED PROCEDURES

Recording Enforcement Incidents (P.G. 207-33)
Arrest – Removal to Department Facility for Processing (P.G. 208-02)
Arrests – General Processing (P.G. 208-03)
Interior Patrol of Housing Authority Buildings (P.G. 212-60)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Cases for Legal Action Program (P.G. 214-07)
Processing Arrests Made Pursuant to the NYCHA Trespass Notice Program (P.G. 208-77)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-161)
NYCHA TRESPASS NOTICE (PD672-120)

PATROL GUIDE

Section: Arrests	Procedure No: 208-77

PROCESSING ARRESTS MADE PURSUANT TO THE NEW YORK CITY HOUSING AUTHORITY TRESPASS NOTICE PROGRAM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/01/20	01/01/20		1 of 3

PURPOSE To effect an arrest of a person observed on "NYCHA Property," as defined below, in violation of the New York City Housing Authority Trespass Notice Program.

SCOPE This program is part of a series of efforts to reduce crime within New York City Housing Authority Developments. Whenever a uniformed member of the service takes enforcement action, e.g. arrest or summons, on "NYCHA Property," that member is required to query the NYCHA Trespass Database to determine if that person is in violation of a **NEW YORK CITY HOUSING AUTHORITY TRESPASS NOTICE (PD672-120)** and thereby excluded from "NYCHA Property." This database is accessible from all Department LAN terminals. This information is also available through the WNAM system, which can be accessed via warrant checks conducted through Citywide I and Citywide II radio. It is *extremely* important that members are aware of the difference in the definitions of "On-Development" as contained in *Patrol Guide procedure 208-76, "New York City Housing Authority Trespass Notice Program,"* and the definition of "NYCHA Property" as defined below. By querying the database, members can determine the current status of the exclusion and the conditions of the exclusion, if any. In extenuating circumstances, the Housing Authority may authorize an excluded individual to enter a specific Housing location in response to an emergency. Upon granting permission, the Housing Authority will telephone the information to the desk officer, police service area/precinct concerned.

Individuals identified under this program are excluded from entering any NYCHA property within the city or, if a NYCHA resident, are excluded from entering any NYCHA property other than their own apartment and the common areas within their resident development. Excluded individuals may appeal an exclusion to the New York City Housing Authority. Grounds for appeal may include, but are not limited to, non-processed arrests, dismissed cases, or a not guilty verdict in the originating charge(s).

DEFINITIONS NYCHA TRESPASS NOTICE PROGRAM – a program where individuals *arrested* for felony sale of a controlled substance and/or felony sale of marijuana "On-Development" as defined in *Patrol Guide procedure 208-76, "New York City Housing Authority Trespass Notice Program,"* are served with a **NYCHA TRESPASS NOTICE (PD672-120)**. Said individuals are therefore excluded from all NYCHA Property as described below.

NYCHA PROPERTY – for the purposes of this procedure include:

a. All New York City Housing Authority buildings, apartments, manager's offices, maintenance areas, storage rooms, etc.
b. All walkways, grounds, parking areas and development driveways located within New York City Housing Authority developments.

DEFINITIONS (continued)

c. Laundries, community centers, childcare centers, senior citizen centers, etc. which operate within New York City Housing Authority buildings.

RESIDENCE EXCEPTION – residents of housing developments excluded under this program are excluded from all NYCHA property other than their resident apartment at the address provided on the **TRESPASS NOTICE** and the common areas within their resident development.

COMMON AREAS – All areas on NYCHA Property to which all tenants are authorized to have access in connection with their tenancies other than their own apartments. These include management and other business offices, community, child care, and senior citizen centers, laundry rooms, playgrounds, sidewalks, walkways, and parking lots within their resident developments.

PROCEDURE

Whenever a uniformed member of the service takes enforcement action against a person on NYCHA property as described above:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with all applicable Department procedures, and in addition, query the NYCHA Trespass Database either through WNAM or by contacting the precinct/PSA desk.
   a. If a person is in violation of the terms of the **TRESPASS NOTICE**, (either as the primary or additional charge) effect arrest, remove to precinct/Police Service Area and process arrest.

NOTE

*Members of the service can also query the WNAM system via warrant checks conducted through Citywide I and Citywide II radio. However, members are advised that a radio code response of "10-19H" DOES NOT indicate that a subject is wanted. Radio code "10-19H" is intended solely to inform the member that the subject may have been previously issued a **TRESPASS NOTICE** and may be subject to arrest only if found on "NYCHA Property" as defined in this procedure.*

NYCHA residents and non-residents should not be arrested for trespass under this program if they are encountered on "NYCHA Property" and they are at, enroute to, or leaving from police facilities, parole offices, medical facilities, or stores, as long as they have utilized a direct route between the location and the nearest city street.

2. Charge arrestee as follows:
   a. P.L. 140.15, Criminal Trespass, 2nd Degree, "A" Misdemeanor, if individual was within a residential building on NYCHA Property.
   b. P.L. 140.10, Criminal Trespass 3rd Degree "B" Misdemeanor if individual was within a non-residential building on NYCHA Property.
   c. P.L. 140.05, Trespass, Violation, if individual was outside of a building on NYCHA Property.
3. Prepare a package of the following documents:
   a. Generate a Trespass Notice Report from the NYCHA Trespass Database and include with arrest paperwork.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Include a copy of the **TRESPASS NOTICE** which was violated by the arrestee, if available, with arrest paperwork.

4. Telephone Housing Bureau Wheel with details of arrest.
5. Deliver all paperwork to desk officer for review.

DESK OFFICER PSA/PRECINCT OF ARREST

6. Examine all forms to ensure completeness and accuracy.
7. Make a Command Log entry indicating that notification to Housing Bureau Wheel has been made including name of member of the service notified.
8. Forward copies, via Department mail, of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and the Trespass Notice Report to the Housing Bureau Special Operations Section at 2768 Frederick Douglas Blvd., Room H-507, New York, New York, 10013 Attention: NYPD Trespass Program Liaison.

NYPD TRESPASS PROGRAM LIAISON

9. Enter all required information regarding trespass arrests into the NYCHA Trespass Database.
10. Forward a copy of the appropriate paperwork to the NYCHA Trespass Coordinator.
11. Ensure that a Case for Legal Action is initiated, as directed in *P.G. 214-07, "Cases for Legal Action Program,"* if appropriate.

RELATED PROCEDURES

Recording Enforcement Incidents (P.G. 207-33)
Arrest – Removal to Department Facility for Processing (P.G. 208-02)
Interior Patrol of Housing Authority Buildings (P.G. 212-60)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Cases for Legal Action Program (P.G. 214-07)
New York City Housing Authority Trespass Notice Program (P.G. 208-76)

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
NYCHA TRESPASS NOTICE (PD672-120)

PATROL GUIDE

Section: Arrests	Procedure No: 208-78

RETURNING AN INDIVIDUAL TO COURT TO VACATE A SUMMONS ADJUDICATION PART (SAP) WARRANT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/27/18	09/27/18		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).

IF PERSON IS ISSUED A CRIMINAL COURT SUMMONS

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 and 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)

PATROL GUIDE

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."*

IF ELIGIBLE FOR RELEASE ON A DESK APPEARANCE TICKET:

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)

PATROL GUIDE

Section: Arrests	Procedure No: 208-80

VACATING SUMMONS ADJUDICATION PART (SAP) WARRANT(S) FOR VICTIMS/COMPLAINANTS AND/OR AIDED INDIVIDUALS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		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)

PATROL GUIDE

Section: Arrests		Procedure No: 208-81	
DESK APPEARANCE TICKET - DISQUALIFYING FACTORS			
DATE ISSUED: 05/24/21	DATE EFFECTIVE: 05/24/21	REVISION NUMBER:	PAGE: 1 of 3

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).

PATROL GUIDE

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)*
"Turnover" Arrest (P.G. 208-20)
Desk Appearance Ticket – General Procedure (P.G. 208-27)

FORMS AND REPORTS ***ROLL CALL (PD406-144)***
Roll Call Adjustment (Misc. 3084)

PATROL GUIDE

Section: Summonses		Procedure No: 209-01	
CONDITIONS OF SERVICE			
DATE ISSUED: 10/01/18	DATE EFFECTIVE: 10/01/18	REVISION NUMBER:	PAGE: 1 of 2

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 General Vendor Regulations Health Code Violations Public Health Law (Canine Waste) Noise Code Provisions Sanitation Provisions Air Code Provisions Graffiti Law Violations	Office of Administrative Trials and Hearings (OATH)

NOTE *For summonses returnable to OATH refer to* ***COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)****.*

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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/06/21	05/06/21		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)

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.*

PATROL GUIDE

Section: Summonses	Procedure No: 209-06

QUALITY CONTROL PROCEDURES FOR THE PROCESSING OF SUMMONSES RETURNABLE TO CRIMINAL COURT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
10/23/20	10/23/20		1 of 4

PURPOSE To establish quality control procedures for the processing of summonses returnable to Criminal Court and for processing improperly prepared summonses returned to this Department for corrective action.

PROCEDURE To process Criminal Court summonses:

OPERATIONS UNIT

1. Transmit daily, the return date for Criminal Court summonses issued, and the color of the day via the FINEST system.

DESK OFFICER/ COUNTERPART

2. Announce summons return date and color of the day at roll call.
3. Advise communications dispatcher of summons return date along with the "Rundown" at the onset of tour.
4. Do NOT forward any summons returnable to Criminal Court if improperly prepared.
5. Process improperly prepared summonses as follows:
   a. Invalid return date listed – void summons in accordance with *P.G. 209-18, "Summonses Served or Prepared in Error."*
   b. Criminal Court "Information" section is left blank or unsigned, or summons written for marijuana offense is not accompanied by **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145)** – place in a separate envelope marked "Training Sergeant" and forward direct to the command's training sergeant.
   c. Summons issued for Penal Law Section 240.35, "Loitering" subsections 1, 3, 4 or 7 – place in a separate envelope marked "Operations Coordinator" and forward direct to the command's operations coordinator.

NOTE *MEMBERS WILL NOT MAKE ANY MODIFICATIONS TO SUMMONSES OTHER THAN CORRECTING THE ERRORS LISTED ABOVE. Under no circumstances will a modification be made to a summons that will result in the court or agency copies having different information than the defendant's copy. ALL SUMMONSES MUST BE CORRECTED AND RETURNED BY THE FOLLOWING BUSINESS DAY.*

CRIMINAL JUSTICE BUREAU MESSENGER

6. Report to Manhattan Criminal Court, 1 Centre St., 16th Floor, by 1000 hours, on days when court is in session.
7. Obtain summonses that the court has designated for return to this Department.
8. Deliver summonses to bureau of issuing member. (i.e., Detective Bureau, Transit Bureau, Chief of Transportation, Patrol Services Bureau, Housing Bureau, etc.).

BUREAU SUMMONS PROCESSING PERSONNEL

9. Record the following information for each summons returned:
   a. Summons number
   b. Name of issuing member
   c. Command of issuing member
   d. Type of error
   e. Date of issuance
   f. Date received at bureau
   g. Date forwarded for correction
   h. Final disposition (date returned to court, date voided)
10. Separate summonses according to category of error as follows:
   a. Improper return date - to be forwarded to issuing member's command for voiding as per *P.G. 209-18, "Summonses Served or Prepared in Error"*
   b. Criminal Court "Information" incomplete or unsigned - forward to command of issuing member for correction by member.
11. Prepare a transmittal sheet for each command that will be receiving improperly prepared summonses within the bureau.
   a. Transmittal sheet will list each summons forwarded.
12. Forward summonses to command concerned in a brown, 13" X 10" inter-office, multi-service envelope (Form No. NYC-36).
13. Mark envelope - "Returned Criminal Court Summonses."

PATROL BOROUGH MESSENGER/ COUNTERPART

14. Report to bureau command, daily, and pick up returned summonses.

OPERATIONS COORDINATOR

15. Review summonses received to ensure that they have been delivered to command of issuing member.
16. Process returned summons(es) as follows:
   a. Issuing member no longer assigned to command - VOID
   b. If summons is received at command less than twenty-two days from the return date listed on summons - VOID
   c. Improper return date (weekend, holiday, etc.) - VOID
   d. Criminal Court "Information" not signed - direct issuing member to correct condition.
   e. Criminal Court "Information" left blank - direct issuing member to correct condition.

NOTE *Under no circumstances will a uniformed member of the service correct any other error on a returned summons other than the two errors ("Information" left blank or unsigned) listed for correction above.*

OPERATIONS COORDINATOR (continued)

17. Void any summons received that was issued for Penal Law Section 240.35, "Loitering" subsections 1, 3, 4 or 7.
    a. Contact the respondent by telephone, if possible, and inform of summons voidance
    b. If unable to contact by telephone, forward a notification letter to the respondent on **OFFICIAL LETTERHEAD (PD158-151)**, using the sample in Appendix "A" by registered or certified mail, return receipt requested
    c. Document notification to the respondent on **SUMMONS VOIDANCE FORM (PD160-153)**.
18. Make a reasonable effort to retrieve the served copy of any summons issued for Penal Law Section 240.35, "Loitering" subsections 1, 3, 4 or 7, from the respondent.

UNIFORMED MEMBER OF THE SERVICE

19. Correct summons(es) as directed by operations coordinator.
20. Return corrected summons(es) to operations coordinator.

OPERATIONS COORDINATOR

21. Review corrections made to summons(es).
22. Note action taken for each summons on transmittal sheet (e.g., corrected, void etc.).
23. Forward corrected summonses and transmittal sheet, to bureau command.
24. Forward summonses to bureau concerned in a brown, 13" X 10" inter-office, multi-service envelope (Form No. NYC 36).
25. Mark envelope - "Returned Criminal Court Summonses."

BUREAU SUMMONS PROCESSING PERSONNEL

26. Check returned transmittal sheet to ensure that all summonses forwarded for action are accounted for.
27. Forward returned summonses, direct, to the New York City Criminal Court located at 1 Centre St., 16th Floor, within twenty-four hours of receipt.
28. Forward summonses to Criminal Court in a brown, 13" x 10" inter-office, multi-service envelope (Form No. NYC 36).
29. Mark envelope - "Returned Criminal Court Summonses."

RELATED PROCEDURE

Summons Served Or Prepared In Error (P.G. 209-18)

FORMS AND REPORTS

MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145)
OFFICIAL LETTERHEAD (PD158-151)
SUMMONS VOIDANCE FORM (PD160-153)

APPENDIX "A"

NOTIFICATION TO RESPONDENT
(SAMPLE LETTER)

(Command Communication Log Serial Number)_____

Date_____

Mr. John Smith
253 Mercer Street
New York, New York 10101

Dear Mr. Smith:

On Friday, January 1, 2020, at 11:00 A.M. in front of 123 Main Street, Manhattan, you were served with Criminal Court summons (summons number) for New York State Penal Law Section 240.35, "Loitering" subsection (1, 3, 4 or 7), which has been repealed. Therefore, Criminal Court summons (summons number) has been voided and you are not required to answer the summons.

If you have any questions regarding this matter please contact the 8th Precinct Operations Coordinator, Lieutenant (name) at (telephone number).

Respectfully,

Name
Rank

PATROL GUIDE

Section: Summonses		Procedure No: 209-07	
PARKING SUMMONSES – GENERAL PROCEDURE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 5

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

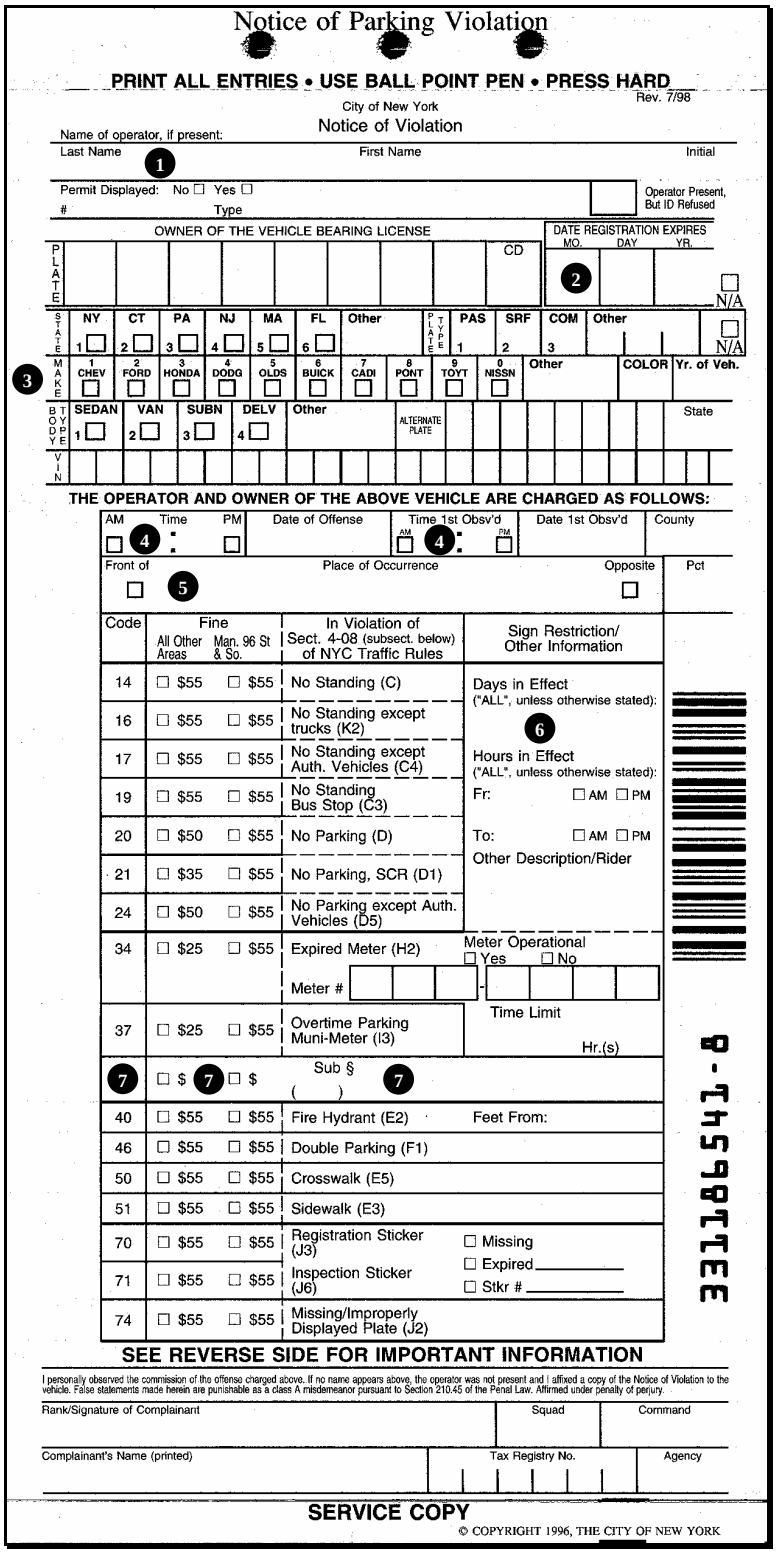
CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)
HIGHWAY CONDITION RECORD (PD311-151)

PATROL GUIDE

Section: Summonses	Procedure No: 209-08

PARKING VIOLATIONS SUMMONS - GRAPHIC

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1



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 ☐ PM ☐ Time (4) : | Date of Offense | Time 1st Obsv'd AM ☐ PM ☐ (4) : | 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): Fr: ☐ AM ☐ PM
19	☐ $55	☐ $55	No Standing Bus Stop (C3)	
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 Operational ☐ Yes ☐ No; Meter #
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 ☐ Expired ☐ Stkr #
71	☐ $55	☐ $55	Inspection Sticker (J6)	
74	☐ $55	☐ $55	Missing/Improperly Displayed Plate (J2)	

E3178954I-8

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".

PATROL GUIDE

Section: Summonses	Procedure No: 209-09

PERSONAL SERVICE OF SUMMONSES RETURNABLE TO TRAFFIC VIOLATIONS BUREAU OR CRIMINAL COURT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/06/21	05/06/21		1 of 6

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.

FOR SUMMONSES RETURNABLE TO CRIMINAL COURT**:**

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)*
Quality Control Procedures for the Processing of Summonses Returnable to Criminal Court (P.G. 209-06)

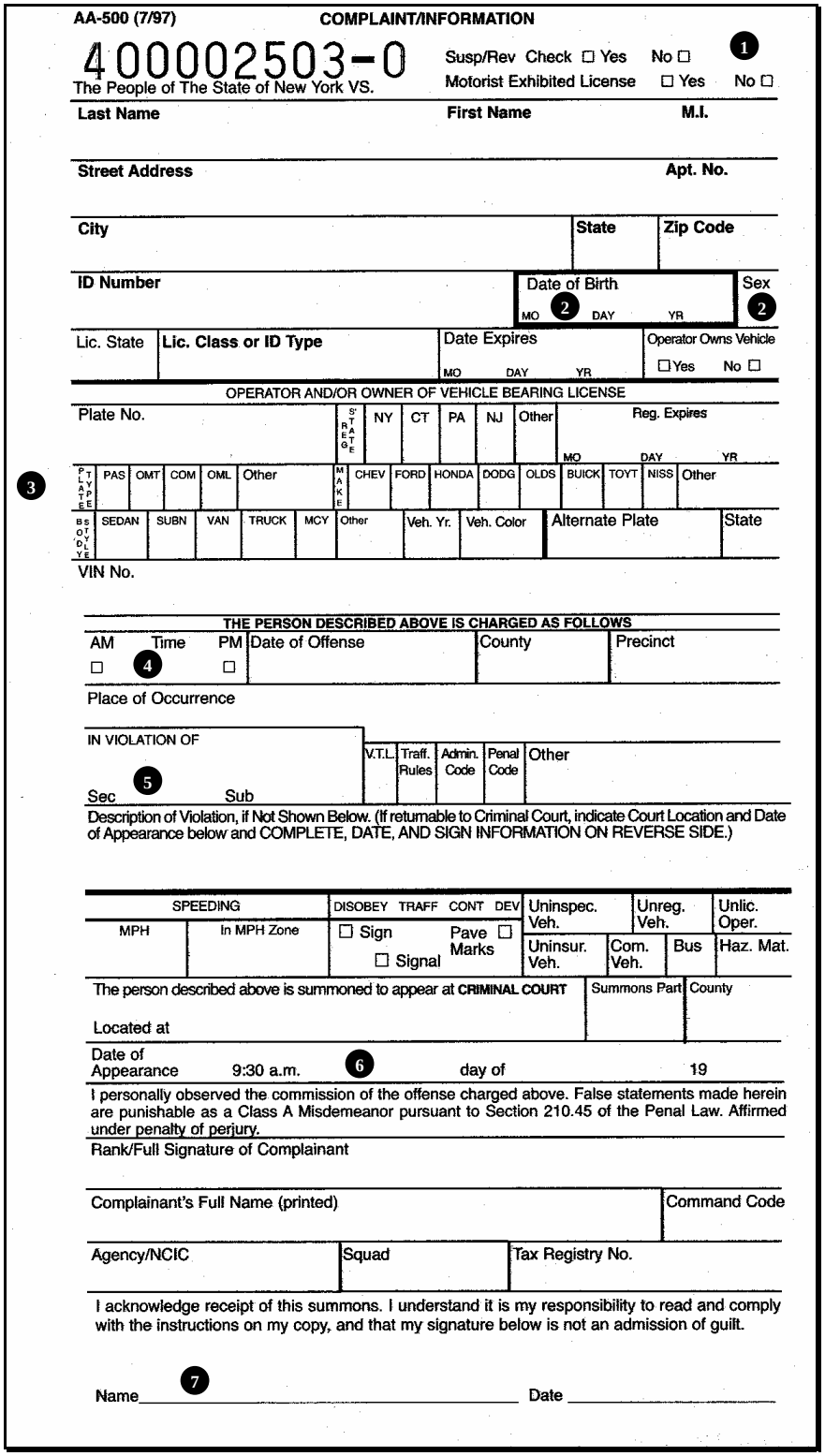
FORMS AND REPORTS ***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)***
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD260-211)

PATROL GUIDE

Section: Summonses	Procedure No: 209-10

TRAFFIC VIOLATIONS BUREAU SUMMONS - GRAPHIC

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2



AA-500 (7/97) COMPLAINT/INFORMATION

400002503-0

The People of The State of New York VS.

Susp/Rev Check ☐ Yes No ☐ (1)

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 (2) DAY YR | Sex (2)

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. | State: NY CT PA NJ Other | Reg. Expires MO DAY YR

(3) 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 (4) PM ☐ | Date of Offense | County | Precinct

Place of Occurrence

IN VIOLATION OF | V.T.L. | Traff. Rules | Admin. Code | Penal Code | Other

Sec (5) Sub

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. (6) 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 (7) _____ 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.

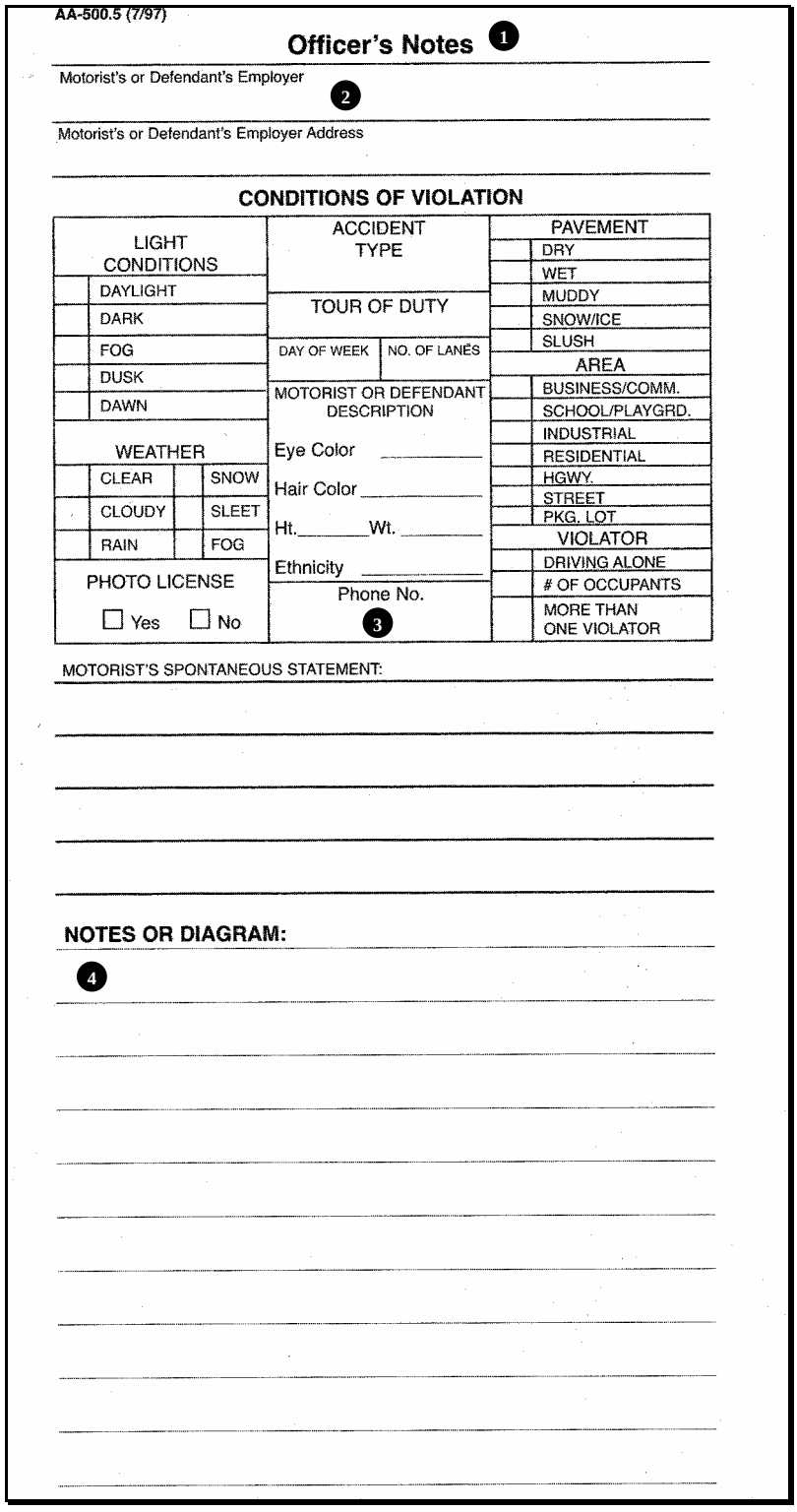
3 Enter vehicle information from registration card or sticker.

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.

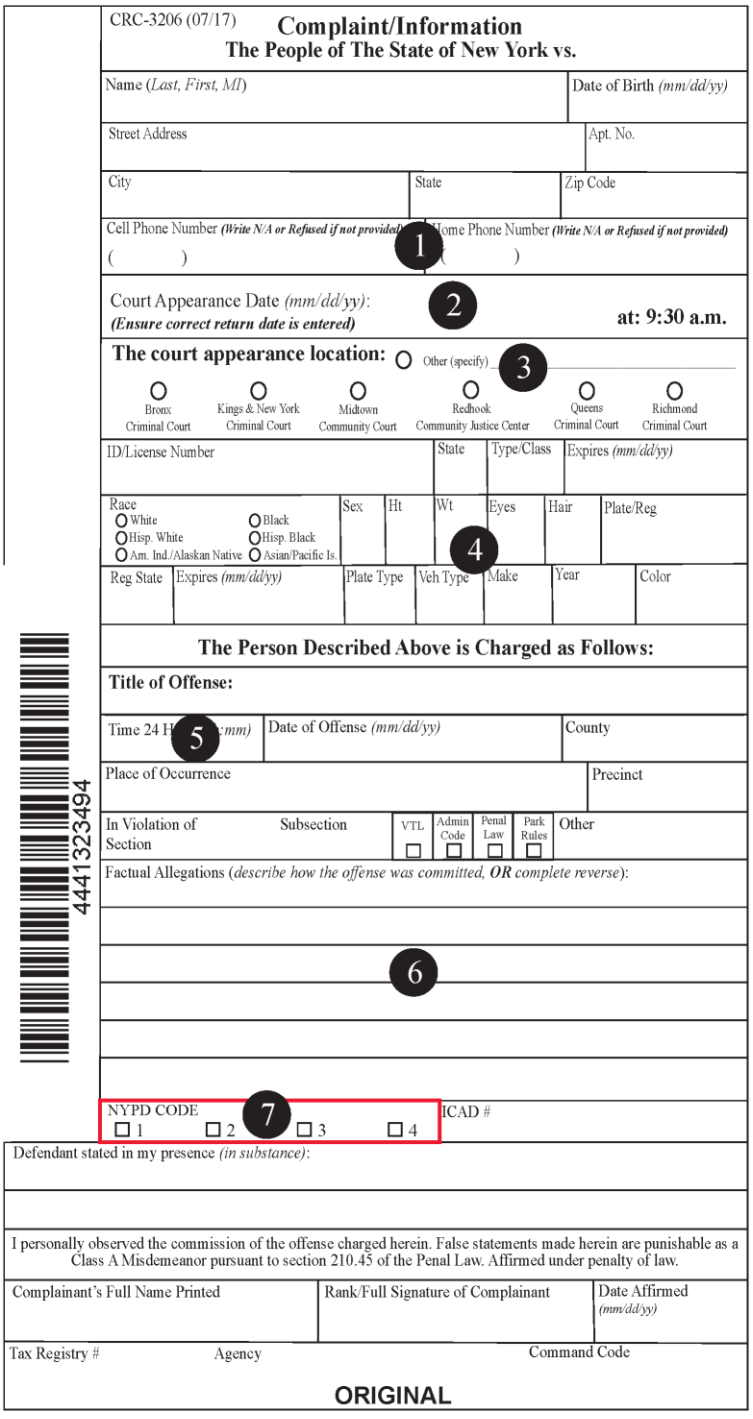
4 Include the direction of travel and the type of street, as appropriate.

PATROL GUIDE

Section: Summonses	Procedure No: 209-11

CRIMINAL COURT SUMMONS - GRAPHIC

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/10/21	01/10/21		1 of 3



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***) ( )

1

Court Appearance Date (*mm/dd/yy*): 2
(***Ensure correct return date is entered***) **at: 9:30 a.m.**

The court appearance location: ○ Other (specify) 3

○ 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

4

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 H (*hh:mm*) 5 | 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*):

6

NYPD CODE ☐ 1 ☐ 2 7 ☐ 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.

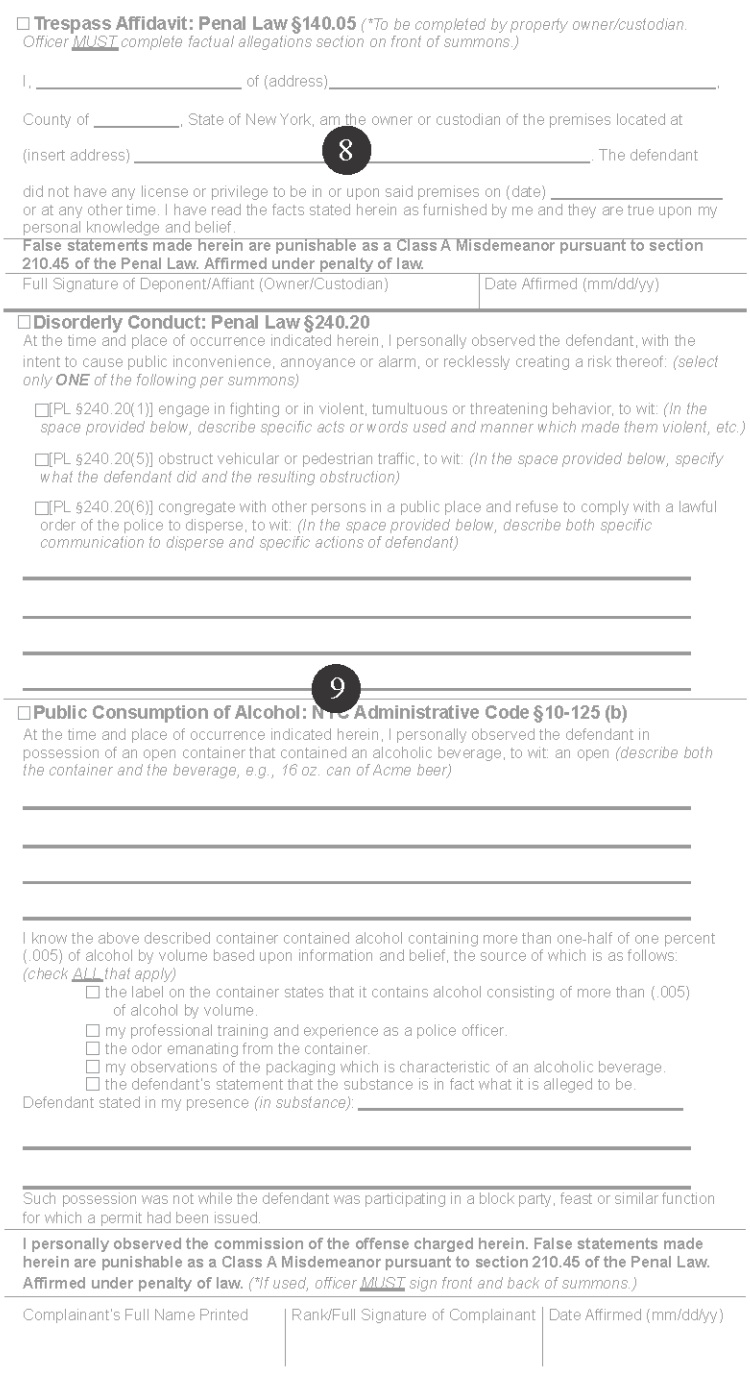
7 Enter appropriate NYPD reason code:

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) _____. 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)*

☐ **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)*: _____

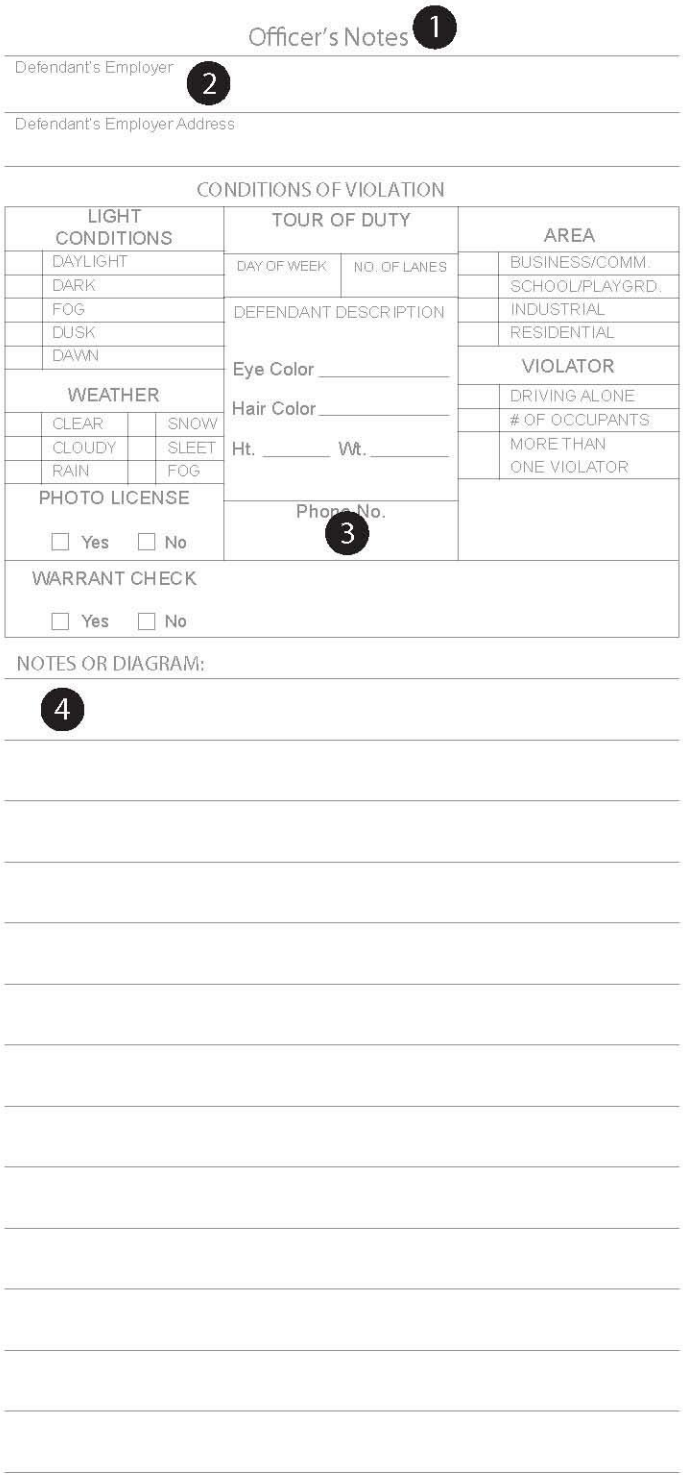
Such possession was not while the defendant was participating in a block party, feast or similar function for which a permit had been issued.

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.



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.**

PATROL GUIDE

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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/06/21	05/06/21		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)

PATROL GUIDE

Section: Summonses	Procedure No: 209-14

CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) - GRAPHIC

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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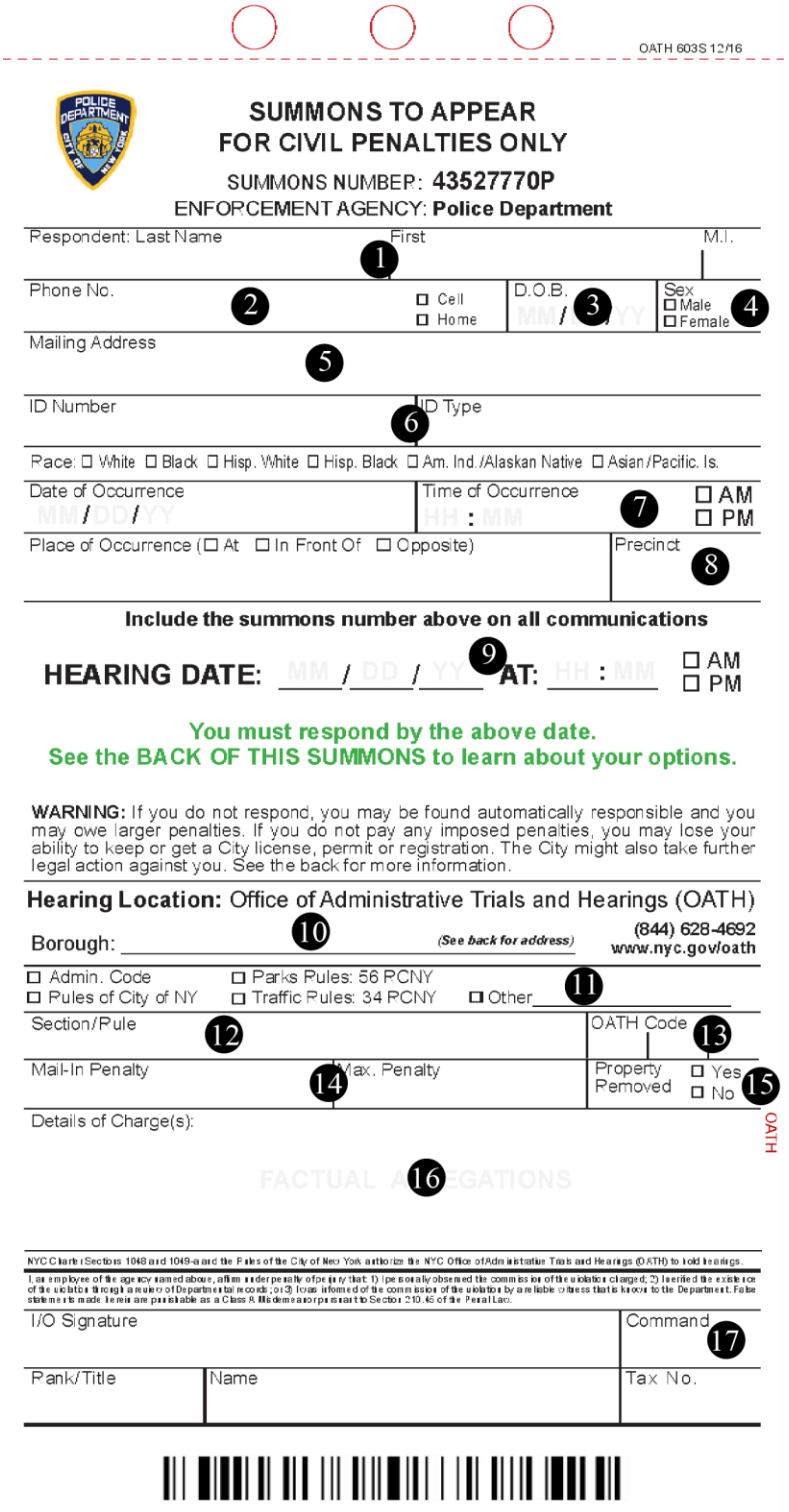


OATH 603S 12/16

SUMMONS TO APPEAR
FOR CIVIL PENALTIES ONLY

SUMMONS NUMBER: **43527770P**
ENFORCEMENT AGENCY: **Police Department**

Respondent: Last Name | First | M.I. — 1

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 PCNY ☐ Traffic Rules: 34 PCNY ☐ Other — 11

Section/Rule — 12 | OATH Code — 13

Mail-In Penalty — 14 — Max. Penalty | Property Removed ☐ Yes ☐ No — 15

Details of Charge(s):

OATH

16

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.

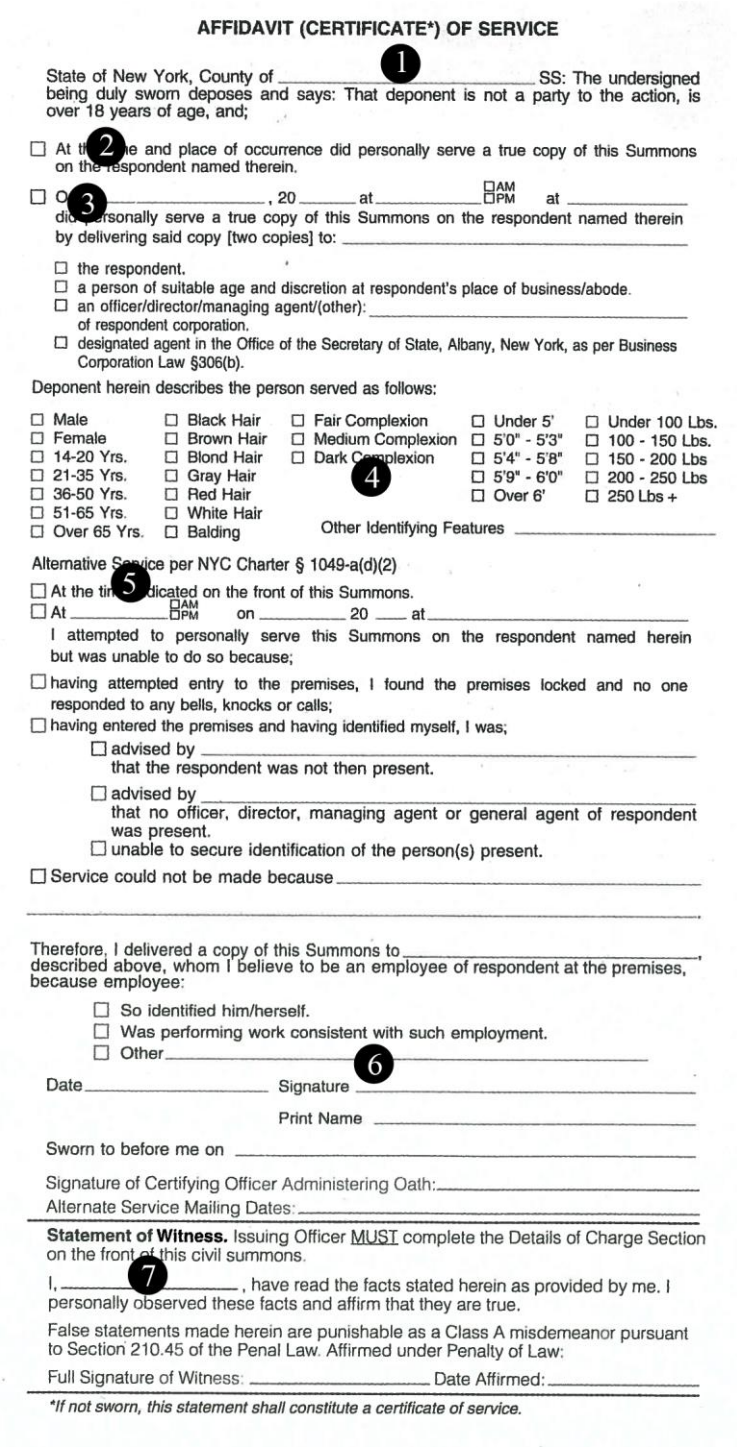
I, an employee of the agency named above, affirm under penalty of perjury that: 1) I personally observed the commission of the violation charged; 2) I verified the existence of the violation through a review of Department records; or 3) I was informed of the commission of the violation by a reliable 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)

(5)

1 FARE ☐ EVASION 4(a)	2 FAIL TO PROVIDE ☐ ID. INFO 6(d)(3)	3 LITTER/ ☐ SPIT/ URINATE 7(a)	4 SMOKING/ ☐ OPEN FLAME 7(b)	5 DRINKING/ ☐ UNSEALED ALCOHOL 7(g)	6 UNSAFE ☐ RIDING 9(d)

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.

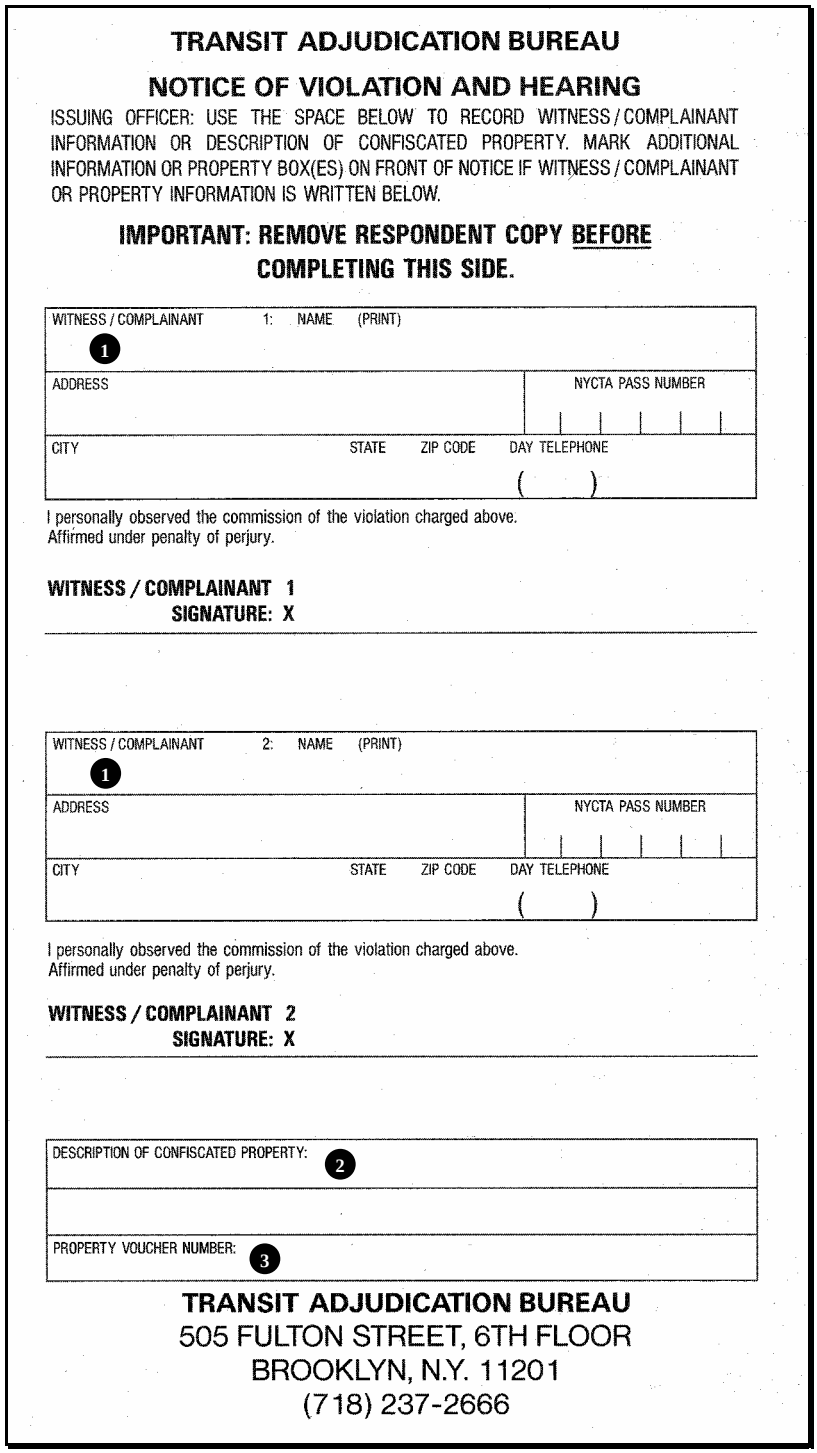
5 Check appropriate box or enter the applicable section/subdivision in the space provided.

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.

PATROL GUIDE

Section: Summonses	Procedure No: 209-16

SERVICE OF A SUMMONS - SPECIAL PROCEDURES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/30/19	10/01/19		1 of 2

PURPOSE To inform uniformed members of the service of special procedures that apply in certain summons cases:

SITUATION	PROCEDURE
U.S. Mail Trucks	1. Serve summons for moving and/or parking infractions. 2. Report all traffic infractions to commanding officer giving operator's name, time and place of occurrence, and whether summons was served. ***NOTE*** *Government vehicles do not require registration plates.*
Bingo (Violation of Administrative Code) and representative of State Lottery Control Commission is present	1. Obtain name and title of representative. 2. Request representative to appear in court to sign corroborating affidavit. 3. Report facts, including representative's name and title, to commanding officer.
Premises licensed by State Liquor Authority	1. Report service of summons inside premises to desk officer. 2. Report facts to commanding officer.
Sale of alcoholic beverages during prohibited hours	1. Check time by radio, telephone or other official source. 2. Seize beverage as evidence. 3. Secure other evidence such as proof of sale, identity of persons served, identity and job title of employees in premises, number of persons entering during prohibited hours. 4. Deliver alcoholic evidence to desk officer, command of occurrence, for safekeeping pending delivery to property clerk. 5. Report facts to commanding officer.
Purchase of alcoholic beverages by fraudulent proof of age	1. If violator is 18 to less than 21 years of age, make summons returnable to Summons Part, Criminal Court. If violator is under 18 years of age - prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**. 2. Report facts to commanding officer.
Violation of Administrative Code-Criminal and Civil Penalty	1. Serve summons and prepare **ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)**.
Public Service Commission Certificate-Violation of Section 61, subd. 14, Public Service Law	1. Make summons returnable to Summons Part, Criminal Court. 2. Report facts to commanding officer.

Garages and Parking Lots	1. 2.	Summons returnable to Summons Part, Criminal Court. 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. 2.	Desk officer will have two copies of **VERIFICATION OF STOLEN MOTOR VEHICLE/PLATES (PD371-152**) prepared AFTER verifying theft. A copy will be given to the registered owner/operator and the other copy filed.
Las Vegas Nights (unlicensed)	1. 2. 3. 4. 5.	Uniformed member of the service will notify desk officer. Request patrol supervisor to respond. Serve summons for violation of Administrative Code, returnable to Criminal Court-Summons Part. Comply with applicable provisions of *P.G. procedure 212-12, "Citywide Intelligence Reporting System."* 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)

PATROL GUIDE

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***

PATROL GUIDE

Section: Summonses		Procedure No: 209-18	
SUMMONS SERVED OR PREPARED IN ERROR			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 2

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)

PATROL GUIDE

Section: Summonses	Procedure No: 209-19

TRANSIT ADJUDICATION BUREAU - NOTICE OF VIOLATION AND HEARING SERVED OR PREPARED IN ERROR

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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.*

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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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 <u>EXEMPT</u> <u>ORGANIZATIONS</u> are:*

a. Governmental agencies
b. Franchise public transportation companies
c. Taxi companies - licensed by Taxi and Limousine Commission
d. School bus companies (as defined in VTL)
e. Public utility companies
f. Motor vehicle rental agencies.

DESK OFFICER (continued)

3. Prepare report on **OFFICIAL LETTERHEAD (PD158-151)** and forward direct to Bureau of Enforcement, N.Y.C. Department of Air Resources, 120 Wall Street, New York 10005, when a summons is served for an air pollution violation (other than a smoking vehicle). Report will include:
   a. Summons number
   b. Violation (full section number)
   c. Time and date
   d. Place of occurrence
   e. Details
   f. Defendant's name and address
   g. Rank, name, shield number and command of summonsing officer.
4. Forward a duplicate copy of summons served for violation of Section 11-801, Administrative Code "no commercial motor vehicle tax stamp" to the Chief of Department, Investigation and Review Section accompanied by a **Typed Letterhead** indicating reason summons was served.
   a. Investigation and Review Section will forward the duplicate summons to New York City Department of Finance.

RELATED PROCEDURES

Conditions of Service (P.G. 209-01)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)

FORMS AND REPORTS

OFFICIAL LETTERHEAD (PD158-151)
REPORT OF VIOLATION (PD672-151)
Typed Letterhead

PATROL GUIDE

Section: Summonses	Procedure No: 209-23

TAXI AND LIMOUSINE COMMISSION NOTIFICATIONS RE: VIOLATIONS AND ENFORCEMENT ACTION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/31/18	05/31/18		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)

PATROL GUIDE

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)

PATROL GUIDE

Section: Summonses	Procedure No: 209-25		
PROCESSING WARRANT CHECKS OVER CITYWIDE I AND II RADIO			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide uniformed members of the service with over the air access, via Citywide I and Citywide II radio, to federal, state and local warrant databases.

DEFINITIONS For the purposes of this procedure the following radio codes will be utilized:

10-18 Utilization of this response code signal indicates that, on the basis of the information provided, the individual concerned appears to be wanted on a warrant.

10-19 This response code indicates that, on the basis of the information provided, the individual concerned is not wanted on a warrant based on the WINQ/WNAM inquiry.

PROCEDURE Prior to issuing a summons returnable to Criminal Court or Traffic Violations Bureau in the field, a uniformed member of the service will conduct a federal, state and local warrant check on all individuals.

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section radio dispatcher of the nature and location of the stop, including whether a one or two person unit.

IF ASSIGNED TO RMP OR OTHER DEPARTMENT VEHICLE EQUIPPED WITH A MOBILE DIGITAL TERMINAL (MDT)

UNIFORMED MEMBER OF THE SERVICE

2. Conduct a federal and state warrant check using the "WINQ" function on the individual to be summonsed.
   a. Remove individual to command facility for further investigation, if the "WINQ" check reveals the possibility of an outstanding warrant.
      (1) Conduct additional warrant check (WNAM) at the command facility.
3. Perform a local warrant check, if the "WINQ" check reveals that the individual is NOT wanted on a warrant, by switching to the appropriate Citywide radio frequency (CW 1 or CW 2) and requesting the radio dispatcher to conduct a local warrant check ("WNAM").

NOTE *Citywide I (CW 1) radio frequency will be utilized by uniformed members assigned to or operating within Patrol Boroughs Manhattan North and South and Patrol Borough Bronx. Citywide II (CW 2) radio frequency will be utilized by uniformed members assigned to, or operating within Patrol Boroughs Queens North and South, Patrol Borough Staten Island, Patrol Borough Brooklyn South and Patrol Borough Brooklyn North.*

a. Only the uniformed member initiating the stop will switch frequencies; all other uniformed members will remain on the appropriate Communications Section frequency.

CITYWIDE DISPATCHER

4. Notify uniformed member concerned utilizing radio code signal "10-18," if the individual is wanted on a warrant.

UNIFORMED MEMBER CONCERNED

5. Remove the individual to the command facility for further investigation.

CITYWIDE DISPATCHER

6. Notify uniformed member concerned utilizing radio code signal "10-19," if the individual is not wanted on a warrant.

UNIFORMED MEMBER CONCERNED

7. Issue summons and release the individual.

IF ASSIGNED TO FOOT PATROL OR TO A VEHICLE NOT EQUIPPED WITH A MOBILE DIGITAL TERMINAL (MDT) AND/OR THERE IS NO IMMEDIATE ACCESS TO A DEPARTMENT CELL PHONE:

UNIFORMED MEMBER OF THE SERVICE

8. Request response of available vehicle equipped with a Mobile Digital Terminal.
   a. Comply with steps 1 through 3 above, if Mobile Digital Terminal equipped vehicle is available.
9. Request the appropriate Citywide radio dispatcher to process the federal, state, and local warrant checks, if a Mobile Digital Terminal equipped vehicle is not available.

CITYWIDE DISPATCHER

10. Notify uniformed member concerned utilizing radio code signal "10-19," if the individual is not wanted on a warrant.

UNIFORMED MEMBER CONCERNED

11. Issue summons and release the individual.

CITYWIDE DISPATCHER

12. Notify uniformed member concerned utilizing radio code signal "10-18," if the warrant check reveals that the individual is possibly wanted on a warrant.

UNIFORMED MEMBER CONCERNED

13. Remove the individual to the command facility for further investigation.

NOTE *If the warrant check is being conducted by a uniformed member performing solo patrol duty and results in the individual being wanted on a warrant, the Citywide dispatcher shall immediately notify the appropriate Communications Section radio dispatcher to direct an available two person unit to respond to the scene. Upon arrival of additional units, the uniformed member detaining the individual will remove the individual to the command facility for further investigation.*

PATROL GUIDE

Section: Summonses	Procedure No: 209-26

SUSPENDED OR REVOKED VEHICLE OPERATOR'S LICENSE

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

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)***

PATROL GUIDE

Section: Summonses	Procedure No: 209-28

UNLICENSED TOW TRUCK OPERATORS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/28/18	08/28/18		1 of 2

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)

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 <u>not</u> 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

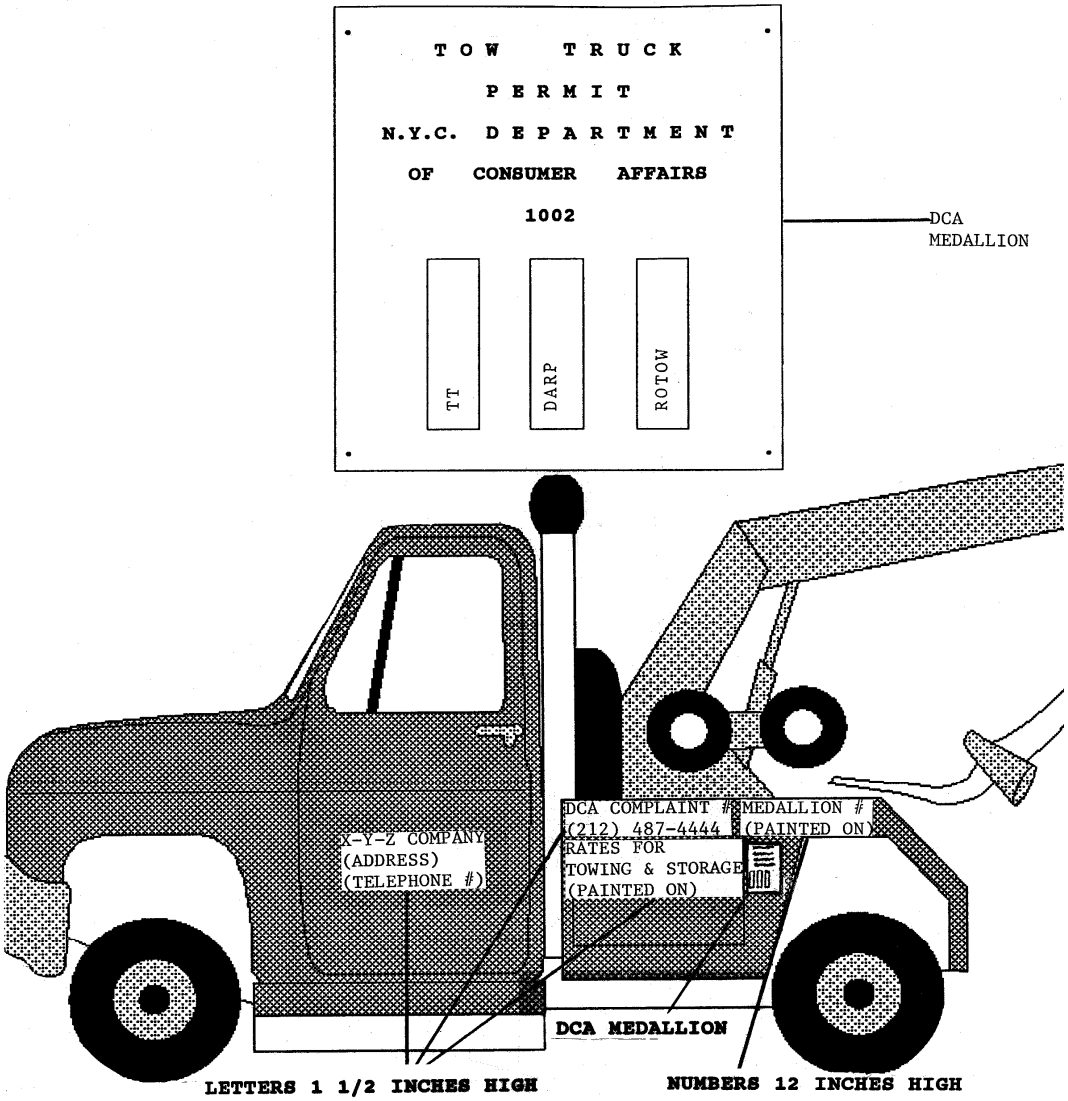
Murray Rude Services, Inc.
494 Morgan Avenue
Brooklyn, New York 11222

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

PATROL GUIDE

Section: Summonses		Procedure No: 209-30	
SUMMONS SERVED ON VEHICLE USED ON DEPARTMENT BUSINESS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

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 *Administrative Guide 325-14, "Private Vehicles Authorization"*) 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 (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)

PATROL GUIDE

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)***

PATROL GUIDE

Section: Summonses	Procedure No: 209-32

RELEASE OF VEHICLES PRIOR TO TOW UTILIZING A FIELD RELEASE AGREEMENT (FRA)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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

PATROL GUIDE

Section: Summonses	Procedure No: 209-33

PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONSES ISSUED TO INDIVIDUALS UNDER EIGHTEEN YEARS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/23/20	06/23/20		1 of 1

PURPOSE To reduce the frequency of youth-related quality-of-life offenses by notifying the parents or guardians of individuals (ages 16 or 17) who have been issued a Criminal Court summons for a Penal Law violation.

PROCEDURE When issuing a Criminal Court (C) summons for a Penal Law violation to an individual (ages 16 or 17), uniformed members of the service will comply with the following procedure:

UNIFORMED MEMBER OF THE SERVICE

1. Attempt to notify the parent or guardian.

NOTE *Do not detain the individual solely for the purpose of making this notification.*

2. Indicate the name, address and telephone number of the parent or guardian on a photocopy of the summons and indicate if notification was made. Do not write on the actual summons.
3. Deliver the photocopy of the summons to the command youth coordination officer and process the original in the usual manner.

YOUTH COORDINATION OFFICER

4. Attempt to notify the parent or guardian by telephone if they were not already notified by the summonsing officer.
5. Prepare **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS (PD660-121)** and submit to commanding officer for review and signature.
6. Maintain a secure file containing the photocopy of the summons, a photocopy of **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18** and any other related information.

SPECIAL OPERATIONS LIEUTENANT

7. Ensure that attempts are made to make notifications and are recorded as appropriate.

COMMANDING OFFICER

8. Review and sign **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS** and return to youth coordination officer.

YOUTH COORDINATION OFFICER

9. Forward **PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS** to the parent or guardian via U.S. Mail or personal visit.

FORMS AND REPORTS ***PARENTAL NOTIFICATION FOR CRIMINAL COURT SUMMONS ISSUED TO INDIVIDUALS UNDER 18 YEARS (PD660-121)***

PURPOSE To provide members of the service with guidelines establishing the indicators that justify the stopping of a tow truck based on reasonable suspicion.

DEFINITIONS

CONSENSUAL TOW – A tow driver does not have to provide any authorization for a consensual tow. The tow operator is required to have written authorization for all non-consensual tows. Authorization must be a signed document listing the make, model, and VIN of vehicle towed.

NON-CONSENSUAL TOW – The vehicle is towed without the owner/ operator's permission.

REQUIREMENTS THAT APPLY TO ALL TOW TRUCKS

a. Tow trucks are commercial vehicles and are required to comply with commercial vehicle regulations. The Department of Motor Vehicles requires the company name and address to be permanently affixed on both sides in lettering 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*

NOTE (continued)

- *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)****.*

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 Auto Larceny Unit for information purposes. (MOS will confirm receipt of fax by phoning appropriate Borough Auto Larceny Unit. Name of Auto Larceny Unit 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 Borough Auto Larceny Unit concerned if tow vehicle has been reported stolen (see "NOTE" under "Borough Auto Larceny Unit/Counterpart").
8. Forward hard copy to the Borough Auto Larceny Unit.
9. Maintain copy of completed **TOW TRUCK VIOLATION REPORT**.

BOROUGH AUTO LARCENY UNIT/ 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 Auto Larceny Unit 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.*

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.*

ADDITIONAL DATA (continued) *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)***

PATROL GUIDE

Section: Summonses		Procedure No: 209-36	
ELECTRONIC SUMMONS TRACKING SYSTEM (ESTS)			
DATE ISSUED: 10/23/20	DATE EFFECTIVE: 10/23/20	REVISION NUMBER:	PAGE: 1 of 10

PURPOSE To maintain a record of Parking, Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH), Moving, Criminal Court and Transit Adjudication Bureau Notice of Violation (TAB/NOV) summonses requisitioned, distributed, served and/or processed by the Department.

PROCEDURE When requisitioning, distributing, serving and/or processing Parking, Civil Summons Returnable to OATH, Moving, Criminal Court or TAB/NOV summonses:

COMMANDING OFFICER/ DESIGNEE

1. Requisition summonses from issuing agency.

NOTE *To requisition summonses, the following agencies will be contacted:*

Parking Summonses (A): *Moving Summonses (B):* *Criminal Court Summonses (C):*	*Department of Finance* *Bush Terminal* *167 41st Street, Brooklyn*
Transit Adjudication Bureau *Notices of Violation (TAB/NOV):*	*Transit Bureau Headquarters* *130 Livingston Street, 3rd Floor, Brooklyn*
Civil Summons *Returnable to OATH:*	*Office of Administrative Trials* *and Hearings (OATH)* *66 John Street, 10th Floor, NY, NY.*

2. Safeguard summonses.
3. Inspect summonses to ensure:
   a. Quantity is correct
   b. Summonses are intact and in numerical order.
4. Return summons packets with irregularities to issuing agency with report on **OFFICIAL LETTERHEAD (PD158-151)**.
5. Ensure packets of summonses are recorded on **SUMMONS DISTRIBUTION CARD (PD160-143)** and/or TAB/NOV on **TAB/NOTICE OF VIOLATION DISTRIBUTION CARD (PD160-148)**.
   a. Ensure first and last number of each packet is entered in first column.
6. Designate appropriate receptacle within secure location and under direct control of the desk officer (e.g., property room, etc.) for storage of served summonses.

WHEN A UNIFORMED MEMBER OF THE SERVICE REQUIRES ADDITIONAL SUMMONSES:

UNIFORMED MEMBER OF THE SERVICE

7. Request summonses from desk officer/distributing supervisor as follows:
   a. Parking summonses and **CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)**.
   b. Civil Summons Returnable to OATH, Moving, Criminal Court summonses and **CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)**.
   c. TAB/NOV and **CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED (PD160-147)**.

DESK OFFICER/ DISTRIBUTING SUPERVISOR

8. Use Electronic Summons Tracking System (ESTS) to determine if uniformed member of the service has any previously distributed unused summonses.
   a. Scan any previously distributed unused summonses that are in control of the uniformed member of the service back into the ESTS.
   b. Notify Internal Affairs Bureau and obtain Log Number, if uniformed member concerned cannot produce listed summonses.
   c. Determine necessity of distributing additional summonses to uniformed member.
9. Utilize bar code reader to scan each summons being distributed to uniformed member of the service into ESTS.
   a. If bar code reader is inoperable, entries will be made into ESTS manually.
   b. Notify patrol borough or transit borough of defective/inoperable bar code reader and obtain replacement.
   c. Enter notification in Telephone Record.
10. Distribute summons packets in numerical order.
   a. Ensure Department sticker **WARNING! ENFORCEMENT OF PENAL LAW SECTION 240.35 "LOITERING" SUBSECTIONS (1), (3), (4), AND (7) IS STRICTLY PROHIBITED (PD160-130)** is placed on the front of each Criminal Court summons packet prior to distribution.
11. Have member receiving packet acknowledge receipt on **SUMMONS DISTRIBUTION CARD** and/or **TAB/NOTICE OF VIOLATION DISTRIBUTION CARD**.

UNIFORMED MEMBER OF THE SERVICE

12. Examine summonses to ensure that packet contains 20 summonses and/or the TAB/NOV and Civil Summons Returnable to OATH packets contain 25 summonses, which are consecutively numbered.
13. Sign for summonses on **SUMMONS BOOK DISTRIBUTION CARD** and/or **TAB/NOTICE OF VIOLATION DISTRIBUTION CARD**.

NOTE *Separate **SUMMONS BOOK DISTRIBUTION CARDS** will be maintained for Parking, Civil Summons Returnable to OATH, Moving or Criminal Court summonses. **CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED CARDS** will be maintained for TAB/NOV.*

UNIFORMED MEMBER OF THE SERVICE (continued)

14. Sign and deliver completed **CERTIFICATION OF PARKING SUMMONSES SERVED**, **CERTIFICATION OF MOVING/ CRIMINAL COURT SUMMONSES SERVED** and **CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED** with appropriate copies of each summons served to clerical staff, after all summonses in packet have been served.
15. Deliver unused summonses and **CERTIFICATION**, with appropriate copies of each summons served, to desk officer/distributing supervisor of command where summons packet(s) were issued, when transferred or separated from the Department.

DESK OFFICER/ DISTRIBUTING SUPERVISOR

16. Utilize bar code reader to scan unused summonses returned by uniformed member of the service into ESTS.
    a. If bar code reader is inoperable, entries will be made into ESTS manually.
    b. Notify patrol borough or transit borough of defective/inoperable bar code reader and obtain replacement.
    c. Enter notification in Telephone Record.
    d. Notify Internal Affairs Bureau and obtain Log Number, if a summons is missing.
        (1) Notify integrity control officer (ICO) immediately, when a summons is missing.
        (2) If ICO is not available, notify commanding/executive officer.
17. Forward unused summonses and **CERTIFICATION**, with appropriate copies of each summons served, to commanding officer/designee, as per *A.G. 309-02, "Return of Summons Packet."*

UNIFORMED MEMBER OF THE SERVICE

18. Notify commanding officer without delay, when a summons is damaged.

NOTE *Uniformed members not ordinarily required to carry summonses, or temporarily assigned to enforcement duty which may require serving a summons, will obtain a sufficient number of summonses from the command where temporarily assigned. Unused summonses will be returned at end of assignment.*

<u>WHEN A UNIFORMED MEMBER OF THE SERVICE ISSUES A SUMMONS AND DELIVERS REMAINING COPIES TO COMMAND FOR RECORDING:</u>

UNIFORMED MEMBER OF THE SERVICE

19. Deliver remaining copies of summons(es), intact, direct to desk officer at end of tour on date of issuance.
    a. Do not deposit summons(es) directly into receptacle designated for storage of served summonses.

DESK OFFICER

20. Examine entries on summonses for accuracy, completeness and legibility.
21. Scan all summonses served during tour using bar code scanner into ESTS, prior to completion of tour.
    a. If bar code scanner is inoperable, entries will be made into ESTS manually.
    b. Notify appropriate patrol borough, transit borough or housing borough of defective/inoperable bar code scanner and obtain replacement.
    c. Enter notification in Telephone Record.
22. Place summons into summons receptacle upon completion of scan.
23. Place the court copy of summons into the summons receptacle upon completion of the scan.
24. Do NOT forward any summons returnable to Criminal Court if improperly prepared.
25. Process improperly prepared summonses as follows:
    a. Invalid return date listed – void summons in accordance with *P.G. 209-18, "Summons Served or Prepared in Error"*
    b. Criminal Court "Information" section left blank or unsigned, or summons written for marijuana offense is not accompanied by **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145) -** place in a separate envelope marked "Training Sergeant" and forward direct to the command's training sergeant.

NOTE *MEMBERS WILL NOT MAKE ANY MODIFICATIONS TO SUMMONSES OTHER THAN CORRECTING THE ERRORS LISTED ABOVE. Under no circumstances will a modification be made to a summons that will result in the court or agency copies having different information than the defendant's copy. ALL SUMMONSES MUST BE CORRECTED AND RETURNED BY THE FOLLOWING BUSINESS DAY.*

TRAINING SERGEANT

26. Re-train issuing member of the service in proper preparation of summons returnable to the Criminal Court in accordance with pertinent command level materials and instruct issuing member to:
    a. Properly prepare and sign "Information" section on rear of summons and re-submit for processing
    b. Complete the **MARIJUANA SUPPORTING DEPOSITION/ FIELD TEST REPORT** if a marijuana offense is involved
    c. Immediately re-submit summons with **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT** (if required).

DESK OFFICER

27. Utilize bar code reader to scan re-submitted summonses into ESTS.
    a. If bar code reader is inoperable, entries will be made into ESTS manually.
    b. Notify patrol borough or transit borough of defective/inoperable bar code reader and obtain replacement.
    c. Enter notification in Telephone Record.

INTEGRITY CONTROL OFFICER

28. Ensure that warrant checks were conducted.
29. Monitor "ICO Ageing Report," via ESTS, monthly.
    a. Conduct immediate investigation if any uniformed member is listed on report.

NOTE *The ICO Ageing Report displays all summonses distributed to members of the service and not served for 90 days or more.*

30. Perform monthly self-inspection of ESTS to ensure all summonses are accounted for.
31. Perform monthly self-inspection of "B Summons" application in the Finest Online Records Management System (FORMS) to ensure all Moving summonses are properly entered into system.
32. Generate and review exception report via ESTS, weekly.
    a. Notify Internal Affairs Bureau and obtain Log Number, if discrepancy is found.
33. Monitor on a weekly basis the "Scanned Summons Analysis" report by utilizing the Omniform System, under the "Supervisor" function of the Summons Menu.
    a. Ensure all summonses are being scanned into the network scanner, including the cover sheet.

OPERATIONS COORDINATOR

34. Supervise the overall maintenance of Moving summonses entered into the "B Summons" application in FORMS and all copies of Moving summonses maintained at the command.

DURING FIRST PLATOON:

DESK OFFICER/ SUPERVISOR, FIRST PLATOON

35. Separate summonses by date of service for each adjudicating agency.
36. Count number of summonses returnable to each agency.
37. Place Complaint/Information copy of Moving summonses served in pre-printed envelope and forward to traffic safety officer for entry into the "B Summons" application in FORMS.
38. Separate Complaint/Information (Part 1) from remainder of summons.
    a. Photocopy **MARIJUANA SUPPORTING DEPOSITION/ FIELD TEST REPORT** and file at command.
    b. Ensure that any summons prepared for a marijuana offense has a **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT** attached to it with a paper clip.
39. Utilize bar code reader to scan summonses served into ESTS and package in lots of 100 or less.
    a. If bar code reader is inoperable, entries will be made into ESTS manually.
    b. Notify patrol borough or transit borough of defective/inoperable bar code reader and obtain replacement.
    c. Enter notification in Telephone Record.

DESK OFFICER/ SUPERVISOR, FIRST PLATOON (continued)

40. Print a separate "precinct cover sheet" from the "Summons Menu" in OMNIFORM System for each type of summons issued.
    a. Scan each separate "precinct cover sheet" and court copy of each summons, grouped by adjudicating agency, using the network scanner located at the desk.
        (1) Scan no more than 50 summonses simultaneously.
41. Query ESTS by utilizing "Exception Report (Served but Not Batched)" function, after all summonses have been scanned, batched and processed, and confirm that all summonses have been processed as required.

NOTE *If a summons remains on the Exception Report (Served but Not Batched), it shall be deemed missing.*

    a. Notify Internal Affairs Bureau and obtain Log Number, if summons is missing.
    b. Notify ICO immediately, regarding missing summons.
        (1) If ICO is not available, notify commanding/executive officer.
    c. Account for missing summons within ESTS by utilizing "Terminate/Void Summons" function and enter Internal Affairs Bureau Log Number into "Notes" field as a reference.
        (1) Comply with *P.G. 209-18, "Summons Served or Prepared in Error."*

NOTE *This process will purge the missing summons from the Exception Report (Served but Not Batched) only. The summons number and history will remain in ESTS.*

42. Place Complaint/Information copies of summonses in pre-printed envelopes.
43. Print transmittal report via ESTS and attach to pre-printed envelopes containing Complaint/Information copies of summonses served.
44. Seal envelopes, make required entries as per captions, and sign in appropriate space on flap of each envelope.
    a. Enter ESTS generated tracking number below flap on envelope.
45. Place remaining parts of summonses served in a separate Department envelope and mark "File."
    a. Envelope will not be sealed.
46. Forward sealed envelopes containing Complaint/Information copies of summonses served with attached transmittal report to borough office/designated command with morning mail.
    a. Forward sealed envelopes daily, regardless of number of summonses enclosed.

COMMAND INTEGRITY CONTROL OFFICER

47. Confirm notification was made to Internal Affairs Bureau and a Log Number was obtained for missing summons.
48. Ensure first platoon desk officer/supervisor has made proper entries into ESTS for missing summons, including Internal Affairs Bureau Log Number.
49. Notify commanding/executive officer of missing summons.

COMMANDING OFFICER/ EXECUTIVE OFFICER

50. Confirm notification was made to Internal Affairs Bureau and a Log Number was obtained for missing summons.
51. Ensure missing summons was terminated/voided in ESTS and the System has been updated to reflect Internal Affairs Bureau Log Number.
52. Ensure *P.G. 209-18, "Summons Served or Prepared in Error"* is complied with.

TRAFFIC SAFETY OFFICER

53. Enter the information of each Moving summons served into the "B Summons" application in FORMS using the "Paper" option on a daily basis.
    a. Enter the serial number from the top left of the Moving summons and complete all appropriate captions in FORMS.
    b. Store Complaint/Information copies of Moving summonses in a secure location at command.

CLERICAL MEMBER

54. File envelope with command file copies of summonses served in command by date of service in command record room.
55. Maintain file copies of summonses served for six months.
56. Remove file copies after six months and retain in storage cartons in command record room.

NOTE *Summonses served by outside agencies will continue to be processed by the Department. However, such summonses will not be scanned/entered into ESTS or entered into the "B Summons" application in FORMS. Summonses served by outside agencies will be placed in a separate envelope marked "Outside Agency" and forwarded as delineated above.*

<u>WHEN SUMMONSES ARE RECEIVED AT PATROL BOROUGH OR TRANSIT BOROUGH FROM COMMANDS:</u>

MEMBER OF THE SERVICE ASSIGNED

57. Open envelopes and utilize bar code reader to scan each summons contained therein into ESTS.
    a. If bar code reader is inoperable, entries will be made into ESTS manually.
    b. Notify Information Technology Bureau (ITB) Service Desk of defective/inoperable bar code reader and obtain replacement.
    c. Enter notification in Telephone Record.
58. Notify Internal Affairs Bureau and obtain Log Number, if a summons is missing.
    a. Account for missing summons within ESTS by utilizing "Terminate/Void Summons" function in and enter Internal Affairs Bureau Log Number into "Notes" field as reference.
        (1) Comply with *P.G. 209-18, "Summons Served or Prepared in Error."*
59. Query ESTS utilizing "Batch Exception Report" to confirm all batch transmittals have been received.
    a. Notify Internal Affairs Bureau and obtain Log Number, if a batch transmittal is missing.

MEMBER OF THE SERVICE ASSIGNED (continued)

b. Account for each summons contained within the missing batch transmittal by utilizing "Terminate/Void Summons" function and enter Internal Affairs Bureau Log Number into "Notes" field as reference.
   (1) Comply with *P.G. 209-18, "Summons Served or Prepared in Error."*

60. Place scanned summonses and opened envelopes into new pre-printed envelopes.
61. Print transmittal report via ESTS and attach to pre-printed envelopes.
62. Seal envelopes, make required entries as per captions and sign in appropriate space on flap of each envelope.
    a. Enter ESTS generated tracking number below flap on envelope.
63. Prepare three copies of **SUMMONS ENVELOPE RECEIPT (PD160-011)** for each adjudicating agency and sign in space captioned "Signature of Police Department Officer Forwarding Envelopes."
64. Enclose originals and first copies of **SUMMONS ENVELOPE RECEIPT** with corresponding adjudicating agency envelopes in borough transfer bag.
65. Lock transfer bag and retain key in borough office.
66. Have morning messenger sign last copy of **SUMMONS ENVELOPE RECEIPT** and retain in borough office.
67. Direct messenger to deliver transfer bag to:
    a. New York City Transportation Administration, Parking Violations Bureau, Summons Receiving Unit, 210 Joralemon Street, 2nd Floor, Brooklyn, NY 11201 - (Yellow Envelope)
    b. Mail and Distribution Unit, 1 Police Plaza, Room S-74, New York, NY - (Blue Envelope), if applicable
    c. New York City Criminal Court, Summons Intake Unit, 1 Centre St., 16th Floor, New York, NY 10013 - (White Envelope)
    d. Office of Administrative Trials and Hearings (OATH), Civil Summons Returnable to OATH, 66 John Street, 10th Floor, New York, NY 10038
    e. Transit Bureau Headquarters, Crime Analysis Section, 130 Livingston Street, 3rd Floor, Brooklyn NY 11201.
68. Instruct messenger to obtain receipt on first copy of **SUMMONS ENVELOPE RECEIPT** and return to borough office.
69. File receipt and destroy copy retained at borough office.

ADDITIONAL DATA

Under no circumstances will the scanning of summonses be performed by anyone other than the desk officer/distributing supervisor.

If a missing summons is found after notification to the Internal Affairs Bureau and after summons was purged from the Exception Report, the desk officer shall notify Internal Affairs Bureau, Command Center immediately and determine if voided summons can be reentered into ESTS. The name of Internal Affairs Bureau member notified will be entered in the "Add Summons Follow-Up Note" field of ESTS.

ADDITIONAL DATA (continued)

Processed summons envelopes are not forwarded to Housing Bureau offices for delivery. The designated messenger picks up the summonses "A," "B," "C," and "Civil Summons Returnable to OATH" directly from each police service area (PSA) and delivers them directly to the appropriate agency.

When an adjudicating agency returns a summons because a discrepancy was not resolved, the Investigation Review Section of the Chief of Department's Office will take corrective action and promptly return summons to the agency concerned.

The Quality Assurance Division will monitor and evaluate compliance with this Order by incorporating the listed procedural changes into its current command evaluation process of summons integrity and control procedures as listed on ***Self-Inspection Worksheet #826****. That* ***Worksheet*** *will be updated to reflect the addition of the ESTS program. During its annual command evaluation process the Quality Assurance Division will access the ESTS program for each command. Information will be obtained from the program to determine the command's compliance with procedures involving the distribution, collection and forwarding of summonses. The evaluation will also include the command's compliance with procedures involving any missing summonses during this process.*

The updated ***Self-Inspection Worksheet #826*** *will be available to all commands via the Department Intranet and be mandated to be completed by each command on a monthly basis. The respective Borough Investigation Units will review the command's completed* ***Worksheets*** *for compliance and accuracy. Additionally, the updated* ***Self-Inspection Worksheet #826*** *will be added to the list of mandated self-inspections listed on* ***Self-Inspection Worksheet #800, Maintenance of Department Records****.*

Patrol borough and transit borough commands will maintain a sufficient supply of replacement bar code readers for use by subordinate commands. Additional replacement bar code readers may be requested through the Deputy Commissioner, Information Technology.

In those commands with satellite locations, respective commanding officers will designate a supervisor to assume the duties of the desk officer as they relate to the forwarding of summonses for processing, as approved by their borough commander.

RELATED PROCEDURES

Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)
Conditions of Service (P.G. 209-01)
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)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Summons Served or Prepared in Error (P.G. 209-18)
Return of Summons Packet (A.G. 309-02)

FORMS AND REPORTS

OFFICIAL LETTERHEAD (PD158-151)
SUMMONS DISTRIBUTION CARD (PD160-143)
CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)
CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)

FORMS AND REPORTS (continued)

CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED (PD160-147)
TAB/NOTICE OF VIOLATION DISTRIBUTION CARD (PD160-148)
SUMMONS VOIDANCE FORM (PD160-153)
MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145)
SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD260-211)
SUMMONS ENVELOPE RECEIPT (PD160-011)
WARNING! ENFORCEMENT OF PENAL LAW SECTION 240.35 "LOITERING" SUBSECTIONS (1), (3), (4) AND (7) IS STRICTLY PROHIBITED (PD160-130)
Self - Inspection Worksheet #800
Self - Inspection Worksheet #826

PATROL GUIDE

Section: Summonses	Procedure No: 209-37

ENFORCEMENT OF MOTORIZED SCOOTERS, E-BIKES AND E-SCOOTERS BEING OPERATED WITHIN NEW YORK CITY

DATE EFFECTIVE:	LAST REVISION:	PAGE:
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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)

Section: Summonses		Procedure No: 209-38	
UNLAWFUL POSSESSION OF MARIJUANA			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To instruct members of the service on the process of issuing a Criminal Court summons for Penal Law section 221.10, Unlawful Possession of Marijuana in the First Degree, and 221.05, Unlawful Possession of Marijuana in the Second Degree, to qualified violators.

SCOPE An individual is guilty of Unlawful Possession of Marijuana in the Second Degree (P.L. 221.05), if they possess up to, and including, one ounce of marijuana. In addition, an individual is guilty of Unlawful Possession of Marijuana in the First Degree (P.L. 221.10), if that person possesses over one ounce, up to, and including, two ounces of marijuana. Both charges, Unlawful Possession of Marijuana in the First Degree (P.L. 221.10) and Unlawful Possession of Marijuana in the Second Degree (P.L. 221.05), are violations, subject to the issuance of a Criminal Court summons. It is not relevant that the individual possessed the marijuana open to public view, or that the marijuana was burning.

PROCEDURE When a person is found to be in violation of Unlawful Possession of Marijuana in the First Degree (P.L. 221.10) or Unlawful Possession of Marijuana in the Second Degree (P.L. 221.05):

UNIFORMED MEMBER OF THE SERVICE

1. Inform violator of offense committed, unless physical resistance, flight or other factors render such notification impractical.
2. Confiscate contraband in plain view for subsequent testing and invoicing as per *P.G. 218-08, "Field Testing of Marijuana by Authorized Uniformed Members of the Service."*
3. Inform person that they will be issued a Criminal Court summons, if qualified.
4. Establish person's identity through observation of valid identification documents.
5. Query the Domain Awareness System (DAS), utilizing a mobile device or through the local command, to determine if person qualifies to be issued a Criminal Court summons.
   a. Disqualifying factors for a Criminal Court summons are:
      (1) Person is charged with other fingerprintable offenses
      (2) Person has an active misdemeanor or felony warrant
         (a) If person has an active SAP warrant, the person will be issued a Criminal Court summons and returned to the local Criminal Court to answer both the summons and warrant
      (3) Person was burning marijuana while seated in the driver seat of a vehicle
         (a) If the operator appears to be impaired, comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."* If the operator does not appear to be impaired, a **DESK APPEARANCE TICKET (DAT)** will be issued

UNIFORMED MEMBER OF THE SERVICE (continued)

(4) Person is wanted in connection with an active **INVESTIGATION CARD (PD373-163)** labeled *Perpetrator – Probable Cause to Arrest*; remove person to command and:
   (a) Comply with *P.G. 208-23, "Computerized Investigation Card System"*
   (b) Continue with summons process and release person to responding detective

IF PERSON QUALIFIES FOR A CRIMINAL COURT SUMMONS IN THE FIELD:

UNIFORMED MEMBER OF THE SERVICE

6. Issue person a Criminal Court summons for Unlawful Possession of Marijuana in the first or second degree.
7. Enter in Criminal Court Information section on rear of Criminal Court summons, the words: "See Attached **SUPPORTING DEPOSITION REPORT**."
8. Prepare "Criminal Court of the City of New York" side of **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145)**.
   a. Attach **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT** to Criminal Court summons by using a paper clip.
9. Submit marijuana, Criminal Court summons and attached **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT**, immediately, to desk officer.

DESK OFFICER

10. Direct authorized uniformed member of the service, who has been trained in marijuana field testing, to comply with *P.G. 218-08, "Field Testing of Marijuana by Authorized Uniformed Members of the Service,"* and to complete "Marijuana Field Test Report" side of **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT**.

IF PERSON IS TO BE REMOVED TO COMMAND:

UNIFORMED MEMBER OF THE SERVICE

11. Remove person to command and advise desk officer of facts.

DESK OFFICER

12. Question officer regarding circumstances that led to the apprehension of person and seizure of marijuana.
   a. Determine whether person should be issued a Criminal Court summons, a DAT, or processed online.
   b. Include in Command Log entry that circumstances of summons or arrest were in conformance with the standards set forth in this procedure.

DESK OFFICER (continued)

13. Allow person to contact a third party in order to obtain appropriate identification, when such identification is necessary for the issuance of a summons or **(DAT)**.
    a. Delay arrest processing a reasonable amount of time to allow delivery of such document(s).
    b. 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.
14. Ensure person's identity has been verified.
15. Verify person does not have an active misdemeanor or felony warrant or a probable cause **INVESTIGATION CARD**, and there exist no other factors that would disqualify the person from receiving a Criminal Court summons.
16. Direct issuance of Criminal Court summons, if qualified.

IF PERSON QUALIFIES FOR A CRIMINAL COURT SUMMONS AT THE STATION HOUSE:

UNIFORMED MEMBER OF THE SERVICE

17. Comply with steps "6" through "9" above.

DESK OFFICER

18. Direct release of person after Criminal Court summons has been issued.
    a. Once a decision is made to issue a Criminal Court summons, do not delay release of person in order to field test the marijuana.
19. Make Command Log entry and process summons as per *P.G. 209-09, "Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court."*
20. Ensure uniformed member of the service issuing the Criminal Court summons complies with steps "6" through "9" above.
21. Direct authorized uniformed member of the service, who has been trained in marijuana field testing, to comply with *P.G. 218-08, "Field Testing of Marijuana by Authorized Uniformed Members of the Service,"* and to complete "Marijuana Field Test Report" side of the **MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT**.

IF PERSON **DOES NOT** QUALIFY FOR A CRIMINAL COURT SUMMONS:

DESK OFFICER

22. Direct issuance of **DAT** for Unlawful Possession of Marijuana in the First Degree (P.L. 221.10) or Unlawful Possession of Marijuana in the Second Degree (P.L. 221.05), if person is properly identified and eligible.
    a. Disqualifying factors for a **DAT** for the charge of Unlawful Possession of Marijuana in the First Degree (P.L. 221.10) or Unlawful Possession of Marijuana in the Second Degree (P.L. 221.05):
        (1) Person refuses to sign **DAT**

DESK OFFICER (continued)

(2) Person has an active misdemeanor or felony warrant
(3) Person is under the influence of drugs/alcohol to the degree that he/she may endanger him/herself or others
(4) Person owes DNA.

23. Ensure arrest is processed online as per existing Department procedures, if person is not eligible for a Criminal Court summons or **DAT**.

ADDITIONAL DATA

MARIJUANA IN A VEHICLE

If marijuana is observed inside a vehicle with multiple occupants, every attempt should be made to identify the person in custody and control of the marijuana. Only that person should be issued a Criminal Court summons if the amount possessed is 2 ounces, or less, or be arrested for possession of marijuana, if the amount possessed exceeds 2 ounces. Normally, the operator of a private vehicle would be considered in custody and control of any items in the vehicle, unless it is found on the person of a passenger or in such a manner that would lead a uniformed member of the service to believe that a passenger has custody and control of the item.

GROUP OF PEOPLE SMOKING MARIJUANA

If a group of people are observed smoking and passing a marijuana cigarette, all persons observed in possession of the marijuana cigarette may be issued a Criminal Court summons for Unlawful Possession of Marijuana in the 2nd Degree (Penal Law 221.05). Additionally, this type of incident does not constitute a sale or intent to sell under this procedure. None of the people should be arrested and charged with selling marijuana.

MEDICAL MARIJUANA

Possession, use, or transport of medical marijuana is legal pursuant to Public Health Law Section 3362 for a certified patient or designated caregiver who possesses a valid registry identification card, if the possession meets certain criteria as described in Legal Bureau Bulletin Vol. 45, No. 2, dated September 2015.

If the medical marijuana is smoked, consumed, or vaporized in a public place, or in a vehicle, it is no longer subject to the protections of Public Health Law 3362. Violators are subject to enforcement under Penal Law 221. Authorized forms of medical marijuana are liquid, oil, and capsule preparations, and do not include any form of an actual marijuana plant.

LIQUID TETRAHYDROCANNABINOL (Liquid THC)

Forms of liquid THC are often found in the cartridges of vape pens or in foods commonly referred to as "edibles." If this liquid is found in a product marketed as Cannabidiol (CBD), enforcement action will only be taken if the circumstances pose a danger to the user, or others (e.g., a driver who appears to be under the influence, or a child who has an adverse reaction after ingesting the CBD product, etc.).

RELATED PROCEDURES

Computerized Investigation Card System (P.G. 208-23)
Desk Appearance Ticket-General Procedure (P.G. 208-27)
Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)

RELATED PROCEDURES (continued)

Returning an Individual to Court to Vacate a Summons Adjudication Part (SAP) Warrant (P.G. 208-78)

Field Testing of Marijuana by Authorized Uniformed Members of the Service (P.G. 218-08)

FORMS AND REPORTS

INVESTIGATION CARD (PD373-163)

MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145)

DESK APPEARANCE TICKET (COMPUTER FORM)

DESK APPEARANCE TICKET (PD260-121)

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)

PATROL GUIDE

Section: Prisoners		Procedure No: 210-01
PRISONERS GENERAL PROCEDURE		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 47	PAGE: 1 of 9

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 before leaving cell block.
    a. Escorting officers may use transport chains or handcuffs when escorting one or two prisoners; more than two prisoners, transport chains must be used.
    b. Make certain transport chains are in double lock mode, when utilized.
22. Step from behind the desk and personally 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. 305-06, "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, 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 allow the subject to be safely rear-cuffed with minimal force.

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 P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases."

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: 210-02	
HOSPITALIZED PRISONERS			
DATE ISSUED: 01/29/20	DATE EFFECTIVE: 01/29/20	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE To safeguard hospitalized prisoners arrested by uniformed members of the service.

SCOPE The responsibility for guarding hospitalized prisoners arrested by uniformed members of the service assigned to the Transit Bureau or Housing Bureau will rest with the district or police service area within which the hospital is located. When a prisoner is likely to be admitted, the arresting/assigned officer will make an immediate telephone notification to that district or police service area, requesting that a relief officer be provided by that command. The desk officer, precinct of hospitalization, may provide a uniformed member of the service to guard prisoner temporarily in multiple arrest cases, if arresting officer is required to process other prisoners. Such coverage shall not exceed one tour.

PROCEDURE When prisoner in custody is admitted at a hospital:

ARRESTING/ GUARDING OFFICER

1. Notify desk officer, precinct of arrest.
2. Request desk officer of precinct where hospital is located to provide relief.
3. Remain with prisoner until relieved.

ARRESTING OFFICER

4. Search prisoner at hospital in presence of witnesses if prisoner was removed from scene of arrest direct to hospital.
   a. Search prisoner's personal clothing, after removal by hospital personnel, for weapons, evidence, or contraband.

NOTE *Prisoners should be searched in accordance with P.G. 208-05, "Arrests – General Search Guidelines." If a uniformed member of the appropriate gender is not available, have hospital personnel carefully search prisoner.*

5. Give hospital authorities receipt for property received.
6. Enter in **ACTIVITY LOG (PD112-145)** list of property removed and any information necessary to process arrest.
7. Report to precinct of arrest or designated arrest processing facility to continue arrest processing when relieved by guarding officer.
   a. If prisoner has not been printed, prepare fingerprint charts, if required.
8. Deliver the following property to desk officer, precinct of arrest or designated arrest processing facility:
   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. Press Card issued by this Department. (Forward to Deputy Commissioner - Public Information with report of facts).

ARRESTING OFFICER (continued)

f. NYPD Auxiliary Police shield/I.D. card. (Forward to Auxiliary Police Section with report of facts).
g. Pistol license. (Forward to Commanding Officer, License Division, with report of facts).
h. Itemized list of personal property except clothing which is retained by the hospital.

DESK OFFICER, PRECINCT OF ARREST

9. Direct preparation of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, and generate arrest number through the OMNIFORM computer system.
10. Notify the concerned borough court section supervisor that prisoner has been removed to hospital and make Telephone Record entry. Notification should include:
    a. Prisoner's name
    b. Prisoner's arrest number
    c. Date and time prisoner removed to hospital
    d. Whether prisoner had been fingerprinted and Fax Control Number, if applicable
    e. Hospital admission number, if applicable.
11. Direct uniformed member of the service to deliver copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** and fingerprint and palmprint charts, if appropriate, to desk officer of precinct in which hospital is located.
12. Direct guarding member to follow *P.G. 208-30, "Desk Appearance Ticket - Hospitalized Prisoner,"* if prisoner is eligible.
13. Follow *P.G. 210-05, "Bedside Arraignment,"* if prisoner not eligible for a **DESK APPEARANCE TICKET**.

DESK OFFICER, PRECINCT OF HOSPITALIZATION

14. Ascertain if hospital has a Department of Correction prison ward, and whether prisoner can be lodged at that location.
    a. Make entry of inquiry in Telephone Record.
    b. If prisoner admitted to prison ward, comply with *P.G. 210-05, "Bedside Arraignment,"* steps "22" through "25".
15. Assign uniformed member of the service, male or female, to guard prisoner.
    a. Do not assign a member from an outside precinct to guard a hospitalized prisoner.
    b. Assign member in civilian clothes to guard juvenile.
    c. Ensure that appropriate relief is provided to uniformed members of the service guarding prisoners.
16. Have a duplicated copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** and fingerprint and palmprint charts, if appropriate, delivered to guarding member.
17. Make continuous effort to have Department of Correction assume custody, if hospital has a Department of Correction prisoner ward.

PATROL SUPERVISOR

18. Respond to hospital when informed prisoner is to be admitted.
19. Examine hospital room for escape potential, i.e., windows, doors, possible access by unauthorized individual, etc.
    a. Request prisoner be moved to more secure quarters, if room is inadequate for security.
    b. Instruct member guarding prisoner regarding: security measures, visits by authorized persons, handcuffing of prisoners and to be constantly vigilant (see ADDITIONAL DATA).
20. Report lack of cooperation of hospital personnel to commanding officer.
21. Make appropriate entries in **ACTIVITY LOG**.

GUARDING MEMBER

22. Keep prisoner under constant observation, even if the prisoner is handcuffed to the hospital bed, to prevent escape at all times.
23. Prevent unauthorized articles from being passed to prisoner.
24. Keep desk officer, precinct of hospitalization, informed of condition of prisoner.
25. Make periodic security inspection of prisoner's immediate area including closets, bathroom, etc., for weapons or other contraband, especially upon assuming guard post and after authorized visitors or hospital personnel have been with prisoner.
26. Take charge of any room telephone and allow only authorized calls by prisoners.
    a. Patrol supervisor or desk officer will be conferred with and his/her permission is needed prior to allowing prisoner to use telephone.
    b. Make entry in **ACTIVITY LOG** of authorizing supervisor's identity and name, relationship, and telephone number of person called.
27. Permit only the following persons, on official business, to interview prisoner:
    a. Ranking officer, this Department
    b. Detective
    c. District Attorney or representative
    d. Chief Medical Examiner or representative
    e. Member of the clergy (if requested by prisoner)
    f. Parole or probation officer
    g. Hospital personnel (assigned to treat prisoners)
    h. Social worker
    i. Federal law officer
    j. Supervising officer of other city department if prisoner is employee of that department.
28. Allow the following to visit prisoner:
    a. Recipient of telegram from hospital superintendent with notification that prisoner is seriously ill.
    b. Lawyer - if requested by prisoner.
    c. Member of family, after receiving **OFFICIAL LETTERHEAD (PD158-151)** from desk officer, precinct of arrest, authorizing visit. Member of family 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," persons who live together in a family-type relationship, and children sixteen years or over.

DESK OFFICER, PRECINCT OF ARREST

29. Authorize visits to prisoner by member of family only under following conditions:
    a. Application is made in person
    b. Applicants are properly identified members of family/household (see step "28", subdivision "c")
    c. Name and address of each person permitted to visit prisoner is listed on authorization
    d. Each person named in authorization must sign authorization in presence of desk officer
    e. If visitors are likely to interfere with an ongoing investigation, consult with investigative supervisor concerned prior to issuing an authorization to visit prisoner.
30. Have uniformed member of the service deliver authorization to guarding member.

GUARDING MEMBER

31. Have each person authorized to visit prisoner sign name and address in **ACTIVITY LOG**.
32. Enter in **ACTIVITY LOG**, information concerning name, address, and title of visitor.
33. Notify desk officer, precinct of arrest, before end of tour, of identity of all visitors.
34. Deliver copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** to relieving uniformed member of the service.

DESK OFFICER, PRECINCT OF ARREST

35. Prepare **ARREST REPORT - SUPPLEMENT (PD244-157)** containing information concerning visitors.

DESK OFFICER, PRECINCT OF HOSPITALIZATION

36. Notify commanding officer after being informed if prisoner is near death or will be totally incapacitated for a prolonged period of time.

COMMANDING OFFICER, PRECINCT OF HOSPITALIZATION

37. Direct investigation to determine:
    a. Complete details of prisoner's condition
    b. Complete details of arrest situation and prisoner's history.
38. Decide if guarding of prisoner should be discontinued.
39. Have hospital authorities contacted by telephone each day and make inquiry concerning prisoner's condition, if guard is removed.
    a. Direct patrol supervisor to visit hospital, as required.
    b. Have weekly telephone message sent to borough court section concerned, each Wednesday, reporting prisoner's condition.
40. Assign uniformed member of the service to guard prisoner when condition warrants.
41. Have borough court section concerned notified, if prisoner dies, including date and time of death, and name of doctor who issues death certificate.
42. Have member guarding prisoner obtain copy of death certificate and direct desk officer to forward same to Chief Clerk's Office, borough Criminal Court concerned.

GUARDING MEMBER

43. Notify desk officer, precinct of arrest, when prisoner's condition permits arraignment.

DESK OFFICER, PRECINCT OF ARREST

44. Notify parents or guardian of impending release, if prisoner is under eighteen years of age.
    a. Make entry in Command Log of notification.

ADDITIONAL DATA

PERSONNEL SHORTAGES

If a precinct experiences a shortage of personnel as a result of guarding hospitalized prisoners, a member from another precinct may be assigned to perform PATROL DUTY.

HOSPITAL VISITS BY CIVILIAN-CLOTHED MEMBERS

Uniformed members of the service in civilian clothes who are visiting hospitals shall keep all firearms and other weapons concealed, not visible to hospital personnel or visitors and not accessible to prisoners or other unauthorized persons.

PRISONER TREATMENT AT PRIVATE HOSPITALS

If the prisoner is treated or hospitalized at other than a New York City Health and Hospitals Corporation facility, the desk officer, precinct of arrest, is required to forward a report in a sealed envelope to: New York City Health and Hospitals Corporation, Fiscal Affairs, General Accounting Department. The report will include:

a. Name and address of hospital or clinic
b. Date and time of treatment or admission
c. Name and address of prisoner
d. Precinct of arrest - arrest number
e. Name of doctor - diagnosis
f. When illness, injury started (prior to, during or after arrest)
g. Date of discharge.

RESTRAINT OF PREGNANT PRISONERS AT A MEDICAL FACILITY

Uniformed members of the service will restrain a pregnant prisoner in the least restrictive manner possible, while maintaining the safety of the officer, prisoner, and other individuals present. Examples of less restrictive methods include, but are not limited to, front handcuffing, or handcuffing one hand to a stationary post. The uniformed member of the service will notify their immediate supervisor regarding the method of restraint being used on the pregnant prisoner. The use of leg restraints shall not be employed.

The immediate supervisor will determine if the level of restraint is appropriate, or whether a less restrictive or more restrictive method of restraint is necessary.

A pregnant prisoner in labor shall not be handcuffed or restrained in any manner, and will only be handcuffed or restrained post-delivery upon the existence of exceptional circumstances. Exceptional circumstances regarding the appropriate level of restraint will be determined by the immediate supervisor on a case by case basis.

ADDITIONAL DATA (continued)

During delivery, members of the service shall remain outside of the delivery room, unless exceptional circumstances exist, which shall be determined by the immediate supervisor on a case by case basis.

When determining whether the level of restraint is appropriate, or if exceptional circumstances exist, 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 the prisoner's attending physician has expressed that restraint of the prisoner increases, or does not increase, the risk for medical complications and/or risks,
f. Whether the prisoner's infant child has been discharged from the hospital,
g. Whether the prisoner appears to be in late stages of pregnancy and may present a fall risk, and
h. Whether the prisoner's attending physician has expressed that the restraints be removed, and/or the risk for medical complications for failing to remove them.

*The uniformed member of the service will make an **ACTIVITY LOG** entry indicating whether exceptional circumstances exist, and the facts which supported the determination. If applicable, document the type of restraints authorized.*

SECURITY PROCEDURES

Borough supervisors, duty captains, and patrol supervisors will be directed to visit hospital emergency rooms and hospital wards with admitted prisoners frequently to observe the performance and attentiveness of uniformed members of the service assigned to guard prisoners.

Supervisors will also evaluate the security of hospital rooms in which prisoners are held. If room security is inadequate, supervisors will request that hospital authorities transfer the prisoner to a more secure room. If the prisoner cannot be transferred, supervisors shall take whatever additional steps are necessary to ensure security of the prisoner (e.g. assigning an additional member to guard the prisoner, etc.).

The Department's policy is to handcuff all hospitalized prisoners to ensure the safety of persons present and prevent escape. However, under certain circumstances, the use of regular handcuffs may be impractical or inexpedient, i.e., prisoner is comatose, paralyzed, or otherwise immobilized. Furthermore, the use of regular handcuffs may be impractical if the prisoner has arm or wrist injuries, burns, etc.

In a further effort to prevent injuries and escape, the Department has purchased long chain handcuffs and leg restraints which will be available for use on hospitalized prisoners. Guarding members, when using long chain handcuffs, will attach one cuff to bed frame and secure other cuff to prisoner. Leg restraints MUST be used when transporting a prisoner that has refused to be fingerprinted. If the desk officer determines that extenuating circumstances exist that preclude placing leg restraints on a prisoner that has refused to be fingerprinted, a Command Log entry will be made

ADDITIONAL DATA (continued)

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.

The patrol supervisor will respond to the hospital and evaluate the situation whenever a prisoner is admitted to a hospital. This evaluation will include a conferral with the attending physician to determine the method of restraint to be used, e.g., handcuffs, long chain handcuffs, or leg restraints. The patrol supervisor will notify the desk officer, precinct of hospitalization, with recommendation. In situations where it is determined that the use of regular handcuffs, long chain handcuffs, or leg restraints would be impractical or inexpedient, the desk officer, precinct of hospitalization, has the discretion to authorize that such methods of restraint not be used. However, if condition of the prisoner significantly improves, the patrol supervisor will respond and re-evaluate the situation, confer with the desk officer, precinct of hospitalization, and follow the desk officer's directions regarding handcuffing the prisoner.

Patrol supervisors will assess the potential for escape of a hospitalized prisoner. In cases where the escape potential is deemed high, desk officer/patrol supervisor will direct that all uniformed members of the service guarding that prisoner have two sets of handcuffs available. All hospitalized prisoners (EXCEPT those not deemed to have an escape potential) will be handcuffed to the bed with one wrist secured to one side of the bed. To prevent escape, handcuffs are to be double locked, at all times. When it becomes necessary to uncuff the prisoner to allow for medical treatment of the prisoner, the second set of handcuffs will be utilized to cuff the free hand to the bed before uncuffing the first hand. Prisoners should not have both hands cuffed to the bed unnecessarily.

Additional sets of handcuffs are kept in precincts that cover hospitals where prisoners are usually admitted (e.g., 71 Precinct for Kings County Hospital).

Patrol supervisors and desk officers shall direct that, when one uniformed member's handcuffs are being removed from a prisoner, the second member's handcuffs are placed on the prisoner before the first member's handcuffs are removed.

When a prisoner is admitted to the Intensive Care Unit of a hospital, the patrol supervisor will assess the potential for escape. If the prisoner is deemed to have escape potential, the prisoner will be secured to the bed frame utilizing plastic flex cuffs. Plastic flex cuffs do not conduct electricity should medical personnel need to defibrillate the prisoner.

RELATED PROCEDURES

Desk Appearance Ticket - Hospitalized Prisoner (P.G. 208-30)
Hospitalized Prisoners - Arrests by Members of Other Police Agencies (P.G. 210-03)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Bedside Arraignment (P.G. 210-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
ARREST REPORT - SUPPLEMENT (PD244-157)
DESK APPEARANCE TICKET (COMPUTER FORM)
OFFICIAL LETTERHEAD (PD158-151)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Prisoners	Procedure No: 210-03

HOSPITALIZED PRISONERS - ARRESTS BY MEMBERS OF OTHER POLICE AGENCIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
11/21/14	11/21/14		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)***

Section: Prisoners		Procedure No: 210-04	
PRISONERS REQUIRING MEDICAL/PSYCHIATRIC TREATMENT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 10

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

PATROL GUIDE

Section: Prisoners		Procedure No: 210-05	
BEDSIDE ARRAIGNMENT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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, <u>not</u> 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)

PATROL GUIDE

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)

PATROL GUIDE

Section: Prisoners	Procedure No: 210-07

PRISONERS – UNUSUAL OCCURRENCE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/30/19	10/01/19		1 of 2

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. Deputy Commissioner, 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

PATROL GUIDE

Section: Prisoners		Procedure No: 210-08
GUIDELINES FOR PRISONER HOLDING PENS		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 47	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. Inform prisoner wearing a religious head covering that it must be searched.

DESK OFFICER/ DETECTIVE SQUAD SUPERVISOR (continued)

(1) Advise prisoner search may be conducted in private, if he/she prefers.

(2) Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if prisoner refuses to remove religious head covering for search.

(3) Allow prisoner to wear religious head covering after it has been searched for weapons and contraband.

(4) A religious head covering will *not* be routinely removed, unlike outer garments that are removed (e.g., belts, neckties, shoelaces, drawstrings, etc.), unless there is an articulable reason to believe it is likely to be dangerous to life, is likely to facilitate escape, or is likely to be used to damage Department property.

(5) If a religious head covering is removed due to safety/security concerns, the desk officer will make a Command Log entry indicating the reason.

(6) If removed, a religious head covering will be stored temporarily where it will not be accessible to the prisoner.

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

ADDITIONAL DATA (continued)

(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 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)

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.

REQUEST BY ASSISTANT DISTRICT ATTORNEY TO "VOID" AN ARREST:

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)*
Release of Prisoners at the Complaint Room at Direction of the Assistant District Attorney (P.G. 210-16)

FORMS AND REPORTS ***ARREST REPORT SUPPLEMENT (PD244-157)***
OLBS ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Prisoners		Procedure No: 210-14	
RELEASE OF PRISONER - NARCOTIC ARREST NEGATIVE FINDINGS			
DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To expedite the release of a prisoner detained in a Department of Correction facility, when analysis of controlled substance is negative and no other charges are pending.

PROCEDURE Upon completion of lab testing and it is discovered that the substance in question did not contain any trace of an illegal controlled substance:

POLICE LABORATORY PERSONNEL

1. Notify assistant district attorney concerned by sending a copy of lab report to court and notify arresting/assigned officer concerned by sending a copy of lab report to command when findings are negative.

DESK OFFICER

2. Notify arresting officer to disregard scheduled court appearance if NO other charges are pending against prisoner.
   a. Notify roll call to make notation in Diary of court cancellation.
3. Deliver **POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)** to member concerned upon receipt from Police Laboratory.
4. File "ADA Copy" of **PROPERTY CLERK INVOICE (PD521-141)** received from Property Clerk Division.

ADDITIONAL DATA *The District Attorney's Office will notify the Department of Correction to arrange for the release of the concerned prisoner.*

RELATED PROCEDURES *Processing Controlled Substances/Marijuana Stored at Stationhouse (P.G 218-24)*
Processing Controlled Substances/Marijuana Contraband Not Stored at Stationhouse (P.G. 218-25)

FORMS AND REPORTS ***POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)***
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

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)*

PATROL GUIDE

Section: Prisoners	Procedure No: 210-16

RELEASE OF PRISONER AT THE COMPLAINT ROOM BY DIRECTION OF THE ASSISTANT DISTRICT ATTORNEY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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.

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"

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.]) OR

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)*

PATROL GUIDE

Section: Prisoners	Procedure No: 210-17		
ARREST PROCESSING OF PRE-ARRAIGNMENT PRISONERS DESIGNATED AS "SPECIAL CATEGORY"			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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.

RELATED PROCEDURES

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

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

PATROL GUIDE

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.

<u>FOR ALL OTHER DEBRIEFINGS</u>:

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)

PATROL GUIDE

Section: Court and Agency Appearances		Procedure No: 211-01	
DUTIES AND CONDUCT IN COURT			
DATE ISSUED: 11/18/20	DATE EFFECTIVE: 11/18/20	REVISION NUMBER:	PAGE: 1 of 2

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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-04

COMPUTERIZED COURT APPEARANCE CONTROL SYSTEM (CACS)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/12/15	01/12/15		1 of 4

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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-05

PROCESSING NOTIFICATIONS TO APPEAR AT COURTS AND OTHER GOVERNMENT AGENCIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/03/20	08/03/20		1 of 8

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. 320-07, "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)
Reporting Sick (P.G. 205-01)
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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-06

CRIMINAL/CIVIL COURT TELEPHONE ALERT SYSTEM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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 <u>not</u> 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 <u>not</u> directed to report to court by 1300 hours, the alert will be cancelled. In addition, if a case is adjourned and the member is <u>not</u> 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)*
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 ***NOTIFICATION (PD406-122)***

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-07

PREVENTION OF COURT APPEARANCE ON SCHEDULED DAY OFF

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-08

DOCUMENTING AND REPORTING COURT APPEARANCES PERTAINING TO ARRESTS ON A WARRANT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-09

APPEARANCES BY MEMBERS OF THE SERVICE BEFORE GOVERNMENTAL AGENCIES OR PRIVATE ORGANIZATIONS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
10/19/18	10/19/18		1 of 3

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.*

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

MEMBER OF THE SERVICE (continued)

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, (<u>not</u> appearances requested by the Department or required by subpoena or court order) <u>prior written approval</u> 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 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.

ADDITIONAL DATA (continued) *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***

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 <u>each</u> 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 <u>immediately</u> 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 **<u>MUST</u>** 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.

<u>WHEN OFFICER CLAIMS NO RECOLLECTION ON A CASE THAT IS TEN OR MORE YEARS OLD</u>

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

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-11

TRAFFIC VIOLATIONS BUREAU APPEARANCES/ COMPUTERIZED TIME SLIPS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 3

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.* *2.*	*Evidence not clear and convincing.* *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)

D = Dismissing Case

CODES (continued)

1. *Uninsured, is in fact Insured.*
2. *Unlicensed, is in fact Licensed.*
3. *Unregistered, is in fact Registered.*
4. *Equipment Documents - The motorist presented proper documentation to the judge. Dismissing the case by statute.*
5. *Officer No-Show.*
6. *No Prima Facie case.*
7. *Police cannot identify motorist.*
8. *No recollection.*
9. *Non-Owner/No Knowledge (uninsured vehicle cases) - When motorist summoned claims he had no knowledge that vehicle he/she was operating was uninsured.*

P = Paid Online

NONE

FORMS AND REPORTS ***ACTIVITY LOG (PD112-145)***
Officer Time Slip

PATROL GUIDE

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***

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-13		
OFFICIAL APPEARANCES AT DEPARTMENT OF CONSUMER AFFAIRS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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)***

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-14

INVESTIGATIONS BY CIVILIAN COMPLAINT REVIEW BOARD

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/03/20	08/03/20		1 of 3

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 P.G. 203-08, "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 *False or Misleading Statements (P.G. 203-08)*
Interrogation of Members of the Service (P.G. 206-13)

FORMS AND REPORTS ***ACTIVITY LOG (PD112-145)***
COMPLAINT REPORT(PD313-152)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-15

PROCESSING SUBPOENAS FOR POLICE DEPARTMENT RECORDS AND FOR TESTIMONY BY MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/03/20	08/03/20		1 of 10

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)

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

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

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

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

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-16

SUBPOENAS ISSUED BY COURTS OUTSIDE NEW YORK CITY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/03/20	08/03/20		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

PATROL GUIDE

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)

PATROL GUIDE

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 <u>all</u> 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 <u>no matter</u> 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 <u>does not</u> 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)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-19		
NEW YORK CITY TRANSIT LAW TORTS "QUICK RESPONSE" UNIT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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 COMMUNICA-TIONS UNIT OPERATIONS DESK OFFICER

7. Notify NYC Transit Law Department personnel of <u>non-crime</u> incidents resulting in <u>serious injuries</u> 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
PROPERTY CLERK INVOICE (PD521-141)
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
COMPLAINT REPORT (PD313-152)
UNUSUAL OCCURRENCE REPORT (PD370-152)
EMERGENCY SERVICE REPORT (PD304-151)

PATROL GUIDE

Section: Court and Agency Appearances	Procedure No: 211-20

CONFERRAL WITH DEPARTMENT ATTORNEY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

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

PATROL GUIDE

Section: Court and Agency Appearances		Procedure No: 211-21	
OBTAINING ASSISTANCE OF CORPORATION COUNSEL			
DATE ISSUED: 03/13/14	DATE EFFECTIVE: 03/13/14	REVISION NUMBER:	PAGE: 1 of 5

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

PATROL GUIDE

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.

PATROL GUIDE

Section: Command Operations		Procedure No: 212-02	
MEAL PERIOD			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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

PATROL GUIDE

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.

PATROL GUIDE

Section: Command Operations		Procedure No: 212-04	
CRIME SCENE			
DATE ISSUED: 11/18/20	DATE EFFECTIVE: 11/18/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To safeguard evidence and detain witnesses for further investigation.

DEFINITIONS "POLICE LINE DO NOT CROSS" BARRIER TAPE – a white non-adhesive plastic tape imprinted with blue lettering stating "POLICE LINE DO NOT CROSS – NYPD CRIME STOPPERS 1-800-577-TIPS(8477)." To be utilized in order to establish and/or create a secure area for police related operations. It can be used to close streets, secure buildings, secure transit facilities, close areas to the public, etc.

"CRIME SCENE DO NOT CROSS" BARRIER TAPE – a yellow non-adhesive plastic tape imprinted with black lettering stating "CRIME SCENE DO NOT CROSS – NYPD CRIME STOPPERS 1-800-577-TIPS(8477)." To be utilized for a specific area (e.g., possibly within areas already secured by "POLICE LINE DO NOT CROSS" barrier tape, etc.) that MUST BE SAFEGUARDED because it has been deemed a crime scene and the objects within it contain possible investigative and forensic value.

CRIME SCENE EVIDENCE CONE – a five inch orange cone imprinted with "NYPD" in black lettering. To be placed next to smaller pieces of evidence (e.g., shell casings, bullet fragments, DNA evidence, etc.) at a crime scene to prevent evidence from being accidentally disturbed.

PROCEDURE Upon responding to a crime which may require safeguarding of the scene to preserve evidence:

UNIFORMED MEMBER OF THE SERVICE

1. Request response, through Communications Section dispatcher, of:
   a. Patrol supervisor
   b. Detective squad/detective specialty squad concerned or other personnel, as required.
2. Remove unauthorized persons from the area and secure the crime scene.
   a. Do not disturb evidence found at scene.
   b. When uncertainty exists as to the extent of the crime scene, initially secure the larger area for investigation.
3. Utilize barrier tape(s), as appropriate.
4. Utilize crime scene evidence cone(s), as necessary.
5. Detain witnesses and persons with information pertinent to the crime.
6. Record in digital **Activity Log**:
   a. Observations
   b. Identity of suspects/witnesses with addresses and telephone numbers and any relevant statements made whether casually or as a formal statement.
7. Advise patrol supervisor and detective squad/detective specialty squad personnel of:
   a. Identity of witnesses detained
   b. Other information regarding the case.

PATROL SUPERVISOR

8. Assess crime scene.
9. Determine if services of Crime Scene Unit are required.

NOTE *Crime Scene Unit will be requested for the following:*

a. Homicide
b. Forcible rape
c. Robbery or hijacking with injury caused by firearm
d. Aggravated assault with dangerous instrument and victim likely to die
e. Burglaries involving forced safes or circumvented alarms
f. Any other crime in which the services of the Crime Scene Unit would be needed to assist in the investigation.

If the patrol supervisor cannot respond to the scene, detective squad member/detective investigator on scene may request response of Crime Scene Unit and make other required notifications.

A member of the assigned investigative unit must be present upon arrival of the Crime Scene Unit to outline the crime scene and discuss evidence collection and processing. In the absence of the investigative unit, the patrol supervisor or other ranking officer should perform this function.

10. Request Crime Scene Unit direct by telephone; if landline unavailable, request through Communications Section dispatcher and include following information in request:
    a. Exact location, address, cross streets, specific corner, floor, apartment number, etc.
    b. Time and date of occurrence
    c. Type of crime committed; weapons used
    d. Number of victims involved
    e. Hospital treating persons removed from scene.
11. Notify desk officer of details and request additional assistance, if required.
12. Have "Crime Scene" signs posted.

ADDITIONAL DATA *In a homicide or other serious case, the ranking member of the Detective Bureau present will be in charge of the investigation. However, if the case is part of a large-scale incident, the Patrol Services Bureau supervisor will coordinate all police operations at the scene and the highest-ranking Detective Bureau member will be in charge of the investigation.*

Only authorized personnel, who are properly trained and equipped, are actively involved in the investigation of the incident, and whose presence is absolutely required, will be permitted to enter the crime scene perimeter, absent extraordinary circumstances and/or circumstances involving the life or safety of incident personnel and/or the public. The Incident Commander will ensure access into the crime scene perimeter is scrupulously controlled, restricted and limited.

Members of the service are reminded that deployment of the ***"CRIME SCENE DO NOT CROSS"*** *barrier tape for any reason, other than to secure a crime scene, is strictly prohibited.*

RELATED PROCEDURES *Unusual Occurrence Reports (P.G. 212-09)*
Crime Scene Investigations Affecting New York City Transit Train Service (P.G. 212-05)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-05

CRIME SCENE INVESTIGATIONS AFFECTING NEW YORK CITY TRANSIT TRAIN SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To provide procedures for deciding whether a train involved in a serious crime or incident may be moved to another location pending a thorough crime scene investigation.

SCOPE The Department has a dual responsibility, when a serious crime or incident occurs which may affect train service, to thoroughly investigate the matter as well as expeditiously permit the resumption of normal service.

There are instances in which prematurely moving a train involved in a serious crime or incident would adversely affect the quality of the crime scene investigation, e.g., continuity of blood stain patterns between the train and the platform, shots fired into or from a train, photographs which tend to corroborate or disprove witnesses' statements, ejected cartridge cases that can roll considerable distances on a train which has been moved, etc. However, these cases are rare and trains may be moved, in most cases, to another location where a more extensive crime scene investigation may be conducted. Every effort should be made to quickly ascertain whether a train involved in a serious crime or incident may be moved without jeopardizing physical evidence admissibility.

DEFINITIONS A SERIOUS CRIME or INCIDENT includes, but is not limited to the following:

a. Homicide
b. Felonious assault in which the victim is considered likely to die
c. Police officer shot or seriously injured
d. Firearms discharge by a police officer which results in injury.

"POLICE LINE DO NOT CROSS" BARRIER TAPE – a white non-adhesive plastic tape imprinted with blue lettering stating "POLICE LINE DO NOT CROSS." To be utilized in order to establish and/or create a secure area for police related operations. It can be used to close streets, secure buildings, secure transit facilities, close areas to the public, etc.

"CRIME SCENE DO NOT CROSS" BARRIER TAPE – a yellow non-adhesive plastic tape imprinted with black lettering stating "CRIME SCENE DO NOT CROSS." To be utilized for a specific area (e.g., possibly within areas already secured by "POLICE LINE DO NOT CROSS" barrier tape, etc.) that MUST BE SAFEGUARDED because it has been deemed a crime scene and the objects within it contain possible investigative and forensic value.

PROCEDURE When a serious crime or incident occurs on the transit system:

UNIFORMED MEMBER OF THE SERVICE

1. Detain train involved for further investigation and be guided by instructions of a supervisor.

PATROL SUPERVISOR

2. Immediately respond to location and determine whether or not train service may be seriously affected.
   a. Ascertain whether the crime scene will adversely be affected by movement of the train to another location, if train service is seriously affected, especially during rush hours or other such conditions.
3. Confer with the ranking Detective Bureau personnel on the scene and direct the train be moved to another accessible location, if physical evidence will not be jeopardized.
4. Be aware of the exact location where the train is being taken.
   a. Assign a uniformed member of the service to the train to protect the crime scene.
5. Utilize barrier tape(s), as appropriate.
6. Expedite the crime scene investigation if the train cannot be moved.
   a. Provide for prompt resumption of service upon completion of investigation.

ADDITIONAL DATA

Only authorized personnel, who are properly trained and equipped, are actively involved in the investigation of the incident, and whose presence is absolutely required, will be permitted to enter the crime scene perimeter, absent extraordinary circumstances and/or circumstances involving the life or safety of incident personnel and/or the public. The Incident Commander will ensure access into the crime scene perimeter is scrupulously controlled, restricted and limited.

*Members of the service are reminded that deployment of the **"CRIME SCENE DO NOT CROSS"** barrier tape for any reason, other than to secure a crime scene, is strictly prohibited.*

RELATED PROCEDURE

Crime Scene (P.G. 212-04)

PATROL GUIDE

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.*

PATROL GUIDE

Section: Command Operations		Procedure No: 212-08	
ACTIVITY LOGS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-09

UNUSUAL OCCURRENCE REPORTS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/16	06/01/16		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

PATROL GUIDE

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 *P.G. 203-09, "Public Contact – General."*

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 *P.G. 203-09, "Public Contact – General."*
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 <u>not</u> prepared for Level 1 and Level 2 encounters, unless the encounter escalates to a Level 3 Terry Stop. Similarly, the **STOP REPORT** is <u>not</u> 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, <u>unless</u> the suspect was initially detained for investigation in a Level 3 Terry Stop. The **STOP REPORT** is <u>not</u> 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.

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

Executive Officer (P.G. 202-10)
Public Contact – General (P.G. 203-09)
Department Policy Prohibiting Racial Profiling and Bias-Based Policing (P.G. 203-25)
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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-12	
CITYWIDE INTELLIGENCE REPORTING SYSTEM			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 4

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-13	
REPORTING GANG-RELATED CRIMINAL ACTIVITY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

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

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-14	
TRAFFIC INTELLIGENCE REPORT			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 3

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

Traffic Safety Coordinator (P.G. 202-06)
Traffic Safety Officer (P.G. 202-28)
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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-15

LOJACK STOLEN VEHICLE RECOVERY SYSTEM AND MONTHLY REPORT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-18

SEARCHES FOR ARMED/DANGEROUS PERSONS ON NEW YORK CITY TRANSIT TRACKS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/10/20	09/10/20		1 of 5

PURPOSE To provide procedures for searching subway tunnels and other track areas when in pursuit of a person wanted for the commission of a serious crime or armed with a deadly weapon.

SCOPE In most instances, it is not necessary to remove power or to actually enter the tracks when searching tunnels and track areas. Searches are normally conducted by members riding in the lead cars of trains passing in both directions through the affected area. However, the serious nature of certain incidents may require that a more thorough search be performed.

DEFINITIONS OUTER PERIMETER - An area sufficiently removed from the actual scene of the incident to ensure safety to all spectators, including representatives of the news media. The establishment of outer perimeters requires the evacuation of all civilians and unnecessary police personnel from this area.

INNER PERIMETER - Frozen area, encompassing the incident location. No one will be permitted in this area without a protective vest appropriate to the level of threat present. No one will be allowed to enter the Inner Perimeter except:

a. Borough commander or duty chief;
b. Chief of Special Operations, and personnel under his/her command;
c. Commanding Officer, Emergency Service Unit, and personnel under his/her command;
d. Hostage Negotiating Coordinator and personnel under his/her command;
e. Technical Assistance Response Unit (TARU) supervisor and personnel under his/her command;
f. Bomb Squad supervisor and one technician, when bomb is present or suspected;
g. Any other person(s) with the permission of the patrol borough commander or duty chief.

MASS REFLEXIVE RESPONSE - Sometimes referred to as "contagious shooting," mass reflexive response is the phenomenon which occurs when a shot fired by one officer sets off a chain reaction of shooting by other personnel on the scene. It involves reacting based on one's instinct rather than on a rational assessment of the situation.

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

DEFINITIONS (continued)

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

PROCEDURE

When there is cause to believe that the perpetrator of a crime has fled into a tunnel, open cut, or other track area and is still therein, and that the perpetrator either:

a. Used force or threatened the use of deadly physical force, OR
b. Caused serious physical injury, OR
c. Is armed with a deadly weapon.

UNIFORMED MEMBER OF THE SERVICE (FIRST ON THE SCENE)

1. Notify radio dispatcher immediately of the incident by radio or telephone, and give full details including description of perpetrator, crime committed, direction of flight, type of weapon used or displayed, subway lines involved, etc.
2. Request response of appropriate patrol supervisor and additional units, as necessary.
3. Remain on the platform and secure the area.
4. DO NOT enter the track area.
5. Maintain continuous surveillance from platform.
6. Be cognizant of the danger of "Mass Reflexive Response."
   a. The first members on the scene will immediately establish and maintain firearms control.

NOTE

Uniformed members of the service should be aware that, although New York State Penal Law and Department procedures may authorize the use of deadly physical force in a given situation, they will not be subject to criticism or disciplinary action for choosing not to discharge their firearms.

UNIFORMED MEMBER OF THE SERVICE (FIRST ON THE SCENE) (continued)

7. Coordinate the following measures pending the arrival of a supervisor and ensure that:
   a. All platforms and points of entry to tunnel are secured
   b. Exits from the system are secured
   c. Police lines are established far enough from the incident to protect passersby and to prevent persons from interfering with police operations.

RADIO DISPATCHER

8. Notify the following of the location and type of incident:
   a. Patrol supervisor, transit district of occurrence and precinct of occurrence

NOTE *The first patrol supervisor to arrive at the scene will assume command of the situation. In addition, the patrol supervisor, transit district of occurrence, will provide expertise in transit system operations, including the location of emergency exits and other escape routes requiring police coverage.*

   b. Canine Team
   c. Emergency Service Unit
   d. District commanding officer or precinct commanding officer/duty captain.

9. Notify Rapid Transit Operations Command Center of the situation and request that trains use caution and not pick up persons from roadbed unless so directed by police on the scene.
10. Dispatch, immediately, additional members or Department vehicles to emergency exits and adjoining stations and direct them to remain at those locations until notified otherwise.

NOTE *This will contain the suspect and improve the probability of apprehension.*

11. Notify all personnel to stay off the tracks and out of the tunnel.
12. Notify the district commanding officer/precinct commanding officer or duty captain whenever a request is made to turn power off in order to conduct a tunnel search.

UNIFORMED MEMBER OF THE SERVICE

13. Notify radio dispatcher, immediately, if an exit is open, when dispatched to an emergency exit.

PATROL SUPERVISOR/ RANKING OFFICER IN CHARGE

14. Respond to scene and assume command of the situation.
15. Evaluate the situation pending the arrival of Canine Team and Emergency Service Unit personnel.
16. Ensure that all uniformed members of the service present are directed to maintain firearms control.

PATROL SUPERVISOR/ RANKING OFFICER IN CHARGE (continued)

a. As soon as circumstances permit, designate one or more uniformed members of the service who will act as the designated shooter(s) if the use of deadly physical force becomes unavoidable.

b. Designate a uniformed member of the service to maintain radio contact with the Communications Section dispatcher, so that the dispatcher and responding personnel are kept apprised of the situation as it develops.

NOTE *The ranking officer in charge will personally assume responsibility for firearms control. To maintain firearms control, he or she must to be able to immediately assess conditions as they develop, and to give appropriate direction instantaneously. Therefore, the ranking officer in charge will assume a position within the inner perimeter, at the focal point of the situation.*

17. Ensure that members have been properly deployed to secure platform, points of entry to tunnel and exits from the system, and to establish appropriate police lines.

NOTE *Members of the service in civilian clothes should not ordinarily be used for the securing of tunnels or exits.*

18. Confer with Canine Team/Emergency Service Unit personnel on the scene about the feasibility of search, need for establishing inner and outer perimeters, etc.
19. Determine whether a search is feasible and warranted, based upon nature of crime, time of day, location, probability of suspect being in tunnel, etc.
20. Keep radio dispatcher informed of conditions and of any need for additional personnel.
21. Establish a Command Post.

NOTE *If patrol supervisor/ranking officer in charge determines that a search is to be conducted on New York City Transit facilities, the patrol supervisor/ranking officer in charge and the senior member of the Canine Team/Emergency Service Unit shall be responsible for directing the tactical deployment of personnel. Additionally, members should not enter tunnels or open cuts at any time during searches for armed felons except when absolutely necessary in extreme emergencies.*

PATROL SUPERVISOR/ RANKING OFFICER IN CHARGE AND SENIOR MEMBER, CANINE TEAM/ EMERGENCY SERVICE UNIT

22. Determine if inner and outer perimeters should be established.
23. Notify the district commanding officer/precinct commanding officer or duty captain through the radio dispatcher and request the removal of power, if search is warranted.
24. Commence tunnel search as per Canine Team/Emergency Service Unit procedures, upon notification that power has been removed.
25. Notify radio dispatcher and request restoration of power, when search is completed, condition is normal, and track area is cleared of personnel.

DISTRICT COMMANDING OFFICER/ PRECINCT COMMANDING OFFICER OR DUTY CAPTAIN

26. Respond to scene and take command.
27. Ascertain that firearms control has been established.
28. Determine whether power should be removed, based upon reported information, seriousness of condition, location, and time of day.
29. Notify Canine Team/Emergency Service Unit personnel when power has been removed from track area and search can commence.
30. Coordinate all activities with units concerned, field personnel, and command post, when search is delayed because of rush hour conditions.
31. Keep the Rapid Transit Operations Command Center Desk Superintendent informed of all conditions, including when the track area is clear for resumption of normal service.
32. Have transit borough commander/duty inspector and patrol borough commander/duty chief notified to respond in verified situations where armed/dangerous person(s) are on New York City Transit tracks.
33. Direct all concerned to resume normal patrol, upon receipt of information from the patrol supervisor/ranking officer in charge that the area search has been completed.

RELATED PROCEDURES *Removal of Power In Subway (P.G. 212-24)*

PATROL GUIDE

Section: Command Operations	Procedure No: 212-19		
ANIMALS ON NEW YORK CITY PUBLIC TRANSPORTATION			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 3

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-20

EJECTION FROM NEW YORK CITY TRANSIT PROPERTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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)***

PATROL GUIDE

Section: Command Operations		Procedure No: 212-21	
PHOTOGRAPHY ON THE NEW YORK CITY TRANSIT SYSTEM			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide procedures for uniformed members of the service observing photography on the transit system.

SCOPE Transit Authority Rule 1050.9(c) (which deals with photography on the system) reads as follows:

"Photography, filming, or video-recording in any 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 New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of these Rules."

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 New York City Police Department, 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.

PATROL GUIDE

Section: Command Operations	Procedure No: 212-22

MALFUNCTION OF TRANSIT BUREAU RADIO NETWORK

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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.*

PATROL GUIDE

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 <u>will not personally shut off power</u>, unless there is a grave risk of <u>IMMINENT</u> danger to the officers concerned or to others and NO OTHER safe alternative is available.*

<u>WHEN IT IS NECESSARY TO IMMEDIATELY REMOVE POWER FROM TRACK AREA DUE TO IMMINENT DANGER</u>:

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 <u>RESTORE THE POWER</u> 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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-26

INSPECTION OF NEW YORK CITY HOUSING AUTHORITY FACILITIES

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

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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-35

INCIDENTS INVOLVING ENFORCEMENT PERSONNEL OF OTHER AGENCIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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 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

PATROL GUIDE

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:
08/19/13	08/19/13		1 of 2

PURPOSE To investigate and safely resolve incidents and/or confrontations involving former/retired members of the service or off duty/retired Federal, State, and City law enforcement agents authorized to carry a weapon.

SCOPE The type and circumstances of encounters involving former or off duty law enforcement officers with on-duty officers and the general public are varied. Incidents which can lead to a confrontation or the potential for confrontation may include traffic collisions, personal domestic disputes, an occasion where a retired officer/agent observes criminal activity and takes police action or when he/she is the victim of a serious crime.

PROCEDURE When a uniformed member of the service responds to or becomes aware of an incident with the potential for a confrontation involving a former/retired member of the service or off duty/retired Federal, State or City law agent authorized to carry a weapon:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain identity of former/retired member of the service or the off duty/retired law enforcement agent involved.
2. Determine if individual has a weapon on his/her person.
3. Request, if armed, personal identification and pistol license, when appropriate.
4. Request to see his/her New York Police Department **IDENTIFICATION CARD (PD416-091)** or other official law enforcement identification.
5. Request patrol supervisor to respond to scene.

NOTE *Any incident involving an off duty officer or member of another law enforcement agency should be treated in a comparable manner to other incidents or confrontations routinely encountered with other members of the public. These individuals should not receive preferential treatment based on their former or present status. Utilization of standardized procedures avoids unnecessary risks to responding officers, individuals directly involved in the controversy/confrontation and the general public at the scene.*

PATROL SUPERVISOR

6. Respond to scene and attempt to obtain all relevant information from witnesses, if any.
7. Approve an appropriate resolution of the matter, i.e., arrest, summons, court referral, no police actions, etc.
8. Note if condition/incident has caused any unusual consequences, i.e., large crowd, community unrest, etc.
9. Determine whether individual's licensed weapon should be taken for safekeeping, when appropriate.
10. Notify desk officer of available details, when necessary.

DESK OFFICER

11. Make additional notifications as necessary.

NOTE *Where appropriate, i.e., in cases of arrest, issuance of summons, etc., to an affected agent from another governmental law enforcement agency, the desk officer will notify the Operations Unit of the relevant information. The Operations Unit will act as the Department's liaison to make the notification of this incident to the applicable governmental agency concerned.*

RELATED PROCEDURES
Confrontation Situations (P.G. 212-33)
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)

PURPOSE To protect persons from the effects of hazardous materials.

DEFINITIONS HAZARDOUS MATERIAL - Any chemical, biological or radiological substance which uniformed members of the service believe to be dangerous to health.

ON-SCENE COORDINATOR - Highest ranking uniformed supervisor at scene; responsible for coordinating actions of police and other city agency personnel.

INTER-CITY AGENCY COMMAND CENTER - A location, separate and distinct from the police temporary headquarters, where city agency activities and resources are coordinated by the ON-SCENE COORDINATOR.

PROCEDURE Upon arrival at the scene of an incident involving suspected hazardous material or if legality of a hazardous material shipment is questionable.

NOTE *Extreme caution should be used by all members of the service, especially first response personnel, at any suspected hazardous material situation. Consider all suspected hazardous materials dangerous and not to be handled or removed except by properly trained and equipped personnel.*

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer and Communications Section of facts and request response of:
   a. Patrol supervisor
   b. Emergency Service Unit supervisor and personnel
   c. Highway District Motor Carrier Safety Unit.
2. Establish minimum "frozen areas" as follows:
   a. Outdoors - At least 300 feet in radius from hazardous material source or spillage.
   b. Indoors - Evacuate room in which material is located
   c. Explosion or fire:
      (1) Outdoors - at least 1000 feet in radius from explosive and at least 300 feet in radius from fire
      (2) Indoors - extend frozen area to include all areas or rooms where a person might be exposed to the material; include floors above and below the material
      (3) Tanker Truck or Military Shipment - extend frozen area to a least 1000 feet in radius.

NOTE *Distances listed are minimal and may be expanded, if conditions warrant, e.g., presence of irritants, heat emissions, vapors, etc.*

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Exclude vehicular and pedestrian traffic from frozen area.
   a. Restrict entry to only those persons properly trained and equipped to handle hazardous materials, except when absolutely necessary to save life or prevent serious injury.

PATROL SUPERVISOR

4. Evaluate situation upon arrival at scene.
   a. Confer with Emergency Service Unit supervisor/member or Highway District Motor Carrier Safety Unit member on scene
   b. Notify N.Y.C. Department of Health if scene is contaminated with radiation

NOTE *If legality of a hazardous material shipment is questionable, the Motor Carrier Safety Unit member will clarify.*

   c. Comply with pertinent provisions of *P.G. 213-02, "Emergency Incidents."*
5. Establish a command post and follow pertinent provisions of *P.G. 213-01, "Command Post Operations."*
6. Advise Operations Unit, by telephone, of ALL available information concerning:
   a. Exact location of incident, including:
      (1) Time of occurrence
      (2) Source of spill or accident
      (3) Whether there is danger to the public
   b. Materials involved, including information on labels, markings, numbers on vehicles and/or containers
   c. Other agency personnel responding/required
   d. Actions initiated/indicated.
7. Request Communications Section to notify Operations Unit and to dispatch Bomb Squad.

NOTE *Evacuate persons at least 1,000 feet from suspected device.*

8. Maintain frozen area security until hazardous materials are removed or neutralized and declared safe.
   a. Notify Highway Unit supervisor to be available for escort duties, as necessary
   b. If vehicle involved, detain for highway safety check by Highway District.

NOTE *The Department of Environmental Protection, upon notification from the Operations Unit, will respond and assist in the analysis and handling of suspected hazardous materials.*

EMERGENCY SERVICE UNIT SUPERVISOR/ MEMBER

9. Determine extent of hazard and advise patrol supervisor.
   a. Confer with Bomb Squad supervisor on scene
   b. Survey area to determine if any radiation levels are detectable, as appropriate.
10. Seek advice from Fire Department, Department of Environmental Protection, Health Department, and/or Highway District Motor Carrier Safety Unit member, if necessary.

NOTE *If the material presents no significant hazard (depending upon the nature of the material) and pending the arrival of Department of Environmental Protection personnel, the patrol supervisor will have the material safeguarded. If the material can be handled easily, Emergency Service personnel will remove the material to a secure area.*

EMERGENCY SERVICE UNIT SUPERVISOR/ MEMBER (continued)

11. Advise patrol supervisor to have Department of Sanitation notified to clean up, and dispose of substances, other than liquids, which have been rendered safe.

WHEN INCIDENT INVOLVES A SIGNIFICANT FIRE, EXPLOSION, CHEMICAL BURN, TOXIC AIR RELEASE OR RADIATION HAZARD TO EMERGENCY PERSONNEL OR THE GENERAL PUBLIC:

ON-SCENE COORDINATOR

12. Assume control at scene of incident.
13. Establish Inter-Agency Command Center as close to incident as safety permits.
14. Ensure that adequate communications capability is available.
15. Assign a uniformed member of the service to maintain an Inter-Agency Command Center Log.
16. Notify Operations Unit, immediately and relate all available information concerning incident including:
    a. Nature of material involved, its manufacturer, shipper, consignee

NOTE *All chemical names must be carefully spelled out.*

    b. Identification, warnings, symbols, signs and other information as outlined in step 6, subdivision b
    c. Pertinent information obtained from operator of vehicle transporting material and/or from other documents.

17. Request a communications link be established between Operations Unit and the Inter-Agency Command Center and that additional personnel be dispatched to scene, if necessary.
18. Establish police lines.
    a. Restrict access to emergency response vehicles and emergency personnel
    b. Designate area for parking of emergency vehicles and equipment
        (1) Choose area on high ground and/or upwind of hazardous material, if possible, to avoid contamination.
19. Establish a safety perimeter (frozen area) within police lines, after consultation with appropriate agencies if not already established.
    a. Maintain frozen area until hazard is contained, neutralized and/or decontaminated
    b. Do not permit police vehicles/equipment parked or used within frozen area to be removed until examined and decontaminated, if necessary.

ON-SCENE COORDINATOR (continued)

20. Establish detours:
    a. Consider potential for explosion of volatile gases/vapors which might be caused by vehicle generated sparks
    b. Maintain access for emergency vehicles
    c. Notify Traffic Management Center and request necessary personnel to respond and implement traffic control measures
    d. Consider implementation of Traffic Plan "C," as outlined in *P.G. 213-13, "Emergency Plans 'A', 'B', 'C'*.

NOTE *Where off-loading of hazardous materials becomes necessary, coordinate selection of emergency response route for responding off-load vehicle with Department of Environmental Protection, Traffic Management Center and Operations Unit personnel.*

21. Request Emergency Medical Service to provide medical treatment for persons affected.
22. Detain those persons not requiring emergency medical treatment who have been exposed to the hazardous material, if possible.
    a. Obtain names and addresses for entry in Command Post Log in the event that medical follow-up becomes necessary.
23. Coordinate actions of Fire Department, Department of Environmental Protection and Department of Sanitation to prevent hazardous materials from entering sewer system.
    a. Request Operations Unit to notify Department of Environmental Protection, <u>if substance enters sewer system</u>, so that pollution control plant serving area may be alerted.
24. Evacuate the area, if appropriate, to a distance sufficient to protect public from dangers posed by the material.
    a. Exclude all but properly equipped, essential personnel from the vicinity.
25. Request response of Mobile Decontamination Vehicle through Operations Unit, if necessary.

NOTE *If ON - SCENE COORDINATOR is <u>not</u> available, Fire Department, deputy chief or above, Department of Environmental Protection - Director, Hazardous Material Unit, assistant commissioner or above, or Emergency Medical Service - Director or above, may request the activation of Mobile Decontamination Vehicle through the Operations Unit.*

OPERATIONS UNIT MEMBER

26. Notify the following agencies:
    a. Fire Department
        (1) Request response, <u>in all cases</u>, whether or not there is or has been a fire at the location
        (2) Advise Fire Department dispatcher of nature of incident and telephone number of Inter-Agency Command Center
    b. Department of Health, Poison Control Center
        (1) Request response to scene to assist in a determination of actions to be taken
        (2) Provide all available information

OPERATIONS UNIT MEMBER (continued)

c. Department of Environmental Protection
   (1) Relay all available information
   (2) Request "Response Team" be dispatched to scene
   (3) Provide Inter-Agency Command Center telephone number
d. Department of Sanitation
   (1) Advise re: nature and exact location of incident
   (2) Request that preparations be made to deliver sand or other containment materials, if needed
   (3) Provide Inter-Agency Command Center telephone number
e. Relay all available information to the following:
   (1) Emergency Medical Service
   (2) U.S. Coast Guard
   (3) American Red Cross
   (4) New York State Department of Environmental Conservation.

OFFICE OF EMERGENCY MANAGEMENT

27. Coordinate city agency actions to ensure that:
    a. Substance involved is contained and controlled
    b. Hazard to the public is minimized
    c. Evacuation, if necessary, is properly handled.
28. Evaluate extent of hazard through consultation with Department of Environmental Protection Response Team and Department of Health, Poison Control Center.
29. Proceed to Inter-Agency Command Center.
    a. Establish Emergency Coordinating Section, composed of management personnel from each principal agency involved.

UNIFORMED MEMBER ASSIGNED TO FIELD COMMAND POST/INTER-AGENCY COMMAND CENTER

30. Record, in Command Post Log/Inter-Agency Command Center Log, all significant information and events, including arrival and departure of uniformed members of the service responding and the arrival and departure of members and equipment from other agencies.
31. Enter names and addresses of persons not requiring immediate emergency medical treatment who may have been exposed to the hazardous material in Log, in the event medical follow-up is necessary.

EMERGENCY SERVICE UNIT MEMBER

32. Report name and shield number of members of the service (uniformed and civilian) at the scene where radiation levels are detected to the member maintaining the field Command Post Log for entry therein.

C.O., PRECINCT OF OCCURRENCE

33. Have transcript of all Command Post Log entries prepared on **Typed Letterhead** and forwarded to Commanding Officer, Police Laboratory.

C.O., POLICE LABORATORY

34. Forward report to Commanding Officer, Medical Division, indicating:
    a. Specific names and amounts of hazardous materials involved
    b. Radiation intensity at scene, if any
    c. List of police personnel who were present and length of time exposed to hazardous material
        (1) Enter radiation intensity to which each member was exposed.

C.O. MEDICAL DIVISION

35. Have entries made in member's medical folder of the specific names and amounts of hazardous materials to which member was exposed.

ADDITIONAL DATA

The following city agencies will respond to the scene of hazardous materials incidents, perform the functions indicated, and coordinate activities with the On-Scene Coordinator:

a. Fire Department
    (1) Contain and control hazardous material.
b. Sanitation Department
    (1) Clean up and dispose of materials rendered safe, excluding liquids.
    (2) Provide sand and other containment material.
c. Department of Environmental Protection
    (1) Provide technical guidance.
    (2) Contact private firms capable of assisting in containment, control, cleanup, and disposal of hazardous materials.
    (3) Assist the Fire Department with containment and abatement.
d. Department of Health
    (1) Provide technical information on hazardous materials.
    (2) Assess effect and hazards to the public health.
    (3) Ensure radioactive and/or disease-causing material are contained, neutralized, controlled and cleaned up.
e. Emergency Medical Service
    (1) Provide on-site medical service for treatment of affected persons.
f. Mayor's Press Office
    (1) Provide public with information relative to the incident.

The On-Scene Coordinator (OSC) upon conferral and in conjunction with the ranking fire official at the scene of a hazardous material incident shall:

a. Utilize, when necessary, the expertise of the appropriate Department unit/City agency representative(s) at the scene, for technical guidance and assistance in execution of prescribed responsibilities (e.g., Emergency Service Unit, Bomb Squad, Fire Department Hazmat, Department of Environmental Protection, Department of Health).
b. Identify, to the extent possible, all hazardous substances or conditions present, and address as appropriate, site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.
c. Based on the hazardous substances and/or conditions present, implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. This shall include positive pressure self-contained breathing apparatus which shall be worn by personnel engaged in emergency response when exposed to hazardous substances presenting an inhalation hazard or potential inhalation hazard, until

ADDITIONAL DATA (continued)

it is determined through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to these personnel.

d. Limit the number of emergency response personnel within the safety perimeter, to those who are actively performing emergency operations. Operations in hazardous areas shall be performed using the "buddy system" in groups of two or more (each member of the group must be designated to observe the activities of at least one other member of the group).

e. Designate a safety official, who is knowledgeable in the operations being implemented at the scene, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand. Inform the safety official as to his/her authority to alter, suspend, or terminate those activities judged by him/her to result in a condition immediately dangerous to life or health, and/or involve an imminent danger condition. The safety official must <u>immediately</u> inform the On-Scene Coordinator of any actions needed to be taken to correct these hazards at an emergency scene. Identity of the safety official shall be entered in the Command Post Log.

The safety official should be selected, by the On-Scene Coordinator, from the responding agency most familiar with the particular hazard encountered, i.e., Emergency Service Unit, Bomb Squad, Fire Department Hazmat, Department of Environmental Protection, Department of Health, etc. Also, more than one safety official can be designated by the On-Scene Coordinator.

At the conclusion of a hazardous material incident the On-Scene Coordinator will critique the incident with agency representatives and advise the Office of Emergency Management of the results of the critique.

RELATED PROCEDURES

Command Post Operations (P.G. 213-01)
Unusual Occurrence Reports (P.G. 212-09)
Emergency Incidents (P.G. 213-02)
Suspected Explosive Devices and Post Explosion Bomb Scene (P.G. 212-40)

Section: Command Operations	Procedure No: 212-40

BOMB THREATS/UNATTENDED ARTICLES - SUSPECTED/REPORTED EXPLOSIVE DEVICES AND POST EXPLOSION BOMB SCENES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To provide maximum protection to persons and property, and to safeguard evidence at incidents involving a reported, suspected or confirmed unattended package or explosive device, including incendiary devices or a post explosion bomb scene.

DEFINITIONS For the purpose of this procedure the following definitions will apply:

BOMB THREAT - Any communication, including written correspondences or telephone calls received by the public or a member of the service, indicating that an explosive device has been, or will be, placed at a particular location(s).

UNATTENDED ARTICLE - Any article (including, but not limited to, packages, parcels, containers, luggage or other baggage) whose contents are undetermined or are not immediately discernible from the outward appearance of the item, and the location and circumstances of discovery raises any concern regarding public safety.

EXPLOSIVE DEVICE - Any article, detonated by mechanical or electrical means, which may possibly contain a chemical, gas, liquid or other substance capable of causing a fire, explosion, burn, or other chemical reaction, intended to cause injury to a person or result in damage and/or destruction of property.

PROCEDURE Upon arrival at the scene where an unattended article or suspected explosive device has been reported, or an explosion has occurred:

BOMB THREAT

MEMBER OF THE SERVICE RECEIVING THREAT

1. Obtain all relevant information and details.
2. Immediately notify Communications Section and provide pertinent details.
   a. Provide caller's location and telephone number, if available.

RESPONDING UNIFORMED MEMBER OF THE SERVICE

3. Respond to location.
   a. Ascertain caller's location and telephone number, if possible.
4. Request response of patrol supervisor and Emergency Service Unit.
5. Obtain details concerning nature of bomb threat (e.g., time, location, type of device, etc.).
   a. Interview person receiving bomb threat, if possible.

PATROL SUPERVISOR/ RANKING OFFICER ON SCENE

6. Review actions taken and determine if additional personnel or equipment are needed.
7. Confer with premise owner/representative.
8. Ensure preliminary search of premise is conducted and evacuate if necessary.
   a. The preliminary search and/or evacuation will be determined based upon available information, including type of premise, premise location, nature of business conducted at location, and prior history of similar threats.
9. Comply with steps "19" through "33," if a suspected explosive device is discovered or is believed to exist.

THREATENING LETTERS AND/OR PACKAGES RECEIVED BY MAIL/DELIVERY

RESPONDING UNIFORMED MEMBER OF THE SERVICE

10. Request response of patrol supervisor.
11. Place letter and/or package in a suitable envelope or bag, and minimize handling.
12. Mark envelope/bag containing the letter and/or package, "FOR LATENT FINGERPRINT PROCESSING" and forward, immediately, to the Police Laboratory with **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**.
13. Maintain a list of all persons who handled the letter and/or package, including tax registry numbers and shield numbers, if any.
    a. The contents of the letter and/or package will not be copied.
14. Comply with steps "19" through "33," if a suspected explosive device is discovered or is believed to exist.

UNATTENDED ARTICLE

RESPONDING UNIFORMED MEMBER OF THE SERVICE

15. Do not move or otherwise disturb unattended article.
    a. An unattended article will only be examined or otherwise disturbed by a uniformed member of the service assigned to the Bomb Squad.
16. Consider the totality of the circumstances when determining whether an unattended article poses a possible threat to public safety, including:
    a. Prior history of threats at location or vicinity,
    b. Sensitive nature of business or activity that occurs at location where article is found (e.g., government or religious institution, foreign or diplomatic office or residence),
    c. Physical indications (e.g., exposed wires, oil stains, odor of gasoline or other noxious substance),
    d. Recent political events (e.g., national or international incidents or controversy), and
    e. High volume of pedestrian or vehicular traffic (e.g., subway stations, railroad/bus terminals, bridges, tunnels, etc.).

RESPONDING UNIFORMED MEMBER OF THE SERVICE (continued)

17. Interview complainant and/or witnesses, if available, and attempt to determine owner/custodian of article or property.
    a. Ascertain circumstances under which unattended article was discovered.
    b. Instruct owner/custodian to retrieve property, if inquiry reveals the identity of owner/custodian and nature of article.
18. Comply with steps "19" through "33," if owner/custodian cannot be determined and/or circumstances indicate that an article may be a danger to public safety.

SUSPECTED/REPORTED EXPLOSIVE DEVICES

RESPONDING UNIFORMED MEMBER OF THE SERVICE

19. Evacuate area, if necessary.
20. Notify Communications Section, via landline, if available, (DO NOT USE CELLULAR TELEPHONE OR PORTABLE RADIO IN DIRECT PROXIMITY TO THE SUSPECTED ITEM) and request Operations Unit be notified, and the following to respond:
    a. Patrol supervisor,
    b. Emergency Service Unit, and
    c. Duty captain.

NOTE *If landline is unavailable, transmit via radio or call via cellular telephone from a position of hard cover, as far as reasonably possible from the item, and after all persons have been cleared from the immediate area.*

PATROL SUPERVISOR/ RANKING OFFICER ON SCENE

21. Review actions taken and determine if additional personnel or equipment are needed.
    a. A Level One mobilization may be activated to have personnel respond rapidly to the scene, when necessary.

NOTE *The highest ranking member of the Police Department at the scene is in command. However, consultation with the highest ranking member of the Fire Department and other City officials, if present, will determine if further evacuation is required or if emergency action taken should be expanded, or curtailed.*

22. Establish Command Post.
23. Request Communications Section to notify Operations Unit, and to have Bomb Squad respond, if a suspected explosive device is found.
    a. Provide pertinent information to Bomb Squad upon their arrival at scene when unattended article or suspected explosive device is located at a transit facility, or other location, where there is a potential for significant disruption of public transportation service.
24. Assign uniformed members of the service to prevent entry of persons into evacuated areas.

PATROL SUPERVISOR/ RANKING OFFICER ON SCENE (continued)

25. Assign uniformed members of the service to direct responding personnel to Command Post.
26. Notify Traffic Management Center, if a significant re-routing of traffic is expected.
27. Organize search of premise(s) or area(s).
    a. Secure assistance of building security, custodial or supervisory personnel.
    b. Obtain floor plan of premise, if possible.
    c. Assign search teams to specific areas accessible to the public.
    d. Have search teams use stairways instead of elevators (if elevators must be used, use those not accessible to the public).
28. Ensure search of premise or area is conducted and remain at Command Post to coordinate search activities, and to maintain control of search teams.
    a. Have search discontinued twenty minutes prior to threatened time of explosion, regardless of whether premise or area is occupied or evacuated.
    b. Do not have search resumed for at least one hour after threatened time of explosion.

SEARCH TEAM

29. Conduct search of premise, including a search for secondary devices.
    a. Do not use portable radio or cellular telephone while any person is in direct proximity to any suspected item discovered while searching a premise for an explosive device.
    b. Do not touch or disturb a suspected explosive device under any circumstances.
    c. Continue search of premise or area until twenty minutes before the threatened time of explosion, and notify Command Post when a suspected device is found, search of premise is terminated, or search of premise is complete.

EMERGENCY SERVICE UNIT

30. Safeguard device pending arrival of Bomb Squad.
    a. Absent an Emergency Service Unit supervisor, the senior member of the Emergency Service Unit on scene will determine the necessary preliminary steps to be taken.

PATROL SUPERVISOR/ RANKING OFFICER ON SCENE

31. Direct all persons to be evacuated to at least 1,000 feet from any unattended article or suspected device.
    a. The distance to which persons are evacuated may either be increased or decreased depending upon circumstances and location, and upon the recommendation of personnel assigned to the Emergency Service Unit or Bomb Squad.
32. Notify Communications Section and Operations Unit when search is completed, and provide results (e.g., no device found, device removed, etc.).
33. Direct uniformed members of the service to return to command, or post, upon completion of search.

POST EXPLOSION BOMB SCENE

PATROL SUPERVISOR/ RANKING OFFICER ON SCENE

34. Ensure Bomb Squad has been notified and is responding.
    a. Once the immediate search for injured persons and evacuation have been conducted, no person will be permitted to enter the post explosion/bomb scene (this includes Fire Department personnel unless a fire exists), nor will any dangerous conditions (e.g., hanging ceiling, lights, broken windows, etc.) be corrected, until Bomb Squad personnel have conducted a search and declared the area free of secondary explosive devices, and the crime scene search has been completed.
        (1) Only persons having a clear need to examine the scene and/or conduct an investigation will be allowed access, and only after it has been declared free of secondary devices by the Bomb Squad.
35. Ensure that an immediate search is conducted for deceased, injured or trapped persons.
    a. Instruct search crew(s) to use extreme caution while searching for, or removing, injured/trapped persons due to the possible existence of secondary explosive devices specifically designed to injure responding emergency personnel.
    b. To enhance safety and preserve the integrity of the post explosion bomb scene, limit search crews to the minimum number of uniformed members of the service necessary to effectively accomplish the task.
    c. Have property of injured/evacuated persons safeguarded, if necessary.
36. Direct Emergency Service Unit members to remove injured to a safe location where medical treatment may be administered.
    a. Safeguard, but do not move, bodies of deceased persons.
37. Have Emergency Medical Service administer medical treatment at safe locations.
    a. After necessary medical assistance has been rendered, and an initial search for deceased, injured, and/or trapped persons has been completed, all uniformed members of the service will immediately evacuate to a safe distance (at least 1,000 feet) and await the arrival of Bomb Squad members.
38. Locate witnesses.
    a. Request that they remain at the scene to be interviewed by precinct detectives.
39. Direct that traffic, both vehicular and pedestrian, be detoured from bomb scene, as necessary.
40. Direct preparation of **COMPLAINT REPORT (PD313-152)** for a bomb threat, suspected explosive device, or post explosion incident, as appropriate.

RELATED PROCEDURES *Preliminary Investigation Of Complaints (Other Than Vice Or Narcotic Complaints) (P.G. 207-07)*
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G.213-03)

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-41

ALARMS - DEPARTMENT OF EDUCATION FACILITIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-43

VACATE ORDERS FOR RESIDENTIAL BUILDINGS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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)

PATROL GUIDE

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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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.

PATROL GUIDE

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)

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***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-48

MOTOR VEHICLES REPOSSESSED/PARKING VIOLATIONS SCOFFLAW REMOVAL PROGRAM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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.

PATROL GUIDE

Section: Command Operations		Procedure No: 212-49	
INCIDENTS INVOLVING MEDIA REPRESENTATIVES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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.

SUPERVISORY MEMBER

3. Cooperate with and assist media representatives and provide safe access to the scene, if possible.
4. Conduct immediate investigation if member of the media is assaulted, harassed or their vehicle/equipment is vandalized/damaged.
5. Attempt to obtain third party witnesses if confrontation with members of the service or others.
6. Request all parties, including witnesses, if possible, to report to precinct of occurrence for further investigation, when necessary.
7. 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 <u>any incident involving the media</u>, regardless of the outcome of that incident.*

DESK OFFICER

8. Notify:
   a. Commanding officer/duty captain
   b. Lieutenant platoon commander
   c. Operations Unit.

LIEUTENANT PLATOON COMMANDER

9. 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)

10. 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.*

11. Forward supplementary report, if necessary.

COMMANDING OFFICER/ DUTY CAPTAIN

12. Respond to command and supervise the investigation and preparation of the report by the lieutenant platoon commander.

ADDITIONAL DATA

Members of the service will <u>not</u> 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 <u>not</u> be denied. However, this does <u>not</u> include access to interior crime scenes or areas frozen for security reasons.

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 <u>not</u> 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 <u>not</u> be arrested for criminal trespass, <u>unless</u> 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)
Release of Information to News Media (P.G. 212-77)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Command Operations		Procedure No: 212-50	
AIRCRAFT VIOLATIONS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

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 Administration, 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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-51

RESPONSE TO WORK DISRUPTIONS AT CITY CONSTRUCTION SITES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		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 <u>exempt</u> 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)***

PATROL GUIDE

Section: Command Operations		Procedure No: 212-54	
PERSON THREATENING TO JUMP FROM STRUCTURE			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	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. 216-05, "Mentally Ill or Emotionally Disturbed Persons,"* where appropriate.

RELATED PROCEDURE *Mentally Ill Or Emotionally Disturbed Persons (P.G. 216-05)*

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-56		
DIPLOMATIC INCIDENTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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 <u>immediate</u> 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 <u>DIRECT</u>
    b. Intelligence Bureau - two copies <u>DIRECT</u>
    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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-57

SERVICE OF FAMILY COURT/SUPREME COURT ORDERS OF PROTECTION BY UNIFORMED MEMBERS OF THE SERVICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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.

MONDAY THROUGH THURSDAY, BETWEEN THE HOURS OF 0300 AND 2300, AND FRIDAY, BETWEEN THE HOURS OF 0500 AND 2300

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-58	
FIRE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

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.

<u>RESPONSE TO TWO ALARM FIRES</u>

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-60

INTERIOR PATROL OF HOUSING AUTHORITY BUILDINGS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To assist the New York City Housing Authority (NYCHA) in enforcing its rules, limiting criminal activity, providing a safe and secure environment and ensuring the habitability of its residential buildings by performing interior patrols in a manner that respects the rights of Housing Authority residents and guests.

SCOPE Members of the service shall conduct all inquiries, interactions and enforcement activities in and around NYCHA buildings with the courtesy, professionalism, and respect to which all persons are entitled in their own homes. This procedure must be applied consistent with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops." P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops"* and the corresponding training materials establish the parameters for all investigative encounters irrespective of location of occurrence.

PROCEDURE To conduct interior patrols in NYCHA buildings. Uniformed members of the service shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section radio dispatcher, utilizing radio code 10-75I, and make a digital **Activity Log** entry of the time and street address upon entering the building.
2. Notify applicable Police Service Area or 120 Precinct, by radio, if Video Interactive Patrol Enhanced Response (VIPER) cameras are present.

POLICE SERVICE AREA/120 PRECINCT MEMBER

3. Advise uniformed member of conditions that:
   a. Require attention
   b. Significantly affect safety.
4. Provide ongoing assistance to uniformed member of the service performing interior patrol.

UNIFORMED MEMBER OF THE SERVICE

5. Inspect front, rear and other exterior doors and door locks, intercom system, and the interior of the lobby.
6. Inspect elevators and ascertain if they are operable.
   a. Notify Housing Authority Emergency Service Department maintenance personnel of inoperable elevators.
7. Document in digital **Activity Log** whether signs prohibiting trespassing are legible and prominently displayed in areas where persons entering the building can readily see them.
   a. If signs are missing, illegible or defaced, prepare a **FIELD REPORT**, using the Finest Online Records Management System (FORMS).

UNIFORMED MEMBER OF THE SERVICE (continued)

(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.

8. Proceed to top floor of building by elevator, if operable, otherwise by using the stairs.
   a. Patrol the roof, roof landing, elevator rooms, and any other accessible installations.
   b. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.
   c. Patrol all accessible basement areas.
9. Inspect elevator doors on each floor, taking immediate action when necessary.
   a. Notify Housing Authority Emergency Service Department or NYPD Emergency Service Unit personnel immediately and remain at scene and secure location until unsafe condition has been corrected if:
      (1) Elevator door glass is missing
      (2) Outer elevator door opens when elevator is not present
      (3) Any other dangerous condition concerning elevators exists.
10. Notify the Housing Authority in accordance with the procedure set forth in *P.G. 207-29, "Field Reports,"* by preparing a **FIELD REPORT** regarding:
    a. Any damage or defect related to the intercom system, lobby door or lobby door lock
    b. Any missing or defective signs, including signs that designate restricted areas and prohibit entry in those restricted areas, and/or any missing alarms to restricted areas
    c. Any other condition that potentially compromises the safety or security of the building, its residents or authorized visitors
    d. Violations of NYCHA "House Rules" and regulations.
11. Be alert for persons who may be violating Housing Authority rules and regulations within NYCHA property.
    a. Upon encountering persons who are violating a Housing Authority rule, take appropriate police action pursuant to *P.G. 207-29, "Field Reports,"* unless there is a basis for criminal enforcement.
    b. Observation of a violation of any Housing Authority rule, regardless of whether it is also a criminal offense, may, at a minimum, provide an officer with an objective credible reason to approach the person to inquire further.
    c. Do not stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense. Mere lingering in a common area, without more, is not a criminal offense for which a person may be stopped or arrested.
    d. Do not take police action pursuant to *P.G. 208-01, "Law of Arrest,"* for a violation of Housing Authority rules unless the rule violation is also a criminal offense.

UNIFORMED MEMBER OF THE SERVICE (continued)

12. Be alert for persons who may be engaged in criminal activity.
    a. Conduct all investigative encounters in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and, if applicable, with the procedures for trespass investigations as set forth in step "13" below.
    b. If a person is stopped, a **STOP REPORT (PD383-151)** shall be prepared pursuant to *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and a digital **Activity Log** entry shall be made to document the encounter.
        (1) Check the appropriate box indicating the stop is related to a NYCHA building.
    c. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *Patrol Guide Series 209, "Summonses,"* only if there is probable cause to believe that a person committed a felony or misdemeanor or the person committed a violation in the officer's presence.

NOTE *Mere presence in or near a NYCHA building does not provide a basis to approach and conduct an investigative encounter, nor does it establish reasonable suspicion for a stop. When approaching a person based only on an objective credible reason (Level 1 Request for Information), members are prohibited from requesting consent to search the person.*

13. Trespass Investigations: Be alert for persons who may be engaged in criminal trespass.
    a. Level 1 Request for Information: If there is an objective credible reason to approach such a person based on observed behavior or other credible information, a member of the service may approach and ask in a non – threatening and non – accusatory manner:
        (1) If he or she lives in the building
        (2) If he or she is visiting someone in the building
        (3) If he or she has business in the building.
    b. Level 2 Common Law Right of Inquiry: If, based on the answers to questions in the initial encounter and/or observed behavior, there is a founded suspicion of criminal trespass, take reasonable measures to verify the person's authorization to be in the building.

NOTE *Do not use a tone or take steps that would create a situation where a reasonable person would not feel free to leave when there is less than reasonable suspicion that the person is a trespasser.*

    c. Level 3 Terry Stop: Stop a person in accordance with *P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops,"* and take reasonable measures to investigate only if there is reasonable suspicion to believe that the person has committed, is committing, or is about to commit criminal trespass. Such measures include, but are not limited to, the following:

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) Temporarily detaining the person while another uniformed member visits the building resident whom the person claims to be visiting; and/or

(2) Requiring the person to accompany uniformed member to the apartment of the building resident whom the person claims to be visiting.

NOTE *Merely passing through a door that has a broken lock or that has been propped open does not, alone, constitute reasonable suspicion of criminal activity.*

d. Take police action pursuant to *P.G. 208-01, "Law of Arrest"* or *Patrol Guide Series 209, "Summonses,"* only if there is probable cause that the person committed trespass. A reasonable investigation is ordinarily necessary to determine whether probable cause exists.

(1) Make digital **Activity Log** entry describing the details of arrest/summons.

(2) Document investigative steps taken prior to making the arrest or issuing the summons including the factors used to determine that the person knowingly entered or remained unlawfully, particularly if signs are not present or visible.

(3) Utilize Department-issued smartphone to photograph sign(s) prohibiting trespassing or document the warning and the location in digital **Activity Log**.

NOTE *Even if there is probable cause to arrest a person for trespassing, officers may exercise their discretion to refrain from arresting that person, and instead instruct that person to leave under appropriate circumstances.*

e. In all cases when an arrest is made for criminal trespass, the arresting officer must:

(1) Prepare **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)** and submit to the desk officer for review

(2) Prepare **STOP REPORT**, if appropriate

(3) Prepare **COMPLAINT REPORT (PD313-152)**.

14. Restricted Areas:

a. Restricted areas are limited to those areas specifically designated as restricted by Housing Authority rules and regulations

b. In the absence of conspicuously posted rules, do not arrest a person for trespassing in a restricted area of a building (including the roof, roof landing or boiler room), unless probable cause is established that the person knows that their presence in the restricted area is prohibited (e.g., the member of the service knows that the person has been previously found in that same type of restricted area of a Housing Authority development, notwithstanding the fact it may have been a different Housing Authority development, based on the officer's prior experiences with the person or information communicated to the officer)

UNIFORMED MEMBER OF THE SERVICE (continued)

c. In the absence of such conspicuously posted rules or regulations, a person found on a roof or roof landing or in a boiler room, or any other restricted area, should be:
   (1) Instructed to leave such area if he or she is a resident or authorized visitor and there is no other basis to arrest such person, or
   (2) Instructed to leave the building if he or she is an unauthorized visitor and there is no other basis to arrest such person.

d. Prepare a **FIELD REPORT** anytime a person is observed in a restricted area and there are no conspicuously posted rules

e. Any person may be arrested for trespassing on a roof or roof landing or in a boiler room or in any other restricted area if he or she refuses to leave after instructed.

15. Notify Communications Section radio dispatcher upon exiting the building and make a digital **Activity Log** entry indicating the time the interior patrol was completed and any condition noted.

16. Alternate between outside area patrol and interior patrol of Housing Authority grounds and buildings, unless otherwise directed.

17. Patrol each building on assigned post.

MEMBERS ASSIGNED TO RMP DUTIES

18. Comply with above requirements, if not on an assignment, when available to perform interior patrol.

PLATOON COMMANDER/ PATROL SUPERVISOR/ ASSIGNED SUPERVISOR

19. Instruct uniformed members performing interior patrol that, absent exigent circumstances, two or more uniformed members must remain together at all times.

20. Ensure all interior patrols are performed in an appropriate manner with special attention to:
   a. Proper tactics
   b. Required equipment (e.g., serviceable flashlight, O.C. spray, etc.)
   c. Radio transmissions
   d. Proper documentation (e.g., digital **Activity Log** entry, **STOP REPORT**, **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, **FIELD REPORT**, etc.).

DESK OFFICER

21. Ensure that completed **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** is included in arrest package for all arrests that include a charge of criminal trespass in a NYCHA building.

22. Review **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** for accuracy and completeness, and endorse, as appropriate.
   a. Have **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION** photocopied.

DESK OFFICER (continued)

b. Return original **NYCHA TRESPASS CRIMES -FACT SHEET AND SUPPORTING DEPOSITION** to arresting officer for inclusion in arrest package.

23. Have photocopies of **NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION(S)** placed in chronological order in a binder maintained at the desk.

PSA/PRECINCT COMMANDING OFFICER

24. Review available sources and identify buildings that are in need of increased interior patrols.
25. Assign and direct members to perform patrols at directed locations.

ADDITIONAL DATA

During the course of an interior patrol, members of the service are likely to encounter other persons in the building. While detecting trespassers inside NYCHA buildings is an important public safety function, it is equally critical that members of the service treat residents and their guests with courtesy, professionalism, and respect at all times.

If a member of the service has reason to seek to determine if a person is authorized to be in the building, the member may ask for the person's voluntary cooperation. When feasible and consistent with safety, advise the person that the purpose of the interior patrol is to keep the building safe and ensure that only tenants and their invited guests are within the building, and advise the person that he or she is free to leave (unless the person is under arrest or detained in a Level 3 stop). A person's refusal or inability to produce identification or provide information does not elevate the level of the encounter. However, if the individual refuses or is unable to explain his or her presence in the building, the member may instruct the person that he or she must leave the building or be subject to arrest for trespass.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Field Reports (P.G. 207-29)
Law of Arrest (P.G. 208-01)
Arrests – General Processing (P.G. 208-03)
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)
Summonses (P.G. 209 Series)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
COMPLAINT REPORT (PD313-152)
FIELD REPORT (313-1511)
STOP REPORT (PD383-151)
NYCHA TRESPASS CRIMES – FACT SHEET AND SUPPORTING DEPOSITION (PD351-145)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-61

BURGLARY/ROBBERY APPREHENSION MODULE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 4

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.
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.
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.

e. The development and utilization of precinct <u>Photo Books</u> that contain photographs of persons previously arrested for burglary, robbery and grand larceny from the person, as well as <u>all</u> other photographable offenses within the same geographical area. <u>Each</u> PDS/BRAM must regularly review the precinct's arrest records and

ADDITIONAL DATA (continued)

obtain all such prisoner photographs, including photos listing parolees with robbery/burglary convictions.

f. Uniformed members of the service on patrol are required to bring victims of robberies to the precinct in order to view the Photo Books.

g. An innovative Case Management System which ensures prompt, thorough and flexible investigation of burglary/ robbery complaints. Every burglary/ robbery complaint, after assignment of a precinct complaint number, will be reviewed and finalized in the OMNIFORM System by the desk officer. Desk officers will closely scrutinize robbery complaints to ensure that procedures were properly followed. An additional copy of the ***COMPLAINT REPORT (PD313-152)*** *will be forwarded to the Precinct Detective Squad. A thorough investigation will be conducted on all burglary/robbery cases and the case status (open or closed) will be determined by the PDS/BRAM supervisor.*

If a uniformed member of the service apprehends a person wanted by the Precinct Detective Squad, as a result of a photograph placed on the Crime Identification Center's bulletin board, the uniformed officer will deliver the prisoner to any member of that detective unit performing duty at the time of the apprehension. The detective, who assumes responsibility for the prisoner, is required to take all of the follow-up steps, including arranging for and conducting a lineup, as per Patrol Guide 208-24, "Identification Lineups/Showups," booking and arraigning the prisoner.

A uniformed member of the service who apprehends two PDS/BRAM wanted persons may be recommended for Departmental recognition in the appropriate grade by the Precinct Commanding Officer. (If after the first arrest the individual apprehended is of significant value, Departmental Recognition may be recommended).

RELATED PROCEDURES

Departmental Recognition – Uniformed Members of the Service (P.G. 205-39)
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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-65	
BICYCLE PATROL			
DATE ISSUED: 09/14/20	DATE EFFECTIVE: 09/14/20	REVISION NUMBER:	PAGE: 1 of 4

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

Section: Command Operations	Procedure No: 212-66

CITY POLICY CONCERNING IDENTIFYING INFORMATION AND ACCESS TO CITY SERVICES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/13/19	06/13/19		1 of 3

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)

PATROL GUIDE

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

PURPOSE To register confidential informants for the purpose of developing information for investigations, to record confidential informant activity, and to obtain information from the Confidential Informant Database.

DEFINITIONS CONTACT - A uniformed member of the service who has developed a confidential relationship with an informant for the purpose of obtaining criminal intelligence.

CONFIDENTIAL INFORMANT - An individual approved by the Department and registered with the Intelligence Bureau who provides useful and credible information to the contact regarding criminal activities, and from whom the contact expects or intends to obtain additional useful and credible information regarding such activities in the future.

CONFIDENTIAL INFORMANT REVIEW COMMITTEE - A committee charged with reviewing decisions relating to the registration and use of confidential informants. The Confidential Informant Review Committee shall be chaired by the Chief of Department, and shall be composed of representatives from the Crime Control Strategies, the Detective Bureau, the Transit Bureau, the Housing Bureau, the Internal Affairs Bureau (IAB), the Counterterrorism Bureau, the Intelligence Bureau, and the Patrol Services Bureau. The committee will review reports provided by the Intelligence Bureau annually and determine whether and under what conditions an individual should be used as a confidential informant.

SCOPE No member will use a confidential informant unless such person is properly registered with the Department as a confidential informant in accordance with this procedure. Use of unregistered informants may result in disciplinary action. All use of the confidential informant must be conducted exclusively through the member of the service designated as the contact, the contact's immediate supervisor, or if they are unavailable, the designated alternate. For the safety of the confidential informant there should be no deviation from this policy without the personal approval of the bureau chief/deputy commissioner of the member of the service designated as the contact. Such an approval will be documented in writing and filed in the confidential case folder.

PROCEDURE When a contact develops a confidential relationship with an informant who offers, or proposes to offer, information:

CONTACT

1. Notify supervisor immediately.

FIELD INTELLIGENCE OFFICER

2. Perform the duties of the supervisor outlined in this procedure, if assigned to the contact's command.

SUPERVISOR AND CONTACT

3. Interview informant.
4. Prepare original and one copy of Department form **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST (PD378-161)** and **CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST SUPPLEMENTAL (PD378-161A)**.
   a. Both forms are available from the Quartermaster Section and/or via the Department intranet and must be typed
   b. "AUTHENTICATED SIGNATURE CERTIFICATION" and "AUTHORIZING SIGNATURES" sections on **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** must bear original signature only – no photocopies.
5. Conduct computer checks listed on **CONFIDENTIAL INFORMANT COMPUTER DATABASE CHECKS (PD314-091)**, available via the Department intranet, for prospective confidential informants.
   a. A copy of the results will be attached to the **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** and **SUPPLEMENTAL**
   b. The **CONFIDENTIAL INFORMANT COMPUTER DATABASE CHECKS** and a copy of the results will be included in the command's Confidential Informant folder.
6. Obtain two current, clear head and shoulder color photographs (no hats, sunglasses, etc.) of prospective informant.
   a. Only color photographs of the prospective informant are acceptable
   b. Instant or digital photographs may be used
   c. Criminal defendant, Photo Manager and Photo Imaging Module photographs are not to be utilized for this purpose.

SUPERVISOR

7. Attach photographs and required computer checks conducted in step "5" above to the original and one copy of the **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** and **SUPPLEMENTAL**.
8. Debrief prospective informant concerning:
   a. Criminal activity reported to the contact
   b. Seven index crimes, shooting incidents, firearms, controlled substances, marijuana, gangs and any other significant criminal activity
   c. Terrorism related groups, individuals, locations, vehicles involved in terrorist acts, conspiracies, threats, surveillance, financing, lodging, travel, etc.
   d. Corruption involving any City, State, or Federal employee.
9. Obtain permission from the Assistant District Attorney concerned for registration, if a prospective confidential informant is a defendant in an active criminal case.
   a. Department personnel assigned to specialty units, (e.g., District Attorney's Office Squad, etc.), who register a confidential informant are NOT exempt from following this procedure.

SUPERVISOR (continued)

10. Ascertain from the prospective informant if he or she is, or has been registered as a confidential informant with ANY law enforcement agency.
    a. If yes, confer with the appropriate law enforcement agency, through the Intelligence Bureau.
11. Direct the prospective informant to:
    a. Sign the **CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST**, in your presence
    b. Refrain from any criminal activity except under the direction and supervision of the Department (e.g., controlled buys, vice enforcement, etc.)
    c. Notify contact or supervisor immediately if arrested for any offense.
12. Recommend approval/disapproval of the prospective confidential informant by endorsing the **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST**.
    a. If informant is not recommended for registration, document reason(s) and forward in the same manner (this information may be valuable when considering registration of the individual at a future date).
13. Forward request to Borough/Division Commanding Officer.
    a. A **CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST** initiated by a precinct, police service area, or transit district must be approved by the commanding officer prior to being forwarded to Borough /Division Commanding Officer.

BOROUGH/ DIVISION COMMANDING OFFICER

14. Review and recommend approval or disapproval by endorsement.
15. Ensure delivery of request (by hand) in a sealed envelope, to the bureau coordinator designated to process requests.

BUREAU CHIEF

16. Designate a confidential informant coordinator in the rank of lieutenant or above to process all **CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST(S)** and **SUPPLEMENTAL(S)**.

BUREAU COORDINATOR

17. Scan informant's photograph and enter appropriate information into the Confidential Informant Database.
18. Review and recommend approval or disapproval by endorsement.
19. Forward to bureau chief.
20. Ensure appropriate information contained in **CONFIDENTIAL INFORMANT INFORMATION CHANGE**, **ACTIVITY AND PAYMENT (PD378-083)** reports are entered into the Confidential Informant Database.

BUREAU CHIEF

21. Evaluate recommendations.
22. Give final approval/disapproval for registration and inclusion in Confidential Informant Database.
23. Notify bureau coordinator designated to process requests, of results.

BUREAU COORDINATOR

24. Upon approval/disapproval by bureau chief, distribute **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** and **SUPPLEMENTAL** as follows:
    a. Original to bureau file with photograph
    b. One copy to contact/supervisor with photograph (maintained in Confidential Informant folder).
25. Notify commanding officer of contact of approval/disapproval by telephone.
26. Maintain active file of informants with separate folder for each informant.
27. Designate specific members who have access to folders in active file and designate specific folder(s) to which they have access.
28. Forward a listing of confidential informants to commanding officers of subordinate commands on a quarterly basis.
    a. Bureaus that do not permanently register confidential informants (e.g., Patrol, Transit, and Housing) are exempt from this requirement.

TO MONITOR THE STATUS OF CONFIDENTIAL INFORMANTS REGISTERED WITH THIS DEPARTMENT:

SUPERVISOR AND CONTACT

29. Maintain file of active, registered informants, with separate folders for each informant, in a centrally located, secure, locked file.
30. Maintain file for those informants:
    a. Not recommended for registration
    b. Deactivated as per step "34" below.
31. Ensure security of all folders.
32. Require contacts to submit written reports on **CONFIDENTIAL INFORMANT INFORMATION CHANGE**, **ACTIVITY AND PAYMENT** for each interaction with an informant and file in the informant's folder.
    a. If information supplied by the informant is used, include an evaluation of the quality and accuracy of that information in the report.
33. Forward a copy of report to designated bureau coordinator for entry into the Confidential Informant Database.
34. Deactivate a confidential informant if the confidential informant:
    a. Becomes involved with criminal activity while not under the direction and supervision of the contact or supervisor and such involvement compromises the informant's ability to function as a confidential informant for this Department; OR
    b. Is found to have been untruthful or if there is reason to suspect that the informant has been untruthful in information related to his or her confidential informant function; OR
    c. Has not maintained regular/scheduled contact.
35. Prepare **Typed Letterhead** containing the details of the incident, and forward to the bureau chief concerned immediately when notified that a confidential informant has been arrested.

SUPERVISOR AND CONTACT (continued)

36. Submit quarterly reviews of active confidential informants using the **CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT** and forward to bureau coordinator.
    a. Include confidential informants deactivated during the review period.

INTELLIGENCE BUREAU

37. Any changes to the confidential informant's status will be recorded on a **CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT** report and reported to the bureau chief concerned through channels.
    a. The bureau coordinator will enter the information into the Confidential Informant Database.
38. Restore a deactivated informant to active file when appropriate:
    a. Re-interview and process
    b. Reassign previous active file identification number.
39. Using facial recognition software, scan photograph to determine if the confidential informant currently exists in the database under a different identity, and to see if the confidential informant is actively registered with the Department.
    a. If the confidential informant is actively registered, notify appropriate bureau
    b. If the confidential informant is in the database, but not actively registered, forward all relevant information to the appropriate bureau.
40. Maintain Confidential Informant Database.
41. Provide database reports to Confidential Informant Review Committee upon request.

TO OBTAIN THE SERVICES OF A CONFIDENTIAL INFORMANT DURING THE COURSE OF AN OFFICIAL INVESTIGATION:

UNIFORMED MEMBER OF THE SERVICE

42. Prepare **CONFIDENTIAL INFORMANT DATABASE INQUIRY (PD378-162)** for signature of commanding officer, addressed to Commanding Officer, Intelligence Bureau, requesting a search of the database for a confidential informant who may be of assistance in an official investigation.
43. Fax **CONFIDENTIAL INFORMANT DATABASE INQUIRY** to the Intelligence Bureau.
    a. The requesting officer **MUST** make telephone contact with the Intelligence Bureau verifying receipt of the form and record this verification in the Telephone Record noting the rank, and name of Intelligence Bureau member acknowledging receipt
    b. The original **CONFIDENTIAL INFORMANT DATABASE INQUIRY** form **MUST** be forwarded to the Intelligence Bureau within twenty-four hours via Department mail
    c. Requesting commands will maintain a log of all **CONFIDENTIAL INFORMANT DATABASE INQUIRY(S)** forwarded to the Intelligence Bureau.

INTELLIGENCE BUREAU

44. Conduct search of Confidential Informant Database.
    a. If search reveals a potentially useful informant, notify confidential informant's contact and advise of request
    b. Notify requesting member of the service if search reveals no available confidential informant.

CONTACT

45. Confer with appropriate captain from Detective Bureau, Intelligence Bureau or IAB to determine if authorization to use confidential informant will be granted.

CAPTAIN, DETECTIVE BUREAU/ INTELLIGENCE BUREAU/IAB

46. Review request and approve/disapprove, as appropriate.
47. Notify Intelligence Bureau of approval/disapproval.

INTELLIGENCE BUREAU

48. Advise requesting member of the service of approval/disapproval to use confidential informant.
    a. If authorization is granted to use the confidential informant, provide to requesting member the identity and command of the contact.
49. Forward a monthly report to all commands that submitted any **CONFIDENTIAL INFORMANT DATABASE INQUIRY**.

INTEGRITY CONTROL OFFICER

50. Review and inspect entries for accuracy and ensure the integrity of the system by conducting an investigation when warranted, when a monthly report is received, as indicated in step "49" above.

UNIFORMED MEMBER OF THE SERVICE

51. Confer with contact to initiate use of confidential informant.

INTELLIGENCE BUREAU, INTEGRITY CONTROL OFFICER

52. Conduct monthly audits of requests for the services of confidential informants and confer with the commanding officers of requesting members to ensure the legitimacy of these requests.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*If exigent circumstances exist, a supervisor in the rank of captain or above in the bureau concerned may give permission for provisional registration of a confidential informant. The requesting command is required to immediately fax a copy of the **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** and **SUPPLEMENTAL** to the Intelligence Bureau. If provisional registration of a confidential informant is approved, the Intelligence Bureau, Sensitive Data Unit must be notified to check the Confidential Informant Database to ensure the provisional confidential informant is not previously registered with the Department. This provisional registration does not exempt members of the service from complying with this procedure within seventy-two hours.*

ADDITIONAL DATA (continued)

For priority investigations (e.g., homicides, shootings, serious assaults, etc.), a supervisor in the rank of captain or above may request confidential informant and contact information from the Intelligence Bureau directly by telephone. The form ***CONFIDENTIAL INFORMANT DATABASE INQUIRY*** *will also be prepared and forwarded to the Intelligence Bureau within twenty-four hours via Department mail for requests made under these circumstances.*

A supervisor, preferably the immediate supervisor of the contact, will be physically present at all meetings (e.g., debriefings, controlled buys, payments, etc.) between a confidential informant and a contact. The supervisor will review the ***CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT*** *report, complete the captions in the "Verifying Supervisor" section and sign the completed report. Whenever a payment is made to a confidential informant, the supervisor will also verify the payment by signing under the appropriate caption in the "Payment" section of the report. A supervisor is not required to attend meetings between members of the Intelligence Bureau and confidential informants registered to the Intelligence Bureau. However, a supervisor will attend such meetings when practicable and in all cases when payment is to be tendered to the confidential informant.*

OPERATIONAL CONSIDERATIONS FOR PATROL, HOUSING AND TRANSIT BUREAU UNITS

Patrol, Housing and Transit Bureau units may register a confidential informant for a period of no more than thirty days, during which time the informant may be used once. At the end of this thirty day period, the confidential informant will be automatically deactivated in the Confidential Informant Database. However, immediately after employing the services of the confidential informant and prior to the lapse of the thirty day activation period, the Patrol/Housing/Transit Bureau contact will notify their respective bureau confidential informant coordinator regarding the confidential informant's possible use by another Department bureau/unit other than Patrol/Housing/Transit Bureau commands. The bureau coordinators will consider each confidential informant's field of knowledge, as well as other relevant factors, when determining the appropriate investigative bureau/unit for possible future use. Every effort will be made to refer potentially useful confidential informants to the appropriate investigative unit for further development and future use. Bureaus or units that subsequently register these Patrol/Housing/Transit Bureau confidential informants will do so in strict compliance with the provisions contained in this procedure.

Patrol/Housing/Transit Bureau commands may not use the field intelligence officer as the registering supervisor solely to circumvent the thirty day activation and single use limitation contained in the paragraph above.

ADDITIONAL DATA (continued)

Restrictions and Special Conditions for Registering Confidential Informants:

IF the prospective confidential informant is:	***THEN before registration the contact must:***
Less than 18 years of age	*Have a parent or guardian present and obtain written permission by co-signing the registration form.*
On Probation	*Obtain permission from the probation officer. Document time/date/to whom you spoke.*
On Parole	*Obtain written permission from the New York State Department of Corrections and Community Supervision (DOCCS).*
Wanted on a warrant	*Have the warrant vacated. A supervisor in the rank of captain or above must indicate on the registration form the reason for vacating the warrant and specifically what information the confidential informant will provide.*
Defendant in an active criminal case	*Obtain permission from the Assistant District Attorney concerned.*

Personnel assigned to precinct, housing and transit patrol operations will never use a confidential informant to conduct any type of controlled buys, vice enforcement, etc.

CONFIDENTIAL INFORMANT DATABASE

The Intelligence Bureau will query the Confidential Informant Database. If the confidential informant is already registered with the Department or has previously been disapproved as an informant, the Intelligence Bureau will immediately notify the bureau concerned and the request will be disapproved. If the confidential informant is registered but inactive due to failure to maintain regular or scheduled meetings, the existing contact must deactivate the confidential informant before the request can be approved.

In situations in which a confidential informant's identity may compromise a sensitive investigation, e.g., internal investigation or counterterrorism, the member of the service must receive written permission from the bureau chief to exclude personal identifiers from the Intelligence Bureau Database. This documentation will be included in the case file.

The identity of a confidential informant will be kept confidential and will be divulged only on a need-to-know basis. The Commanding Officer, Intelligence Bureau will institute necessary measures and procedures to limit access to the database and to ensure that confidentiality is maintained. Only members specifically designated by the Commanding Officer, Intelligence Bureau will have access to the Confidential Informant Database. The Commanding Officer, Intelligence Bureau will review the confidential performance indexes of designated members on a semiannual basis and discontinue their designation if they are found unsuitable for any reason.

DEPARTMENT POLICY

Confidential informants must be vetted before being activated for Department operations. Accordingly, queries of various offender registries should also be included as part of the process and the appropriate action taken, to ensure that informants are in compliance with federal, state and local laws.

ADDITIONAL DATA (continued)

*All active confidential informants **MUST** be reviewed, evaluated and **rated** by the designated contact and supervisor on the **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** on a quarterly basis. These forms **MUST** be submitted to the bureau coordinator by March 15, June 15, September 15, and December 15. Failure to submit the form in a timely manner could result in disciplinary action. If a quarterly review for a confidential informant is not submitted in a timely fashion, the confidential informant will be automatically deactivated in the Confidential Informant Database and permission to employ that confidential informant will be revoked. The confidential informant can ONLY be reactivated by submitting a new **CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST** and **SUPPLEMENTAL**.*

Informants play a critical role in crime fighting and intelligence gathering operations, and additional background information supplied by informants could prove useful in the furtherance of investigations conducted by the Department. Types of information considered of value for storage within the Intelligence Data System include but are not limited to:

- *Military training*
- *Language capabilities*
- *Place of birth (region, village, tribe)*
- *Gang affiliation*
- *Education level and related degrees*
- *Professional licenses/skills*
- *Marital status and next of kin*
- *Social networking information*

If a potential confidential informant does not want to provide the above information, he or she should still be accepted if he or she passes all other requirements.

MEMORANDUM OF UNDERSTANDING CONSIDERATIONS

Units governed by a memorandum of understanding or similar stipulation between this Department and other law enforcement agencies (e.g., Drug Enforcement Task Force, etc.) are exempt from those provisions of this procedure that are in conflict with the controlling memorandum of understanding. Members assigned to such units will conform to the policies and procedures stipulated within the memorandum of understanding regarding confidential informants. Similarly, Department personnel assigned to contribute to an investigation under the jurisdiction of a federal law enforcement agency may be required to adhere to the confidential informant guidelines of that agency. Written authorization for this exemption must be obtained in advance from the bureau chief concerned.

Commanding officers assigned to task forces that are governed by a memorandum of understanding are to instruct Department personnel on the provisions of the memorandum, as well as the informant related guidelines (e.g., the United States Attorney General's Guidelines, Federal Bureau of Investigation's policies, etc.) of the lead task force agency, if applicable.

RELATED PROCEDURES

Search Warrant Applications (P.G. 212-75)
Search Warrant Execution (P.G. 221-17)
Search Warrant Post-Execution Critique (P.G. 212-106)

FORMS AND REPORTS

CONFIDENTIAL INFORMANT DATABASE INQUIRY (PD378-162)
CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT (PD378-083)
CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST (PD378-161)
CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST SUPPLEMENTAL (PD378-161A)
CONFIDENTIAL INFORMANT COMPUTER DATABASE CHECKS (PD314-091)
Typed Letterhead

PATROL GUIDE

Section: Command Operations	Procedure No: 212-69		
INVOLUNTARY PROTECTION SERVICE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	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. 216-05)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-70	
CIVILIAN COMMENDATIONS (NON-MEMBERS OF THE SERVICE)			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-71

GUIDELINES FOR THE USE OF VIDEO/PHOTOGRAPHIC EQUIPMENT BY OPERATIONAL PERSONNEL AT DEMONSTRATIONS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/19/16	07/19/16		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 Disorder Control 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.

PATROL GUIDE

Section: Command Operations	Procedure No: 212-72

GUIDELINES FOR UNIFORMED MEMBERS OF THE SERVICE CONDUCTING INVESTIGATIONS INVOLVING POLITICAL ACTIVITIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/11/21	03/11/21		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.
   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. Confer with supervisor and prepare report of investigative activity.
11. Submit completed report to supervisor.

SUPERVISOR, INVESTIGATIVE UNIT ASSIGNED

12. Review report to verify that only approved investigative activity has been undertaken.
13. 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. At regular intervals, review the progress of approved investigations to ensure that investigations are conducted in compliance with the *Guidelines*.
16. Facilitate participation of court appointed civilian representatives to *Handschu* Committee.
17. 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. <u>Undercover Operations</u>

(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)

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.

ALL 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

PATROL GUIDE

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.

PATROL GUIDE

Section: Command Operations	Procedure No: 212-75

SEARCH WARRANT APPLICATIONS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To apply for a search warrant based on timely and accurate intelligence.

DEFINITIONS SEARCH WARRANT - a court order and process directing a police officer to conduct a search of designated premises, or of a designated vehicle, or of a designated person, for the purpose of seizing designated property or kinds of property, and to deliver any property so obtained to the court which issued the warrant. A search warrant may also authorize the search of a designated premises for a person who is the subject of an arrest warrant. This procedure is intended to apply, however, only to search warrants that authorize a search for property.

SEARCH WARRANT APPLICATION - comprised of three documents:

a. SEARCH WARRANT which is typically a one page form that describes the location to be searched and items to be seized; and
b. SEARCH WARRANT AFFIDAVIT which is a sworn, detailed, written statement by a uniformed member of the service asserting that certain facts exist that the applicant believes establish probable cause that the place to be searched contains particular contraband or evidence; and
c. **SEARCH WARRANT REQUEST (PD374-162)** which is a form that includes all pertinent information required when investigating the need for a search warrant.

NOTE *The Criminal Procedure Law lists the following categories of property as subject to seizure pursuant to a search warrant:*

a. Stolen property
b. Unlawfully possessed or contraband
c. Used or possessed for the purpose of committing or concealing a crime
d. Evidence which tends to demonstrate that an offense was committed or that a particular person participated in the commission of an offense.

PROCEDURE When a uniformed member of the service has established probable cause to believe that seizeable property is present at a particular location:

UNIFORMED MEMBER OF THE SERVICE

1. Confer with immediate supervisor and commanding officer.
2. Conduct interviews, collect statements and obtain all other evidence that is to be presented when applying for a search warrant.
3. Conduct a Secure Automated Fast Event Tracking Network (SAFETNet) check.
   a. Obtain and record the SAFETNet control number, required by the District Attorney's Office.
4. Complete **SEARCH WARRANT REQUEST**.

NOTE *The **SEARCH WARRANT REQUEST** is accessed through the Department Intranet homepage under "Department Forms and Reports" for all members of the service assigned to all commands other than the Detective Bureau. Members of the Detective Bureau will access this form through the Enterprise Case Management System (ECMS).*

SUPERVISOR CONCERNED

5. Investigate the target location:
   a. Conduct reconnaissance and surveillance
   b. Verify the target location by photo, diagram or other means.
6. Evaluate, confirm and document all information gathered prior to being submitted to commanding officer for approval.
   a. Review and sign **SEARCH WARRANT REQUEST**.

NOTE *When probable cause for a search warrant is based on information from confidential informants/civilian witnesses the immediate supervisor of the member of service will personally witness the interview and verify the target location with the informant by photograph, diagram or other means.*

In addition, the supervisor witnessing the interview of the informant will ensure that information regarding any other criminal matter known to the informant is also elicited in accordance with P.G. 212-68, "Confidential Informants."

Members of the service must make every effort to corroborate information provided by informants through reconnaissance, surveillance and records checks. The Legal Bureau may be consulted for advice and guidance.

7. Prepare a report on **Typed Letterhead** addressed to the captain or above, command concerned and include:
   a. The background checks performed via computer/other means on confidential informants and subjects (see *ADDITIONAL DATA* section, "Background Checks Which Must be Conducted as Part of the Search Warrant Application Process")
   b. Any circumstances that suggest that the search warrant must be executed as soon as possible (e.g., a large cache of firearms or drugs is present and is about to be moved)
   c. Results of reconnaissance and verification of the target location and methods used (e.g., photo, diagram, or other means)
   d. Indication that, if a confidential informant/civilian witness provided any aspect of probable cause, a supervisory officer personally witnessed the interview. Ensure that the informant/witness is not identified by name
   e. Justification for any request for nighttime or "no-knock" authorization
   f. Any other pertinent information.

NOTE *Only a commanding officer in the rank of captain or above can grant permission to apply to the District Attorney for a search warrant. If commanding officer concerned is below the rank of captain, the commanding officer concerned must forward all information to captain or above assigned to overhead command for approval of the* ***Search Warrant Application****.*

REVIEW OF SUPERVISOR'S SEARCH WARRANT APPLICATION

CAPTAIN OR ABOVE COMMAND CONCERNED

8. Review the supervisor's report and compare it with all information gathered during the search warrant application process, and include report in investigative file.
   a. Review and sign the approved **SEARCH WARRANT REQUEST**.

CAPTAIN OR ABOVE COMMAND CONCERNED (continued)

9. Give special scrutiny to cases where probable cause has been established based on the statements of a confidential informant/witness, and:
   a. The contraband/subject in question was not actually observed
   b. Several days have elapsed since contraband/subject was observed
   c. The confidential informant has been registered on an emergency/contingency basis and is citing exigent circumstances requiring an immediate response from the police.
10. Evaluate all information pertaining to the request for a search warrant and through endorsement:
    a. Grant permission to apply to the District Attorney for a search warrant; OR
    b. Return search warrant request to supervisor concerned for further development; OR
    c. Disapprove search warrant request.

PERMISSION GRANTED TO APPLY TO THE DISTRICT ATTORNEY FOR A SEARCH WARRANT

CAPTAIN OR ABOVE COMMAND CONCERNED

11. Review previously obtained SAFETNet control number.

NOTE *The District Attorney's Office will not process a search warrant without a SAFENet control number.*

12. Direct member concerned to contact the District Attorney's Office for preparation of the **Search Warrant Application**.

NOTE *If **Search Warrant Application** is disapproved by the District Attorney or court:*
a. File folder at command; AND
*b. Notify the Intelligence Bureau, Sensitive Data Unit by telephone for inclusion of the details regarding the disapproved **Search Warrant Application** in the citywide database.*

13. Forward all information to the borough executive officer/counterpart (e.g., Narcotics Borough Executive Officer, Detective Borough Executive Officer, Patrol Borough Executive Officer, etc.) concerned for review and approval of execution, if approved by District Attorney.

BOROUGH EXECUTIVE OFFICER/ COUNTERPART

14. Confer with the captain or above that is requesting the execution of the District Attorney approved search warrant.
15. Evaluate the search warrant approved by the District Attorney and indicate one of the following by endorsement:
    a. Grant permission to execute search warrant; OR
    b. Disapprove execution of search warrant.

NOTE *If warrant is to be executed by a Patrol Services Bureau command in another patrol borough, the approval of both borough commanding officers is necessary. In the event of a disagreement, the Chief of Patrol will make the final determination. When a command in any other bureau is executing a search warrant in another jurisdictional borough, the executive officer/counterpart of that borough must be consulted with (e.g., Manhattan North Narcotics is applying to execute a search warrant in the Bronx, the executive officer/counterpart of Manhattan North Narcotics will consult with the executive officer/counterpart of Bronx Narcotics).*

If the borough executive officer is unavailable, information will be forwarded to the borough commanding officer. When exigent circumstances exist, duty chief may be contacted for approval.

For investigations under the purview of the Internal Affairs Bureau and the Deputy Commissioner, Intelligence and Counterterrorism; SAFETNet inquiries and/or conferrals with other units, commands, or agencies will be conducted in a manner prescribed by the Deputy Commissioner, Internal Affairs or Deputy Commissioner, Intelligence and Counterterrorism, as appropriate, so as not to compromise internal or sensitive investigations.

In all cases, specialized units (e.g., the Narcotics Module, Firearms Investigation Unit, etc.) will be conferred with prior to the execution of a warrant when the subject of the warrant falls within their functional jurisdictions.

CAPTAIN OR ABOVE COMMAND CONCERNED

16. File folder at command, if disapproved at borough level.
    a. Notify the Intelligence Bureau, Sensitive Data Unit by telephone for inclusion of the details regarding the disapproved **Search Warrant Application** in the citywide database.
17. Comply with provisions of *P.G. 221-17, "Search Warrant Execution"* if approved at borough level.

<u>REQUEST TO APPLY TO THE DISTRICT ATTORNEY FOR A SEARCH WARRANT REQUIRES FURTHER DEVELOPMENT</u>

CAPTAIN OR ABOVE COMMAND CONCERNED

18. Return the request to apply to the District Attorney for a search warrant to the supervisor concerned.
19. Confer with supervisor concerned and instruct to resubmit, if appropriate.

<u>REQUEST TO APPLY TO THE DISTRICT ATTORNEY FOR A SEARCH WARRANT REQUIRES DISAPPROVAL</u>

CAPTAIN OR ABOVE COMMAND CONCERNED

20. Disapprove the request to apply to the District Attorney for a search warrant, if necessary.
21. File folder at command.

ADDITIONAL DATA

BACKGROUND CHECKS WHICH MUCT BE CONDUCTED AS PART OF THE SEARCH WARRANT APPLICATION PROCESS:

SECURE AUTOMATED FAST EVENT TRACKING NETWORK (SAFETNet) – SAFETNet alerts investigators to any active or open cases either at the target location or involving the target subject which are being conducted by other law enforcement personnel. If a SAFETNet check shows another investigation at the location, a conferral with the investigating unit should be made, and investigative information garnered by the requestor passed on to that unit.

NARCOTICS INVESTIGATIVE TRACKING OF RECIDIVIST OFFENDERS (NITRO) – lists persons arrested within the location or area for narcotic related offenses. NITRO also reveals any active or closed kites at the location. An original copy of the ***COMPLAINT REPORT (PD 313-152)*** *can be obtained at the Field Operation Desk.*

COMPUTER CRIMINAL HISTORY (CCH) – more commonly known as a "rap sheet." The CCH can be obtained from various sources: NYSPIN, Enforcer 2000 terminal, Department of Criminal Justice Services, preparing and submitting a ***REQUEST FOR RECORDS CHECK (PD 349-161)*** *to the Identification Section.*

COMPUTER ASSISTED ROBBERY SYSTEM (CARS) – this system searches Index Crime Complaints, State Parole, City and State Corrections, Warrant Cards, Nickname file, and Career Criminals.

BETA – system utilized to verify New York City criminal records dating back to the early 1960's including persons fingerprinted in New York City criminally and civilly, such as pistol permits, and police/correction applications.

AUTOMATED DB2 WARRANT SYSTEM (REPLACED WARG/WOLF) – reveals persons who have active warrants and the status of the warrant investigation.

COURT RECORD INFORMATION MANAGEMENT SYSTEM (CRIMS) – this system verifies active court cases and the scheduled appearances of a defendant. It informs personnel whether a subject is incarcerated or released.

DEPARTMENT OF MOTOR VEHICLES (DMV) – will provide a motorist and vehicle history.

ICAD – a check of this system will list all calls for service at the location in question for a specific time period.

PHOTO IMAGING MODULE (PIM) – allows the investigator to obtain photo identifications of suspects at the location of the search warrant.

*COMPLAINT ADDRESS TRACKING SYSTEM (CATS) – system designed to ascertain if anyone residing at the subject location has reported offenses (****COMPLAINT REPORTS****) to this Department.*

WARRANT INQUIRY (WINQ) – ascertains if an individual may be wanted outside of New York City. This check searches the state and federal wanted databases.

ADDITIONAL DATA (continued)

A review of the COLES directory (utilize internet, ANYWHO.COM, AUTOTRACK.COM, LEXIS-NEXIS).

Conferral with the License Division to determine if there is a licensed gun owner residing at the subject location.

Conferrals with Key Span Energy and Consolidated Edison (gas and electric utilities) to reveal billing to the target location.

When warrants are to be executed within a Housing Authority Development, a "Tenant Data Check" for the subject apartment will be conducted. Such a check would disclose the tenant of record for the subject apartment.

Any other pertinent intelligence regarding persons/premises involved.

ORAL APPLICATION FOR SEARCH WARRANT

Section 690.36 of the Criminal Procedure Law allows for applications for search warrants to be made orally. When the arraignment part of the local criminal court is closed and the situation is of such urgency that it cannot be secured until the court re-opens, member concerned shall contact their borough executive officer/counterpart or, if unavailable, duty chief through their immediate supervisor. The Legal Bureau is available for assistance and guidance in this matter. If Legal Bureau is closed, the member will adhere to P.G. 211-20, "Conferral with Department Attorney."

RELATED PROCEDURES

Confidential Informants (P.G. 212-68)
Search Warrant Execution (P.G. 221-17)
Conferral with Department Attorney (P.G. 211-20)

FORMS AND REPORTS

WARRANT TRACKING SYSTEM - PRE-WARRANT DATA ENTRY FORM (PD374-143)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR RECORDS CHECK (PD349-161)
COMPLAINT REPORT (PD313-152)
SEARCH WARRANT REQUEST (PD374-162)
Search Warrant Application
Typed Letterhead

PATROL GUIDE

Section: Command Operations	Procedure No: 212-76

INFORMATION CONCERNING OFFICIAL BUSINESS OF DEPARTMENT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/29/17	03/29/17		1 of 3

PURPOSE To facilitate the proper release of information concerning official Department business.

PROCEDURE Upon receiving request for information about Department business:

1. Treat official business of the Department as confidential.
2. Understand clearly the right of the public to be informed on matters of public interest.
3. Exercise discretion when divulging authorized information.
4. Release information to a properly identified representative of:

AGENCY	INFORMATION CONCERNING
Department of Citywide Administrative Services	➢ Official business of that agency
U.S. Civil Service Commission	➢ Applicant for a federal position
New York State Department of Corrections and Community Supervision (DOCCS) (request from the area director)	➢ Persons arrested
State Liquor Authority	➢ Persons arrested or summonsed who are applicants for or holders of state liquor licenses. ➢ Persons arrested or summonsed in premises licensed by the State Liquor Authority or in the vicinity of the premises when the cause of the arrest or summons originated there. ➢ Premises licensed, or for which an application has been made under the Alcoholic Beverage Control Law.
Waterfront Commission of New York Harbor	➢ Person licensed or registered by Commission
Crime Victims Compensation Board	➢ Official business of that agency
N.Y.C. Department or agency	➢ An employee of that department or agency only if the City is not likely to become a party to an action arising out of the incident. In such cases, the investigator will be referred to the Corporation Counsel.

NOTE *When information is given to other than a representative of the press, an entry identifying the person and the subject will be made in the Command Log. A text reference to the entry will be made in the margin of the record concerned.*

ADDITIONAL DATA *Requests from government agencies, private organizations, institutions of higher education, etc., for statistics, surveys, samples and other types of information concerning the Department will be forwarded to the Office of Management Analysis and Planning for preparation of a Department response.*

ROUTINE INQUIRIES:

Many requests, particularly those coming to Patrol Services Bureau commands, are of a routine nature. Local commanders are expected to respond to such requests as directed by this procedure, ensuring that responses are accurate and in accord with Department policy.

UNUSUAL OR TIME CONSUMING REQUESTS:

Some requests involve surveys or samples and may be time consuming; others may be related to business of the entire Department or involve broad policy questions. Local commanders should not ordinarily undertake data gathering research to answer a request from outside the Department when it will impair their ability to perform their primary function. Time consuming requests, those involving the business of the entire Department and those which raise policy questions, should be forwarded to the Office of Management Analysis and Planning for preparation of an appropriate response. Office of Management Analysis and Planning will confer with Deputy Commissioner - Public Information on matters regarding Department policy on release of information.

Where additional guidance is deemed necessary to classify a particular request as routine or unusual, a commanding officer may contact the Office of Management Analysis and Planning.

A member of the service, active or retired, may obtain information relative to his/her medical record upon written request to the Commanding Officer, Medical Division. No fee will be charged for such information. A person or organization outside the Department may obtain such information, for a fee of $5.00, if the request is made in writing and is accompanied by a notarized authorization from the member concerned or in the event of his death, from the next of kin or representative of his estate. Requests for such information from other governmental agencies do not require notarized authorization or fee. Requests for payroll records will be directed to Director, Payroll Section for processing in a similar manner.

When advised that an audit of records, procedures or operations of a command is to be conducted by any city, state or federal agency, the desk officer/supervisory head concerned will notify the Office of Management Analysis and Planning, furnishing the time, date, subject of the audit, the identity of personnel who will conduct the audit and the agency to which assigned. Auditors must possess identification cards issued by the auditing agency and/or a letter of introduction from the Chief, Management Analysis & Planning. All members of the service will cooperate with properly identified auditors; questions concerning identity of auditing personnel will be directed to the Office of Management Analysis and Planning; those concerning confidentiality of records/information requested will be directed to the Legal Bureau.

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-77	
RELEASE OF INFORMATION TO NEWS MEDIA			
DATE ISSUED: 02/12/20	DATE EFFECTIVE: 02/12/20	REVISION NUMBER:	PAGE: 1 of 3

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 P.G. 205-10, "Exposure of Members of The Service to Infectious Diseases."

RELATED PROCEDURES

Department Social Media Accounts and Policy (P.G. 203-28)
Exposure of Members of the Service to Infectious Diseases (P.G. 205-10)
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)

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.*

PATROL GUIDE

Section: Command Operations	Procedure No: 212-79

SUBPOENA FEES AND ACCOUNTING PROCEDURES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-81

UNAUTHORIZED DISPLAY OF BADGES, PLATES, CARDS, ETC.

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To prescribe proper police action in the following situations.

PROCEDURE Upon observing the unauthorized display of any badge, plate, card, etc.:

UNIFORMED MEMBER OF THE SERVICE

1. Take the following police action, as appropriate:

UNAUTHORIZED DISPLAY OF	POLICE ACTION
♦ **Badge, and person displaying purports to be a public servant.**	➢ **Arrest, Section 190.25 (3), Penal Law.** ➢ **Seize badge as evidence.**
♦ **Plate, sign, insignia of Police or Fire Department displayed on a vehicle.**	➢ **Summons, Section 396, V.T.L.** ➢ **Seize article as evidence.**
♦ **Official police cards, e.g., press, special vehicle identification, etc.**	➢ **Confiscate, ascertain how obtained, and deliver article and report of circumstances to desk officer.**
♦ **Forged police card.**	➢ **Arrest, Administrative Code Section 14-107.** ➢ **Seize card as evidence.**

DESK OFFICER

2. Process arrests and summonses in the usual manner.
3. Invoice evidence seized and forward confiscated article to Property Clerk in the usual manner.
4. Notify commanding officer of all facts.
5. Prepare two copies of report on **Typed Letterhead** addressed to Chief of Department, including all facts when a police card is confiscated.

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-82

FORWARDING OF FEES TO AUDITS AND ACCOUNTS UNIT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 4

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 for delivery with the A.M. mail on the same day received.

BOROUGH MESSENGER

24. Compare **FEE TRANSMITTAL SHEETS** and Plastic Security Envelopes against related **CONSOLIDATED FEE RECEIPT**.
25. Sign all 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 must 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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-83	
LEAVING CITY ON OFFICIAL BUSINESS			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 3

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. 320-18)*

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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-84

VERIFICATION OF PISTOL LICENSE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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.

<u>WHEN VALIDITY OF PISTOL LICENSE IS QUESTIONABLE</u>:

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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-85

RIFLE/SHOTGUN PERMIT
SUSPENDED, REVOKED, DISAPPROVED

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/29/15	12/29/15		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)* *Voluntary Surrender of Weapons without Prior Notice (P.G. 207-27)* *Invoicing Property - General Procedure (P.G. 218-01)* *Processing Firearms and Firearm-Related Evidence (P.G. 218-23)* *Unlawful Possession of Rifles/Shotguns (P.G. 212-46)*
FORMS AND REPORTS	***COMPLAINT REPORT (PD313-152)*** ***PROPERTY CLERK INVOICE (PD521-141)*** ***RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)*** ***RIFLE/SHOTGUN SURRENDER NOTICE RESPONSE (PD641-120A)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-86

PRIMARY, GENERAL AND SPECIAL ELECTION DAY DUTIES PRIOR TO OPENING OF POLLS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-87

PRIMARY, GENERAL AND SPECIAL ELECTION DAY
DUTIES WHILE POLLS ARE OPEN

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		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 vate.

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-88

PRIMARY, GENERAL AND SPECIAL ELECTION DAY
DUTIES AFTER CLOSE OF POLLS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-89	
ELECTION POLL REPORT			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To accurately record and categorize incidents occurring at polling locations on Primary and Election Day.

DEFINITIONS POLICE RELATED INCIDENT - will be used for routine police work i.e., reports of crimes, election law violations, disputes, aided cases, etc.

BOARD OF ELECTIONS RELATED INCIDENT - will be used for recording incidents normally handled by the Board of Elections, i.e., defective voting machines, missing supplies, election inspector shortages, etc.

DISPOSITION - will indicate corrective action taken, i.e., arrest, summons, **COMPLAINT REPORT (PD313-152)** number, **AIDED REPORT WORKSHEET (PD304-152b)** number, Board of Elections notifications, etc.

ADDITIONAL DATA *The total amount of incidents will be entered at the bottom of the **ELECTION POLL REPORT (PD119-151)**.*

*Only those **ELECTION POLL REPORTS** with a revision date of **9/92** are to be used. All others will be discarded.*

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)

FORMS AND REPORTS ***AIDED REPORT WORKSHEET(PD304-152b)***
COMPLAINT REPORT (PD313-152)
ELECTION POLL REPORT (PD119-151)

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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-91

DEPARTMENT REQUESTS FOR NEW YORK CITY TRANSIT BUSES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

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.*

PATROL GUIDE

Section: Command Operations		Procedure No: 212-99	
AMBER ALERT SYSTEM			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 3

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-100

AUXILIARY POLICE SUPERVISION AND DEPLOYMENT OF PERSONNEL

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		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)

Section: Command Operations	Procedure No: 212-101

PROCESSING UNKNOWN SUBSTANCES SUSPECTED OF BEING CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR (CBRN)/ HAZARDOUS MATERIALS EVIDENCE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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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 Bureau and request the response of the NYC Department of Environmental Protection, Hazardous Materials Response Unit (DEP/HMRU)
   d. Notify Operations Bureau 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

UNIFORMED MEMBER OF THE SERVICE (continued)

k. Establish an appropriately sized Outer Perimeter.

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 Bureau 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.

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 Bureau 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.
37. Notify the IBCIS supervisor and confer with DOHMH/PHL personnel regarding the submission of samples of the unknown substance and the

EMERGENCY SERVICE UNIT PERSONNEL (continued)

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:

PATROL SUPERVISOR (continued)

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 *P.G. 205-10, "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
   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

EMERGENCY SERVICE UNIT PERSONNEL (continued)

(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).
    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.
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).

TRANSPORTING UNIFORMED MEMBER OF THE SERVICE (continued)

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 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.

DESK OFFICER (continued)

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.

OPERATIONS COORDINATOR, PRECINCT OF OCCURRENCE (continued)

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.
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 *P.G. 205-10, "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."*

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

ADDITIONAL DATA (continued)

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.

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."

ADDITIONAL DATA (continued)

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 (P.G. 205-10)
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

PATROL GUIDE

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: 212-103	
CRIME INFORMATION CENTERS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To properly identify what should be posted in a precinct, PSA or transit district "Crime Information Center," and identify those responsible for maintaining this information.

DEFINITION CRIME INFORMATION CENTER - A central command repository for the dissemination of information that will assist MOS in the apprehension of wanted persons and the detection and identification of criminal activity. The Crime Information Center will guide deployment of resources and increase officer safety. The Crime Information Center is to be situated in the command's muster room and will be maintained on either bulletin boards or in wall mounted glass cases. The Crime Information Center is to be kept neat, orderly and free of obstructions.

PROCEDURE To assist crime control and maximize officer safety by providing ready access to current crime intelligence and information on fugitives and other wanted or dangerous criminals that may be encountered in the field.

OPERATIONS COORDINATOR

1. Oversee the maintenance of the Crime Information Center and ensure deficiencies are corrected.
2. Act as a liaison between the crime analysis personnel, detective squad and field intelligence officer and other appropriate personnel.

CRIME ANALYSIS SUPERVISOR

3. Ensure that the Crime Information Center is updated and maintained as follows:
   a. Crime Maps - Post current and accurate maps for the following:
      i. Twenty-eight day maps, electronic maps if available, for the seven major felony crimes, and shooting incidents.
      ii. Year to date maps, electronic maps if available, for murder.
      iii. Year to date maps, electronic maps if available, for shooting incidents.
   b. Crime Breakdown - Post "running" twenty-eight day spread sheets for each of the seven major felony crimes and for shooting incidents. The following data will be included:
      i. Date
      ii. Day of week
      iii. Time
      iv. Address
      v. Type of location, e.g., elevator, park, street
      vi. Complaint number
      vii. Sector/Development
      viii. Brief synopsis of details
      ix. Sex, race and age of victim
      x. Suspect's description (if applicable)

CRIME ANALYSIS SUPERVISOR (continued)

c. Crime Trends, Clusters, Alerts - Post all trends, clusters, alerts and intelligence information that are generated by the Patrol Borough Pattern Identification Module (PIM), and that affect the command.

d. Surveillance Systems - Post one map identifying all of the camera locations and a list of addresses where the cameras are deployed throughout the command regarding the following:
   i. A.R.G.U.S.
   ii. V.I.P.E.R.
   iii. Operation Safe Store
   iv. Housing Authority Small Scale Camera Systems
   v. Transit Authority C.C.T.V.
   vi. Red light enforcement (Department of Transportation)
   vii. Any other appropriate camera programs or initiatives as they are developed and implemented.

e. Impact and Impact Overtime Zones -
   i. Post map with current Impact Zone boundaries, and days and hours of deployment.
   ii. Post map with current Impact Overtime Zone boundaries, and days and hours of deployment.
   iii. Post map with current deployment and zone boundaries for any programmatic enforcement overtime initiative/strategy conducted within a narrowly focused and defined target area. Identify the name of the program, initiative or strategy and list days and hours of deployment.

NOTE *Crime maps and crime details will be posted weekly before 1400 hours each Tuesday. Other maps, if applicable to the command, will be posted in a timely manner.*

Disclosure of domestic violence crime victim information is in violation of Mayor's Executive Orders Number 34 and 41. Therefore, information regarding the status of a person as a "Domestic Violence Crime Victim" (i.e., victim listed on a Domestic Violence Unit's "High Propensity List") cannot be displayed within a Crime Information Center.

DETECTIVE SQUAD SUPERVISOR

4. Ensure the timely posting of the following items in the Crime Information Center of affected commands:
   a. Crime Patterns – All patterns affecting the command, including borough and citywide patterns, from units such as, but not limited to:
      i. Central Robbery Unit
      ii. Special Victims Unit
      iii. Major Case Unit
      iv. Financial Crimes Specialty Section
      v. I.A.B., Police Impersonation Squad
      vi. Auto Crime Unit

DETECTIVE SQUAD SUPERVISOR (continued)

b. Wanted Person Photos - Photos of wanted persons in the following priority order:
   i. Subjects wanted by the command.
   ii. Subjects wanted by other commands who live within the confines of the command.
   iii. Subjects wanted by other commands who live in New York City.

c. Investigation Cards (I-Cards) - Photos of "Probable Cause to Arrest" Investigation Card (I-Card) subjects within twenty-four hours after the I-Card is activated.
   i. Commands with a large number of I-Cards, should post photos and information regarding individuals who are the subjects of "Probable Cause to Arrest" I-Cards forHomicide, Non-Fatal Shooting and Robbery.
   ii. Photos regarding "Probable Cause to Arrest" I-Cards for subjects wanted for other crimes may be maintained on clipboards in the Crime Information Center.

5. Ensure the following items are removed from the Crime Information Center:
   a. Remove photos of "Probable Cause to Arrest" I-Card subjects within twenty-four hours after the subject is arrested on the I-Card or the I-Card is otherwise deactivated.
   b. Remove all closed patterns within twenty-four hours of notification that the pattern has been closed.

FIELD INTELLIGENCE OFFICER

6. Ensure current and accurate lists of the following are posted in the Crime Information Center by the fifth of each month:
   a. NYS Parolees - Active N.Y.S. Parolees who reside within the command/development(s). Include the:
      i. Parolee's address
      ii. Crime
      iii. Conditions of Parole
   b. Top 500 Burglars - "Top 500 Burglar" list as follows:
      i. Persons arrested for Burglary in the command.
      ii. Persons arrested for Burglary in other commands /development(s), who reside in the command /development.
   c. Gang Members - Listing of active gang members who reside within the command/development(s), and indicate their gang affiliation.
   d. Post the names, addresses and a photo of persons who are designated as chronic offenders.
      i. Commanding officers will determine what criteria will be used to define a chronic offender based upon command conditions. For example, a command with a robbery condition may choose to define a chronic offender as a person who has been arrested for robbery within the involved command two or more times during the previous five years.

NOTE *The field intelligence officer should confer with the commanding officer and prioritize postings required in step "6" subdivisions "a" through "d" above.*

If the field intelligence officer position is vacant these functions will be performed by an appropriate member designated by the commanding officer.

BOROUGH ADJUTANT

7. Designate appropriate borough level supervisor to inspect the Crime Information Centers, at least once a month.
8. Ensure that the commanding officer expeditiously corrects any deficiencies.

ADDITIONAL DATA *Commanding officers should designate space in the Crime Information Center to be utilized for command specific conditions.*

"Cash for Guns" and "Gun Stop" posters should NOT be placed inside the Crime Information Center. Instead, display "Cash for Guns" and "Gun Stop" posters prominently in a significant number of appropriate locations throughout the command where they will be readily viewed by the public. Examples include:

a. Entrance vestibule of the command
b. Lobby of the command
c. 124 room
d. Arrest processing area
e. Desk area
f. Interview room
g. Debriefing location
h. Detective Squad, if applicable

<u>HOUSING BUREAU</u>

In addition to the above, the following issues specific to Housing Bureau commands are noted:

a. Police Service Area Crime Information Centers will be partitioned by precinct areas serviced by the PSA. A listing of developments, maps, patterns, crime breakdowns, photos of wanted persons, etc. will be posted in each section. Where applicable, the housing development where crimes are occurring, or where wanted persons/fugitives, etc., are known to frequent, will be specifically indicated.
b. V.I.P.E.R. base, satellite commands, hi-tech police rooms, and other Housing Bureau substations will maintain a Crime Information Center appropriate to their area of responsibility. PSA commanders will designate a supervisor assigned to each subcommand to coordinate with the PSA Crime Analysis Unit and ensure updated and accurate data.
c. The Detective Borough Operations Commanding Officer will ensure that detective commands directly coordinate with the PSA Operations Coordinator to ensure that step "4" and step "5" of this order are complied with.
d. The duties of the Patrol Borough Adjutant will be performed by the Housing Borough Executive Officer.

ADDITIONAL DATA (continued)

TRANSIT BUREAU

In addition to the above, the following issues specific to Transit Bureau commands are noted:

a. Transit District Crime Information Centers will be partitioned by the precinct areas serviced by the District. Subway line/station maps, street maps, patterns, crime breakdowns, photo of wanted persons, etc., will be posted in each section. Where applicable, the subway line/station where crimes are occurring, or where wanted persons/fugitives, etc., are known to frequent will be specifically indicated.

b. District commanding officers will designate the Crime Analysis Supervisor to directly coordinate with detective squads, the Borough Pattern Identification Module, and others, to facilitate the timely exchange of information, updates, etc., and dissemination of materials.

c. The Detective Borough Operations Commanding Officer will ensure that detective commands directly coordinate with the District Crime Analysis Supervisor to ensure that step "4" and step "5" of this order are complied with.

d. The duties of the Patrol Borough Adjutant will be preformed by the Transit Borough Executive Officer.

e. The Transit District Crime Analysis Supervisor will obtain the information listed in step "6" subdivision "a" from the Transit Bureau's Special Projects Lieutenant.

PATROL GUIDE

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)

PATROL GUIDE

Section: Command Operations	Procedure No: 212-106

SEARCH WARRANT POST-EXECUTION CRITIQUE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/25/20	06/25/20		1 of 1

PURPOSE To ensure a post warrant review and written critique are conducted after the execution of a search warrant.

PROCEDURE Within five days of execution of a search warrant:

CAPTAIN OR ABOVE, UNIT EXECUTING WARRANT

1. Review **SEARCH WARRANT PLAN POST-EXECUTION (PD374-150A)**.
2. Prepare written critique on **Typed Letterhead** addressed to Chief of Department and include:
   a. Evaluation of tactical plan and methods used during entry.
   b. Problems encountered during execution.
   c. Persons arrested, including background information.
   d. Special hazards encountered.
   e. Damage incurred, and security/repairs provided.
   f. Detailed list of contraband and/or evidence seized.
   g. Date and time warrant was returned to issuing court.
   h. Any other pertinent information.
3. Forward written critique and a copy of the **SEARCH WARRANT PLAN POST-EXECUTION** to overhead command.
4. Ensure that a case folder of all paperwork (tactical plan, computer checks, arrest/aided information, post warrant critique, etc.) is maintained in a secure location.

NOTE *For search warrants executed by the Internal Affairs Bureau, the required post-execution critique will be forwarded through channels to the Deputy Commissioner, Internal Affairs, and then directly to the Police Commissioner.*

OVERHEAD COMMAND

5. Review the critique and forward through channels to the Chief of Department.

RELATED PROCEDURES

Confidential Informants (P.G. 212-68)
Repair of Entrances Damaged During Forced Warrant Entry into Wrong Premises or During an Entry made during Exigent or Other Unusual Circumstances (P.G. 214-20)
Search Warrant Applications (P.G. 212-75)
Search Warrant Execution (P.G. 221-17)

FORMS AND REPORTS

SEARCH WARRANT PLAN POST-EXECUTION (PD374-150A)
Typed Letterhead

PATROL GUIDE

Section: Command Operations	Procedure No: 212-107

SECURE AUTOMATED FAST EVENT TRACKING NETWORK (SAFETNET)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/11/21	03/11/21		1 of 4

PURPOSE To standardize the procedure regarding notifications to the Secure Automated Fast Event Tracking Network (SAFETNet).

DEFINITIONS SECURE AUTOMATED FAST EVENT TRACKING NETWORK (SAFETNet): This system was established to integrate enforcement efforts between various Department enforcement commands, as well as other law enforcement agencies within the City and State of New York. Formerly called U.D.E.C.S. (Unified Drug Enforcement Coordination System), the purpose of SAFETNet is to ensure the safety of law enforcement personnel and to prevent two or more agencies from simultaneously pursuing investigations against common subjects, by automatically recognizing and notifying investigators of conflicting interest in subjects, locations, telephone numbers, motor vehicle license plates, internet addresses, events and financial accounts.

SAFETNet BUREAU COORDINATORS: Uniformed member of the service authorized by bureau chief/deputy commissioner concerned who is responsible to act as a liaison between investigators and the Intelligence Bureau, Sensitive Data Unit. In order to ensure integrity and maintain control of SAFETNet, bureau chiefs/deputy commissioners will only authorize the minimum amount of coordinators necessary to properly accommodate the operation on a twenty-four hour, seven days a week basis. Coordinators are designated *only* through the submission of **Coordinator Registration Form (HIDTA)** and subsequent approval of Commanding Officer, Sensitive Data Unit.

INVESTIGATOR: Uniformed member of the service designated *only* through the submission of **Requestor Registration Form (HIDTA)** and subsequent approval of Commanding Officer, Sensitive Data Unit, who initiates investigative target into the SAFETNet system by submitting request forms to their respective coordinator.

PRIMARY INVESTIGATOR: Uniformed member of the service who currently holds an active SAFETNet number for a specific target (i.e., person, address, vehicles, telephone, internet address, critical event and/or financial account).

SECONDARY INVESTIGATOR: Uniformed member of the service who submits a **Request Form (HIDTA)** for a target which is actively held by the Primary Investigator.

PROCEDURE When a notification and/or submission to SAFETNet is required:

INVESTIGATOR

1. Submit SAFETNet **Request Form (HIDTA)** to SAFETNet bureau coordinator concerned with all the necessary information regarding the following:

INVESTIGATOR (continued)

a. Narcotics and/or drug trafficking investigations
b. Firearms investigations
c. Money laundering investigations
d. Insurance fraud investigations
e. Confidential Informant Registration
f. Any instance where a search warrant application is prepared
g. Any active target investigation in which an undercover may be utilized
h. Any investigation that may cross jurisdictional boundaries.

NOTE *Jurisdictional boundaries, in this context, are defined two ways. First, in the traditional sense as occurring between law enforcement agencies at the federal, state, or local level. Secondly, in a narrower sense as occurring between NYPD bureaus, boroughs, divisions, precincts, and units. This second definition is intended to facilitate communication and cooperation between NYPD investigators to enhance investigative results and ensure investigator safety.*

SAFETNet submissions will be accepted for:

a. Any identified person (at a minimum provide last name, first name and date of birth)
(1) SAFETNet submissions should also include an identified person's Social Security number, NYSID #, and FBI # if known. These identifiers are a key identifier when available.
b. Any business or residential location within the State or City of New York (apartment house, private house or business must be indicated)
(1) Submissions for business locations must include full business name and street address
(2) Submissions for any location must include the locality/neighborhood, borough and zip code. (i.e., College Point, Queens 11356).
c. Vehicle License Plate
d. Telephone Number
e. Internet Addresses
f. Critical Events (money drop, undercover meeting, etc.,)
g. Financial Account Numbers (account number type).

*SAFETNet submissions will expire after **one year**, with the exception of critical events, which will expire after twenty-four hours.*

For investigations under the purview of the Internal Affairs Bureau and the Deputy Commissioner, Intelligence and Counterterrorism, SAFETNet inquiries and/or conferrals with other units, commands, or agencies will be conducted in a manner prescribed by the Deputy Commissioner, Internal Affairs or Deputy Commissioner, Intelligence and Counterterrorism as appropriate, so as not to compromise internal or sensitive investigations.

SAFETNet BUREAU COORDINATOR

2. Obtain all required information and electronically enter the **Request Form (HIDTA)** data directly into the SAFETNet system.
3. Record information into the coordinator's Log, maintained by the command and provide investigator with control number.

SENSITIVE DATA UNIT

4. Monitor submissions made into the SAFETNet system.

SAFETNet "NO HIT"

SENSITIVE DATA UNIT

5. Forward SAFETNet printout containing SAFETNet number via fax to the SAFETNet bureau coordinator concerned and confirm receipt by telephone.

NOTE *A SAFETNet number will be generated automatically for each submission made into the SAFETNet system.*

SAFETNet BUREAU COORDINATOR

6. Enter SAFETNet number into coordinator's Log under the appropriate control number.
7. Provide investigator with SAFETNet printout.

SAFETNet "HIT"

NOTE *When a SAFETNet bureau coordinator submits information for target information already under investigation, a "HIT" will occur.*

SENSITIVE DATA UNIT

8. Notify via fax the primary investigator's and secondary investigator's SAFETNet bureau coordinators by way of a **Match Notification/Resolution Form (HIDTA)** and confirm receipt by telephone.

SECONDARY INVESTIGATOR'S SAFETNet BUREAU COORDINATOR

9. Contact primary investigator's SAFETNet Bureau coordinator PRIOR to taking any action in connection with the target information submitted under this SAFETNet request.

PRIMARY INVESTIGATOR'S SAFETNet BUREAU COORDINATOR

10. Contact primary investigator or if not available, investigator's supervisor/commanding officer and advise him/her of request.
11. Forward direct or via fax the **Match Notification/Resolution Form (HIDTA)** to primary investigator or if not available, investigator's supervisor/commanding officer and confirm receipt by telephone.

PRIMARY INVESTIGATOR/ INVESTIGATOR'S SUPERVISOR/ COMMANDING OFFICER

12. Print name, Tax Number and sign the **Match Notification/Resolution Form (HIDTA)** if agreeing to allow a joint operation and/or no longer pursuing the target.
13. Forward direct or via fax signed copy of the **Match Notification/Resolution Form (HIDTA)** to primary investigator's SAFETNet bureau coordinator and confirm receipt by telephone.
14. Notify primary investigator's SAFETNet bureau coordinator if request is denied.

PRIMARY INVESTIGATOR'S SAFETNet BUREAU COORDINATOR

15. Forward via fax signed copy of the **Match Notification/Resolution Form (HIDTA)** to both the Sensitive Data Unit and the secondary investigator's SAFETNet bureau coordinator and confirm receipt by telephone.
16. Notify secondary investigator's SAFETNet bureau coordinator if request to sign over target was denied.

SECONDARY INVESTIGATOR'S SAFETNet BUREAU COORDINATOR

17. Provide secondary investigator with signed copy of the **Match Notification/Resolution Form (HIDTA)**.
18. Notify secondary investigator if request to sign over target was denied.

SENSITIVE DATA UNIT

19. Clear conflict once signed copy of the **Match Notification/Resolution Form (HIDTA)** is received.
20. Forward via fax a printout of the cleared SAFETNet to the secondaryinvestigator's SAFETNet bureau coordinator and confirm receipt by telephone.

SECONDARY INVESTIGATOR'S SAFETNet BUREAU COORDINATOR

21. Provide copy of cleared SAFETNet printout to investigator.

ADDITIONAL DATA

Only authorized, active SAFETNet bureau coordinators are authorized to make submissions. Anyone other than SAFETNet bureau coordinators DO NOT have the authority to notify the Sensitive Data Unit independently. SAFETNet Bureau coordinators are responsible for forwarding information to investigators in a timely manner.

If the primary investigator is transferred, promoted, retires, etc., a ***Typed Letterhead*** *addressed to the Commanding Officer, Sensitive Data Unit will be completed by the member's commanding officer, documenting the status of the original primary investigator and the assignment of a new primary investigator.*

Each bureau will develop a self-inspection program designed to ensure the accuracy and propriety of SAFETNet inquiries submitted by their members. Additionally, the Intelligence Bureau will regularly audit the system and forward a sampling of inquiries, based upon established criteria, to the submitting bureau for review and verification.

RELATED PROCEDURES

Search Warrant Applications (P.G. 212-75)
Confidential Informants (P.G. 212-68)

FORMS AND REPORTS

Typed Letterhead
Coordinator Registration Form (HIDTA)
Match Notification/Resolution Form (HIDTA)
Request Form (HIDTA)
Requestor Registration Form (HIDTA)

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: 212-110

COMMUNICATIONS BETWEEN THE INTELLIGENCE BUREAU AND UNITS IN THE FIELD REGARDING SUSPECTED TERRORIST ACTIVITY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 4

PURPOSE To provide a means whereby members of the service in the field can communicate with the Intelligence Bureau, enabling them to receive timely information concerning individuals stopped who may have links to terrorism.

PROCEDURE When a uniformed member of the service has a suspect stopped and develops information that may indicate that the subject is connected to terrorism, they will comply with the following:

UNIFORMED MEMBER OF THE SERVICE

1. Take necessary precautions to protect public and personal safety.
2. Notify the Intelligence Bureau, Criminal Intelligence Section via phone, or email.
   a. If assigned to foot patrol or to a vehicle not equipped with a Department computer system or Department issued cell phone, request response of an available vehicle equipped with a Department computer system.
3. Provide the subject's name, date of birth, and any other identifying information. The notification must include specific reason(s) for suspecting the person stopped of a possible connection to terrorism. The Criminal Intelligence Section will not accept any requests without such detailed information. For example:
   a. "John Q. Public, DOB 1/1/1919, driving a green 1999 Ford, NY license plate #ABC-123, for a traffic violation at Avenue X and 19th Street. Subject has a large sum of USC and a complete airline pilot's uniform. Subject can give no legitimate reason for possessing either. Please check for any information Intelligence has on this subject."

NOTE *Civilian members of the service who are authorized to conduct car stops and/or truck inspections, and who develop information during such a stop or inspection indicating that the person stopped may be connected to terrorist related activity, will request that a uniformed member of the service respond to the scene. Once the uniformed member of the service has arrived at the scene, they will then assume responsibility for the situation, and will notify the Intelligence Bureau, Criminal Intelligence Section via phone or email, and comply with the provisions of this Order.*

MOS ASSIGNED, INTELLIGENCE BUREAU

4. Acknowledge receipt of notification and provide uniformed member of the service with rank and name.
5. Review inquiry and the reason(s) the requesting uniformed member of the service suspects the subject may have a connection to terrorism.
6. Conduct search of subject's name, vehicle, etc., in appropriate federal, state, and local databases.
7. Notify requesting uniformed member of the service of findings as soon as possible.

MOS ASSIGNED, INTELLIGENCE BUREAU (continued)

a. Immediately notify requesting uniformed member of the service, if subject is wanted for arrest by any law enforcement agency.
b. Notify requesting uniformed member of the service, if unable to conduct complete search within a reasonable time (15 - 20 minutes).

UNIFORMED MEMBER OF THE SERVICE

8. Confirm information received from Intelligence Bureau.
9. Arrest subject, if notified by Intelligence Bureau, Criminal Intelligence Section that subject is wanted, and request patrol supervisor to respond.

PATROL SUPERVISOR

10. Respond to scene, if required.
11. Ascertain details and notify desk officer.
12. Request field intelligence officer to respond to scene, if necessary.
    a. If unavailable, have precinct detective squad respond.

ARREST SITUATION:

DESK OFFICER, PRECINCT/PSA/ TRANSIT DISTRICT OF ARREST

13. Detain prisoner for debriefing by the field intelligence officer (if on duty), and/or other investigative unit as directed.
14. Notify the following:
    a. Commanding officer/duty captain,
    b. Operations Unit,
    c. Patrol Borough, and
    d. Transit Bureau Wheel/Housing Bureau Wheel/Detective Bureau Wheel, if appropriate.

MOS ASSIGNED, INTELLIGENCE BUREAU

15. Prepare a printout of all inquiries and findings made as a result of member's request.
16. File original at Criminal Intelligence Section, and forward a copy to arresting officer.
17. Notify Criminal Intelligence Section supervisor of request and results.

NOTE *The Criminal Intelligence Section supervisor will notify the appropriate ranking officer(s) in the Intelligence Bureau of any unusual findings, arrests, etc.*

NON-ARREST SITUATION:

UNIFORMED MEMBER OF THE SERVICE

18. Release subject, after issuing summons, warning, and/or preparing a **STOP REPORT (PD383-151)**, as well as any other required reports, if subject is not wanted (or if notified by the Criminal Intelligence Section that a complete check cannot be done in a reasonable amount of time), and there is no other reason to detain the subject.
19. Notify desk officer and provide details of incident.

IN ALL CASES (ARREST AND NON-ARREST):

UNIFORMED MEMBER OF THE SERVICE

20. Advise Criminal Intelligence Section of the disposition of the stop via phone or email.
21. Enter details of incident in digital **Activity Log**.
22. Submit appropriate reports, summonses, and other forms, etc., to desk officer for processing.

DESK OFFICER, PRECINCT/PSA/ TRANSIT DISTRICT CONCERNED

23. Notify the Borough/Bureau Counterterrorism coordinator.
24. Notify applicable Patrol Borough, Housing Bureau, Transit Bureau, or Detective Bureau Wheel.
25. Ensure copies of all reports, summonses, and other forms prepared are forwarded via Department mail to: Commanding Officer, Criminal Intelligence Section, Intelligence Bureau.

COMMANDING OFFICER, CRIMINAL INTELLIGENCE SECTION

26. Review all requests made under this procedure daily.
    a. Ensure that requesting uniformed member of the service has, in every case, been notified of the results of their inquiry.
27. Ensure that a record of all requests is maintained at the Criminal Intelligence Section.
28. Ensure that requesting uniformed member of the service has forwarded a copy of all reports, summonses, and other forms prepared in connection with their request.
29. Ensure that all related reports/summonses, etc., are filed with original request.

ADDITIONAL DATA

Uniformed members of the service are reminded that they MUST follow all federal, state, and local laws, as well as Department regulations, whenever they stop a person for investigation or summons. Members of this Department will NEVER base a stop or other enforcement action solely on an individual's race, perceived ethnicity, appearance, etc.

Civilian members of the service also have an important role in obtaining information and intelligence. Should they become aware of such information in the course of their duties or while off-duty, the civilian member should relay their observations, suspicions, and other information to the Intelligence Bureau by following the guidelines outlined in P.G. 212-12, "Citywide Intelligence Reporting System."

In all cases, other than terrorist activity, the uniformed member of the service will process routine name checks, warrant checks and other inquiries through the Communications Division. If uniformed member of the service already has a suspect under arrest and suspects them of terrorist-related activity, they will not make notification to the Criminal Intelligence Section from the field. Under such circumstances, the request will be made by landline to the Intelligence Bureau, Criminal Intelligence Section. Arresting officer(s) must call from the precinct or other Department facility where they are processing the arrest.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)

FORMS AND REPORTS ***STOP REPORT (PD383-151)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-111

REQUESTS FOR U VISA CERTIFICATIONS AND/OR T VISA DECLARATIONS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-112	
OPERATION SAFE STORE			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To combat robbery/violent crime in grocery stores/bodegas.

PROCEDURE Upon notification that a grocery store/bodega within a command has been included in "Operation Safe Store" or when an incident occurs at a current "Operation Safe Store" location:

PRECINCT COMMANDING OFFICER CONCERNED

1. Review/create response plans to robberies or other serious incidents at the selected locations.
   a. Revised plans will be submitted to the Office of the Chief of Patrol.
2. Assign special operations lieutenant as Operation Safe Store Coordinator for the precinct.
3. Direct precinct crime prevention officer to visit selected stores on a bi-weekly basis and prepare **OPERATION SAFE STORE BI-WEEKLY INSPECTION REPORT (PD 510-151)**.
   a. Crime prevention officer will conduct a test of the alarm system during visit to ensure system is operational. The crime prevention officer will record ICAD Incident number on **OPERATION SAFE STORE BI-WEEKLY INSPECTION REPORT**.
4. Review **BI-WEEKLY REPORT**, endorse and forward to Commanding Officer, Technical Assistance Response Unit (T.A.R.U.).
   a. Maintain copies of all communications involving "Operation Safe Store" in a folder at the command.

NOTE *Borough and precinct commanders will continue to prepare "Small Grocery, Deli and Bodega Robbery Report" and forward same with weekly COMPSTAT reports.*

5. Notify Chief of Department, Chief of Patrol, Patrol Borough concerned, Commanding Officer, Office of Management Analysis and Planning, and T.A.R.U. if program location closes, moves, changes store type, or if any other activity/incident occurs at location that precludes continuation in the program (i.e., false report, crime committed by store owner, etc.).
   a. Store should not be removed from the Operation Safe Store Program without written approval from the Chief of Department.

COMMANDING OFFICER, T.A.R.U.

6. Coordinate repair of alarm/video systems in selected stores with vendor and precinct commander concerned.
7. Review **BI-WEEKLY REPORTS** submitted by precinct crime prevention officers for accuracy and completeness.
8. Contact vendor when necessary for repairs, etc. in subject stores, if required.

WHEN AN INCIDENT OCCURS AT AN "OPERATION SAFE STORE" LOCATION:

COMMUNICATIONS SECTION 911 OPERATOR

9. Designate calls for service to a designated "Operation Safe Store" location as a "Priority 2" assignment.

COMMUNICATIONS SECTION DISPATCHER

10. Notify responding units that location is a designated "Operation Safe Store" location.

MEMBER OF THE SERVICE

11. Request response of patrol supervisor when responding to incident at location designated under "Operation Safe Store."

PATROL SUPERVISOR

12. Direct preparation of **COMPLAINT REPORT WORKSHEET (PD 313-152a**).
13. Request response of precinct squad/nightwatch and detective bureau duty captain to confirmed reports of serious crimes, e.g. shootings, robberies, etc., at "Operation Safe Store" locations.
14. Request immediate response of T.A.R.U. to retrieve videotape or digital images from recorders on the premises.
    a. T.A.R.U. will respond to all crimes at Operation Safe Store locations where video tape may be of value.

MOS ASSIGNED TO TARU

15. Respond to location and retrieve videotape/digital images from recorders on premises and forward to investigators on scene.
    a. Record rank, name, shield number and command of person taking control of video evidence
    b. Ensure that equipment on premises is in good working order
    c. Replace videotape, etc. before leaving premises
    d. Provide additional copies of video tape/digital images to Commanding Officer, Office of Management Analysis and Planning and Central Robbery Unit.

MEMBER OF THE SERVICE

16. Prepare **COMPLAINT REPORT WORKSHEET**.
    a. When preparing **COMPLAINT REPORT WORKSHEETS** regarding incidents at "Operation Safe Store" locations, members concerned MUST check off "Grocery/Bodega" under the "**Premises Type**" caption.
17. Ensure the following is listed in the "Details" section of the **COMPLAINT REPORT WORKSHEET:**
    a. Location is a participant in "Operation Safe Store"
    b. Whether or not evidence was retrieved.

MEMBER OF THE SERVICE (continued)

18. Ensure the following persons are listed in "Notifications" captions on **COMPLAINT REPORT WORKSHEET**:
    a. Patrol supervisor who responded to location (name of supervisor)
    b. Precinct detective squad member who responded to location (name of investigator)
    c. Detective Bureau Duty Captain who responded to location
    d. Name of T.A.R.U. MOS who responded to retrieve evidence.
19. Voucher evidence obtained at location on **PROPERTY CLERK INVOICE (PD521-141)**.
    a. Include **INVOICE** number on **COMPLAINT REPORT WORKSHEET**.

PRECINCT DETECTIVE SQUAD

20. Respond to all serious occurrences at "Operation Safe Store" locations regardless of whether incident may be part of a pattern or not.

NOTE

*When preparing **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)**, detectives MUST state whether equipment in participating store was operational and whether evidence retrieved at the location was of any value.*

PATROL SUPERVISOR

21. Prepare an **UNUSUAL OCCURRENCE REPORT (PD370-152)** with details of the incident and forward to:
    a. Chief of Department
    b. Chief of Patrol
    c. Chief of Detectives
    d. Chief of Crime Control Strategies
    e. Commanding Officer, Office of Management Analysis and Planning
    f. Central Robbery Unit
    g. TARU
    h. Patrol Borough Command concerned.

ADDITIONAL DATA

When future stores are added to the program, commanding officers of precincts where new stores are located will:

a. Visit location concerned and review program with store owner concerned
*b. Have store owner prepare and sign **OPERATION SAFE STORE – ACKNOWLEDGEMENT OF INSTALLATION/RESPONSIBILITIES (PD510-011)***
c. Countersign report.

FORMS AND REPORTS

OPERATION SAFE STORE BI-WEEKLY INSPECTION REPORT (PD510-151)
COMPLAINT REPORT WORKSHEET (PD313-152a)
PROPERTY CLERK INVOICE (PD521-141)
COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)
UNUSUAL OCCURRENCE REPORT (PD370-152)
OPERATION SAFE STORE – ACKNOWLEDGEMENT OF INSTALLATION / RESPONSIBILITIES (PD510-011)

APPENDIX "A"
OPERATION SAFE STORE LOCATIONS

Patrol Boro	Address	Pct	Phase	Store Name
PBMS	15 Stanton St	5	2	Tavarez Grocery
PBMS	139 E 12th St	9	2	News at 12 Grocery
PBMS	201 2nd Ave	9	2	Union Square One Stop
PBMN	101 Edgecombe Avenue	32	1	101 Edgecombe Deli
PBMN	2278 7th Avenue	32	2	S&M Deli Corp
PBBX	910 Prospect Ave	41	2	Gabi Deli/Grocery
PBBX	1408 Fulton Street	42	2	MJ Super Deli
PBBX	1570 White Plains Road	43	2	Mikey's Deli & Grocery
PBBX	1206 Elder Ave	43	2	Elder Grocery
PBBX	3401 Olinville Avenue	47	2	Kids Fantasy Deli
PBBX	788 E. 214 Street	47	2	Big Brothers
PBBX	169 E. 205 Street	52	1	Family Grocery Deli
PBBS	5124 Clarendon Road	67	1	Melo Grocery
PBBS	1044 Winthrop Street	67	2	El Portal Grocery
PBBS	5605 Clarendon Road	67	2	Nashal Food Crop
PBBS	2920 Avenue I	70	2	Harry Deli & Grocery
PBBN	417 Saratoga Avenue	73	1	Colombo Mini Market
PBBN	835 Pennsylvania Avenue	75	1	All American Hero
PBBN	790 Nostrand Avenue	77	1	Express Deli Grocery
PBBN	1017 Bedford Avenue	79	1	JNM Grocery
PBBN	73 Decatur St	79	2	Al's Grocery
PBBN	144 Lewis Ave	81	2	Borbon Grocery
PBBN	613 Madison Street	81	2	D & C
PBBN	445 Evergreen Avenue	83	2	Rodriguez Food Center
PBQS	101-05 Lefferts Boulevard	102	2	Quick Stop Grocery
PBQS	87-74 168th St	103	2	ABDO Grocery
PBQS	147-07 Guy R. Brewer Blvd.	105	1	Airport Deli
PBQN	65-25 Queens Boulevard	108	2	65 Place Grocery
PBQN	208-02 48 Avenue	111	2	ABC Convenience Store
PBQN	32-61 Francis Lewis Blvd	111	2	FLB Gourmet Deli
PBQN	23-27 30 Avenue	114	1	DIPA Mini-Market
PBSI	1410 Richmond Terrace	120	2	Alex Deli
PBSI	164 Victory Blvd	120	2	Staten Convienent Market

PATROL GUIDE

Section: Command Operations	Procedure No: 212-114

AUTHORIZATION/NOTIFICATION REGARDING DEPARTMENT CEREMONIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/04/18	12/04/18		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***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-116

STREET NARCOTICS ENFORCEMENT UNIT (SNEU) GUIDELINES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 4

PURPOSE To address local narcotics problems and provide guidelines for Street Narcotics Enforcement Units (SNEU).

PROCEDURE When a local narcotics problem requires an enforcement program:

PRECINCT COMMANDER

1. Prepare a request, on **Typed Letterhead**, to patrol borough commander indicating:
   a. The formation or termination of a SNEU team
   b. Definite starting and conclusion dates
   c. Specific location where the program is to be conducted
   d. The names of personnel selected have been submitted to Central Personnel Index for background investigation.
2. Do not implement a SNEU team prior to written approval by the patrol borough commander.
3. Ensure that police officers/detectives assigned to the unit perform duty in uniform under direct supervision of a uniformed supervisor and do not work independently.
4. Ensure **all** members assigned to SNEU or conducting SNEU operations **have attended** the SNEU and plainclothes training courses.
5. Ensure all provisions of the "Street Narcotics Enforcement Unit Guidelines" manual are strictly adhered to.
   a. Do not deviate from the provisions of the "Street Narcotics Enforcement Unit Guidelines" manual without approval of the Chief of Department.
   b. Ensure all members assigned to SNEU are familiar with the contents of the "Street Narcotics Enforcement Unit Guidelines" manual.
   c. Have a copy of the "Street Narcotics Enforcement Unit Guidelines" manual maintained in the command reference library.
6. Prepare a report on **Typed Letterhead** to patrol borough commander through channels, indicating results, after condition subsides.
   a. Return all uniformed members of the service assigned to the program to regular duties.
   b. Requests to terminate Street Narcotics Enforcement Units may be made at any time.

PATROL BOROUGH COMMANDER

7. Have copies of all approvals/disapprovals forwarded to Chief of Patrol.

SNEU SUPERVISOR

8. Confer with Narcotics Borough sergeant or lieutenant concerned prior to every enforcement operation, for the purpose of member safety, efficiency, and effectiveness of enforcement operations with Narcotics Borough personnel.

SNEU SUPERVISOR (continued)

a. Document the notification to the Narcotics Module supervisor on the **Supervisor's Daily Activity Worksheet** (Appendix III in the "Guidelines for Conducting SNEU Operations" booklet)
b. Submit the **Supervisor's Daily Activity Worksheet** to the special operations lieutenant.

SPECIAL OPERATIONS LIEUTENANT

9. Review and file the **Supervisor's Daily Activity Worksheet** ensuring that the notification to the Narcotics Module supervisor was made and documented appropriately.

SNEU SUPERVISOR

10. Perform duty in uniform.
11. Debrief all prisoners arrested by the SNEU team.
12. Debrief all prisoners arrested by precinct personnel for narcotics-related offenses, when available.
13. Be guided by *P.G. 212-68, "Confidential Informants,"* when confidential informants are providing information to the unit that will be the basis of a search warrant.

ADDITIONAL DATA

OVERTIME

When arrest processing requires the performance of overtime, only the arresting officer will be retained for that purpose. All other SNEU personnel will be dismissed at the completion of their regular tour. An exception is allowed for the SNEU supervisor to remain until the vouchering of all evidence is completed and the evidence is signed and sealed.

FIELD TESTING

SNEU supervisors are reminded that when an arrest is made for a misdemeanor or violation involving marijuana sale or possession, the marijuana will be field tested as outlined in P.G. 218-08, "Field Testing of Marijuana by Selected Uniformed Members of the Service within the Patrol Services and Housing Bureaus."

STREET NARCOTICS ENFORCEMENT UNIT OPERATIONAL GUIDELINES

*a. Personnel selected for Street Narcotics Enforcement Unit duties **must** attend the SNEU and plainclothes training courses, prior to performing SNEU duty.*
b. Precincts concerned will conduct "SNEU operations" with teams comprised of no less than seven uniformed members of the service consisting of one supervisor and six police officers/detectives.
*c. A minimum of two police officers/detectives **must** be assigned to **each** of the following:*
(1) Observation point
(2) Apprehension team
(3) Prisoner security.

Any additional SNEU personnel available beyond the required minimum will first be utilized for arrest processing purposes, and then in any manner the supervisor deems beneficial for the team.

ADDITIONAL DATA (continued)

*A "hospital car" is typically not part of a SNEU operation and hence **only** in conjunction with executing a search warrant will this position be staffed with extra SNEU personnel.*

*d. SNEU operations **will not** be conducted unless the minimum number of qualified police officers/detectives and a supervisor are present. All of the members assigned to the unit **must** be SNEU and plainclothes trained. This includes any members of the service that are used to supplement the minimum number of seven.*

*e. All personnel assigned to the SNEU operation, including the supervisor, **must perform duty in the uniform of the day**. The only exception are personnel assigned to the observation point who may perform duty in civilian clothes as described in step "f" below.*

f. Personnel assigned to the observation point may perform duty in civilian clothes. They will wear bullet-resistant vests, and will carry the authorized nylon windbreaker, as described in P.G. 204-04, "Optional Uniform Items," and the authorized baseball cap bearing the letters "NYPD," to be worn at police incidents for identification purposes.

g. Police officers/detectives will not perform Street Narcotics Enforcement Unit duties unless a precinct supervisor is available for assignment and present with them in the field.

h. Street Narcotics Enforcement Unit personnel will be restricted to enforcement of street violations.

(1) The Chief of Organized Crime Control will be notified of off-street violations coming to the attention of SNEU members.

i. Street Narcotics Enforcement Unit personnel are not authorized to conduct any "buy" operations.

j. Narcotics "kites" alleging drug sales at outside locations may be forwarded to the precinct special operations lieutenant, by the precinct Narcotics Module commanding officer, for targeting by the precinct SNEU team. This would require the approval of the precinct/PSA commanding officer and the Narcotics Group captain concerned. Progress regarding these "kites" will be coordinated and monitored by the precinct Narcotics Management Team, at the weekly meetings.

k. If, in the course of SNEU operations, a member of the unit develops a confidential relationship with an informant who offers, or proposes to offer, information, the member will notify his or her commanding officer and will comply with P.G. 212-68, "Confidential Informants."

l. Precinct commanders will closely monitor the performance of uniformed members of the service assigned to Street Narcotics Enforcement Units. There will be no time limit as to how long a member may be assigned to the SNEU team. A re-evaluation of the member concerned will be conducted after the member's second complete year in SNEU, and each year thereafter.

m. In case-specific circumstances, a member of the precinct SNEU team may be assigned temporarily, for a thirty day period, to the precinct Narcotics Module. Written requests for the temporary assignment will be forwarded from the precinct Narcotics Module commanding officer concerned to the patrol borough commander for approval. This would apply to SNEU members who are particularly knowledgeable of a specific narcotics organization and/or location.

ADDITIONAL DATA (continued)

n. The precinct field intelligence officer, arresting officer, and a member of the precinct detective squad should be present during the debriefing to assist in the development of information regarding drug trafficking and any other crimes.

All uniformed members of the service assigned to SNEU will be familiar with the contents of the "Street Narcotics Enforcement Unit Guidelines" manual.

RELATED PROCEDURES

Preliminary Investigation of Vice Related, Narcotics or Organized Crime – Related Complaints (P.G. 207-08)
Confidential Informants (P.G. 212-68)
Field Testing of Marijuana by Selected Uniformed Members of the Service within the Patrol Services and Housing Bureaus (P.G. 218-08)
Command Reference Library (A.G. 325-18)

FORMS AND REPORTS

Street Narcotics Enforcement Unit Guidelines
Typed Letterhead

PATROL GUIDE

Section: Command Operations	Procedure No: 212-118

INCIDENTS INVOLVING HOLDERS OF HANDGUN LICENSES OR RIFLE/SHOTGUN PERMITS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/16/19	12/16/19		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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-119	
INVESTIGATIONS OF ANIMAL ABUSE			
DATE ISSUED: 03/19/21	DATE EFFECTIVE: 03/19/21	REVISION NUMBER:	PAGE: 1 of 3

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

PATROL GUIDE

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.

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

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, and
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).

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.

UNIFORMED MEMBER OF THE SERVICE (continued)

e. For all investigative encounters that are captured on BWC that do not end in an arrest or summons:
   (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

ARRESTING OFFICER/ ASSIGNED OFFICER (continued)

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.
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.

DESK OFFICER/UNIT SUPERVISOR (continued)

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.
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 may be taken on a Department computer, printed, and thereafter affixed to a photo array for

ADDITIONAL DATA (continued)

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

PATROL GUIDE

Section: Command Operations		Procedure No: 212-124	
USE OF DEPARTMENT UNMANNED AIRCRAFT SYSTEM (UAS)			
DATE ISSUED: 12/04/18	DATE EFFECTIVE: 12/04/18	REVISION NUMBER:	PAGE: 1 of 3

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.

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 that explicitly authorizes the use of a UAS. After the search warrant is issued, a UAS may be used for a pre-warrant execution safety survey*

*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."

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)***

PATROL GUIDE

Section: Command Operations	Procedure No: 212-125

CRIME VICTIM ASSISTANCE PROGRAM (CVAP)

DATE EFFECTIVE:	LAST REVISION:	PAGE:
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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:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/24/20	06/24/20		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)*

PATROL GUIDE

Section: Command Operations		Procedure No: 212-127	
GUNSHOT DETECTION ALERTS			
DATE ISSUED: 09/11/19	DATE EFFECTIVE: 09/11/19	REVISION NUMBER:	PAGE: 1 of 3

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-128	
EXTREME RISK PROTECTION ORDER			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 6

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)

PATROL GUIDE

Section: Command Operations		Procedure No: 212-129	
FACIAL RECOGNITION TECHNOLOGY			
DATE ISSUED: 03/12/20	DATE EFFECTIVE: 03/12/20	REVISION NUMBER:	PAGE: 1 of 4

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

Department Confidentiality Policy (P.G. 203-22)
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

PATROL GUIDE

Section: Command Operations	Procedure No: 212-130

ACCESSING NEW YORK CITY DEPARTMENT OF EDUCATION CAMERAS IN EMERGENCY SITUATIONS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/06/21	01/06/21		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.

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 P.G. 203-10, "Public Contact - 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

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-02	
EMERGENCY INCIDENTS			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 3

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. Request for the Police Department diving unit will be made to the Special Operations Division 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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-03	
RAPID MOBILIZATION			
DATE ISSUED: 04/04/17	DATE EFFECTIVE: 04/04/17	REVISION NUMBER:	PAGE: 1 of 13

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, Special Operations Division, 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 <u>ONLY</u> 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)*
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)***

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

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-04	
MOBILIZATION READINESS LEVELS			
DATE ISSUED: 06/25/20	DATE EFFECTIVE: 06/25/20	REVISION NUMBER:	PAGE: 1 of 5

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."

COMMUNI-CATIONS 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

COMMUNI-CATIONS 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.

READINESS LEVEL 4

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) The geographical boundaries of the area 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 targets, 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 and isolating disorderly groups by sectoring, perimeter checkpoints, arrest, etc.
   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 check point posts - assign at least one disorder control squad, consisting of one sergeant and eight police officers, to each check point to perform the following:
         (a) Prevent disorderly persons from entering or leaving area through checkpoint.
         (b) Keep curiosity seekers and unauthorized persons out of area.
         (c) Reroute public or private transportation vehicles around the area.
         (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.

PCT. CO/ XO DUTY INSP./ DUTY CAPT./ OR UMOS OF HIGHER RANK (continued)

7. Instruct all supervisors on the following:
   a. Nature of the disorder.
   b. Mission and objectives, including specific objectives for specialized units.
   c. Reminder that independent or unauthorized actions will not be tolerated.
   d. Use minimum force necessary to achieve objectives.
   e. Location of arrest processing areas.
   f. Location of command post and appropriate telephone numbers.
   g. Post or sector boundaries, radio call signals and designated frequency.
   h. Use of specialized equipment.
   i. Tactics that will be utilized.
   j. Reporting ring schedules for command post, staggered for enforcement units every thirty minutes; hourly for all other concerned units.
   k. Need to immediately report important or unusual events.

NOTE *Captains may be assigned as commanders of Strategic Response Groups or borough sized precinct personnel contingents and will maintain unity of assignment for the particular unit commanded. (Team assignments are listed in ADDITIONAL DATA).*

8. Prepare for relief as follows:
   a. Have commander ending his/her tour confer with new Incident Commander.
   b. Have both commanders debrief all field commanders concerning:
      (1) Changing patterns of disorder
      (2) Strength of disorderly groups
      (3) Any police related incidents occurring during tour
      (4) Any recommendation as to changes in overall strategies, etc.

LIEUTENANT

9. Respond quickly and safely to stationhouse, ascertain the mobilization point, and respond promptly by RMP.
10. Assume duties as mobile field force commander.

NOTE *Lieutenants will be responsible for the performance of squads under their command. Squads will consist of one sergeant and eight police officers from each precinct in the assigned mobile field force.*

11. Assist Incident Commander, in the operation of the field command post, if directed.
12. Assume duty as either the Operations, Personnel, Intelligence or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.
13. Have helmet, baton, flashlight, **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)** and disorder control guidelines available on patrol in RMP.
14. Direct that Department vehicles be parked in designated spaces only, at mobilization point.
15. Follow instructions of captain/incident commander, instruct responding sergeants and collect **DETAIL ROSTER/ASSIGNMENT SHEETS**.
    a. Submit collected **DETAIL ROSTER/ASSIGNMENT SHEETS** to command post.

LIEUTENANT (continued)

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. Do not "punish," rather, be "professional" at all times.
    c. Ensure that only minimum force is used to achieve objectives.
    d. Be tolerant of verbal abuse uttered by civilians in crowd in attempting to provoke an incident.
    e. Maintain formation when advancing in a disorder situation.
    f. Maintain one arm's length distance between themselves and the adjoining member.
    g. "On guard" stance should be used by all members in either a line or wedge formation.
    h. Be aware of potential danger of rooftops and high ground locations, e.g., rock/bottle throwers, snipers, etc.
    i. 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.*

LIEUTENANT (continued)

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. 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.
    d. Do not permit unnecessary conversation.
    e. Do not permit officers to congregate on post.
    f. Do not permit unauthorized radio transmissions.
    g. 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, insure 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.
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. Post and/or sector boundaries.
    c. Nature of disorder.
    d. Equipment information.

SERGEANT (continued)

e. Mission of squad.
f. Location and phone number of command post and arrest processing area.
g. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers.
h. 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.
    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 to 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.*

- ***CHECKPOINT DUTY*** *- Identify borders of the disorder and provide checkpoints on appropriate roadways to create a system to:*
  a. Detour traffic around the disorder area
  b. Identify alternate routes for detoured traffic
  c. Prevent unauthorized entry into the disorder area
  d. Prevent disorderly groups from entering or exiting disorder area.

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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents	Procedure No: 213-06		
LARGE SCALE ARREST PROCESSING PROCEDURE			
DATE ISSUED: 05/26/21	DATE EFFECTIVE: 05/26/21	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.
   a. If prisoner is in possession of property:
      (1) Ensure completed **MASS ARREST PEDIGREE LABELS** are affixed to all receptacles that contain each individual prisoner's property.
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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-07	
UNUSUAL DISORDER MAPS			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide responding personnel with a graphic representation of possible police deployment and operation during an unusual disorder.

NOTE *Unusual disorder maps are also used to graphically represent actions taken by responding personnel as well as incidents, crimes, protest marches, etc., within the precinct concerned. These maps allow for the cross-referencing of the situation and intelligence logs and the personnel status boards. Additionally, these maps are an invaluable tool for both the incident commander and the command post staff.*

COMMANDING OFFICER

1. Procure eight large wall type precinct/police service area/transit district area maps from the Cartography Unit.
2. Mark each with sensitive and key locations necessary for operations planning in an unusual disorder.
3. Indicate the following locations by the corresponding colors and symbols:

GUN STORES	**RED**	
UTILITY FACILITIES	**BLUE**	
DIPLOMATIC FACILITIES	**ORANGE**	
RADIO REPEATERS	**GREEN**	
BUSINESS DISTRICTS	**OUTLINED IN BLACK**	
MOBILIZATION POINTS AND LANDING ZONES	**BLACK**	
MISCELLANEOUS AS DETERMINED BY COMMANDING OFFICER	**YELLOW**	

NOTE *These key and sensitive locations will by marked in two ways, as follows:*

*a. One by color indicating its location and type, **and***

b. One by graphic symbol, as indicated above.

Exact locations will be indicated, where possible, by drawing an arrow between the location in the appropriate color and the appropriate symbol on the side of the map.

COMMANDING OFFICER (continued)

4. Prepare an index listing the facilities on the map on separate sheet of paper and permanently attach the index to a non-essential area on the front of the map.

NOTE *Utilize a letter and number type index to differentiate between similar locations. For example, if there are three gun stores in the precinct/police service area/transit district area, they are listed on the map index as "A1," "A2," and "A3."*

5. Forward all eight maps to the Police Academy, Reproductions Unit, for lamination.

MEMBER CONCERNED, POLICE ACADEMY REPRODUC-TIONS UNIT

6. Laminate maps and return them, when completed, to originating command.

COMMANDING OFFICER, CONCERNED

7. Retain two laminated maps at command.
   a. Distribute the remaining six maps, as follows:
      (1) Two each to:
         (a) Patrol borough concerned
         (b) Operations Unit
         (c) Disorder Control Unit.

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 Plan - Formulating Plan (P.G. 213-08)
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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-08	
UNUSUAL DISORDER PLAN - FORMULATING PLAN			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 6

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 Disorder Control 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 Bureau.

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.*

NOTE *Include instructions, after conferral with borough commander, on how to notify those persons listed above.*

ADDITIONAL DATA (continued)

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***

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-09	
UNUSUAL DISORDER KITS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

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
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

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.*

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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-10	
EMERGENCY MOBILIZATION OF OFF DUTY PERSONNEL			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To direct the mobilization of off duty members of the service (uniformed and civilian) during emergencies.

SCOPE In the event of a mobilization of off duty personnel, members of the service (uniformed and civilian) who are scheduled to report for duty with the next scheduled platoon or are on a scheduled regular day off (RDO), will report to their permanent command or, if directed, an alternate mobilization point. Uniformed members of the service in the rank of captain or above will, in all cases, report to their permanent command. All other members will report as per their regularly scheduled tours. *EXAMPLE* - An off duty mobilization is activated on the third platoon. Those members scheduled to report for duty with the next scheduled first platoon, as well as all members on a regular day off, will immediately report to their permanent commands or mobilization points, as directed. All other members will report for their next scheduled tour of duty. Adhering to this schedule will allow for relief of mobilized personnel if the condition which originally necessitated the mobilization continues over an extended period.

NOTE *Off duty members of the service required to respond as per this procedure are being ordered to report for duty. Activation of this procedure will be transmitted via television, radio, or telephone.*

For the purposes of this procedure the standard first, second and third platoon system will be utilized. Members of the service not assigned to tours within this platoon system will be considered assigned to the platoon in which the majority of their tour hours are performed.

OFF DUTY MOBILIZATION PLATOON ASSIGNMENTS

MAJORITY OF TOUR PERFORMED DURING:	PLATOON ASSIGNED TO:
0000 hours - 0800 hours	First Platoon
0800 hours - 1600 hours	Second Platoon
1600 hours - 2400 hours	Third Platoon

The primary mobilization point for all activated off duty members of the service will be their permanent command. However, if circumstances dictate otherwise, the Police Commissioner, First Deputy Commissioner or the Chief of Department may require response to alternate mobilization points. Such alternate response points, determined by the member's residence, will be as follows:

SCOPE (continued)

LOCATION OF RESIDENCE	DESIGNATED MOBILIZATION POINT
• New York City (except Staten Island)	Permanent command
• Staten Island	122nd Precinct (if permanent command is not on Staten Island)
• Westchester, Rockland, Orange or Putnam Counties	50th Pct. Mobilization Point at Van Cortlandt Park, Broadway and Mosholu Avenue
• Nassau and Suffolk Counties:	
➢ North of Long Island Expressway	Flushing Meadows Park, 110th Pct. at the Queens Museum opposite the Unisphere
➢ South of Long Island Expressway	113th Pct. Mobilization Point at Baisley Pond Park, 150th Street and 133rd Avenue

ASSIGNMENT OF MOBILIZED PERSONNEL

All mobilized personnel and all personnel already on duty will be organized into squads consisting of one supervisor and eight police officers/detectives. Squad assignments will be recorded on **DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)**. To facilitate assignment, redeployment, and relief of personnel, members will be assigned and categorized as "on duty," "next platoon," and "regular day off." Mobilized members from the Patrol Services Bureau, Housing Bureau, and Transit Bureau will be assigned to the operational control of their respective bureau.

Mobilized personnel assigned to the next scheduled platoon will be utilized as per the needs of their permanent command. Personnel mobilized on their RDO will be organized into mobile field forces and deployed as rapid response units by their respective borough commands.

NOTE *A "mobile field force" is a platoon, under the command of a lieutenant, composed of three to five squads, consisting of one supervisor and eight police officers/detectives.*

The Chief of Detectives will determine which Detective Bureau personnel will be assigned to investigative functions, if necessary. Mobilized personnel not utilized in investigative functions will be assigned as directed by the Operations Unit. Other personnel (mobilized and on duty) not specifically assigned in this procedure will be deployed by the Operations Unit to supplement personnel within the Patrol Services Bureau, Housing Bureau and Transit Bureau.

Mobilized civilian members of the service will perform their routine duties at their permanent command, unless otherwise directed.

PROCEDURE Upon the direction of the Police Commissioner, First Deputy Commissioner, or the Chief of Department:

COMMANDING OFFICER/ DESK OFFICER, OPERATIONS UNIT

1. Prepare a off duty mobilization message detailing the pertinent information and instructions relative to the emergency situation and directing:
   a. All members of the service (uniformed and civilian) who are scheduled to report for duty with the next scheduled platoon, or are on a regular day off, to report to their permanent commands without delay, unless otherwise directed.

NOTE *The mobilization point (either permanent command or alternate) will be determined by the Police Commissioner, First Deputy Commissioner or the Chief of Department.*

   b. All other members of the service (uniformed and civilian) to report for their normally scheduled tours.
   c. Suspension of all training until further notice.
2. Request the Deputy Commissioner - Public Information have the off duty mobilization message broadcast over radio and television.
3. Activate and staff the Operations Unit Command Post and the NYPD Emergency Operations Center.
4. Direct and coordinate the movement of personnel and equipment during the emergency.
5. Direct the Communications Section to designate a telephone number for use by mobilized members of the service whose permanent command is closed.
6. Direct commands to make telephone notifications to members if off duty mobilization message is transmitted during early morning hours or at other times when members may not hear it.
   a. Notifications will also be directed if initial response of personnel is inadequate.
7. Notify key command personnel, direct.

NOTE *Deputy commissioners/bureau chiefs will provide the Operations Unit with a list of key command personnel to be notified in case of emergency. Included in that list will be a designated liaison officer (captain or above) who will act as a liaison with the Operations Unit. The liaison officer will be available to respond to the Operations Unit Command Post/NYPD Emergency Operations Center. Deputy Commissioners/Bureau Chiefs will be responsible for updating these lists and notifying the Operations Unit of changes.*

8. Request commands with Department buses and/or New York City Transit to dispatch buses to activated mobilization points or other location where needed.
   a. Notify commands concerned of the number of buses responding.
9. Direct the Fleet Services Division to prepare the emergency fleet for assignment and report the availability of fuel at Department facilities to the Operations Unit.

NOTE *Department vehicles, not in use, should be utilized if Department or New York City Transit buses are not available. In addition, the railway/subway systems and water vessels may be utilized.*

COMMANDING OFFICER/ DESK OFFICER, OPERATIONS UNIT (continued)

10. Notify the precincts and patrol boroughs concerned to activate and staff designated alternate mobilization points, if necessary.
11. Direct the Chief of Transportation to dispatch personnel as follows:
    a. Highway District vehicles to mobilization points to escort buses.
    b. Traffic control personnel to assist with traffic control at designated alternate mobilization points.
12. Designate a telephone number for use by mobilized members of the service whose permanent commands are closed at the time of the mobilization.
    a. Prepare a tape-recorded message that will continuously inform members of the service of mobilization particulars.
    b. Update message as needed.

PATROL BOROUGH COMMANDERS

13. Activate patrol borough command post, if not already activated.
14. Establish procedures for the coordination of precinct/designated mobilization points within the patrol borough.
    a. Maintain adequate communications between mobilization points and patrol borough.
15. Arrange for the rapid loading of buses to transport members of the service to their permanent commands if a mobilization point has been activated within the patrol borough.

COMMANDING OFFICER/ RANKING MEMBER - PERMANENT COMMANDS

16. Organize personnel (on duty and mobilized) into squads consisting of one supervisor and eight police officers/detectives.
    a. Record on **DETAIL ROSTER/ASSIGNMENT SHEET** by categories - "on duty," "next platoon," or "regular day off."
17. Assure adequate parking facilities are available for responding members.
    a. Street may be closed to provide parking areas.
    b. Provide security for such areas.
18. Notify patrol borough/counterpart of number of the following:
    a. Personnel available, by rank.
    b. Number of squads, by category.
    c. Number of personnel that have been assigned to address the needs of the command.
    d. Number of operational vehicles, by type.

NOTE *Patrol boroughs/counterparts will consolidate the personnel and vehicle figures and report the totals to the Operations Unit.*

19. Designate an existing telephone line(s), i.e., roll call, clerical, etc., to be utilized by members of the service for mobilization instructions.
    a. Designated line (s) should be one that will <u>not</u> adversely affect the command's ability to conduct Department business.
20. Assign personnel to establish and maintain the mobilization point, <u>if activated</u>, within the command.

COMMANDING OFFICER/ RANKING MEMBER - PERMANENT COMMANDS (continued)

21. Direct that telephone notifications be made to members of command, if off duty mobilization message is transmitted during early morning hours, or at other times when members may not hear it or if response is inadequate.
22. Notify key command personnel, direct (by telephone, through resident precinct, or other available means).

RANKING MEMBER AT MOBILIZATION POINTS

23. Establish field command post.
24. Arrange for traffic posts along routes into mobilization point.
    a. Request assistance from Transit Bureau for traffic control.
25. Arrange for security posts.
26. Assure that adequate parking is available for responding members of the service.
    a. Streets may be closed to provide parking and such areas should be identified and provided with proper security.
27. Arrange for transportation of personnel to permanent commands.
    a. Arrangements will be made through the patrol borough concerned to the Operations Unit.
28. Notify the Operations Unit of the number of personnel, by rank, who have reported for duty and the number who have been transported to their permanent commands.

DEPUTY COMMISSIONERS/ BUREAU CHIEFS

29. Prepare internal plans to assure operation and staffing of all necessary subordinate commands during an emergency.
30. Submit internal plans for mobilizing off duty members of the service (uniformed and civilian) to the Chief of Department and the First Deputy Commissioner, for approval.
    a. These plans shall be included in the command's "Unusual Disorder Plan," if applicable.
    b. Unusual Disorder Plans are to be reviewed annually and submitted to the Office of the Chief of Department, through channels, by February 1st, each year.

NOTE *Plans shall include instructions for the mobilization of uniformed members of the service beyond those needed to maintain essential services, and for those assigned to commands that are closed. The plan should specify mobilization points and a procedure for notifying the Operations Unit for appropriate deployment instructions. Overhead commands, e.g., Patrol Services Bureau, Housing Bureau, Detective Bureau, etc., will maintain communications with the Operations Unit. Sub-units <u>will</u> <u>not</u> call the Operations Unit direct. Such plans will be on file at the Operations Unit.*

ADDITIONAL DATA *If a specialized unit mobilization, requiring the off duty mobilizations of members assigned to that specialized unit only, is called, this procedure will not be implemented. The "Unusual Disorder Plans," for bureaus/commands/units, can be utilized for those purposes. These "Unusual Disorder Plans" contain listings of key personnel to be recalled.*

FORMS AND REPORTS ***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***

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)

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 Bureau, 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.

INCIDENT COMMANDER (continued)

f. If magnetometers are to be used at event.

13. Determine if all necessary permits have been requested and/or obtained.
14. Determine if security force is armed.
15. Ascertain if alcoholic beverages are going to be served at the event.
16. Confer with Intelligence Bureau to determine past history of similar events, if deemed appropriate.
    a. Conduct background checks on armed security (if known), event sponsors and the premises, if necessary.
17. Notify next higher command concerned of pre-event planning conference findings.

NOTE *In appropriate cases, the Intelligence Bureau will be conferred with to check the history of past events. The Police Department will not engage in any investigation of political activity except through the Intelligence Bureau and such investigation will be conducted as set forth in the guidelines contained in P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities.*"

<u>WHEN RESULTS OF PRE-EVENT SURVEY OR CONFERENCE INDICATE NECESSITY OF POLICE PRESENCE</u>:

18. Ensure other city agencies NOT represented at the pre-event planning conference (Fire Department, Parks Department, New York City Transit, Department of Sanitation, etc.,) have been notified, and receive all pertinent information, as necessary.
19. Request Deputy Commissioner Public Information disseminate appropriate information to the media regarding police presence, contact information, zero tolerance enforcement policy, etc.

NOTE *In cases in which the special event is a demonstration, information on expected street and sidewalk closings and information on how the public may access a demonstration site will be disseminated to the media and event organizers and should, if possible, be posted on the Department's website. Officers assigned to such events should be given detailed instructions on such closings and points of access prior to assignment. Detail supervisors should also be advised of street closures and points of access and any changes of points of access which occur during the event and which were not previously anticipated and publicized. Officers assigned to such events shall provide information to the public at the event about available points of access.*

20. Request all necessary personnel and equipment (e.g., command post vehicles, portable radios, bullhorns, sound equipment, barriers, vehicles, lighting, etc.), through patrol borough concerned.
21. Develop pre-event plan to include, but not be limited to, the following:
    a. Designation of security arrangements and responsibilities
    b. Identification of all contact persons, including telephone numbers
    c. Command post locations, if necessary
    d. Internal and external radio communication plan, including dual dispatch protocol, if necessary

INCIDENT COMMANDER (continued)

e. Entrance and exit locations and their capacities
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 Demonstration Observer Program established in cooperation with the Bar Association, City of New York permits properly identified observers free access through police lines at the scene of any demonstration. Observers will display prominently, on their outermost garment, a photo identification and a green armband bearing the inscription "Civilian Observer". 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)
Rapid Mobilization (P.G. 213-03)
Mobilization Readiness Levels (P.G. 213-04)
Duties and Responsibilities at Special Events (P.G. 213-15)
Citywide Incident Management System (CIMS) (P.G. 220 Series)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)

PURPOSE To deliver a programmed uniform and investigative response to an extremely serious crime such as the shooting of a police officer or an incident involving multiple homicides, where the crime occurred in the recent past and the perpetrators are not yet apprehended and are possibly in the vicinity of the crime.

PROCEDURE When IMMEDIATE assistance is required at the scene of an extremely serious crime, as described above:

UNIFORMED MEMBER

1. Notify Communications Section dispatcher upon arrival at the scene.
2. Request the response of:
   a. FDNY - EMS
   b. Patrol supervisor
3. Render reasonable aid to person(s) injured.
4. Apprehend perpetrator, if possible.
5. Secure crime scene.
6. Transmit description, direction, and means of flight of perpetrators.
7. Detain civilian witnesses.

PATROL SUPERVISOR

8. Respond immediately to scene.
9. Activate a LEVEL 1 MOBILIZATION and perform duties as detailed in *P.G. 213-03, "Rapid Mobilization."*
10. Notify duty captain.
    a. Utilize telephone, if possible.
11. Evaluate crime scene as secured by first responders and expand if necessary.
    a. Assign uniformed members of the service to secure inner and outer perimeter.
12. Have injured members of the service, and those suffering trauma, removed to the hospital.
    a. Assign a non-involved uniformed member to escort each individual in need of medical attention.

NOTE *Uniformed members, not directly involved in a firearms discharge, who have responded to assist the involved members should remain at the scene to contribute to the investigation. Where possible, uniformed member and potential civilian witnesses who have sustained minor injuries should be immediately debriefed by a responding supervisor or detective before leaving the scene for treatment. Additional ambulances should be dispatched to the scene and staged at or near the scene to assist the aforementioned persons, as necessary.*

13. Obtain brief synopsis of incident from uniformed members on the scene.
    a. Keep members and potential civilian witnesses available for responding detectives.
14. Establish firearms control, if necessary.

PATROL SUPERVISOR (continued)

15. Re-transmit description, direction and means of flight of perpetrators.
16. Establish Command Post.

NOTE *Command Post will initially be established in a Strategic Response Group Command Post vehicle. Sufficient room should be made at the initial placement site for TARU's Command Post.*

17. Request response of precinct detective squad.
18. Coordinate search for perpetrators and expand search pattern as necessary.
19. Assign uniformed members of the service to canvass license plates of vehicles in the area.
    a. Results of canvass will be delivered to responding detectives through the TARU/Detective Command Post.
20. Establish press area, if appropriate.
21. Assign a uniformed member of the service to record evidence recovered, person recovering, location and time of recovery.

NOTE *The responsibility of logging evidence may be transferred to the Detective Bureau Command Post, once established.*

22. Assign a uniformed member of the service to record the identities of responding members of the service, as well as personnel from the Fire Department, EMS, etc.
    a. Information will be delivered to the Command Post when established.

RESPONDING DETECTIVES

23. Interview initial responding uniformed members
24. Canvass area, as necessary.
25. Request response of Detective Bureau duty captain.

DESK OFFICER

26. Notify the following precinct personnel to respond (whether on or off-duty):
    a. Commanding officer
    b. Predetermined personnel as per command plan.
27. Notify the following of situation:
    a. Patrol borough concerned
    b. Operations Unit.

DUTY CAPTAIN

28. Notify, and continually update, the Operations Unit.
29. Activate "APPREHENSION PLAN" by telephone, if possible, or by Communications Section via Operations Unit.

NOTE *The duty captain need not be present at the scene to activate an APPREHENSION PLAN. Conferral with units on the scene, by radio or telephone, is sufficient to determine necessity of activation.*

DUTY CAPTAIN (continued)

30. Examine Mobilization Point and Command Post location for suitability.
    a. Change locations as necessary.

NOTE *Ideally, the Command Post vehicles assigned (Strategic Response Group, TARU) should all be located together and approximately one block from the incident. The Mobilization Point can also be located at the same site. If necessary, the Mobilization Point can be further away to allow for the response of personnel.*

31. Request response of duty inspector.
32. Request the response of additional captain(s) as per the Patrol Services Bureau plan to staff hospitals, coordinate traffic, etc.
33. Act as incident commander until relieved.
34. Confer with Detective Bureau personnel and adjust crime scene to ensure integrity of evidence and enhance possibility of capturing perpetrators.
35. Assign personnel, as soon as possible, to cover bridges, train and bus stations, airports, etc. if available information indicates need.

RESPONDING CAPTAINS

36. Confer with Incident Commander and respond to required location(s), i.e. hospital, additional crime scene, etc.

DETECTIVE BUREAU DUTY CAPTAIN

37. Respond to scene and assume command of investigative efforts.
    a. Establish investigative Command Post.

DUTY INSPECTOR

38. Respond to scene and assume responsibilities of incident commander until relieved.
    a. Assume command and supervision of Patrol Services Bureau, Housing Bureau and Transit Bureau personnel, if relieved as incident commander.

OPERATIONS UNIT

39. Activate APPREHENSION PLAN by activating a LEVEL 3 MOBILIZATION, if necessary.
    a. Exclude response of DECON truck.
40. Notify duty chief to respond.

DUTY CHIEF

41. Respond to scene and assume overall command as incident commander.
42. Conduct inter-bureau briefings every 30 minutes or as necessary.
    a. Update Operations Unit of results.
43. Continue search for perpetrators for a reasonable time.
    a. Discontinue search when perpetrator is captured or when facts indicate further search would be fruitless.

WHEN AN APPREHENSION PLAN IS ACTIVATED THE FOLLOWING COMMANDS WILL MAKE THE FOLLOWING NOTIFICATIONS:

OPERATIONS UNIT

44. Notify the following additional units or personnel to respond:
    a. ESU, for response of captain or citywide supervisor, Apprehension Team and RMI truck
    b. SOD patrol canine with bloodhounds
    c. Harbor Launch, if search area is near waterway
    d. Traffic Management Center and request necessary personnel to respond, if available, to cover bus and taxi routes
    e. Detective Bureau
    f. Housing Bureau
    g. Transit Bureau
    h. Deputy Commissioner, Public Information
    i. Chief Surgeon and Family Assistance Section, if uniformed member of the service seriously injured
    j. Chief, Community Affairs
    k. Bordering police jurisdictions of facts, if incident near city line.

DETECTIVE BUREAU

45. Notify the following units or personnel to respond:
    a. Detective duty captain to respond to field command post to coordinate investigative activities
    b. Sufficient detectives to:
        (1) Evaluate crime scene and modify, if necessary
        (2) Check all buildings in immediate area for video surveillance cameras located inside or outside buildings
        (3) conduct canvasses, including hospitals
        (4) Interview complainants, witnesses, members involved, etc.
        (5) Establish detective Command Post and ensure that TARU Command Post is responding
        (6) Obtain background/intelligence information (e.g., BCI, CARS, BADS, NITRO, ICAD, etc.)
        (7) Utilize confidential informants
        (8) Interrogate suspects
        (9) Debrief prisoners in surrounding precincts
        (10) Conduct line-ups, show-ups, photo arrays, etc.
        (11) Secure and execute search warrants, if appropriate
        (12) Subpoena telephone records, if appropriate.
    c. Crime Scene Unit to locate, develop and collect evidence
    d. Major Case Unit to assist assigned detectives, as necessary
    e. Warrant Section to identify/execute warrants in immediate area of incident
    f. TARU to establish command post, photograph and videotape the crowd for identification purposes and obtain media photographs/ videotape, if appropriate

DETECTIVE BUREAU

46. Detective Borough Wheel notifies the following personnel or units to respond:
    a. Bureau duty captain to respond to Field Command Post and coordinate activities of personnel in support of detective commander
    b. Detective Bureau member to conduct background checks on persons/ locations
    c. Narcotics/Vice Enforcement borough concerned to assign a supervisor and module to:
        (1) Conduct enforcement in area of incident or adjoining narcotics/vice prone locations, including social clubs
        (2) Contact confidential informants for relevant information
        (3) Debrief prisoners for relevant information.
    d. Supervisor and module from Citywide Investigations Division, if necessary to:
        (1) Obtain detailed information on organized crime figures, if required
        (2) Identify all informants for a particular precinct by code number and controlling member's name.
    e. Supervisor and module from Joint Firearms Task Force, if necessary to gather information on weapons used and conduct appropriate enforcement activity.

HOUSING BUREAU

47. Notify the following personnel and units to respond:
    a. Housing Bureau Captain/Supervisor to respond to Field Command Post to coordinate activities of Housing Bureau personnel
    b. Sufficient Housing Bureau personnel to patrol housing developments in general area of incident
    c. Housing Authority Emergency Services Unit to have a resident employee to respond if crime scene is located in a housing development or in close proximity.

TRANSIT BUREAU

48. Notify the following personnel and units to respond:
    a. Transit Bureau captain/supervisor to respond to Field Command Post to coordinate activities of Transit Bureau personnel
    b. Direct sufficient personnel to cover primary transit stations in general area of incident
    c. Direct Transit Bureau vehicles to cover emergency exits/entrances from subway system in area of incident
    d. Direct personnel to the nearest transportation hubs to conduct enforcement activity.

CHIEF OF TRANSPORTATION

49. Notify the following personnel and units to respond:
    a. Chief of Transportation captain/supervisor to respond to the field command post to coordinate activities of Chief of Transportation personnel
    b. Citywide Traffic Task Force to respond, if available, to cover bus and taxi routes.

ADDITIONAL DATA

COMMAND POST PROCEDURES - The duty chief will be the overall Incident Commander and will coordinate the activities of the patrol and detective command posts. Each command post should exchange representatives, hold briefings every half hour and maintain a consolidated list of actions taken. The duty inspector and the Detective Bureau duty captain should also hold joint briefings with the incident commander every thirty minutes.

CRIME SCENE - The size of the initial crime scene will depend on the circumstances. Initially, the crime scene should be very large. As time progresses and facts indicate, it may be reduced in size.

a. If the incident occurred inside one room of a private home, apartment, small business premises, etc., the ENTIRE premises should be considered the crime scene.

b. The crime scene should not be reduced in size or released without the approval of the Detective Bureau duty captain.

c. If the crime scene is released before daylight, the Emergency Service Unit will ALWAYS be asked to respond back to the crime scene to perform a daylight search.

INNER PERIMETER - Includes the crime scene, immediate area around the crime scene, and any area requiring the wearing of heavy vests.

OUTER PERIMETER - The purpose of the outer perimeter is to attempt to apprehend perpetrators, identify witnesses, and prevent physical evidence from being inadvertently removed, e.g., garbage trucks collecting garbage, mail boxes, etc. The size of the outer perimeter will depend on the circumstances of the incident and will include potential escape routes. Initially, an outer perimeter of a four block area would not be considered unreasonable. Uniformed members of the service should be posted on this perimeter as well as apartment building lobbies in the immediate area of the crime. If assigned to outer perimeter or lobby, uniformed members assigned should interview person(s) leaving the area and, if possible, identify those persons. Lists of persons interviewed, including the time and date of interviews should be turned over to investigators through the TARU/Detective Bureau Command Post.

VEHICLE PLATE CANVASS - Members assigned to plate canvasses should record the plate number, state of registration, make & model, location of the vehicle, and time of observation. Special note should be made of vehicles with warm engines.

BUREAU PLANS - Each bureau and sub-unit should have a plan in place to deal with incidents as described in this directive. These plans should be simple procedures which allow for a rapid investigation and apprehension of persons responsible for such crimes. Each bureau/unit plan should include a list of key precinct/unit personnel designated to respond to these incidents to offer assistance and local expertise to the investigators.

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 Occurrence Reports (P.G. 212-09)

PATROL GUIDE

Section: Mobilization/Emergency Incidents		Procedure No: 213-13	
EMERGENCY PLANS "A" - "B" - "C"			
DATE ISSUED: 07/19/16	DATE EFFECTIVE: 07/19/16	REVISION NUMBER:	PAGE: 1 of 2

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 Commanding Officer, Traffic Control Division 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 and Commanding Officer, Traffic Control Division.

PATROL GUIDE

Section: Mobilization/Emergency Incidents	Procedure No: 213-15		
DUTIES AND RESPONSIBILITIES AT SPECIAL EVENTS			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 6

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.*

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)

PATROL GUIDE

Section: Mobilization/Emergency Incidents	Procedure No: 213-16		
RELOCATION OF VEHICLES DURING SPECIAL EVENTS			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 3

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 Help 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)

PATROL GUIDE

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.

PATROL GUIDE

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.

PATROL GUIDE

Section: Mobilization/Emergency Incidents	Procedure No: 213-19		
INTEROPERABILITY CHANNELS			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 1

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)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-02	
NARCOTICS EVICTION PROGRAM			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 4

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

COMMANDING OFFICER/ EXECUTIVE OFFICER/ SPECIAL OPERATIONS LIEUTENANT

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

SPECIAL OPERATIONS LIEUTENANT

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

SPECIAL OPERATIONS LIEUTENANT (continued)

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

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

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

DIRECTOR, POLICE LABORATORY

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

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

SPECIAL OPERATIONS LIEUTENANT

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

UNIFORMED MEMBER OF THE SERVICE

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

SPECIAL OPERATIONS LIEUTENANT

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

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

COMMANDING OFFICER/ COUNTERPART

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

ADDITIONAL DATA

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

EXAMPLES OF DIRECT EVIDENCE include:

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

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

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

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

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

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

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

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

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

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

FORMS AND REPORTS

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

PATROL GUIDE

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

SPECIAL OPERATIONS LIEUTENANT

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

COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE

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

COMMANDING OFFICER, CITYWIDE VANDALS TASK FORCE (continued)

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

EXECUTIVE OFFICER, OFFICE OF THE CHIEF OF DEPARTMENT

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

ADDITIONAL DATA

ELIGIBILITY

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

OPERATIONAL CONSIDERATIONS

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

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Quality Of Life Matters	Procedure No: 214-05

SELECTION AND UTILIZATION OF AUXILIARY POLICE OFFICER VOLUNTEERS AS UNDERCOVERS FOR "QUALITY OF LIFE" ENFORCEMENT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 3

PURPOSE To establish guidelines for the utilization of auxiliary police volunteers as undercovers for "Quality of Life" enforcement, i.e., Alcohol Beverage Control Law, sale of box cutters, sale of spray paint cans/broad tip markers, etc.

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

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

SUPERVISOR OF BOROUGH VICE MODULE/ NEIGHBORHOOD COORDINATION SUPERVISOR

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

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

2. Ensure the auxiliary police officer volunteer has received the training course conducted by the narcotics borough, and training in safety, tactics and integrity conducted by the Auxiliary Police Section, and has signed the required affidavits at the appropriate time if the "Quality of Life" enforcement concerns underage drinking.
   a. Ensure a signed parental consent form is obtained if the volunteer auxiliary police officer is under the age of eighteen.

SUPERVISOR OF BOROUGH VICE MODULE/ NEIGHBORHOOD COORDINATION SUPERVISOR (continued)

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

BOROUGH AUXILIARY COORDINATOR

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

COMMANDING OFFICER, BOROUGH VICE MODULE

13. Forward "MONTHLY RECAPITULATION OF AUXILIARY POLICE UTILIZATION IN UNDERAGE DRINKING ENFORCEMENT REPORT" to the Commanding Officer, Auxiliary Police Section by the 10th day of the month, for the preceding month (see Auxiliary Guide procedures 6-7, attachments "B" or "C", for sample form).
14. Confer with the borough auxiliary coordinator and the Auxiliary Police Section, Training Unit as the pool of trained auxiliary police volunteers begins to diminish.
    a. Request recruitment of new volunteers and arrange for their training with the narcotics borough concerned.

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

PRECINCT SPECIAL OPERATIONS LIEUTENANT

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

RELATED PROCEDURES *Line of Duty Injury or Death – Auxiliary Police Officers (P.G. 216-13)*

Section: Quality Of Life Matters		Procedure No: 214-06
HOMELESS CONTACT GUIDELINES FOR UNIFORMED MEMBERS OF THE SERVICE		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 27	PAGE: 1 of 4

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

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

DESK OFFICER

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

COMMANDING OFFICER

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

PATROL BOROUGH COMMAND

15. Maintain a record of all homeless street condition sites and persistent congregations reported by subordinate commands, and notify the Office of the Chief of Patrol.
16. Notify Patrol Services Bureau, Incident Notification Response Unit (INRU) of all homeless contact information, upon conclusion of all "cold weather emergency" activations.
17. Report persistent locations to the Office of the Chief of Department via email, at homelessconditions@nypd.org.

OFFICE OF THE CHIEF OF DEPARTMENT

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

ADDITIONAL DATA

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

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

HEALTH AND HOSPITALS CORPORATION HOSPITALS

BRONX

Jacobi Hospital
1400 Pelham Parkway South

Lincoln Hospital
234 East 149th Street

North Central Bronx
3424 Kossuth Avenue

BROOKLYN

Coney Island Hospital
2601 Ocean Parkway

Kings County Hospital
451 Clarkson Avenue

Woodhull Hospital
760 Broadway

MANHATTAN

Bellevue Hospital
462 First Avenue

Harlem Hospital
506 Lenox Avenue

Metropolitan Hospital
1901 First Avenue

ADDITIONAL DATA *(continued)*

QUEENS

Queens Hospital Center
82-68 164th Street

Elmhurst Hospital Queens
79-01 Broadway

STATEN ISLAND

Richmond University Medical Center

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-07	
CASES FOR LEGAL ACTION PROGRAM			
DATE ISSUED: 09/30/19	DATE EFFECTIVE: 10/01/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure 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 under the "Cases for Legal Action" (CFLA) Program.

DEFINITION The warrants and designated crimes for which a New York City Public Housing resident is arrested, and subsequently can be targeted for possible eviction proceedings under the CFLA program, are classified as follows:

- (Category I) – All residents arrested as the result of a search warrant where contraband is recovered.
- (Category II) – All residents arrested for a felony narcotics related charge including those related to marijuana.
- (Category III) – All residents charged with one or more of the following charges:
  a. Murder 1st, 2nd or attempt
  b. Rape 1st or attempt
  c. Robbery 1st or 2nd
  d. Assault 1st
  e. Assault 2nd (When victim is shot by a firearm)
  f. Burglary 1st
  g. Arson 1st, 2nd or 3rd
  h. Criminal Sexual Act 1st or attempt
  i. Course of Sexual Conduct Against a Child 1st or attempt
  j. Aggravated Sexual Abuse 1st or attempt
  k. All firearms offenses listed in Article 265 of the N.Y.S. Penal Law.
- (Category IV) – Any other case deemed appropriate by a Commanding Officer after conferral with the CFLA coordinator and with the approval of the Chief of Housing Bureau.

PROCEDURE Whenever any uniformed member of the service effects an arrest of a New York City Public Housing resident 18 years of age or older pursuant to the execution of a search warrant where contraband is recovered, or for the commission of a designated crime committed on the grounds of any New York City Public Housing development, the following procedure will be complied with:

NOTE *For the purposes of this procedure it should be noted that a resident of public housing can still be subject to the provisions of this program even though:*

- *the resident is not arrested or present at the time the search warrant is executed, or*
- *the "triggering incident" (i.e., arrest pursuant to the execution of a search warrant where contraband is recovered or arrest for a designated crime) occurs in a housing development other than the one in which the resident lives.*

UNIFORMED MEMBER OF THE SERVICE

1. Upon arresting a New York City Housing Authority (NYCHA) resident pursuant to the execution of a search warrant where contraband is recovered or for a designated crime as defined in this procedure, prepare a CFLA package consisting of the following documents:
   a. **CASES FOR LEGAL ACTION COVER SHEET (PD149-090)**
   b. Copy of computer generated **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   c. Copy of computer generated **COMPLAINT REPORT (PD313-152)**
   d. Copy of **PROPERTY CLERK INVOICE (PD521-141)**, when prepared
   e. Copy of **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, when prepared
   f. Copy of NYCHA Trespass Notice, when prepared
   g. Copy of Search Warrant (not the application for a search warrant), when applicable
   h. District Attorney's Affidavit.
2. Forward completed CFLA package to the arresting officer's commanding officer/designee.

NOTE *Arresting officers will redact any information which may indicate the identity of a confidential informant, a juvenile (other than Juvenile Offender), victim of a sex crime or any other sealed records or confidential information required by law.*

COMMANDING OFFICER/ DESIGNEE

3. Verify a CFLA package has been prepared for all qualified arrests.
4. Ensure completeness of CFLA packages.
5. Forward CFLA packages daily to the Housing Bureau Special Operations Section, 2768 Eighth Avenue, Room 507, New York, New York, 10013, Attention: CFLA Coordinator.

CFLA COORDINATOR

6. Review packages for completeness and ensure information is redacted, as necessary.
7. Identify cases eligible for the Housing Authority's Expedited Eviction Program.
8. Process and forward CFLA packages to the New York City Housing Authority daily to initiate proceedings.

RELATED PROCEDURES

Duplicate Copies of Complaint Reports (P.G. 207-05)
Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Complaints (P.G. 207-08)
Search Warrant Applications (P.G. 212-75)
Narcotics Eviction Program (P.G. 214-02)

FORMS AND REPORTS

CASES FOR LEGAL ACTION COVER SHEET (PD149-090)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-08	
CHRONIC ABUSER ALARM PROCEDURES			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 4

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

CRIME PREVENTION OFFICER

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

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

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

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

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

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

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

CRIME PREVENTION OFFICER (continued)

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

TERMINATING RESPONSE TO CHRONIC ALARM LOCATIONS:

PRECINCT OPERATIONS COORDINATOR

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

PRECINCT COMMANDING OFFICER/ DESIGNEE

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

PRECINCT COMMANDING OFFICER

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

PRECINCT COMMANDING OFFICER (continued)

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

REINSTATEMENT OF RESPONSE FOR TERMINATED CHRONIC ALARM LOCATIONS:

PRECINCT COMMANDING OFFICER

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

ADDITIONAL DATA

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

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

FORMS AND REPORTS

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

PATROL GUIDE

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

DESK OFFICER

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

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

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

PATROL GUIDE

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

PURPOSE To prevent unlawful posting of signs on public streets.

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL GUIDE

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

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

1. Immediately notify the patrol supervisor.

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

PATROL SUPERVISOR

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

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

ADDITIONAL DATA

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

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

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-12	
UNLAWFUL EVICTIONS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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

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

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

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

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

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

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

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

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

DWELLING UNIT - Any residential accommodation within a dwelling.

DEFINITIONS (continued)

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

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

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

PROCEDURE

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

UNIFORMED MEMBER OF THE SERVICE

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

ADDITIONAL DATA

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

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

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

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

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

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

RELATED PROCEDURES

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

FORMS AND REPORTS

COMMON SUMMONSABLE OFFENSES (PD160-102)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-13	
EVICTIONS, REPOSSESSIONS AND OTHER CIVIL PROCESS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

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

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

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

DESK OFFICER

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

4. Respond to scene and assess situation.

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

IF SUBJECT OF EVICTION OR OTHER CIVIL PROCESS ALLOWS ENTRY:

UNIFORMED MEMBER OF THE SERVICE

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

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

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

7. Notify desk officer when the eviction is competed.

RELATED PROCEDURES

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

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

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

DESK OFFICER

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

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

DESK OFFICER (continued)

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

ADDITIONAL DATA

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

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

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

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

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

ADDITIONAL DATA (continued)

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

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

<u>Subd. b.</u>

Owners or operators of parking facilities may not have improperly parked vehicles towed under this section unless the owner or operator maintains a conspicuously posted sign on the private property stating:

(1) Name, address, and telephone number of the tow company
(2) Hours of operation for vehicle redemption
(3) Towing and storage fees of the tow operator
(4) Hours vehicle are prohibited from parking and subject to tow.

<u>Subd. d.</u>

Prohibits vehicle removal if it is occupied by any person.

<u>Subd. f.</u>

Requires the tow company to notify the local precinct covering the place of removal within thirty (30) minutes of the vehicle's arrival at the tow operator's storage facility as to:

(1) Name and address of tower
(2) Storage site
(3) Location from which vehicle removed
(4) Name of person who authorized removal
(5) Removal was pursuant to a contract with the owner of the private property.
(6) Year, make and color of vehicle
(7) Registration plate number
(8) Name of member of the service notified at Stolen Property Inquiry Section.

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

<u>Subd. g.</u>

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

<u>Subd. i.</u>

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

<u>Subd. j.</u>

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

<u>Subd. k.</u>

Exempts certain vehicles from tow, including police, fire, civil defense, emergency ambulance, sanitation and environmental emergency.

RELATED PROCEDURES	*Preliminary Investigation, Recording and Transmission of Alarms for Stolen Vehicles (P.G. 207-11)* *Vehicles Stolen and Recovered Within New York City (P.G. 218-14)* *Rotation Tow (P.G. 218-21)*
FORMS AND REPORTS	***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)*** ***REPORT OF VIOLATION (PD672-151)*** ***ROTATION TOWING LOG (PD571-1412)***

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-15	
ANONYMOUS CONTROLLED SUBSTANCE PROGRAM			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To assist parents/guardians in determining if substance found or suspected to be under the control of their children is in fact a controlled substance.

NOTE *Persons using this program shall remain anonymous and NO criminal charges or investigation will be instituted against them unless it is evident the program is being used to circumvent the law.*

PROCEDURE When a person indicates a desire to participate in the program:

MEMBER OF THE SERVICE

1. Direct person to call local precinct and comply with directions of desk officer.

DESK OFFICER

2. Ascertain from caller the amount of suspected controlled substance involved.
3. Give caller code phrase consisting of:
   a. Precinct designation AND
   b. Any letter of alphabet AND
   c. A randomly selected three digit number, e.g., 23-B-567.
4. Instruct caller to record and carry the code phrase on his person while enroute to command.

NOTE *The purpose of the code phrase is to protect caller who may become the subject of a search while enroute to the command.*

5. Inform person the code phrase will expire in one hour:
   a. Investigate circumstances if one hour deadline is exceeded
   b. Continue processing if delay is beyond control of person.
6. Immediately dispatch RMP to location agreed upon by caller and transport caller to command, if there is reason to believe a felony amount of controlled substance is involved.
7. Make appropriate entries in Command Log indicating the following information:

CODE PHRASE	TIME/DATE	LOCATION	SECTOR ASSIGNED	VOUCHER NUMBER	DESK OFFICER
ANALYSIS	ENTERED BY	DATE PERSON CALLED	REFERRED	REMARKS	DESK OFFICER

8. Have the following forms prepared:
   a. **ANONYMOUS NARCOTICS RECEIPT (PD521-012)**
   b. **PROPERTY CLERK INVOICE (PD521-141)**.
9. Instruct person to retain copy of **ANONYMOUS NARCOTICS RECEIPT** and call command after seven working days to obtain analysis results by identifying self with the code phrase.
   a. Duplicate copy of receipt will be filed in Property Receipt Book.

COMMANDING OFFICER, POLICE LABORATORY

10. Forward completed analysis findings to commanding officer, command concerned.

COMMANDING OFFICER, COMMAND CONCERNED

11. Have results of analysis (positive or negative) entered in Command Log, in margin next to original entry.

DESK OFFICER

12. Give results of analysis (positive or negative reply ONLY) when person calls with appropriate code phrase.
13. Advise person to contact family physician or appropriate social service agency for referral to treatment program if results are positive.
14. Ask person if he/she wishes to cooperate in investigating source of controlled substance while still maintaining anonymity.
    a. Obtain as much information as possible, if person cooperates and comply with *P.G. 212-12, "Citywide Intelligence Reporting System"*.

ADDITIONAL DATA

If an individual is being searched in an unrelated arrest, etc., and a controlled substance is discovered and such person claims to be participating in the Anonymous Controlled Substance Analysis Program, the searching officer will take the person to the precinct of occurrence and verify the person's participation by contacting the precinct which issued the code phrase. An arrest will be made for possession of a controlled substance if person's participation cannot be verified. If the individual is participating in the program and the precinct of occurrence is not the command that issued the code phrase, the desk officer will notify the issuing command to cancel the code phrase. The desk officer, precinct of occurrence, will then issue a new code phrase and process the controlled substance as outlined in this procedure.

RELATED PROCEDURES

Processing Controlled Substances/Marijuana Contraband Stored at Stationhouse (P.G. 218-24)
Processing Controlled Substances/Marijuana Contraband Not Stored at Stationhouse (P.G. 218-25)
Delivery of Evidence to the Police Laboratory (P.G. 218-04)
Removal and Return of Evidence to Property Clerk Division (P.G. 218-07)
Citywide Intelligence Reporting System (P.G. 212-12)

FORMS AND REPORTS

ANONYMOUS NARCOTICS RECEIPT (PD521-012)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

1. Request supervisor on patrol to respond.

PATROL SUPERVISOR

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

UNIFORMED MEMBER OF THE SERVICE

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

ADDITIONAL DATA

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

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

FORMS AND REPORTS

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

PATROL GUIDE

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

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

PROCEDURE Upon observing a vacated building, while on patrol:

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

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

TELEPHONE SWITCHBOARD OPERATOR

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

COMMANDING OFFICER

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

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

PATROL GUIDE

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

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

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

DESK OFFICER

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL GUIDE

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL SUPERVISOR

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

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

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

EMERGENCY SERVICE UNIT

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

DESK OFFICER

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

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

PATROL GUIDE

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

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

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

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

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

SUPERVISOR CONCERNED

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

COMMANDING OFFICER/ DUTY CAPTAIN

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

OPERATIONS UNIT

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

COMMANDING OFFICER BUILDING MAINTENANCE SECTION

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

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

DESK OFFICER

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

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

COMMANDING OFFICER BUILDING MAINTENANCE SECTION

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

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

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

PATROL GUIDE

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

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

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

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

DESK OFFICER

1. Record notification from Safe Horizon in Telephone Record.

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

PATROL GUIDE

Section: Quality Of Life Matters	Procedure No: 214-22

WEEKLY STREET CONDITIONS SURVEY & DAILY OBSERVATIONS OF HIGHWAY CONDITIONS REQUIRING CORRECTIVE ACTION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To notify agencies concerned of Highway/Community conditions under their jurisdiction which require corrective action.

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

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

UNIFORMED MEMBER OF THE SERVICE

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

TELEPHONE SWITCHBOARD OPERATOR

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

WEEKLY STREET CONDITIONS SURVEY REPORT

SUPERVISOR, SECOND PLATOON, SUNDAY

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

MEMBER ASSIGNED TO RMP UNIT

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

DESK OFFICER

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

OPERATIONS COORDINATOR

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

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

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

TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE

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

TRAFFIC SAFETY OFFICER/ DESIGNATED ALTERNATE (continued)

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

b. File pink copy of form in command.

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

DESK OFFICER, SECOND PLATOON, MONDAY

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

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

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

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

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

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

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

FORMS AND REPORTS ***HIGHWAY CONDITION RECORD PD311-151)***
WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)

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

DEFINITIONS

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

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

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

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

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

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

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

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

(5) Voucher the photograph as evidence.

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

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

PATROL SUPERVISOR/ LIEUTENANT PLATOON COMMANDER

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

COMMANDING OFFICER/ DUTY CAPTAIN

10. Determine whether a warrantless entry is permissible based on type of premise:
    a. Private,
    b. Open to the Public,
    c. Abandoned Property.
11. Request the response of other Department resources (e.g., Strategic Response Group, Vice Enforcement Unit, Detective Bureau, etc.), as appropriate.
12. Determine if exigent circumstances exist that would authorize a warrantless entry such as:
    a. Dangerous overcrowding condition (request response of FDNY)
    b. Minors who appear intoxicated (e.g., vomiting, unsteady on their feet, etc.)

COMMANDING OFFICER/ DUTY CAPTAIN (continued)

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

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

COMMANDING OFFICER

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

ADDITIONAL DATA

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

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

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

RELATED PROCEDURES

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

FORMS AND REPORTS

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

PATROL GUIDE

Section: Quality Of Life Matters	Procedure No: 214-24

SERVICE OF CIVIL SUMMONS RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) FOR VEHICLE ALARMS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 3

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

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

UNIFORMED MEMBER OF THE SERVICE

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

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

UNIFORMED MEMBER OF THE SERVICE (continued)

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

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

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

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

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

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

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

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

RELATED PROCEDURES *Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) – General Procedure – Non-CJRA Offenses (P.G. 209-12)*
Deactivation of Motor Vehicle Alarms (P.G. 214-25)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS ***CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)***
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)

PATROL GUIDE

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

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

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

UNIFORMED MEMBER OF THE SERVICE

1. Immediately attempt to locate owner of the vehicle.

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

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

DESK OFFICER

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

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

UNIFORMED MEMBER OF THE SERVICE

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

ADDITIONAL DATA

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

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

RELATED PROCEDURES

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

PATROL GUIDE

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

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

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

DESK OFFICER

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

UNIFORMED MEMBER OF THE SERVICE

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

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

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

PATROL GUIDE

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

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

PROCEDURE When snow has stopped falling:

UNIFORMED MEMBER OF THE SERVICE

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

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-29	
DERELICT VEHICLES BEARING REGISTRATION PLATES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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

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

PROCEDURE Upon observing a derelict vehicle bearing registration plates:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if vehicle has been reported stolen via appropriate Department resources (i.e., databases, **COMPLAINT REPORTS [PD313-152]**, **VEHICLE THEFT SUPPORTING DEPOSITIONS [PD371-083]**, etc.).
   a. Comply with *P.G. 218-14, "Vehicle Stolen and Recovered Within New York City,"* or *P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* as appropriate, and *P.G. 218-21, "Rotation Tow,"* if vehicle is reported stolen.
   b. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for derelict vehicle and enter "DERELICT" in "Remarks," if vehicle is reported stolen or required as evidence.

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

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

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Prepare **PROPERTY CLERK INVOICE** for registration plates.
5. Notify owner to immediately remove vehicle, and pick up registration plates within five days.
   a. Make entry in **HIGHWAY CONDITION RECORD (PD311-151)** regarding notification or attempted notification.
6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify.

DESK OFFICER

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

TELEPHONE SWITCHBOARD OPERATOR

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

RELATED PROCEDURES

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

FORMS AND REPORTS

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

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-30	
REMOVAL OF EXPIRED REGISTRATION PLATES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

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

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

UNIFORMED MEMBER OF THE SERVICE

1. Determine:
   a. Name and address of registered owner, and
   b. If vehicle has been reported stolen, or is derelict or abandoned.
      (1) Comply with *P.G. 218-14, "Vehicle Stolen and Recovered within New York City," or P.G. 218-15, "Vehicle Stolen Outside of New York City and Recovered Within New York City,"* if vehicle is reported stolen, or
      (2) Comply with *P.G. 214-29, "Derelict Vehicles Bearing Registration Plates,"* if vehicle is derelict, or
      (3) Comply with *P.G. 218-21, "Rotation Tow"* in conjunction with the following steps, if vehicle is abandoned.
2. Issue summons for unregistered vehicle, if vehicle has not been reported stolen.
3. Remove registration plates.
   a. Prepare **REGISTRATION PLATE REMOVAL NOTICE (PD571-120)**, if vehicle has New York State registration plates.
      (1) Enter word "DERELICT" in lower left corner.
      (2) Deliver Part 1 of **REGISTRATION PLATE REMOVAL NOTICE** and registration plates to desk officer.
   b. Prepare **EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)** and affix to driver's side window, if vehicle has out of state registration plates.
      (1) Affix on roadway side of vehicle in a conspicuous, easily observable location, if window is broken.
4. Notify Stolen Property Inquiry Section of:
   a. Date and time registration plates removed,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. If registered owner was notified.
5. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for registration plates.

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Record pertinent information in digital **Activity Log**, including, but not limited to:
   a. Date and time registration plates removed, if necessary,
   b. Location of vehicle,
   c. Year and make of vehicle,
   d. Vehicle Identification Number,
   e. Registration plates' number, month and year of expiration,
   f. Name and address of registered owner,
   g. If reported stolen or required as evidence, and
   h. Name of person notified, or attempted to notify
7. Comply with *P.G. 218-21, "Rotation Tow,"* as appropriate.

DESK OFFICER

8. Notify next participating tow operator in Rotation Towing Program.
9. Safeguard registration plates in appropriate storage location within command.
   a. Return plates to registered owner, or representative at command upon presentation of valid identification and current registration.
   b. Prepare report on **Typed Letterhead** addressed to the appropriate Commissioner of Motor Vehicles, if registration plates are unclaimed after five days, and include:
      (1) Location and status of recovered vehicle,
      (2) Plate number,
      (3) Name and address of registrant,
      (4) Each plate number removed from the vehicle,
      (5) Date of removal, and
      (6) **PROPERTY CLERK INVOICE** number.
10. Forward registration plates and report on **Typed Letterhead** to appropriate Department of Motor Vehicles, if plates are unclaimed after five days.
    a. File copy of **Typed Letterhead** at command.
    b. Complete the "Release/Disposition – Return To Owner" function of **PROPERTY CLERK INVOICE**, which lists the registration plates, and indicate appropriate Department of Motor Vehicles as owner.

ADDITIONAL DATA

Upon observing an OCCUPIED VEHICLE on a street, highway, or other public place with expired New York State registration plates and/or no registration sticker, the uniformed member of the service will, in addition to other required police action, remove the vehicle to the stationhouse and comply with the provisions of P.G. 218-12, "Safeguarding Vehicles in Police Custody."

RELATED PROCEDURES

Derelict Vehicles Bearing Registration Plates (P.G. 214-29)
Safeguarding Vehicles in Police Custody (P.G. 218-12)
Vehicle Stolen and Recovered Within New York City (P.G. 218-14)
Vehicle Stolen Outside of New York City and Recovered Within New York City (P.G. 218-15)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
REGISTRATION PLATE REMOVAL NOTICE (PD571-120)
EXPIRED REGISTRATION PLATE REMOVAL PROGRAM (PD571-124)
Typed Letterhead

PATROL GUIDE

Section: Quality Of Life Matters	Procedure No: 214-31

REMOVAL OF VEHICLES FROM PARKWAYS, HIGHWAYS AND EXPRESSWAYS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To reduce congestion and increase safety on controlled access highways.

PROCEDURE Upon arriving at the scene of a disabled vehicle impeding traffic on a highway, parkway, expressway, etc., and the vehicle is unattended or the owner or person in charge of the vehicle refuses to hire the franchised towing service:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain from Communications Section if vehicle is wanted on an alarm.
   a. Take appropriate action if vehicle is wanted.
2. Advise owner or person in charge of vehicle who refuses to hire tow car that:
   a. Administrative Code, Section 20-511, subdivision q, requires that the vehicle be removed from the highway.
   b. Vehicle will be removed to place of business of the tow car operator.
   c. Tow car owner is entitled by law to charge towing and storage fees.
   d. Vehicle owner or his representative will be required to appear at precinct of occurrence with current vehicle registration certificate and obtain a written release prior to reclaiming vehicle from tow car operator's place of business.
3. Advise owner or person in charge of vehicle who refuses to hire authorized tow car to remove from vehicle personal property before vehicle is towed.

NOTE *If vehicle is unattended or owner or person in charge refuses to remove personal property, list such property in digital* ***Activity Log****, call attention of tow car operator to listed property and have tow car operator sign digital* ***Activity Log****. Do not remove property from vehicle.*

4. Record in digital **Activity Log**:
   a. Make, year and color of vehicle
   b. Registration plate number, state and year
   c. Location from which towed
   d. Towing service name, address and medallion number of tow car
   e. Name and address of owner or person in charge of vehicle at scene.
5. Sign tow car operator's authorization to tow vehicle if owner or person in charge refuses to hire tow car or vehicle is unattended.
6. Deliver copy of "Authorization to Tow" form to desk officer.

DESK OFFICER

7. Notify Stolen Property Inquiry Section immediately of details concerning removal.
8. Ascertain ownership of vehicle if owner not present at scene.
9. Notify owner, if not present at scene, of location where vehicle stored and that registration certificate must be presented at precinct to obtain release for vehicle.
10. Enter details of removal in Command Log.
    a. Include information listed in step four above and identity of uniformed member of service, the registered owner, and member at Stolen Property Inquiry Section notified.

DESK OFFICER (continued)

11. File "Authorization to Tow" form in Property Receipt Book.

WHEN VEHICLE OWNER OR HIS REPRESENTATIVE APPEARS AT STATIONHOUSE TO OBTAIN RELEASE:

DESK OFFICER

12. Inspect Command Log entry.
13. Examine registration certificate.
14. Question claimant to determine if vehicle reported stolen.
    a. Ensure that alarm, if any, is canceled before preparing release for vehicle.
15. Have **COMPLAINT REPORT (PD313-152)** prepared if vehicle stolen but not yet reported:
    a. Note under details that vehicle is recovered
    b. Close **COMPLAINT REPORT** unless additional investigation is required
    c. Telephone facts to precinct concerned if theft occurred in another command.
16. Have two copies of release, addressed to Tow Car Service, prepared on **OFFICIAL LETTERHEAD (PD158-151)** including:
    a. Name and address of owner or representative who will claim vehicle
    b. Make, color, registration number of vehicle
    c. Time, date and location from which removed.
17. Have claimant sign second copy of release and file in Property Receipt Book.
18. Give original copy to claimant and inform him that tow and storage charges must be paid to tow car owner.

ADDITIONAL DATA

Highway District vehicles equipped with "protective bumper guards" may push disabled vehicles obstructing active traffic lanes to the nearest location where they may be parked safely. Under no circumstances will disabled vehicles be pushed to repair shops or onto private property.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
OFFICIAL LETTERHEAD (PD158-151)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-32	
DISCARDED REFRIGERATORS, FREEZERS AND OTHER SELF LOCKING CONTAINERS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To prevent injury to children.

PROCEDURE Upon finding a refrigerator, freezer or other self locking container in a place accessible to the public:

UNIFORMED MEMBER OF THE SERVICE

1. Direct person responsible, if known, to remove the door, door latch or latch stop.
   a. If owner known and refuses to comply, make arrest.
2. Remove the door, door latch, or latch stop if tools are available and owner unknown.
3. Summon Emergency Service Unit through the Communications Section dispatcher if unable to make device safe.

EMERGENCY SERVICE UNIT CREW

4. Respond to location.
5. Remove the door, door latch, or latch stop.
6. Make entry in digital **Activity Log** of time and location.

UNIFORMED MEMBER OF THE SERVICE

7. Make entry in digital **Activity Log** of facts, including names of Emergency Service Unit members who responded to scene.

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-33	
CARE AND DISPOSITION OF ANIMALS			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To properly investigate complaints involving dangerous animals/dogs requiring a police response.

SCOPE It is the intent of this procedure to ensure that all complaints of dangerous animals/dogs are recorded properly and reported to the New York City Department of Health and Mental Hygiene, as well as to provide for the safe and humane handling of such animals when encountered by members of the service. This includes animals that are owned, wild, lost or stray, abandoned, or used for fighting or intimidation purposes. If the animal is gone upon arrival of member of service at the scene, a **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** must still be prepared, regardless of whether or not a person has been injured by the animal. Offenders engaging in animal cruelty will be arrested and processed for a **DESK APPEARANCE TICKET**, if eligible.

DEFINITIONS ANIMAL – Shall mean mammals, amphibians, reptiles, birds or insects.

DANGEROUS ANIMAL – For the purpose of this procedure, a dangerous animal shall mean any animal which menaces, threatens, attacks or bites a person. A dangerous animal can also be a wild animal which is defined as any animal naturally inclined to do harm and capable of inflicting harm upon human beings.

DANGEROUS DOG – Shall mean any dog:

a. That when unprovoked, approaches, or menaces any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, upon the streets, sidewalks, or any public grounds or places; OR
b. With a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; OR
c. Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, without provocation on public or private property; OR
d. Owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting.

PROCEDURE When a uniformed member of the service responds to a complaint involving a dangerous animal/dog, regardless of whether or not a person was injured by the animal:

UNIFORMED MEMBER OF THE SERVICE

1. Have Communications Section dispatcher request a unit from the Animal Care and Control of New York City (A.C. & C.) respond to the scene, if the animal presents a danger or may have been left uncared for.
2. Prepare **DANGEROUS ANIMAL/BITE REPORT** and, if required, **AIDED REPORT**, in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on forms.

NOTE *Animal Care and Control of New York City (A.C. & C.) Animal Rescue Units are in service Monday through Friday from 0800 to 2000 hours. The Brooklyn A.C. & C. of New York City control center is open twenty four hours, seven days a week to uniformed members of the Department. All other borough control centers are open during business hours, Tuesday through Saturday.*

Members of the service who require emergency assistance from A.C. & C. of New York City between 2000 and 0800 hours weekdays and twenty four hours a day on weekends and holidays should contact the Operations Bureau, providing pertinent details and the name of the contact person at the scene. Operations Bureau personnel will then notify an A.C. & C. of New York City member who is on-call to respond for emergencies and/or to provide instructions.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Request an Emergency Services Unit to respond to the scene, if response by A.C. & C. of New York City cannot be made expeditiously (fifteen to thirty minutes) or cannot be ascertained, or if animal's owner or person in control of a premises where animal is located is arrested, hospitalized, etc., and no one is able to provide for the animal's care.
4. Deliver animal to an A.C. & C. of New York City representative, if A.C. & C. of New York City responds to the scene.
5. Request patrol supervisor to respond to the scene.

EMERGENCY SERVICE UNIT

6. Secure the animal and prepare it for transportation by RMP to an A.C. & C. of New York City facility, as appropriate.

PATROL SUPERVISOR

7. Assign resource to transport animal to an A.C. & C. of New York City facility, if necessary.

NOTE *When it is necessary to transport an animal to an A.C. & C. of New York City facility, direct that a kennel be brought to the scene from the command concerned. If necessary, additional kennel(s) may be requested from an adjoining command or the patrol borough concerned. <u>Under no circumstances</u> shall an animal be placed into the trunk of a Department vehicle.*

MEMBER ASSIGNED TO TRANSPORT

8. Place kennel into the backseat of RMP.
   a. Remove rear seat from vehicle, if necessary.
9. Transport animal to an A.C. & C. of New York City facility.
   a. Obtain receipt from A.C. & C. of New York City and deliver to desk officer.

NOTE *Members of the service delivering any animal to an A.C. & C. of New York City facility must be able to articulate the circumstances surrounding the reasons for the animal coming into police custody, including the owner's name and address, if known.*

UNIFORMED MEMBER OF THE SERVICE

10. Take appropriate enforcement action against owner or person in possession of animal and remove to command, if necessary.
11. Report facts to desk officer.
12. Deliver **DANGEROUS ANIMAL/BITE REPORT** and submit **AIDED REPORT**, if prepared, to desk officer.

NOTE *Department form **DANGEROUS ANIMAL/BITE REPORT** will be prepared in EVERY instance of a dangerous animal condition whether the animal is taken into custody or not. This form will assist the New York City Police Department and the Department of Health and Mental Hygiene in tracking dangerous animal complaints.*

UNIFORMED MEMBER OF THE SERVICE (continued)

13. Process offender for **DESK APPEARANCE TICKET**, if eligible.
    a. Include **DANGEROUS ANIMAL/BITE REPORT**, if prepared, with other arrest paperwork and note on **ARREST CHECKLIST (PD244-041)**.
14. Enter facts in digital **Activity Log**.

DESK OFFICER

15. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.
16. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
17. Notify Department of Health and Mental Hygiene by telephone of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being.
18. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
19. File command copy of **DANGEROUS ANIMAL/BITE REPORT**.

ADDITIONAL DATA *Pursuant to Article 26, Agriculture and Markets Law, Section 371, of New York State entitled "Power of Police Officer," police officers may arrest any person violating any provisions of this article and may lawfully take animals into custody to prevent the perpetration of any act of cruelty upon any animal. Upon arrest for such violation, the arresting officer will issue a **DESK APPEARANCE TICKET** if qualified, returnable to Criminal Court (see P.G. 208-27, "Desk Appearance Ticket - General Procedure").*

For purposes of this procedure, applicable sections of Article 26, Agriculture and Markets Law are:

a. Section 351 - Prohibition of Animal Fighting - Section 351.(2) Unclassified Felony, Section 351.(3 & 4) - Unclassified Misdemeanor.

b. Section 353 - Overdriving, Torturing, and Injuring Animals; Failure to Provide Proper Sustenance - Unclassified Misdemeanor.

c. Section 353-a - Aggravated Cruelty to Animals - Unclassified Felony.

d. Section 355 - Abandonment of Animals - Unclassified Misdemeanor.

e. Section 356 - Failure to Provide Proper Food and Drink to Impounded Animal - Unclassified Misdemeanor.

f. Section 359 - Carrying Animal in a Cruel Manner - Unclassified Misdemeanor.

g. Section 360 - Poisoning or Attempting to Poison Animals - Unclassified Felony (horses, mules or domestic cattle); Unclassified Misdemeanor (all other animals).

h. Section 361 - Interference With or Injury to Certain Domestic Animals - Unclassified Felony.

ADDITIONAL DATA (continued)

i. Section 365 - Clipping or Cutting the Ears of Dogs - Unclassified Misdemeanor.

j. Section 368 - Operating Upon Tails of Horses Unlawful - Unclassified Misdemeanor.

k. Section 374 - Humane Destruction or Other Disposition of Animals Lost, Strayed, Homeless, Abandoned or Improperly Confined or Kept - Unclassified Misdemeanor.

For the purpose of this procedure, applicable sections of Title 17, New York City Administrative Code are:

a. Section 17-343 - Acquisition of a Dangerous Dog Prohibited.
b. Section 17-346 - Confiscation and/or Confinement of a Dangerous Dog.
c. Section 17-351 - Enforcement.

All three Administrative Code sections cited are Unclassified Misdemeanors.

Uniformed members of the service should be cognizant of the indication of rabies and should use extreme care when approaching animals. In the event of any animal bite, or contact with an animal's saliva, members should seek immediate medical attention.

<u>USE OF FORCE/DEADLY PHYSICAL FORCE</u>

The use of physical force against any animal will be used ONLY to the extent that such force is necessary to prevent harm or injury to such animal, other animals, or persons. As per P.G. 221-01, 'Force Guidelines,' a uniformed member of the service shall not discharge a firearm at a dog or other animal, except to protect a member or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat.

Before using deadly physical force, every attempt will be made to use other reasonable means to contain threats from dangerous animals.

In those instances where uniformed members of the service develop information to indicate a dangerous dog will be encountered at a particular location (e.g., an apartment where a warrant is to be enforced, etc.), the Emergency Service Unit's Canine Team should be conferred with for their assistance.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)
Force Guidelines (P.G. 221-01)

FORMS AND REPORTS

AIDED REPORT
ARREST CHECKLIST (PD244-041)
DANGEROUS ANIMAL/BITE REPORT (PD311-152)
DESK APPEARANCE TICKET

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-34	
POLICE ACTION IN PREMISES (LICENSED OR UNLICENSED) WHERE ALCOHOLIC BEVERAGES ARE SOLD			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To notify the Detective Bureau's Vice Enforcement Unit and the State Liquor Authority of founded complaints regarding premises where alcoholic beverages are sold.

PROCEDURE When any of the following events occur in connection with a premises, licensed or unlicensed, in which alcoholic beverages are sold:

a. Arrest in premises, or elsewhere, resulting from action originating in premises
b. Summons served on premises, or on employee, for violation related to premises
c. Complaint concerning premises, or vicinity of premises and cause originated in premises, which was investigated and resulted in corrected condition
d. Condition or police action directly concerning the operation of the premises which should be brought to the attention of the State Liquor Authority, Department of Buildings, Fire Department, or any other City agency.

UNIFORMED MEMBER OF THE SERVICE CONCERNED

1. Request patrol supervisor to respond.
   a. If patrol supervisor is not available, contact desk officer and comply with instructions.
2. Advise patrol supervisor of the facts.
3. Take summary action if offense committed in presence and be guided by *P.G. 208-03, "Arrests - General Processing"* and *P.G. 207-08, "Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses."*
4. Make complete entries in digital **Activity Log**.
5. Notify Detective Bureau Wheel when:
   a. Premises is selling alcohol without a liquor license, AND/OR
   b. Premises is operating after hours.

PATROL SUPERVISOR

6. Respond to the scene and determine appropriate police action to be taken.
   a. Notify the Department of Buildings, Fire Department or the appropriate City agency of apparent code violations.
7. Prepare **POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)** report.
   a. Prepare additional copy of report marked "Department of Consumer Affairs" if arrest involved a cabaret, public dance hall, catering establishment, or bowling alley
   b. Prepare one additional copy of report for commanding officer of precinct where premises is located, if action or condition originated in another command
   c. File one copy of report at command.

NOTE *Whenever the uniformed member concerned is assigned to the Detective Bureau, such member's commanding officer will prepare and forward the required **POLICE ACTION LICENSED/UNLICENSED PREMISES** report. A copy of the report will be forwarded to the commanding officer, precinct of occurrence.*

PATROL SUPERVISOR (continued)

8. Direct undercover agent (e.g., auxiliary police officer, etc.) to complete **AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)**, if police action involves the sale of alcohol to a minor or an undercover member.
   a. Have one copy of **AFFIDAVIT** filed in arrest folder.
9. Notify desk officer, precinct of occurrence of facts.
10. Forward **POLICE ACTION LICENSED/UNLICENSED PREMISES** with additional copies of report and original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared, to commanding officer.
11. Advise commanding officer of facts regarding police action.

DESK OFFICER

12. Enter facts in Command Log.

COMMANDING OFFICER

13. Verify that desk officer, precinct of occurrence, was notified, if necessary.
14. Review and sign **POLICE ACTION LICENSED/UNLICENSED PREMISES**.
15. Ensure **POLICE ACTION LICENSED/UNLICENSED PREMISES** report is forwarded, via email and Department mail, to Commanding Officer, Vice Enforcement Unit, 3280 Broadway, NY, NY, Room 605, with the following:
    a. Copies of any summonses issued in regards to police action
    b. Original **AFFIDAVIT OF SALE OF ALCOHOL**, if prepared.
16. Scan and email all prepared summonses, reports, etc. to VED@NYPD.ORG.
17. Ensure a copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report, if prepared, is forwarded to the following:
    a. NYC Department of Consumer Affairs
    b. Precinct commanding officer where premises is located.

VICE ENFORCEMENT UNIT

18. Forward copy of **POLICE ACTION LICENSED/UNLICENSED PREMISES** report to the State Liquor Authority.

ADDITIONAL DATA

*The "Details" section of **POLICE ACTION LICENSED/UNLICENSED PREMISES** must be very specific. It must include a statement that the owner or operator was aware of the offense and indicate circumstances that demonstrated actual or implied knowledge on the part of the owner or operator. Include the following information, when pertinent:*

1. Employment of a person under eighteen years of age, or serving alcoholic beverages to a person under twenty one years of age:
   a. Name, address and age
   b. How age was ascertained
   c. If enforcement was for the sale of alcohol to a minor, what type of alcohol was purchased (size of container, brand, and cost)
   d. If undercover agent was used, his/her title, age, date of birth, and a statement that the arresting/summonsing officer witnessed the sale.
2. Sale of alcohol to intoxicated person:
   a. Description of drunken behavior
   b. Type of beverage served after condition was observed by arresting officer.

ADDITIONAL DATA (continued)

3. Gambling:
- *a. Whether defendant is an employee of premises and in what capacity*
- *b. Name of person in charge*
- *c. If gambling device was involved, indicate how used.*

4. Sale of alcoholic beverages during prohibited hours:
- *a. Type of beverage*
- *b. Time of violation and arrest.*

5. Prostitution:
- *a. Period of time observed*
- *b. Behavior of persons with males or females and number of times males and/or females left and returned*
- *c. Name of person permitting violation by direct knowledge or by action of male(s)/female(s).*

6. Narcotics:
- *a. Circumstances*
- *b. Name and title of person in charge who knowingly permitted violation.*

RELATED PROCEDURES

Preliminary Investigation of Vice, Narcotics or Organized Crime-Related Offenses (P.G. 207-08)
Arrests - General Processing (P.G. 208-03)

FORMS AND REPORTS

POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)
AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-35	
PROCESSING QUALITY OF LIFE SERVICE REQUESTS USING THE 311 SYSTEM			
DATE ISSUED: 03/19/21	DATE EFFECTIVE: 03/19/21	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To ensure Quality of Life service requests received through the 311 system or the telephone switchboard are effectively addressed and monitored by members of the service.

DEFINITION CHRONIC 311 CONDITION – Five or more service requests in a 28-day period for the same specified condition at a location.

PROCEDURE When a Quality of Life service request has been received through the 311 system or telephone switchboard:

TELEPHONE SWITCHBOARD OPERATOR

1. Record Quality of Life service requests received via telephone on the **TELEPHONE DISPATCH LOG (PD112-143)**.
   a. Inform callers reporting Quality of Life service requests to the telephone switchboard to call 311 directly in the future.
   b. Inform callers to call 311 immediately if service requests require a referral to another City agency.
2. Confer with desk officer to reconcile duplicate service requests received via the 311 system and command telephone switchboard.
3. Have Quality of Life service request(s) generated through the 311 system or telephone switchboard requiring investigation dispatched as a command assignment(s).
4. Enter final dispositions of calls received via the telephone switchboard on the **TELEPHONE DISPATCH LOG**.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

5. Notify Communications Section upon receipt of a Quality of Life assignment (code 10-61) including location to which responding.
6. Respond to assignment as expeditiously as possible, except if on emergency assignment.
7. Promptly notify Communications Section upon completion of assignment.
8. Notify desk officer of dispositions for completed assignments.
9. Inform desk officer of any Quality of Life service request(s) not completed by the end of tour.

PATROL SUPERVISOR

10. Monitor performance of members of the service assigned to Quality of Life service requests and ensure an appropriate response.

PLATOON COMMANDER/ DESK OFFICER

11. Ensure that 311 system assignments are dispatched expeditiously, and that appropriate action is taken.
12. Monitor Quality of Life service requests to determine if improperly routed to command.
    a. Reassign improperly routed Quality of Life service requests to appropriate precinct/bureau command using the 311 system.

PLATOON COMMANDER/ DESK OFFICER (continued)

13. Monitor, and give special attention to 311 system for service requests that have media files (i.e., photos attached).
14. Manually refresh the 311 system at least every hour, checking for the receipt of Quality of Life service requests requiring attention.
15. Make Command Log entries at the beginning and at the end of each tour and indicate the number of pending assignments in the 311 system.
16. Print a copy of each 311 service request that is assigned during the platoon and give to assigned sector.
    a. Ensure dispositions are properly recorded in the 311 system or on the **TELEPHONE DISPATCH LOG**, as applicable.

NOTE *Any Quality of Life condition that generates five or more calls within an eight-hour period will be prioritized for an immediate response. Requests for service will be dispatched as resources become available, with the exception of those deferred to command specialized units (e.g., special operations lieutenant) or those that require an immediate response.*

17. Determine whether a service request can be handled during the tour or if it requires deferral to command specialized units (e.g., special operations lieutenant) or referral to another command/City agency.
    a. Indicate all deferrals and referrals in the 311 system or record in the Telephone Record, as appropriate.
18. Accept assignments that could not be completed during the previous tour and prioritize for assignment to the next available unit.

NOTE *Assignments that are deferred to command specialized units or require the assistance of another governmental agency will receive an interim disposition of "deferred" or "open," as appropriate.*

SECOND PLATOON DESK OFFICER

19. Review 311 system at 0800 hours daily for previous 24 hours to account for all service requests and ensure dispositions are properly assigned.
    a. Initiate an investigation to resolve unmarked dispositions and take corrective action, as necessary.

SPECIAL OPERATIONS LIEUTENANT

20. Review all deferred 311 service requests and initiate a response.
21. Ensure dispositions are entered and reported properly.
22. Identify Quality of Life conditions requiring a complex or sustained response.
    a. Design and implement plan utilizing command resources.
    b. Utilize other Department units, government agencies, and community resources, as necessary.
23. Establish a list of locations of 311 service requests deferred to specialized units by address and request.
    a. Maintain a current copy of the list at the desk.
    b. Ensure dispositions are updated from "deferred" to the appropriate disposition code as assignments are completed.
24. Coordinate command Quality of Life strategies, including but not limited to:
    a. Design and enact specific response plans for chronic unresolved conditions,

SPECIAL OPERATIONS LIEUTENANT (continued)

b. Administer Quality of Life self-inspection to ensure compliance with Department directives and command strategies, and
c. Direct a monthly audit of identified 311 callers to assess the quality of service.

NEIGHBORHOOD COORDINATION SERGEANT

25. Assist special operations lieutenant in identifying conditions requiring a complex or sustained response.
26. Ensure neighborhood coordination officers are aware of list of locations of 311 service requests in their sector.

TRAINING SERGEANT

27. Conduct command level training on Quality of Life matters, including instruction on operation of the 311 system, when necessary and as directed by competent authority.

INTEGRITY CONTROL OFFICER

28. Conduct random inspections, to ensure proper dispositions, compliance with reporting requirements, and system integrity.
    a. Investigate derelictions of duty or other deficiencies as determined, or directed.

COMMANDING OFFICER/ EXECUTIVE OFFICER

29. Review command Quality of Life strategies and analyze performance.
    a. Modify as necessary.
30. Have deficiencies referred to the appropriate supervising officer and/or training sergeant for necessary action and follow-up.
31. Direct neighborhood coordination sergeant to:
    a. Initiate daily callbacks to identified 311 callers and determine if service requests were resolved or if further action is required,
    b. Document all contacts and attempts. A minimum of two attempts must be made to contact each caller,
    c. Initiate follow-up actions as necessary and confer with the special operations lieutenant, and
    d. Establish a list of chronic conditions for the previous 28-day period, update weekly, and post at the desk.
32. Confer with training sergeant to ensure effective training on Quality of Life matters.
33. Ensure lists for deferred service requests and 28-day chronic conditions are properly maintained at the desk.

PATROL BOROUGH ADJUTANT/ HOUSING BUREAU/ TRANSIT BUREAU DESIGNATED SUPERVISOR

34. Provide additional resources as needed to assist commanding officers and subordinate commands, if requested.
35. Monitor subordinate commands to ensure Quality of Life service requests are being addressed properly.
36. Oversee contingency plan for borough/bureau in the event of a 311 system failure affecting multiple commands.

ADDITIONAL DATA

311 SERVICE REQUESTS FOR IMPROPER PARKING PERMIT USE

These service requests will be handled by the command concerned for disposition (e.g., summons, tow, etc.), as appropriate. In all cases, the Traffic Management Center must be notified upon completion of the assignment, and be provided with a disposition (e.g., location, plate number, permit issuing agency, violation, summons number, etc.) to ensure appropriate documentation of the incident.

311 LIAISON

The Office of Management Analysis and Planning (OMAP) is the designated liaison to New York City 311 (NYC 311) to ensure operational readiness, coordinate policy, exchange information, and undertake other actions to increase organizational efficiency, effectiveness, and improve customer service. Additionally, OMAP will coordinate with NYC 311 in the event of a large scale or system-wide 311 failure.

REFERRING CONDITIONS TO OTHER CITY AGENCIES VIA THE 311 SYSTEM

Members of the service will utilize the 311 system to refer conditions that do not fall within the Department's purview to the appropriate City agency. The 311 system can be accessed through the 311 mobile application available on Department smartphones or from the 311 website from any Department desktop computer. When creating a service request, members of the service will find the appropriate heading and fill in the captions with pertinent information and their name, Department email address, and Department smartphone number, or number to the telephone switchboard operator of the command concerned. Service requests should not be created anonymously.

SYSTEM SECURITY AND INTEGRITY

All members of the service are responsible to ensure the safety and security of Department computer systems. Authorized members will only sign-on to the 311 system utilizing their personal user identification and confidential password. Members will sign-off from the system upon completion of use, or whenever unable to safeguard, even for a brief period of time.

TECHNICAL ISSUES

Notify the Information Technology Bureau (ITB) Service Desk (24 hours) to report inoperable or malfunctioning computer equipment or Department networking problems. Other system failures or program malfunctions will be referred directly to the New York City Department of Information Technology & Telecommunications (DoITT) Citywide Service Desk. All notifications will be entered in the Telephone Record.

OVERSIGHT, ANALYSIS, AND INVESTIGATIONS

Members conducting oversight, analysis, or investigatory functions should use Department computer systems, as appropriate, to complete these operations.

FORMS AND REPORTS

TELEPHONE DISPATCH LOG (PD112-143)

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-36	
RESPONSE TO COMPLAINTS OF VIOLATION OF NEW SMOKING BAN IN NEW YORK CITY			
DATE ISSUED: 08/27/19	DATE EFFECTIVE: 08/28/19	REVISION NUMBER:	PAGE: 1 of 2

PROCEDURE When a member of the service is advised by a member of the public that the new Smoke-Free Air Act is being violated.

MEMBER OF THE SERVICE

1. If there are no other violations involved, direct complainant to call 311 to have complaint forwarded to the Department of Health.
   a. Violations of this chapter are only enforced on a "Notice of Violation Returnable to the Department of Health" to be issued by agents from The Department of Health, Department of Consumer Affairs, Department of Environmental Protection, Fire Department, Sanitation Department and The Buildings Department.

NOTE *Electronic cigarettes are prohibited from being used anywhere smoking is prohibited as per New York City Administrative Code sections 17-503 and 17-504, which regulate smoking in public places and places of employment.*

If a person in charge of a public premise has ordered a person to leave and such person refuses, members of the service may take proper enforcement action (e.g., Trespass. etc.). Uniformed members of the service may encounter situations in which a person in charge of a public premise seeks assistance in preventing person(s) from violating the Smoke-Free Air Act. In such situations, uniformed members of the service should take appropriate enforcement action under the trespass statutes (i.e., Penal Law Sections 140.05 and 140.10), if the person in charge of the public premise orders the violator to leave the premise and the violator refuses to leave. In addition, if an individual is smoking marijuana in the premise, uniformed members of the service are permitted to take appropriate enforcement action pursuant to Penal Law Section 221.05.

ADDITIONAL DATA *With respect to public places, smoking is prohibited in all enclosed or indoor areas of public places, defined as any area to which individuals other than employees are invited or permitted. Smoking is also prohibited in specified outdoor locations: playgrounds; day care centers; children's institutions; and sports and recreation areas where outdoor seating or viewing areas are assigned by issuance of tickets.*

The smoking ban does not apply to: hotel and motel rooms, private vehicles, private homes (except homes in which a day care or health care facility is being operated), and retail tobacco stores. Separate smoking rooms may be established in residential health care or day treatment facilities for use by patients only, with the approval of the Fire Commissioner. If approved by the Health and Mental Hygiene Department, smoking is permitted in membership associations (where the members themselves provide all services without compensation) and tobacco bars.

Smoking is permitted in sidewalk cafes with no roof or other ceiling enclosure, in an area no larger than 25% of the total outdoor seating capacity, at least three feet away from the non-smoking outdoor area, where the area is clearly marked as a smoking area.

ADDITIONAL DATA (continued)

Enactment of this local law was subsequently complicated by the enactment of a similar State law, Chapter 13 of the Laws of 2003, which takes effect July 24, 2003. Where the State law is more restrictive, it preempts the local law. Therefore, although the local law allows separate smoking rooms in bars and makes an exception for owner operated bars, as of July 24, 2003 they are both prohibited by the State law. Both laws allow a facility to permit smoking at an event for promoting and sampling tobacco products where service of food and drink is incidental. Local law set the limit at five days per year; effective July 24, 2003 the state law lowers that limit to two days per year.

With respect to any workplace, smoking is prohibited in indoor areas to which the general public does not generally have access. An employer no longer has the option of establishing smoking rooms, and employees no longer have the ability to smoke in a private enclosed office. Smoking is prohibited in company vehicles occupied by more than one person whether or not the occupants consent. Smoking is also prohibited in all vehicles owned by the City.

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-37	
NEW YORK CITY DEPARTMENT OF BUILDINGS ACCESS WARRANTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To preserve the peace and protect life and property at a building/premises where an inspector from the New York City Department of Buildings is executing an Access Warrant in order to perform a safety inspection.

DEFINITION ACCESS WARRANT – a Court Order allowing a member from the New York City Department of Buildings to gain access to a building/premises in order to conduct a safety inspection.

PROCEDURE When requested to accompany a member from the New York City Department of Buildings executing an Access Warrant:

DESK OFFICER

1. Review Access Warrant to ensure validity.

NOTE *The desk officer will review the Access Warrant and ensure the warrant has been signed by a Supreme Court judge and has not expired. Once a Court has issued an Access Warrant, the warrant must be executed within the date range specified in the Court Order.*

2. Make a Command Log entry consisting of:
   a. Full name of New York City Department of Buildings inspector
   b. Index number and issuing court
   c. Address of location identified on warrant.
3. Request Communications Section to assign an RMP unit to accompany inspector to identified location.

UNIFORMED MEMBER OF THE SERVICE

4. Respond to location.

NOTE *The role of a uniformed member of the service at a scene where an Access Warrant is being executed is to preserve the peace and prevent the commission of a crime. The execution of the Access Warrant is the sole responsibility of the NYC Department of Buildings inspector. Under no circumstances will uniformed members of the service assist in breaking a door or damaging property to effect the warrant and/or to gain access to the premises. If access to the premises is not granted, it will be the responsibility of the New York City Department of Buildings to reschedule the execution of the Access Warrant.*

5. Enter premises with New York City Department of Buildings inspector and remain until inspection is completed.
6. Notify desk officer when the inspection is completed.
7. Make appropriate digital **Activity Log** entry.

DESK OFFICER

8. Make Command Log entry indicating the time inspection was completed.

PURPOSE To establish a systematic inspection of pawnbrokers and second-hand dealers by patrol precincts and to ensure compliance with recordkeeping rules and regulations.

DEFINITIONS PAWNBROKER – A person or business engaged in the loaning of money on deposit or pledge of personal property, or the purchasing of personal property on the condition of selling it back at a stipulated price.

SECOND-HAND DEALER – Any person who in any way or as a principal broker or agent deals in the purchase or sale of second-hand articles of any nature (e.g., thrift store).

PROCEDURE When designated to perform inspections of pawnbrokers and second-hand dealers by a competent authority:

PRECINCT COMMANDING OFFICER

1. Assign special operations lieutenant as the primary coordinator of the command's pawnbroker and second-hand dealer inspection program.
   a. Designate an alternate supervisor to coordinate program, in absence of special operations lieutenant.

SPECIAL OPERATIONS LIEUTENANT/ DESIGNATED SUPERVISOR

2. Maintain an updated list of all pawnbrokers and second-hand dealers operating within the confines of the precinct.
   a. Provide copy of list to:
      (1) Commanding officer
      (2) Executive officer
      (3) Detective zone commanding officer
      (4) Field intelligence officer
      (5) Precinct detective squad supervisors
      (6) Other specialty unit supervisors, as appropriate.
   b. Revise list quarterly to ensure accuracy.
3. Designate the crime prevention officer to act as the primary designee and liaison to pawnbrokers and second-hand dealers.
   a. Community affairs officers, neighborhood coordination officers, field intelligence officers, etc., may supplement these efforts.
4. Ensure all stores are inspected by crime prevention officer frequently, but no less than once per quarter, and that inspection is documented appropriately.
5. Forward reports quarterly, to the Crime Prevention Division to ensure compliance.

CRIME PREVENTION OFFICER

6. Provide each pawnbroker and second-hand dealer with copies of **SECOND-HAND ARTICLES STORE LOG (PD530-141)**, when necessary.

CRIME PREVENTION OFFICER (continued)

a. Provide second-hand dealers with copy of **INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)**, in all cases.

7. Retrieve "Detective Squad" copy (pink) every ten days, from all pawnbrokers and second-hand dealers located in the confines of the precinct that maintain a **SECOND-HAND ARTICLES STORE LOG**.
   a. Document the visit by signing the next unused transaction receipt in the **SECOND-HAND ARTICLES STORE LOG**.
      (1) Pawnbrokers and second-hand dealers who upload all transactions and relevant information to the Electronic Reporting System are exempt from maintaining the **SECOND-HAND ARTICLES STORE LOG** (see "Additional Data" statement for more information on mandatory electronic reporting).
8. Monitor Electronic Reporting System to ensure that participating stores are uploading data on a daily basis, including negative reports if no transactions are made.
9. Perform administrative inspections to ensure compliance with record keeping regulations at all pawnbrokers and second-hand dealers located in the confines of the precinct frequently, but no less than once per quarter.
   a. Perform audit of **SECOND-HAND ARTICLES STORE LOG**, or Electronic Reporting System, as applicable, to determine accuracy of records.
   b. Inspect last 20 items purchased and compare them to the records maintained in either the Electronic Reporting System, or **SECOND-HAND ARTICLES STORE LOG**, to ensure the integrity of the entries made by pawnbroker/second-hand dealer.
10. Document results of administrative inspections in the Enterprise Case Management System (ECMS).
11. Report any suspected criminal intelligence regarding a pawnbroker or second-hand dealer as per *P.G. 212-12, "Citywide Intelligence Reporting System."*
    a. Notify special operations lieutenant, precinct detective squad commander, and field intelligence officer.

NOTE *Refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."*

FIELD INTELLIGENCE OFFICER

12. Monitor the Electronic Reporting System at least once every ten days, paying particular attention to repeated transactions by an individual, or other signs indicative of criminal behavior.
13. Disseminate pertinent information generated by the Electronic Reporting System to appropriate units.

PRECINCT DETECTIVE SQUAD COMMANDER

14. Ensure intelligence which may affect another precinct (e.g., recently arrested burglary parolee residing in another command, etc.) is brought to the attention of applicable precinct detective squad commander and detective zone commanding officer.

PRECINCT DETECTIVE SQUAD

15. Place a hold on property, for a period not to exceed 90 days, if a reasonable belief is developed based upon information conveyed in the Electronic Reporting System that a pawnbroker or second-hand dealer is in possession of lost or stolen property.
    a. A 90 day hold is created upon delivery of written or electronic notice that contains the following:
        (1) A description of property being placed on hold;
        (2) The **COMPLAINT REPORT (PD313-152)** number, if issued, for which the property is needed as evidence; and
        (3) The date the notice was delivered to the pawnbroker or second-hand dealer in order to initiate the 90 day time period.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

All pawnbrokers MUST keep records using the Department approved Electronic Reporting System of items pledged (sold or pawned).

a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.

b. The approved Department Electronic Reporting System has all of the applicable categories, and all electronically collected data MUST be uploaded daily, by the pawnbroker.

Second-hand dealers that deal in certain types of property (e.g., precious metals, electrical appliances [excluding kitchen appliances], electronic equipment, computers or their component parts, etc.) MUST keep records of these transactions using the Department's approved Electronic Reporting System.

a. Records include the date, time of transaction, photo of item pledged (sold or pawned), etc.

*b. Second-hand dealers not dealing in items listed above are not required to upload information into the Department's approved Electronic Reporting System. Manual records in the **SECOND-HAND ARTICLES STORE LOG** must still be maintained.*

*The seller's pedigree information is not required for the electronic record but must be recorded in **SECOND-HAND ARTICLES STORE LOG.***

Pawnbrokers and/or second-hand dealers can sometimes unknowingly serve as a "fence" for unscrupulous criminals to sell their stolen products. Members assigned to perform functions relating to pawnbroker and second-hand dealer inspections are reminded that these inspections are designed to uncover administrative violations. They are not for the purpose of uncovering criminal activity.

ADDITIONAL DATA (continued)

All pawnbrokers and second-hand dealers are required to report on all articles pawned, purchased, or sold. Pawnbrokers and second-hand dealers who actively upload all transactions to the Department's authorized Electronic Reporting System are exempt from the requirement of manually filling out and preserving logs for inspection provided all relevant information (e.g., pedigree information, etc.) is included. By actively uploading their transactions on a daily basis, participating stores are allowing their records to be reviewed via the Electronic Reporting System. Stores are required to upload the day's transactions by the end of each day.

A routine visit to pick up slips from the ***SECOND-HAND ARTICLES STORE LOG****, or a canvass and follow up by investigators, field intelligence officers, community affairs officers, neighborhood coordination officers, etc., does not constitute an inspection.*

LEGAL CONSIDERATIONS

Both pawnbrokers and second-hand dealers are licensed by the New York City Department of Consumer Affairs. Additional licenses may be required based on the nature of the business contained therein.

The focus of inspections is to ensure compliance with current administrative rules and regulations, and to encourage the development of a mutually cooperative relationship between pawnbrokers and second-hand dealers, and this Department. When conducting inspections, members of the service are reminded that such inspections are limited to the public areas of the premises. Entry and inspections of non-public areas is only permissible with consent or a search warrant.

For questions about reporting requirements, rules and restrictions imposed on pawnbrokers and second-hand dealers, members of the service may contact the Legal Bureau for guidance. Additionally, members may refer to Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers."

If a pawnbroker or second-hand dealer fails to comply with the reporting requirements set forth in the Administrative Code, the Rules of the City of New York, and the General Business Law, members of the service may contact the Legal Bureau for guidance, between 0700 and 2300 hours, Monday through Friday, and through the Operations Unit, during other than the aforementioned hours.

For further guidance on conducting criminal investigations involving stolen property that may be in the possession of a pawnbroker or second-hand dealer, Legal Bureau Bulletin Vol. 47, No. 3, "Enforcement Action Regarding Pawnbrokers and Second-Hand Dealers" should be consulted.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)
Search Warrant Applications (P.G. 212-75)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
INSTRUCTIONS TO DEALERS IN SECOND-HAND ARTICLES (PD634-153)
SECOND-HAND ARTICLES STORE LOG (PD530-141)

Section: Quality Of Life Matters	Procedure No: 214-39

CRITERIA FOR SELECTING A LOCATION FOR INCLUSION IN A MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) OPERATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/09/20	09/09/20		1 of 4

PURPOSE To identify appropriate selection criteria to be used in designating an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation.

DEFINITIONS ELIGIBILITY – All commercial establishments either licensed or required to be licensed by State or City agencies, including but not limited to the New York State Liquor Authority (SLA), are subject to inspection at any time the establishment is open to the public. An establishment may be included in a M.A.R.C.H. Operation based on Department issued summonses, arrests, complaint reports, complaints stemming from the community, 911 calls (e.g., assaults, disputes, intoxication, etc.), 311 calls (e.g., noise complaints, underage drinking, etc.), general disorder incidents (e.g., Department response to large crowds, street closures, blocked sidewalks, etc.), business violations (e.g., health code violations, FDNY issued violations, etc.) or lack of cooperation. Property crimes beyond the reasonable control of the establishment or other crimes, if security and other staff acted properly and assisted with police investigations, will not be used as the sole criteria for inclusion in a M.A.R.C.H. Operation.

M.A.R.C.H. OPERATION – A Multi-Agency Response to Community Hotspots designed to direct enforcement efforts at specific establishments which have become a source of complaints from the community and have a negative impact on quality of life conditions in the surrounding neighborhood. A M.A.R.C.H. Operation is overseen by the Mayor's Office of Criminal Justice (MOCJ), and is coordinated by the New York City Police Department's Legal Bureau's Civil Enforcement Unit with assistance from the New York State Liquor Authority (SLA), the New York City Department of Buildings (DOB), the New York City Department of Environmental Protection (DEP), the New York City Fire Department (FDNY) and the Department of Health and Mental Hygiene (DOHMH).

PROCEDURE When identifying an establishment for inclusion in a Multi-Agency Response to Community Hotspots (M.A.R.C.H.) Operation:

WHEN DETERMINING IF ESTABLISHMENT IS ELIGIBLE FOR INCLUSION IN A M.A.R.C.H. OPERATION:

SPECIAL OPERATIONS LIEUTENANT

1. Maintain an updated list of all establishments licensed by the SLA within confines of precinct based upon type of establishment. License certificates are color coded as follows:
   a. Mixed Use (Purple),
   b. Nightclub/Cabaret (Red),
   c. Restaurant (Olive), and
   d. Other (Blue).

SPECIAL OPERATIONS LIEUTENANT (continued)

2. Designate appropriate uniformed member of the service to:
   a. Verify that 311 or community complaints of establishments have come from multiple complainants,
   b. Verify that incidents with a nexus to the establishment have been documented by reviewing appropriate Department records, and
   c. Verify there is evidence that the establishment has failed to cooperate with uniformed members of the service.
3. Notify neighborhood coordination officer when establishment has been identified for potential inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS DETERMINED TO BE ELIGIBLE FOR POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

NEIGHBORHOOD COORDINATION OFFICER

4. Review 311 reports weekly, giving special attention to nightlife hotspots, chronic locations, incidents and establishments.
5. Confer with crime prevention officer and field intelligence officer regarding recorded activity in and around identified M.A.R.C.H. Operation location, and ensure special operations lieutenant is apprised of findings.
6. Confer with Police Service Area/Precinct Community Council and Community Board presidents to identify any undocumented complaints from community.
7. Gather information relative to investigation/operation by using contacts and standing relationships with community members.
   a. DO NOT alert person(s) affiliated with establishment, its patrons or community members of ongoing investigation/operation.
8. Consider whether mediation would be effective before recommending a M.A.R.C.H. Operation be conducted.

CRIME PREVENTION OFFICER

9. Review list of establishments and regularly visit those located within precinct.
10. Ensure establishments are familiar with crime prevention strategies and receive related crime prevention written materials.
11. Share findings and/or lack of cooperation in implementation of crime prevention strategies with special operations lieutenant, field intelligence officer, and neighborhood coordination officer.

SPECIAL OPERATIONS LIEUTENANT

12. Compile information and data received from crime prevention officer, field intelligence officer and neighborhood coordination officer and deliver forms, reports and/or findings to commanding officer.
    a. Direct the neighborhood coordination officer to prepare **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

COMMANDING OFFICER

13. Confer with precinct detective squad commander to ascertain if establishment has cooperated with the Department regarding prior criminal incidents.
14. Review information received and render a decision as to whether establishment should be included in M.A.R.C.H. Operation.
    a. Consult with Legal Bureau, Civil Enforcement Unit prior to designating establishment for inclusion in M.A.R.C.H. Operation.
    b. Direct the neighborhood coordination officer to serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, if the establishment meets the criteria for inclusion in a M.A.R.C.H. Operation.

WHEN ESTABLISHMENT IS NOTIFIED ABOUT POSSIBLE INCLUSION IN A M.A.R.C.H. OPERATION:

NEIGHBORHOOD COORDINATION OFFICER

15. Serve **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** in person to owner or appropriate representative of establishment approved for inclusion in a M.A.R.C.H. Operation.
    a. Activate body-worn camera when serving **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE**, and comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* as necessary.
    b. Provide steady sector officers with **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** and advise them to personally serve owner or representative of establishment at least once per tour for three consecutive tours until service is effected, if initial service attempt is unsuccessful.
    c. Forward **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** to Legal Bureau, Civil Enforcement Unit through channels and confer with Legal Bureau, Civil Enforcement Unit, if attempts to personally serve owner or representative of establishment are unsuccessful.

DEPARTMENT ATTORNEY, CIVIL ENFORCEMENT UNIT

16. Liase between Department and City agencies concerned regarding assistance in conducting M.A.R.C.H. Operation.

COMMANDING OFFICER

17. Ensure establishment approved for inclusion in a M.A.R.C.H. Operation receives **MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE** at least 30 days prior to M.A.R.C.H. operation, when possible.

ADDITIONAL DATA *Providing an establishment with prior written notice of a M.A.R.C.H. Operation is not required when providing such notice would compromise an active criminal investigation, or pose serious risk to the health or safety of persons inside, or in the vicinity of, the establishment. In all cases, notifications must be made to the Legal Bureau, Civil Enforcement Unit and Chief of Patrol prior to conducting a M.A.R.C.H. Operation.*

RELATED PROCEDURES *Use of Body-Worn Cameras (P.G. 212-123)*

FORMS AND REPORTS ***MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS (M.A.R.C.H.) NOTICE (PD635-121)***
Typed Letterhead

PATROL GUIDE

Section: Quality Of Life Matters		Procedure No: 214-40	
MEDIATION REFERRAL PROGRAM FOR NON-CRIMINAL COMPLAINTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To refer individuals to community-based mediation programs for certain eligible cases.

DEFINITIONS ELIGIBLE CASES – Eligible cases for the purpose of this procedure are as follows:

a. Disagreements among neighbors. Examples include:
   1) Noise: For the purposes of this procedure, noise includes only instances where the volume does not violate any criminal/ administrative code (e.g., noise from an upstairs neighbor walking around at night)
   2) Driveway sharing
   3) Property damage: For the purposes of this procedure, property damage means non-criminal property damage (e.g., a tree falling on a neighbor's fence)
   4) Pets
   5) Lifestyle differences.

b. Disagreements among non-intimate roommates. Examples include:
   1) Household chores
   2) Guest privileges (too many visitors/guests)
   3) Late rent payments.

c. Disagreements with merchants. Examples include:
   1) Defective merchandise
   2) Late delivery.

d. Disagreements with landlords. Examples include:
   1) Refund of security deposit
   2) Damage to the apartment
   3) Violations of the terms of the lease.

Exclusions to "eligible cases" defined above would include cases involving allegations of criminal conduct, unlawful evictions, disputes among intimate partners/family members as defined in *P.G. 208-36, "Family Offenses/Domestic Violence,"* child abuse/neglect or where there is an Order of Protection between the parties.

PROCEDURE When a uniformed member of the service is responding to a dispute between individuals as defined above:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if situation is eligible for the Mediation Referral Program.
   a. Parties may be eligible if **all** of the following apply:
      (1) No threat of violence
      (2) No allegation of criminal conduct
      (3) No Order of Protection between the parties
      (4) Not family members or intimate partners
      (5) Parties are likely to have an ongoing dispute about the matter.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Explain the community-based mediation program to involved parties.
   a. Members may refer to the information on the rear of the **REFERRAL TO MEDIATION (PD613-181)**.
3. Explain to the parties that the services are:
   a. Confidential and voluntary
   b. Free and expeditious
   c. Effective in resolving disputes or problem solving
   d. Beneficial, even if only one party participates (i.e., receives information, resources and techniques to resolve problem/issue).

NOTE *Members of the service will make referrals based on program eligibility criteria, the type of dispute, the expressed interest of one or more of the parties and the borough of residence of involved parties.*

4. Complete all captions on the front of the **REFERRAL TO MEDIATION**.
   a. Ensure that all parties' names, addresses, and telephone numbers are legible, as the mediation centers rely on this information to contact the involved parties.
   b. Confirm telephone numbers are in working order by placing a call to the number provided, if possible.
5. Inform all parties that a trained mediator will contact them to schedule an appointment at a mutually convenient time and location.
6. Make a digital **Activity Log** entry.
7. Submit completed **REFERRAL TO MEDIATION(S)** to desk officer at end of tour.

DESK OFFICER

8. Review all **REFERRAL TO MEDIATION(S)** for completeness and accuracy.
   a. If any phone number(s) are omitted, request submitting member to obtain phone number(s), if applicable.
9. Create a precinct file and sequentially number each **REFERRAL TO MEDIATION(S)** received.
   a. Create a unique serial number that includes four digit year, and three digit command number followed by a four digit number, starting with 0001 each year (e.g., 2018-034-0001).
10. Retain original copy of **REFERRAL TO MEDIATION(S)** for precinct file, and scan and email it to the appropriate Community Dispute Resolution Center, indicated on the reverse side of the **REFERRAL TO MEDIATION**.
    a. Ensure copy is scanned and emailed to patrol borough concerned.

SPECIAL OPERATIONS LIEUTENANT

11. Inspect precinct file and review **REFERRAL TO MEDIATION(S)** on a weekly basis.

PATROL BOROUGH

12. Review **REFERRAL TO MEDIATION(S)** to ensure compliance with the Mediation Referral Program.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*It is important to emphasize that this procedure is **not** to be used in lieu of an enforcement action. It is reserved for instances when there is no basis to take an enforcement action. Moreover, in instances where only one party is present, or only one party agrees to the mediation, members should still make the referral. If contact information is only available for one party, complete the appropriate section of **REFERRAL TO MEDIATION** and write "UNK" in the caption for the second party.*

RELATED PROCEDURES

Family Offenses/Domestic Violence (P.G. 208-36)

FORMS AND REPORTS

REFERRAL TO MEDIATION (PD613-181)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-01

CHILDREN OR MINORS REQUIRING CARE AND/OR SHELTER

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To obtain care and/or shelter for a child/minor under eighteen.

SCOPE A child/minor less than eighteen years of age may require care and/or shelter for the following reasons:

a. Abandoned by parents or persons legally responsible for care and/or shelter, OR
b. Neglected by parents or persons legally responsible for care and/or shelter, OR
c. Abused by parents, persons legally responsible for care and/or shelter or adult member of household, OR
d. Sick, injured, lost or stranded who resides outside of the city and parents or persons legally responsible for care and/or shelter cannot arrange for return to residence, OR
e. Without care or supervision due to hospitalization, death or arrest of parent or person legally responsible for care and/or shelter.

PROCEDURE Upon determining that a child/minor requires care and/or shelter:

UNIFORMED MEMBER OF THE SERVICE

1. Inquire if relative or friend will provide care and/or shelter for child/minor.
   a. Comply with *P.G. 215-03, "Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children,"* if reasonable suspicion exists that a child requiring care and/or shelter has been abused, neglected, or abandoned.
   b. Consult with parent/guardian, relative or friend to determine if child has a medical, behavioral, or psychological condition, secure any required medication, and comply with *P.G. 216-01, "Aided Cases General Procedure"* and/or *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* as necessary.
2. Notify patrol supervisor, if relative or friend are not readily available.
   a. Notify Administration for Children's Services (ACS) if relative or friend are not available to care for child.
3. Remove child/minor to Child Advocacy Center (CAC) (see *"ADDITIONAL DATA"* for locations), if relative or friend are not readily available.
   a. Inform CAC that child/minor will be transported to location as appropriate.
   b. Remain with child/minor until pickup by relative, friend or ACS.
4. Remove child/minor to command, if CAC is closed or relative or friend are unavailable.
   a. Notify command youth coordination officer, when available, that child/minor is in command.
5. Notify School Safety Division, Operation Center, immediately, if a Department of Education employee, acting in his/her official capacity, transfers custody of child/minor to Department personnel for sole purpose of having ACS provide shelter.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Include child's/minor's name, age, grade, school and Department of Education employee's name and title.

6. If child/minor requiring care and/or shelter has been abused, neglected, maltreated, or requires shelter, make notifications as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
         (a) If the State Central Registry refuses to accept a case, where child/minor requires shelter, contact ACS Office of Safety First, Monday thru Friday (0900-1700 hours), or after business hours, ACS Emergency Children's Services
   b. ACS borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

NOTE *The arrest of a parent/guardian does not in and of itself mandate a notification to the State Central Registry and ACS, and should not be made unless reasonable cause exists that the child is abused, neglected or maltreated, or an alternate caregiver cannot be located. However, a notification will be made if a parent/guardian is arrested and ACS Emergency Children's Services is required to arrange shelter for a child. If any questions exist as to whether a notification should be made, uniformed members of the service are to contact the Legal Bureau.*

7. Confer with ACS Emergency Children's Services if CAC is closed and relative or friend are not available, and request representative be sent to command to provide necessary transportation to shelter.
   a. Assign female uniformed member of the service or other available uniformed member of the service to escort child to shelter, if ACS Emergency Children's Services is unable to provide transportation.

DESK OFFICER

8. Ensure notifications are made, as appropriate.

UNIFORMED MEMBER OF THE SERVICE

9. Make digital **Activity Log** entry and prepare **AIDED REPORT**, including:
   a. Date, time and location where child/minor found, or removed from and/or to
   b. Physical description of child/minor, including clothing, name, age, address, school, grade, emotional and physical condition
   c. Name, address and phone number of person who found child/ minor, if applicable
   d. Name and address of parents or persons legally responsible for child/minor, if known
   e. Name, title, school and phone number of Department of Education employee transferring custody of child/minor, if applicable

UNIFORMED MEMBER OF THE SERVICE (continued)

f. Date, time, name and title of School Safety Division, Operation Center member notified, if applicable
g. Particular circumstances causing the need to provide care and/or shelter.

DESK OFFICER

10. Forward copy of computerized **AIDED REPORT** to youth coordination officer in command where child is located, if child/minor is left with relative or friend not residing in household.

DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF RESIDENCE

11. Confirm that parent/guardian is still in custody.
    a. If parent/guardian is still in custody, conduct home visit of child/minor by third calendar day from when parent/guardian was arrested.
        (1) If during visit, there is evidence of abuse, maltreatment, or neglect, comply with *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,"* and prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
    b. If child/minor is located in another command, notify domestic violence sergeant.

DOMESTIC VIOLENCE SERGEANT, COMMAND OF RESIDENCE

12. Confer with domestic violence sergeant, command of temporary residence, to ensure domestic violence prevention officer, command of temporary residence, conducts home visit of child/minor, as appropriate.

DOMESTIC VIOLENCE PREVENTION OFFICER, COMMAND OF TEMPORARY RESIDENCE

13. Conduct home visit of child/minor, as necessary.

ADDITIONAL DATA

Under no circumstances shall a charge of any kind be filed against a child who is abandoned, neglected, abused, lost, stranded, and has not committed any offense, or who for any reason, is to be delivered to a place of shelter or safekeeping. Such children shall be recorded as aided cases.

Comply with P.G. 216-01, "Aided Cases General Procedure" and P.G. 216-03, "Unidentified Persons," if necessary, when notified by Administration for Children's Services that a child has been removed without police assistance from a location in the absence of a parent or person legally responsible for care. The parent or person legally responsible for care will not be informed of the child's location, but will be directed to contact the caseworker.

A person eighteen years of age and older who is stranded without shelter, can be referred to the Emergency Assistance Unit of Human Resources Administration.

ADDITIONAL DATA (continued)

Child Advocacy Centers

Manhattan Child Advocacy Center
1753 Park Avenue, Second Floor,
New York, New York 10035
Phone: (646) 695-6100
Mon. thru Fri. 0900 hours to 2100 hours
Sat. and Sun. 1000 hours to 1800 hours

Brooklyn Child Advocacy Center
320 Schermerhorn Street,
Brooklyn, New York 11201
Phone: (718) 330-5400
Mon. thru Fri. 0800 hours to 2300 hours
Sat. and Sun. 0900 hours to 2000 hours

Bronx Child Advocacy Center
1775 Grand Concourse, Fifth Floor
Bronx, New York 10453
Phone: (929) 265-3600
Mon. thru Fri. 0900 hours to 2200 hours

Queens Child Advocacy Center
112-25 Queens Blvd, Third Floor
Forest Hills, New York 11375
Phone: (718) 575-1342
Mon. thru Fri. 0900 hours to 2300 hours
Sat. and Sun. 1100 hours to 1900 hours

Staten Island Child Advocacy Center
130 Stuyvesant Place, Fifth Floor
Staten Island, New York 10301
Phone: (718) 566- 4052
Mon. thru Fri. 0800 hours to 2100 hours
Sat. and Sun. 1100 hours to 1900 hours

RELATED PROCEDURES

Emergency Removals or Investigations and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)
Runaway Children (P.G. 215-05)
Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)

FORMS AND REPORTS

AIDED REPORT
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-02	
LOST CHILD			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To locate relatives or friends of a lost child.

PROCEDURE When attention is drawn to an apparently lost child:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/counterpart and radio dispatcher.
2. Make brief inquiry in vicinity of place where found.
3. Bring child to command if relative not located.
4. Prepare **AIDED REPORT**.

DESK OFFICER

5. Telephone Missing Persons Squad and give description.
6. Complete captions on **AIDED REPORT** and process in normal manner:
   a. Assign female uniformed member of the service to watch child in the command, if available, or other available uniformed member of the service, when necessary.
   b. Notify youth coordination officer.
   c. If child is not claimed within a reasonable amount of time, notify the Administration for Children's Services (ACS) and request that they send a representative to the stationhouse to provide necessary transportation to shelter. (See ADDITIONAL DATA, *P.G. 215-03, "Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children,*" for addresses of Administration for Children's Services [ACS] borough field offices and ACS Emergency Children's Services.)
   d. If the Administration for Children's Services is unable to provide transportation, assign a female uniformed member of the service, if available, or other available uniformed members of the service, to escort child to the shelter.
   e. Inform Missing Persons Squad if child is moved to another location.
7. In cases that could involve abuse, neglect, maltreatment or abandonment, prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)** and related forms, as required.
   a. Notify precinct detective squad if the child is eleven years of age or older OR Special Victims Unit if child is under eleven years of age.
   b. For allegations made of any sex crime to any child, notify the Special Victims Unit.

RELATED PROCEDURES

Unidentified Persons (P.G. 216-03)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

AIDED REPORT
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)

Section: Juvenile Matters	Procedure No: 215-03		
EMERGENCY REMOVALS OR INVESTIGATION AND REPORTING OF ABUSED, NEGLECTED, OR MALTREATED CHILDREN			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 12

PURPOSE To protect children from abuse, neglect or maltreatment by instituting emergency removal proceedings if a child is in imminent danger, or conduct an investigation of a potential abuse situation where a child is in no imminent danger, and report the findings to the appropriate authorities.

DEFINITIONS

INSTANT RESPONSE TEAM (IRT)

A team composed of Administration for Children's Services (ACS) caseworkers and members from the Special Victims/Precinct Detective Squads and/or patrol personnel, as required in certain cases.

POLICE ESCORT

Allegations of child abuse received by ACS caseworkers may contain information about drugs, guns, or violent incidents in a household. In such cases, the protocol between ACS and the Department requires that ACS caseworkers present themselves to the desk officer in the precinct of occurrence and request a police escort to the location of the alleged incident. The duty of the police assigned to escort duty is to ensure the safety of all concerned and investigate possible criminal activity.

ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)

Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child as defined in the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

DEFINITIONS (continued)

NEGLECTED CHILD (SECTION 1012, FAMILY COURT ACT)
Means a child less than eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

a. In supplying the child with adequate food, clothing, shelter or education in accordance with provisions Part 1 of Article 65 of the Education Law, or medical, dental, optometric or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent voluntarily and regularly participates in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he, losing self-control of his actions, shall not establish that the child is a neglected child, in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired.
c. Who has been abandoned, in accordance with the definition and other criteria set forth in subdivision five of Section 384b, of the Social Services Law, by his parents or others persons legally responsible for his care.

MALTREATED CHILD (SECTION 412, SOCIAL SERVICES LAW)
Includes a child under eighteen years of age:

a. Defined as a neglected child by the Family Court Act;
b. Who has had serious physical injury inflicted upon him by other than accidental means, OR
c. A child under the age of eighteen years of age who is in residential care and whose custodian impairs, or places in imminent danger of becoming impaired, the child's physical, mental or emotional condition.

PERSON LEGALLY RESPONSIBLE (SECTION 1012, FAMILY COURT ACT)
Includes the child's custodian, guardian or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

FAMILY/HOUSEHOLD (AS DEFINED IN FAMILY COURT ACT), INCLUDES PERSONS WHO:

a. Are legally married to one another.
b. Are related by blood (consanguinity).
c. Were formerly legally married to one another.
d. Are related by marriage (affinity).
e. Have a child in common regardless of whether such persons have lived together at any time

DEFINITIONS (continued)

f. Are not related by consanguinity (blood) or affinity (marriage) and who are, or have been, in an intimate relationship regardless of whether such persons have lived together at any time.

NOTE *A common sense standard regarding the totality of the circumstances involving the relationship should be used to determine if an "intimate relationship" exists. Factors a member of the service may consider in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship (the relationship between the involved parties does not have to be sexual in nature to be considered "intimate"); the frequency of interaction between persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals solely in a business, educational, or social context shall be deemed to constitute an "intimate relationship." If unable to determine if the relationship in question is an "intimate relationship," the member of the service concerned will request the response of the patrol supervisor.*

Additional factors that may assist in determining the intimacy of a relationship include, but are not limited to: amount of time spent together in either a work or leisure related capacity, shared expenses and/or finances, extent of interaction with family members, etc.

All members of the service are reminded that their primary responsibility is to ensure the immediate and future safety of all parties involved in domestic violence incidents.

FAMILY/HOUSEHOLD (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.

A family/household thus includes: "common-law" marriages, same sex couples, registered NYC domestic partners, different generations of the same family, siblings, in-laws, persons involved in "intimate relationships", and persons who live or have lived together in a family-type relationship.

PROCEDURE Upon making a reasonable determination that a child has been, is believed to be, or may be abused, neglected or maltreated:

WHEN IMMINENT DANGER TO CHILD'S LIFE OR HEALTH EXISTS:

UNIFORMED MEMBER OF THE SERVICE

1. Request response of patrol supervisor.

NOTE *Uniformed members providing a police escort for ACS caseworkers to households where guns, drugs, etc. may be present and/or violent incidents have been reported, must request the response of the patrol supervisor to their location.*

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Remove child from home, with consent of parents, or person legally responsible for care, if reasonable cause to believe continued presence therein presents an imminent danger to the child's life or health.

PATROL SUPERVISOR

3. Direct member to take the child into protective custody without permission if reasonable cause to believe that continued presence of the child in the home is imminently dangerous to life or health and there is not sufficient time to apply for a court order.

NOTE

An emergency removal without a court order may be performed by the following persons: peace officer, police officer, an agent of a duly incorporated Society for the Prevention of Cruelty to Children, a designated employee of a city or county Department of Social Services. The Family Court Act Sec. 1024 and Social Service Law Sec. 417 give ACS the same powers of removal as police officers. Once any authorized person decides to conduct an emergency removal, no member of this Department will revoke that decision.

The presence of diplomatic immunity on any person present, or the residence itself, shall not be a factor in the emergency removal analysis. Members of the service are reminded that such incidents require the commanding officer/duty captain to directly supervise the removal and comply with P.G. 212-56, "Diplomatic Incidents" including the required notifications.

IF PROBABLE CAUSE EXISTS THAT A CRIME HAS BEEN COMMITTED AGAINST A CHILD BY A FAMILY MEMBER:

UNIFORMED MEMBER OF THE SERVICE

4. Arrest perpetrator, if present, for appropriate offense(s) and comply with the pertinent provisions of *P.G. 208-36 "Family Offenses/Domestic Violence."*

NOTE

The perpetrator arrested will not be eligible for a Desk Appearance Ticket (DAT). The non-abusing parent/legally responsible person will be encouraged to contact Safe Horizon for services to assist child. Members of the service should recognize that there is a strong correlation between child abuse and domestic violence; therefore, when a uniformed member of the service responds to the scene of suspected child abuse, the member of the service will look for indicators of domestic violence or other family offenses such as the existence of an order of protection, abuse of spouse, parent, etc. If an existing order has been violated, the member will take appropriate action (i.e., effect an arrest or prepare ***COMPLAINT REPORT WORKSHEET [PD313-152a]****).*

5. Prepare a **New York State Domestic Incident Report (DCJS-3221**) in ALL cases in which a member of the service responds to OR is apprised of an offense, altercation, disturbance, conflict or dispute involving members of the same family/household, including any allegation of child abuse, neglect or maltreatment.
   a. If prepared in response to a radio run, include ICAD Incident number on form.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Give complainant/victim copy of both pages of the **New York State Domestic Incident Report** (pink copies) and the "Victim Rights Notice" (pink copy) to complainant/victim, if present.

c. Advise the non-abusing parent/legally responsible person of availability of shelter and other services.

PATROL SUPERVISOR

6. Direct uniformed member of the service to serve **NOTICE-TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)** on parent or person legally responsible for care, if child removed, without court order.
   a. Copy of **NOTICE** will be affixed to door of residence, if parent/legally responsible person, not present.

UNIFORMED MEMBER OF THE SERVICE

7. Remove child to Child Advocacy Center (CAC) (see "*ADDITIONAL DATA*," *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter*," for addresses of Child Advocacy Centers) or command, except if medical attention is required, in which case immediately take child to appropriate hospital facility.
   a. Remain with child/minor until pickup by relative, friend or ACS.
8. Make notifications, in all cases, as follows:
   a. New York State Child Abuse and Maltreatment Register (State Central Registry), AND
      (1) If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record
   b. Administration for Children's Services (ACS) borough field office (0900-1700 hours) or ACS Emergency Children's Services after business hours, AND
   c. ACS Instant Response Team (IRT) Coordinator.

NOTE *In cases referred to a detective squad (e.g., homicides or special victims' cases), the assigned detective will notify the IRT hotline. Police officers are mandated to report child abuse and neglect to the New York State Central Registry of Child Abuse. Notification to the ACS IRT hotline* ***DOES NOT*** *substitute for the required notification to the State Central Registry. Police personnel will continue to notify the State Central Registry in accordance with step "8" of this procedure.*

9. Prepare and submit following forms to desk officer with the **New York State Domestic Incident Report**:
   a. **AIDED REPORT**
   b. **COMPLAINT REPORT WORKSHEET** and refer active cases as follows:
      (1) Special Victims Unit - All sex crimes or attempts against any person of any age

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Special Victims Unit - Any allegation that a child LESS THAN ELEVEN YEARS OF AGE is the victim of abuse inflicted by a parent or person legally responsible for the child's care (as described above)

(3) Precinct detective squad concerned – in all other cases.

NOTE *In all the above cases, enter the name of the investigator notified and the log or case number assigned, under the "Notifications To" section on the rear of the* ***COMPLAINT REPORT WORKSHEET****.*

Assigned investigator will confer with precinct youth coordination officer, domestic violence prevention officer, domestic violence investigator and appropriate field office of Administration for Children's Services (ACS) to determine if additional information is available.

c. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**

d. Remaining copies of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**.

(1) Copy of **NOTICE** must be mailed to residence, if known, of parents/legally responsible person within twenty-four hours, if such persons were not personally served with **NOTICE**.

NOTE *If child was removed from <u>other than residence</u> and parent/person legally responsible for care has <u>not</u> been notified, the desk officer will direct uniformed member of the service to respond to residence, if located within precinct, to serve* ***NOTICE*** *<u>or</u> affix* ***NOTICE*** *to door, if necessary. If residence is <u>not</u> located within precinct of occurrence, but within New York City, the desk officer will have the resident precinct notified to serve the* ***NOTICE*** *or affix* ***NOTICE*** *to door, if necessary. In all instances, where parent/legally responsible person was not personally served and* ***NOTICE*** *was affixed to the door, the member concerned will mail a copy of the* ***NOTICE*** *to the residence within twenty-four hours. In addition, the member serving or mailing the* ***NOTICE*** *must also prepare the* ***AFFIDAVIT****. The results of the attempted notification to parent/person legally responsible for care will be included in the* ***AFFIDAVIT*** *forwarded to Family Court. File copies of* ***NOTICE*** *and* ***AFFIDAVIT*** *will be forwarded to precinct of occurrence for filing.*

e. **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)**.

NOTE *Comply with P.G. 216-03, "Unidentified Persons," if parent/person legally responsible for care is not notified of removal. If identity of parent(s)/person(s) legally responsible for care or residence of child is not known or is outside New York City, the assigned detective will conduct the investigation and have appropriate notifications made, if possible.*

DESK OFFICER

10. Review **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** for accuracy and completeness.
11. Secure shelter for child and comply with *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter."*

NOTE *Under **no** circumstances will a child victim of a crime or abuse committed by a parent or person legally responsible for care be returned to the home by any member of this Department.*

DESK OFFICER (continued)

12. Countersign **AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING** and forward to Family Court of borough wherein removal occurred within twenty-four hours, exclusive of weekends and holidays.
    a. Ensure that **AFFIDAVIT** indicates whether **NOTICE** was served personally, affixed to door and copy mailed to residence, or whether residence could not be determined after reasonable investigation.
    b. Forward copy of **AFFIDAVIT** and **NOTICE** to precinct youth coordination officer.
13. Advise parent/person legally responsible for care to contact the appropriate Administration for Children's Services (ACS) borough field office (0900x1700 hours) or ACS Emergency Children's Service after business hours, if additional information is required.

NOTE *A **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT MUST** be prepared whenever a member of the service reasonably suspects that a child is abused, neglected or maltreated whether or not the State Central Registry accepts notification of the facts (see ADDITIONAL DATA which outlines pertinent provisions of Section 413 of the Social Services Law). Willful failure to make such notification is a Class "A" Misdemeanor. Further, civil liability may result for the damages caused by such failure (Section 420, Social Service Law).*

14. Obtain registry number and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in box captioned "State Registry Number."
15. Forward **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** in a sealed envelope with next Department mail, as follows:
    a. Original and second copy to Administration for Children's Services field office in the borough where the child resides.
        (1) To Manhattan Field Office, Administration for Children's Services, for children who do not reside with parents/persons legally responsible for care (e.g., group homes, day care, etc.) or children who reside outside city.

NOTE *Have form delivered via appropriate precincts as outlined in ADDITIONAL DATA.*

    b. Third copy - to precinct youth coordination officer.
    c. Fourth copy - to Youth Strategies Division (with copy of computerized **AIDED REPORT** attached).
    d. Make and attach copy of said form to the **New York State Domestic Incident Report** precinct file copy.

REASONABLE SUSPICION OF ABUSE/NEGLECT/MALTREATMENT BUT NO IMMINENT DANGER TO LIFE OR HEALTH OF CHILD:

UNIFORMED MEMBER OF THE SERVICE

16. Prepare **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** and submit to desk officer together with the **New York State Domestic Incident Report**.
    a. Indicate under "Details" section of **REPORT** all pertinent information that will assist in the investigation.

NOTE

*The State Central Registry accepts a broad range of cases from all mandated reporters (e.g., teachers, doctors, police, etc.) as well as from the general public relating to crimes against children. Some of these reports will be faxed to the Special Victims Unit Instant Response Tracking Unit (IRTU) as a Law Enforcement Referral (LER). Personnel at that unit will determine the appropriate police response, which may include referral to a patrol precinct for initial investigation, and/or preparation of a **COMPLAINT REPORT** and referral to the appropriate detective squad.*

DESK OFFICER

17. Have **COMPLAINT REPORT** prepared marked "Investigate Child Abuse" and refer as directed in step "9," subdivision "b," above.
18. Comply with steps "8," "10," "14" and "15," above.

YOUTH COORDINATION OFFICER

19. Inspect all copies of form **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** prepared, or those received from other than Patrol Services Bureau commands, i.e. Housing Bureau and Transit Bureau.
20. Review other precinct records and confer with domestic violence sergeant and assigned detective squad investigator to develop further information.
    a. Check **JUVENILE REPORT SYSTEM WORKSHEET (PD377-151A)**, **COMPLAINT INDEX (PD313-141)**, **AIDED INDEX (PD304-101)**, **New York State Domestic Incident Reports**, etc., for previous contacts with the child or other children residing in the same household.
21. Establish a file folder in a secured cabinet for each abused/neglected/ maltreated child, both for emergency removals and those investigated and reported to appropriate authorities:
    a. Assign a Precinct Serial # beginning with # one (1) for the first incident each year and enter on **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**.
    b. Maintain an Index Sheet on inside front cover of folder captioned as follows:

DATE OF OCCURRENCE **PRECINCT SERIAL #** **NAME/ADDRESS OF CHILD** **RESIDENT PRECINCT** **DIR #**

COMPLAINT # AND ARREST #, IF APPLICABLE

YOUTH COORDINATION OFFICER (continued)

22. Maintain the following documents in each folder:
    a. Copy of computerized **AIDED REPORT**, if prepared.
    b. Copy of **COMPLAINT REPORT**, with copy of **OLBS WORKSHEET**, if applicable.
    c. Copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** form.
    d. Copy of **NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING**, if prepared.
    e. Copy of **AFFIDAVIT OF NOTICE OF RIGHT TO HEARING**, if prepared.
    f. Photocopy of **New York State Domestic Incident Report**.
    g. Other appropriate documents re: abused child.
23. Review copies of all forms maintained in folders and become familiar with persons or incidents involving child abuse/neglect/maltreatment, which have occurred within command.
    a. Ascertain that the appropriate procedures and notifications have been complied with.
    b. If review discloses additional information warranting further investigation, prepare **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081C)** and forward to detective squad concerned.
24. Make a copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** maintained in file, indicate results of review on rear of form and forward to Youth Strategies Division.
25. Maintain liaison with appropriate Administration for Children's Services field offices.

YOUTH STRATEGIES DIVISION

26. Maintain a file folder in a secured cabinet for each **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** received.
27. Forward copy of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT** to youth coordination officer of precinct of residence, if other than precinct of occurrence.
28. Make necessary information available to appropriate members of the service and authorized public agencies.

DOMESTIC VIOLENCE PREVENTION OFFICER

29. Review **New York State Domestic Incident Report** for accuracy and completeness.
30. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
31. Forward **New York State Domestic Incident Report** including copies of **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT**, when attached, to domestic violence sergeant to maintain in file.
32. Monitor at-risk locations and victims.
33. Relay information of any other offenses committed within the household from where the child was removed to the youth coordination officer and the assigned detective squad investigator, and prepare required forms, as necessary.

DOMESTIC VIOLENCE PREVENTION OFFICER (continued)

34. Maintain contact with complainants and advise them of their rights and the availability of shelter.

ADDITIONAL DATA

Addresses of Administration for Children's Services (ACS) borough field offices, open Monday through Friday, 0900 to 1700 hours, are listed below. After business hours, notify the ACS Emergency Children's Services:

Administration for Children's Services
Applications
Manhattan Field Office
150 William Street
New York, New York 10038
Via 1st Precinct

Administration for Children's Services
Applications
Brooklyn Field Office
1274 Bedford Avenue
Brooklyn, New York 11216
Via 88th Precinct

Administration for Children's Services
Applications
Bronx Field Office
192 East 151st Street
Bronx, New York 10451
Via 44th Precinct

Administration for Children's Services
Applications
Queens Field Office
165-15 Archer Avenue
Jamaica, New York 11433
Via 103rd Precinct

Administration for Children's Services
Applications
Staten Island Field Office
350 St. Mark's Place
Staten Island, New York 10301
Via 120th Precinct

Desk officers in the above precincts will ensure that mail is delivered to the appropriate field offices on a daily basis except for Saturday and Sunday.

The pertinent provisions of Section 413 of the Social Services Law, with new material underlined, reads as follows: "Police officers are required to report or cause a report to be made when they reasonably suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or <u>when they reasonably suspect that a child is an abused or maltreated child where the parent or the person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which if correct, would render the child an abused or maltreated child</u>."

Any person or institution acting in good faith in the removal or keeping of a child pursuant to Section 1024 of the Family Court Act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as a result of such removal or keeping.

ADDITIONAL DATA (continued)

Borough Family Court Locations:

Manhattan	*60 Lafayette Street*
Bronx	*900 Sheridan Avenue*
Brooklyn	*283 Adams Street*
Queens	*89-14 Parsons Blvd.*
Staten Island	*100 Richmond Terrace*

INFORMATION SHARING WITH ACS

Certain categories of information may not be released to ACS. These include:

a. sealed records (except when an unsealing order has been issued by a superior court)
b. the identity of adult victims of sex crimes (unless such victims provide written consent)

The Department may provide the following information to caseworkers from ACS who are conducting an investigation:

a. the name and identity of a child victim/child sex crime victim when ACS is investigating the same incident
b. statements made by a victim
c. witness information
d. names and addresses of family members
e. the existence of an order of protection
f. the detention location of defendants in arrest situations
*g. information contained in arrest and **COMPLAINT REPORTS** (except sealed records)*
*h. information contained in **New York State Domestic Incident Reports**.*

According to Social Service Law Section 422 (4)(A)(I), ACS records may be disclosed when necessary to conduct a criminal investigation or prosecution of a person when there is reasonable cause to believe that such person is the subject of a Report and that due to the nature of the crime, such records may be related to the investigation or prosecution. The type of reports that can be disclosed by ACS to the NYPD are:

A. Oral Transmittals (ORT) or State Central Registry (SCR) Child Abuse/Neglect Intake Reports - Upon written agreement, in the appropriate circumstances these reports will be provided to the NYPD.

B. Protective Records Disclosure

- *Current investigations.*
- *Indicated Reports - information from ongoing or prior indicated reports.*
- *Unfounded reports dated post 2/12/96 - no information can be disclosed except to the extent the information is incorporated into the records of a current investigation.*
- *Unfounded reports dated prior to 2/12/96 - no information can be disclosed concerning these reports.*

C. Foster Care Records - May be disclosed only with written permission of the State Department of Social Services or by a Court Order when required for a trial and notice is given to all parties.

D. Preventive Case Records - These records may only be disclosed by court order.

ADDITIONAL DATA (continued)

ACS staff may verbally disclose the information allowed under the law while responding jointly with law enforcement. However, a formal written request for the information indicating that the request is in compliance with the aforementioned Social Service Law must be forwarded to ACS as soon as possible. ACS staff also share the SCR report on an Instant Response Team Protocol case with this Department.

Any questions relating to the release of information to ACS should be directed to the Legal Bureau.
Radio code signals to report child abuse are:

- ***10-90J(1) - New York State Domestic Incident Report** Prepared/No Offense*
- ***10-90J(2) - New York State Domestic Incident Report** Prepared/Unfounded*
- ***10-92J - New York State Domestic Incident Report** Prepared/Arrest Effected*
- ***10-93J - New York State Domestic Incident Report/COMPLAINT REPORT** Prepared.*

Uniformed members of the service responding to any radio run where child abuse is alleged or apparent, MUST use disposition codes for child abuse even if the job was not originally classified as such.

NOTE

If child abuse did not take place, but other types of domestic violence did, the domestic violence disposition codes will be used (10-90F(1), 10-90F(2), 10-92F, 10-93F).

RELATED PROCEDURES

Notifications (P.G. 207-06)
Family Offenses/Domestic Violence (P.G. 208-36)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Family Court Warrant For Child Abuse/Neglect Cases (P.G. 215-04)
Runaway Children (P.G. 215-05)

FORMS AND REPORTS

AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)
AIDED REPORT
COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081C)
COMPLAINT INDEX (PD313-141)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
DESK APPEARANCE TICKET (PD260-121)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
NOTICE TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)
New York State Domestic Incident Report (DCJS-3221)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-04	
FAMILY COURT WARRANT FOR CHILD ABUSE/NEGLECT CASES			
DATE ISSUED: 04/02/19	DATE EFFECTIVE: 04/02/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To safeguard a child alleged to have been abused or neglected and arrest person responsible for such abuse or neglect.

DEFINITION CHILD ABUSE/NEGLECT WARRANTS - Warrants issued by Family Court ordering the immediate arrest of a specified parent or guardian when a petition indicates the child may be in danger of physical abuse or neglect.

PROCEDURE When the Warrant Section officer assigned to Family Court notifies a precinct that a warrant for child abuse/neglect has been issued:

DESK OFFICER/ COUNTERPART

1. Enter message in Telephone Record.
2. Send radio motor patrol crew to execute the warrant.

R.M.P. CREW

3. Respond to location and arrest person or persons named in warrant.
4. Take child into protective custody even if arrest is not made.
5. Deliver child to Family Court, if in session.
   a. If Family Court is not in session bring child to stationhouse and process as Child Requiring Shelter (see *P.G. 215-01, "Children or Minors Requiring Care and/or Shelter"*).
6. Attempt to locate the child or the parents, if not present, and report results of investigation to the desk officer.
7. Prepare **New York State Domestic Incident Report (DCJS-3221)**.

DESK OFFICER/ COUNTERPART

8. Notify Warrant Section officer assigned to Family Court of status of case.

NOTE *The borough warrant officer will proceed directly to the residence and conduct an investigation in those instances where an arrest is effected by a member not assigned to the Patrol Services Bureau. If the Family Court warrant is executed by a member of the Warrant Section, that member is responsible for the preparation of the* ***New York State Domestic Incident Report****. The* ***New York State Domestic Incident Report*** *will then be forwarded to the precinct of occurrence.*

DOMESTIC VIOLENCE PREVENTION OFFICER

9. Review **New York State Domestic Incident Report** for accuracy and completeness.
10. Forward copy of **New York State Domestic Incident Report** to precinct detective squad investigator.
11. Forward **New York State Domestic Incident Report** to domestic violence sergeant to maintain in file.
12. Monitor at-risk locations and victims.
13. Contact complainants and advise them of their rights and the availability of shelter.

RELATED PROCEDURES *Arrest On A Warrant (P.G. 208-42)*
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)

FORMS AND REPORTS ***New York State Domestic Incident Report (DCJS-3221)***

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-05	
RUNAWAY CHILDREN			
DATE ISSUED: 06/23/20	DATE EFFECTIVE: 06/23/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To return runaway children to their parents or persons legally responsible for their care.

DEFINITION CHILD - New York State resident, under the age of sixteen; out of state resident, per Interstate Compact for Juveniles.

PROCEDURE Upon determining that a child has run away from home:

UNIFORMED MEMBER OF THE SERVICE

1. Take child into custody and remove to command.
2. Prepare **AIDED REPORT**, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System."*
   a. Forward copy of computerized **AIDED REPORT** via Department mail to the Missing Persons Squad.
   b. Notify youth coordination officer.

DESK OFFICER/ COUNTERPART

3. Interview child.
4. Notify Missing Persons Squad in ALL cases.
5. Contact parent or person legally responsible for child to pick up child within reasonable time.
   a. If parent/person responsible for care is located outside of city, advise them to notify local police that child has been located.
6. Arrange for shelter if unable to release child to parent/person legally responsible for care within a reasonable time or if child may be endangered if returned home.
7. Assign female uniformed member of the service, if available, or other available uniformed member, to escort child to shelter, if the Administration for Children's Services is unable to provide transportation.
8. Comply with *P.G. 216-03, "Unidentified Persons*," if child removed to shelter and parents/persons legally responsible for care not notified.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals Or Investigation And Reporting Of Abused, Neglected, Or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

AIDED REPORT
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-07	
TRUANTS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To provide the expeditious return of truant students to a location of instruction (i.e., school, truancy intake site, etc.).

DEFINITIONS TRUANT – A minor not in compliance with the attendance requirement of the New York City Department of Education Regulations of the Chancellor as follows:

a. Each minor from six to seventeen years of age in New York City is required to attend school on a full time basis
b. Children in New York City who turn six years of age before December 31st of the school year, are required to attend school at the beginning of that school year
c. Students who turn seventeen years of age on or after July 1st must complete the school year in which they turn seventeen years of age
d. Exceptions to the age requirements for attendance are as follows:
   (1) Minors who have graduated from high school
   (2) Students who have earned a high school equivalency diploma
   (3) Students sixteen or seventeen years of age who have been issued a full time employment certificate.

YOUTH REFERRAL REPORT LOG (PD377-140) - A preprinted log maintained by precinct youth coordination officer for each school year, that will be serialized, beginning with "001" commencing on July 1st and ending the following June 30th. The **YOUTH REFERRAL REPORT LOG** will be utilized to record **YOUTH REFERRAL(S) (PD377-153)** for truancy in the precinct of occurrence.

PROCEDURE When a minor, who reasonably appears to be over the age of six and less than eighteen, who is observed outside of school on a day of instruction and it is ascertained that the minor is truant:

UNIFORMED MEMBER OF THE SERVICE

1. Take minor into custody and deliver to principal or designee(s) of school attended, if known.
   a. Truants may be frisked to ensure the uniformed member's safety. An electronic metal detector may be used for this purpose, if available
   b. Should uniformed members have an articulate reason to believe their safety is in danger, truants may be handcuffed.
2. Deliver minor to truancy intake site, if the minor's school cannot be determined or it is impractical to return the minor to his/her school.
3. Make entry in digital **Activity Log** including:
   a. Youth's name
   b. Location where truant was found
   c. School/truancy intake site truant was delivered to.
4. Have principal or representative sign digital **Activity Log** entry and **YOUTH REFERRAL** as receipt for minor.
   a. If principal or representative refuses to sign digital **Activity Log** and/or **YOUTH REFERRAL** as receipt for minor, document such refusal in digital **Activity Log**.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Complete **YOUTH REFERRAL** and deliver to desk officer, precinct of occurrence before end of tour.
   a. Include business name, park name or other information regarding where/how truant was taken into custody in the "Details" caption.

PRECINCT OF OCCURRENCE:

DESK OFFICER

6. Review **YOUTH REFERRAL** for completeness, legibility and accuracy.
7. Sign form in caption indicated and forward to precinct youth coordination officer.

YOUTH COORDINATION OFFICER

8. Review **YOUTH REFERRAL** and complete steps "9" through "12" below no later than five business days after receipt.
9. Enter **YOUTH REFERRAL(S)** into **YOUTH REFERRAL REPORT LOG**.
   a. Complete all **YOUTH REFERRAL REPORT LOG** captions, as appropriate
   b. Assign next precinct serial number and enter number in appropriate caption on **YOUTH REFERRAL**.
10. Notify parent/guardian of minor's truancy and document notification in appropriate caption on "Precinct of Residence Copy."
11. Complete "Youth Last Name," "First Name," "M.I.," "Age," "D.O.B.," and "Address" captions on "Precinct of Residence Copy" and sign off.
12. Forward "Precinct of Residence Copy" of **YOUTH REFERRAL** to the truant's resident precinct youth coordination officer via Department mail, when truant's residence is different from precinct of occurrence.
    a. Retain "Precinct of Occurrence Copy."

NEIGHBORHOOD COORDINATION SERGEANT

13. Ensure precinct youth coordination officer completes steps "8" through "12" above within the time period cited in step "8" above.
    a. Perform steps "8" through "12" above in the absence of the precinct youth coordination officer.

TRUANT'S RESIDENT PRECINCT:

YOUTH COORDINATION OFFICER

14. Determine **YOUTH REFERRAL** investigation responsibility.
    a. Be responsible for the investigation of **YOUTH REFERRAL(S)** for truants residing within precinct, EXCEPT when truant's actual residence within precinct is a New York City Housing Authority development under the jurisdiction of a police service area (PSA). In this case:
       (1) Document in "Results" caption of **YOUTH REFERRAL** that a photocopy of "Precinct of Residence Copy" of the **YOUTH REFERRAL** was forwarded via Department mail, to the truant's resident PSA youth coordination officer for investigation.

TRUANT'S RESIDENT PRECINCT OR POLICE SERVICE AREA:

PRECINCT/PSA YOUTH COORDINATION OFFICER

15. Conduct investigation and summarize outcome in "Results" caption on "Precinct of Residence Copy" of **YOUTH REFERRAL**.
16. Submit completed **YOUTH REFERRAL** to special operations lieutenant for review.
    a. File **YOUTH REFERRAL(S)** alphabetically upon return from special operations lieutenant.

SPECIAL OPERATIONS LIEUTENANT

17. Review **YOUTH REFERRAL(S)**, sign in appropriate caption and return form to precinct/PSA youth coordination officer.

ALL PRECINCTS:

NEIGHBORHOOD COORDINATION SERGEANT

18. Periodically inspect and sign the **YOUTH REFERRAL REPORT LOG** for completeness and accuracy.
19. Review the **YOUTH REFERRAL REPORT LOG** to identify patterns/ recidivists.
20. Maintain regular contact with the School Safety Division Truancy Coordinator to share information to maximize truancy enforcement.
    a. Notify School Safety Division Truancy Coordinator prior to conducting a large truancy enforcement operation.
21. Maintain regular contact with the Detective Bureau, Social Media Analysis and Research Team to maximize resources, spot trends and share information.
22. Close **YOUTH REFERRAL REPORT LOG** at the end of the school year.

SPECIAL OPERATIONS LIEUTENANT

23. Perform steps "18" through "22" above in the absence of the neighborhood coordination sergeant.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

*The Education Law and the Regulations of the Chancellor of the New York City Department of Education require that a person attend school until the last session of the school year in which the person reaches seventeen years of age. This law defines the school year as the period commencing on July 1st and ending the next June 30th. Therefore, a person who reaches his/her seventeenth birthday on or after July 1st MUST attend school, when in session, until the following June 30th. A **YOUTH REFERRAL** will be prepared for each truant, including those seventeen years of age.*

*Only uniformed members of the service and police officers as defined in the Criminal Procedure Law, Section 1.20, subdivision 34, are authorized to issue and/or sign a **COMPLAINT REPORT WORKSHEET (PD313-152A)** with "Juvenile Report" caption checked off, **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** or **YOUTH REFERRAL** as reporting officers. Names of special police, store detectives, school safety agents, etc., may be entered on **COMPLAINT REPORT WORKSHEET** in caption "Reporter/Witness."*

ADDITIONAL DATA (continued)

On June 30th of each year ***YOUTH REFERRAL*** *records will be purged, as required by "Cuevas v. Leary."* ***YOUTH REFERRAL(S)*** *prepared for minors 17 years of age will be purged as soon as practical after the minor reaches 19 years of age. In addition, the corresponding entry in the* ***YOUTH REFERRAL REPORT LOG*** *will be purged by redacting the "Truant Name" and "Truant Address" captions.*

OPERATIONAL CONSIDERATIONS

Ordinarily truancy enforcement should not be conducted after 1300 hours.

A current listing of truancy intake sites will be maintained by the School Safety Division Truancy Coordinator. Truancy intake sites will be staffed by school safety agents and Department of Education personnel. Uniformed members of the service will not be routinely assigned to these locations.

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
YOUTH REFERRAL (PD377-153)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
YOUTH REFERRAL REPORT LOG (PD377-140)
UNDERSTANDING TRUANCY ENFORCEMENT PROCEDURES AND BEST PRACTICES (PD377-111)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-08	
ON-LINE JUVENILE REPORT SYSTEM			
DATE ISSUED: 06/23/20	DATE EFFECTIVE: 06/23/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To record and investigate certain apprehensions concerning juveniles at least 7 years of age but less than 18 years of age.

PROCEDURE When a juvenile at least 7 years of age but less than 18 years of age commits an illegal act, or engages in or is found under circumstances that may endanger the health or safety of the juvenile:

UNIFORMED MEMBER OF THE SERVICE

1. Investigate circumstances involving juvenile(s).
   a. Comply with *P.G. 215-17, "Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property,"* as required.
2. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** to document incident involving juvenile(s).
   a. Ensure caption "Juvenile Report" is checked off.
3. Prepare separate **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** for <u>each</u> juvenile involved in incident.
   a. Verify pedigree, address and parent/guardian information.

NOTE *If pedigree, address and parent/guardian information can not be verified in the field, the juvenile must be brought to a Department facility (e.g., precinct, transit district, police service area, etc.) for further investigation. Under no circumstances will a juvenile, who has not been properly identified or whose parent/guardian could not be notified, be released from the field. Upon arrival at the Department facility, the member must notify the Juvenile Crime Desk.*

If the incident occurs at or within the grounds of a school, the juvenile should be removed to a suitable location within the school (e.g., principal's office, detention room, dean's office, etc.) to verify their identification. When identification cannot be established or a parent/guardian cannot be notified, the juvenile in question will not be released but will rather be transported to the nearest appropriate Department facility where a notification will be made to the Juvenile Crime Desk.

If upon investigation it is determined that the incident involves the commission of a violation by the juvenile and not the commission of a felony or a misdemeanor, the juvenile <u>shall not</u> be removed from the school and transported to a Department facility.

In all cases, members of the service MUST confer with a supervisor prior to removing a juvenile from a school.

4. Notify Juvenile Crime Desk if juvenile has been removed from the field and brought to a Department facility.
   a. Inform Juvenile Crime Desk analyst of incident involving the juvenile and be guided by their recommendations.
5. Deliver completed **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** to desk officer.

NOTE *If a juvenile has been removed from the field and brought to a Department facility, a notification must be made to the Juvenile Crime Desk. The Juvenile Crime Desk will assist supervisors in making a determination whether a juvenile should be released on a* ***JUVENILE REPORT SYSTEM WORKSHEET*** *or if the juvenile should be processed as a juvenile delinquent as per Patrol Guide 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)." Members of the service are reminded that if a juvenile is going to be processed as a juvenile delinquent, a* ***COMPLAINT REPORT WORKSHEET*** *and an* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)*** *will be completed along with other required forms (i.e.,* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)****, etc.). A* ***JUVENILE REPORT SYSTEM WORKSHEET*** *will not be completed.*

DESK OFFICER/ COUNTERPART

6. Check **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** for completeness, legibility, and accuracy (i.e., jurisdiction of complaint, incident classification, etc.).
7. Sign forms in appropriate captions and return to uniformed member of the service.

UNIFORMED MEMBER OF THE SERVICE

8. Input **COMPLAINT REPORT WORKSHEET** and **JUVENILE REPORT SYSTEM WORKSHEET** into the On-Line Juvenile Report System utilizing Omniform.

SPECIAL OPERATIONS LIEUTENANT, COMMAND OF REPORT

9. Review and sign-off on pending **JUVENILE REPORT SYSTEM WORKSHEETS** utilizing the On-Line Juvenile Report System on a daily basis.
10. Audit and review **JUVENILE REPORT SYSTEM WORKSHEETS** and **COMPLAINT REPORT WORKSHEETS** weekly to ensure accuracy.
11. Utilize the OMNIFORM System to ensure **JUVENILE REPORT SYSTEM WORKSHEETS** were not completed in error (i.e., prepared in addition to an **ON LINE BOOKING SYSTEM ARREST WORKSHEET** for an arrest of a juvenile delinquent, etc.).

YOUTH COORDINATION OFFICER, RESIDENT PRECINCT

12. Query Omniform and conduct follow-up investigation.
13. Confer with complainant, school personnel, witnesses, probation officers, social workers, and/or any other appropriate person or agency.
14. Add or Delete charges for juvenile, if necessary.
15. Choose a Disposition Code, Disposition Agency and Source Code.
16. Create a precautionary or an unfounded letter to notify the parent/legal guardian of an alleged offense involving a juvenile.
17. Contact parent/legal guardian to discuss alleged offense involving juvenile.
18. Summarize results of investigation on On-Line Juvenile Report System's "Juvenile Follow-up Investigation" application utilizing appropriate closing codes.

NOTE *If a juvenile resides outside of New York City, the Youth Strategies Division will be responsible for conducting the follow-up investigation.*

SPECIAL OPERATIONS LIEUTENANT, RESIDENT PRECINCT

19. Review the follow-up investigation conducted by the youth coordination officer, resident precinct, for accuracy and completeness.
    a. Direct youth coordination officer, resident precinct, to amend investigation if necessary.

NOTE

It is the responsibility of the resident precinct special operations lieutenant to approve an on-line follow-up investigation utilizing the Juvenile Follow-up Investigation application. This approval process will be completed within two weeks from the date of the report, if possible. The Youth Strategies Division supervisor will review and approve all follow-up investigations conducted by Youth Strategies Division personnel.

PRECINCT COMMANDING OFFICER

20. Review investigation of "Juvenile Report" by youth coordination officer giving particular attention to:
    a. Parent/guardian contact as required by *"Cuevas v. Leary"*
    b. Type of aid offered to parents/guardian and youth
    c. Suitability of disposition.

ADDITIONAL DATA

*A **COMPLAINT REPORT WORKSHEET** ('Juvenile Report' caption checked off) and a **JUVENILE REPORT SYSTEM WORKSHEET** are prepared for a juvenile at least 7 but less than 18 years of age for:*

a. An act that would constitute a crime if committed by an adult except for those acts listed in step "4" of P.G. 207-01, "Complaint Reporting System"
b. Violations committed by juveniles
c. Person in need of supervision (if under 18 years of age) as defined in the Family Court Act, (Section 712, subdivision "a"); Advise civilian complainant of right to seek a petition in Family Court

*Members of the service will prepare an **ARREST REPORT SUPPLEMENT (PD224-157)** when a person in need of supervision is 16 or 17 years of age.*

d. Intoxicated juveniles
e. Juvenile under 18 years of age found in a house of prostitution
f. Stranded juvenile
g. Runaway juvenile
h. Juvenile unlawfully present in a licensed premises
i. Juvenile apparently under the influence of a dangerous drug (e.g., heroin, cocaine, morphine, opium, marijuana, amphetamines, barbiturates, hallucinogens, etc.).
j. Traffic infractions - bicycles - persons over 7 but less than 16 years of age
k. Missing person, at least 7 years of age but less than 16 years of age.

When recording a complaint for a missing person, at least 7 but less than 16 years of age, members of the service are reminded to also comply with P.G. 207-01 "Complaint Reporting System."

Under current law and the Family Court Act, juvenile records are to be treated as confidential and may eventually be sealed. Therefore, such records or any information contained therein may not be disseminated to any person and/or public or private agency outside the New York City Police Department, including the news media and victims.

ADDITIONAL DATA (continued)

*When preparing a **COMPLAINT REPORT WORKSHEET**, the names of special police, store detectives, school personnel, etc., may be entered under caption "REPORTER/WITNESS."*

*Commanding officers will ensure that all **COMPLAINT REPORT WORKSHEETS** and **JUVENILE REPORT SYSTEM WORKSHEETS** are purged from their respective commands' files, for youths who have reached 19 years of age, and for all "unfounded," "unsubstantiated," and "complaint withdrawn" cases, as required by "Cuevas v. Leary."*

*The On-Line Juvenile Report System will purge all data regarding **COMPLAINT REPORT WORKSHEETS** and **JUVENILE REPORT SYSTEM WORKSHEETS** from Department databases, for youths who have reached 19 years of age, and for all "unfounded," "unsubstantiated," and "complaint withdrawn" cases as required by "Cuevas v. Leary."*

Any questions regarding the On-Line Juvenile Report System can be directed to the Office of Management Analysis and Planning's Operations Research Section during business hours. Any questions during non-business hours or relating to hardware/software issues can be directed to the Information Technology Bureau (ITB) Service Desk. In addition, members of the service can access the "On-Line Juvenile Report System User Guide" posted on the Department's intranet website for user reference.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
ARREST REPORT SUPPLEMENT (PD 244-157)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-09

OFFENSE COMMITTED BY A JUVENILE UNDER 18 YEARS OF AGE (OTHER THAN A JUVENILE OFFENDER OR ADOLESCENT OFFENDER)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/13/21	05/13/21		1 of 7

PURPOSE To process a juvenile under 18 years of age who has committed an offense.

SCOPE This procedure does not apply to juveniles taken into custody and charged as juvenile offenders or adolescent offenders. A juvenile 16 or 17 years of age taken into custody and charged with any felony, whether it is a designated felony or not, is an adolescent offender (see *P.G. 215-10 "Arrest of Juvenile Offender or Adolescent Offender"*).

DEFINITION JUVENILE DELINQUENT – A person over 7 and less than 18 years of age who commits an act, which if committed by an adult, would constitute a crime, other than a juvenile offender or adolescent offender.

PROCEDURE When a juvenile less than 18 years of age commits an offense:

UNIFORMED MEMBER OF THE SERVICE

1. Detain juvenile.
2. Notify immediate supervisor of arrest and provide pertinent details.

IMMEDIATE SUPERVISOR

3. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

UNIFORMED MEMBER OF THE SERVICE

4. Notify desk officer of facts.
5. Notify the Juvenile Desk.

NOTE *Arresting officers must call the Juvenile Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

DESK OFFICER

6. Have parent/guardian notified.
7. Have age determined by questioning juvenile or parent/guardian.
   a. Verify age by satisfactory documentary proof, if available.

NOTE *When a juvenile, other than a juvenile offender or adolescent offender, is arrested for a designated felony, is a recidivist, commits a felony while awaiting trial on a violent offense as listed in P.G. 215-12, "Personal Recognizance Juvenile Delinquent," the juvenile will be removed directly to Family Court or the appropriate facility designated by the Administration for Children's Services (ACS), if court is not in session. A juvenile MUST be taken into custody and charged with juvenile delinquency when accused of an act, if committed by an adult, would constitute a felony, Unlawful Assembly or any misdemeanor listed below:*

- *a. Criminal possession of a weapon, 4th degree, **firearm only**, (Section 265.01, Penal Law)*
- *b. Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances (Section 265.10, Penal Law)*
- *c. Prohibited use of weapons (Section 265.35, Penal Law, sub. 1 and 3)*
- *d. Jostling (165.25, Penal Law)*
- *e. Fraudulent accosting (Section 165.30, Penal Law) except if specifically charged with operating a "Three Card Monte" game*
- *f. Sexual abuse, 2nd degree (Section 130.60, Penal Law)*
- *g. Criminal impersonation, 2nd degree (Section 190.25, Penal Law, sub. 3)*
- *h. Promoting prostitution, 4th degree (Section 230.20, Penal Law)*
- *i. Prostitution (Section 230.00, Penal Law)*
- *j. Patronizing a prostitute, 3rd degree (Section 230.04, Penal Law)*
- *k. Prostitution in a school zone (Section 230.03, Penal Law)*
- *l. Trademark counterfeiting, 3rd degree (Section 165.71, Penal Law)*
- *m. Arson, 5th degree (Section 150.01, Penal Law).*

DESK OFFICER (continued)

8. Confer with youth coordination officer and precinct detectives when a group of juveniles is involved in the same incident.
9. Direct officer to prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System,"* when:
   a. Offense committed is NOT a crime, OR
   b. Determination is made to refer a minor to youth coordination officer (if residence is outside New York City, refer to Youth Strategies Division).

NOTE *A **JUVENILE REPORT SYSTEM WORKSHEET** and **COMPLAINT REPORT WORKSHEET** is NOT prepared for truancy (see P.G. 215-07, "Truants").*

10. Direct member concerned to deliver juvenile to command with an approved location for interrogation, if court is not in session.
    a. If court is in session, determine if juvenile should be delivered direct to court or processed for personal recognizance.
    b. If court is not in session, direct member concerned to obtain from borough Court Section the return date for an appearance ticket, if juvenile is released on an **APPEARANCE TICKET-FAMILY COURT (PD277-130)** (see "*ADDITIONAL DATA*").

NOTE *A juvenile who has committed a designated felony will be taken to Family Court without delay if court is in session, unless interrogation of juvenile is necessary (see P.G. 215-12, "Personal Recognizance Juvenile Delinquent"). If Family Court is not in session, the arresting officer MUST appear in court at 0900 hours, the next day court is in session. In all other arrests for juvenile delinquency, if juvenile is NOT released on recognizance (issued an* ***APPEARANCE TICKET-FAMILY COURT****), the arresting officer MUST appear in Family Court at 0900 hours the next day court is in session. Desk officers will ensure that the arresting officer's tour is adjusted accordingly, as necessary. If court is not in session the next day, due to weekend or court holiday, members of the service will comply with P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays."*

UNIFORMED MEMBER OF THE SERVICE

11. Detain juvenile in location designated for interrogation.
    a. Have female police officer or other qualified female present, if juvenile is a female.
12. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
13. Prepare **COMPLAINT REPORT WORKSHEET**, if applicable.
14. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)** and forward to Assistant Corporation Counsel, as appropriate.
15. Ensure that juvenile delinquent is fingerprinted and palmprinted in conformance with *P.G. 208-08, "Fingerprintable and Palmprintable Offenses"* and *P.G. 208-11, "Arrest Processing - 'Livescan' Fingerprinting and Palmprinting."*
16. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.
    a. Attach hard copy of warrant investigation/juvenile recidivist check to court copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
17. Deliver all completed arrest documents including **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** to desk officer.

DESK OFFICER

18. Review and sign all arrest documents including the **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**.
19. Ensure that **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** is distributed as indicated on the form.
20. Determine if juvenile can be released on personal recognizance (see *P.G. 215-12, "Personal Recognizance Juvenile Delinquent"*).
21. Ascertain if application will be made for personal recognizance.
22. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance is made, removed to the appropriate facility designated by the Administration for Children's Services (ACS) with a copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** (see *ADDITIONAL DATA*).

DESK OFFICER (continued)

23. Do not transport juvenile with adult prisoner.
24. Prepare arrest package containing the following forms:
    a. Copy of **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**,
    b. BUFF copy **APPEARANCE TICKET-FAMILY COURT**,
    c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved,
    d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET** will be submitted,
    e. **AIDED REPORT**, if prepared,
    f. Copy of digital **Activity Log** entry,
    g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT**,
        (1) Distribute remaining copies to command youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained
    h. Copy of **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, and
    i. Any other related arrest information, including copies of arresting officer's/investigator's personal notes and hard copy of warrant investigation/juvenile recidivist checks.
    j. Copy of **ARREST CHECKLIST (PD244-041)**.
25. Ensure in all cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, that arrest package is emailed to applicable borough Court Section (Attn: NYPD Family Court Liaison Officer), as appropriate.
    a. Contact Family Court Liaison Officer (see "ADDITIONAL DATA" statement for listing of liaison officers), during business hours, to verify receipt of arrest package.
        (1) During non-business hours, a copy of email sent, indicating receipt of arrest package, will be obtained and attached to arrest package.

ADDITIONAL DATA

If the arresting officer is reporting to court on the day of arrest or the next day, they will bring all required forms/reports to borough Court Section sign-in room, in addition to emailing required forms/reports to the respective borough Family Court Liaison Officer.

*If the juvenile is issued an **APPEARANCE TICKET-FAMILY COURT**, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to emailing required forms/reports to the respective borough Court Section.*

ADDITIONAL DATA (continued)

In those instances where the juvenile is removed to the appropriate facility designated by the Administration for Children's Services (ACS), the desk officer will ensure that copies of the ***ON-LINE BOOKING ARREST WORKSHEET, COMPLAINT REPORT*** *(if finalized and signed off) or* ***COMPLAINT REPORT WORKSHEET*** *if prepared, and the* ***JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT*** *are forwarded with the juvenile, in addition to emailing required reports/forms to the respective borough Court Section.*

ARRESTING OFFICER/APPEARANCE IN FAMILY COURT

JUVENILE DELINQUENT	*FAMILY COURT*
*REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)*	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	*ARRESTING OFFICER EXCUSED*

Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.

On weeknights, weekends, and court holidays, when Family Court is closed, juvenile delinquents, not designated as adolescent offenders or juvenile offenders, who fail to qualify for an ***APPEARANCE TICKET – FAMILY COURT*** *will be processed at Manhattan Criminal Court, located at 100 Centre Street.*

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	*ADDRESS*
MANHATTAN	*60 LAFAYETTE STREET*
BROOKLYN	*330 JAY STREET*
BRONX	*900 SHERIDAN AVENUE*
QUEENS	*151-20 JAMAICA AVENUE*
STATEN ISLAND	*130 STUYVESANT PLACE*

A person in need of supervision will NOT be taken into custody without a court order.

When a juvenile is arrested and taken into custody, the desk officer is required to immediately notify a parent/guardian that the juvenile has been taken into custody and the juvenile's location. A juvenile MAY NOT be questioned concerning criminal activity until the juvenile and the parent/guardian, if present, are advised and understand the juvenile's constitutional rights. ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while the parent/guardian is present. The juvenile may be questioned if he/she waives the Miranda rights in the presence of the parent/guardian. The parent/guardian does not have to separately waive*

ADDITIONAL DATA (continued)

the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions. A juvenile may be requested to provide pedigree information at the location designated for interrogation PRIOR to advising the juvenile of their constitutional rights.

If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:

a. Every reasonable effort has been made to notify parent/guardian
b. Determining the necessity for questioning at this time
c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand the Miranda Warnings.

Every reasonable effort taken to notify a parent/guardian must be documented by the desk officer in the appropriate Department record.

If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.

Precinct Detective Squad/Burglary/Robbery Apprehension Modules will enhance any case made against a violent youth offender. They will identify, locate, and apprehend any accomplices in gun-related cases or acts of violence.

When it becomes necessary to deliver a juvenile to the appropriate facility designated by the Administration for Children's Services (ACS), the arresting/assigned officer, in an effort to expedite the intake process, MUST contact the Admissions Unit PRIOR to delivering the juvenile, and provide them with the juvenile's name, address, date of birth, and parent/guardian's name.

The juvenile's statement as to age may be in conflict with the records maintained at the ACS designated facility. To resolve any differences regarding the age of the juvenile, arresting/assigned officer shall ask to examine the following primary reference documents maintained at the ACS designated facility:

a. Family Court - Remand Order Form C-23B
b. Family Court - Order Directing Detention of Respondent Form 3-11
c. Criminal Court - Securing Order Form 299
d. Supreme Court - Securing Order Form 299.

File folders may also contain photographs of the juvenile and will be made available for examination.

When there are no court records on file at the ACS designated facility, or available records are inconclusive regarding the age of the juvenile, ACS designated facility officials will accept delivery of the juvenile for detention.

Should the court records at the ACS designated facility establish that the juvenile was 18 years of age or older at the time the offense was COMMITTED, they will be returned to the borough Court Section facility, borough of arrest, for processing as an adult.

ADDITIONAL DATA (continued)

If there is a civilian complainant, the arresting officer will inform such complainant that their presence is required at Family Court, Probation Intake Area, regardless of whether or not a Supporting Deposition was prepared. In addition, in all juvenile delinquent arrest cases, the arresting officer will provide the complainant with a copy of completed form, ***JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)****.*

In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, an appearance ticket returnable to the appropriate court will be issued for one of these offenses, if eligible. The totality of circumstances should be evaluated in deciding for which offense to issue an appearance ticket.

In those instances where a juvenile is charged with an offense returnable to Family Court and also the subject of a warrant returnable to Criminal Court, the juvenile will be charged and processed for the Family Court offense, but will be transported to the Criminal Court, borough of issuance, to address the warrant. In such cases, in order to alert court personnel about the family court offense, a notification will be made to the Borough Court Section supervisor concerned.

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
Photographable Offenses (P.G. 208-07)
Fingerprintable and Palmprintable Offenses (P.G. 208-08)
Rights Of Persons Taken Into Custody (P.G. 208-09)
Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)
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)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Arrest Of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Utilization of the Juvenile Desk (P.G. 215-21)
Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays (P.G. 215-23)

FORMS AND REPORTS

AIDED REPORT
APPEARANCE TICKET – FAMILY COURT (PD277-130)
ARREST CHECKLIST (PD244-041)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)
JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244159)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)
PROPERTY CLERK INVOICE (PD521-141)
DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)

PURPOSE To process arrest of juvenile charged as a "juvenile offender" or "adolescent offender."

DEFINITIONS ADOLESCENT OFFENDER – A person 16 or 17 years of age taken into custody for any felony. The attempt of any class "E" felony will result in the offending juvenile being classified as a juvenile delinquent.

JUVENILE OFFENDER - A person less than 16 years of age taken into custody and charged with a felony as indicated below. Any attempt of the crimes listed below, except as noted in subsection (10), will result in the offending juvenile being classified as a juvenile delinquent:

a. 13, 14 and 15 years of age charged with Murder 2nd Degree (Section 125.25, subdivisions 1 and 2)
b. 14 or 15 years of age charged with Murder 2nd Degree (Felony Murder - subdivision 3) if the underlying felony is listed in subdivision c, items (1) through (11) below
c. 14 or 15 years of age and charged with:
   (1) Assault 1st Degree - Section 120.10, subdivisions 1 and 2
   (2) Manslaughter 1st Degree - Section 125.20
   (3) Rape 1st Degree - Section 130.35, subdivisions 1 and 2
   (4) Criminal Sexual Act 1st Degree - Section 130.50, subdivisions 1 and 2
   (5) Kidnapping 1st Degree - Section 135.25
   (6) Burglary 1st Degree - Section 140.30 AND Burglary 2nd Degree Section 140.25, subdivision 1
   (7) Arson 1st and 2nd Degrees - Sections 150.20 and 150.15
   (8) Robbery 1st Degree - Section 160.15 AND Robbery 2nd Degree Section 160.10, subdivision 2
   (9) Aggravated Sexual Abuse 1st Degree - Section 130.70
   (10) Attempted Murder 2nd Degree - Section 110.00; Section 125.25 OR Attempted Kidnapping 1st Degree - Section 110.00; Section 135.25
   (11) Criminal Possession of a Weapon 2nd Degree - Section 265.03 OR Criminal Possession of a Weapon 3rd Degree - Section 265.02, subdivision 4, and the offense takes place on school grounds (i.e., any building or property within the property line of a public, private or parochial school from elementary up to and including high school or any area accessible to the public, or a parked vehicle, within 1,000 feet of the property line of such school [Penal Law Section 220.00, subdivision 14]).

PROCEDURE When a juvenile is arrested and charged as a juvenile offender or adolescent offender:

ARRESTING OFFICER

1. Notify immediate supervisor of arrest and provide pertinent details.

IMMEDIATE SUPERVISOR

2. Respond to scene of arrest, as appropriate.
   a. Designate a uniformed member of the service at the scene of arrest to obtain ranks, names, tax numbers, and commands of uniformed members present at scene of arrest, and to ascertain if those uniformed members possessed body-worn cameras, and if the body-worn cameras were activated.

ARRESTING OFFICER

3 Notify the Juvenile Desk if the juvenile is removed to a police facility.

NOTE *Arresting officers must call the Juvenile Desk and confer with an analyst before beginning the arrest process to ensure that all available information regarding the juvenile is provided and additional resources (e.g., Juvenile Crime Squad, Law Department, Deputy Commissioner, Public Information, Internal Affairs Bureau, other investigative units, etc.) are notified or dispatched in a timely manner.*

4. Bring juvenile to appropriate area designated for interrogation of juveniles.
   a. Confer with desk officer to ascertain designated location when unknown.
   b. Have female police officer or other qualified female present, if juvenile is a female.
5. Notify parent/guardian that juvenile is in custody and location of juvenile.
6. Do not question until arrival of parent/guardian.
   a. Juvenile may be requested to provide pedigree information at location designated for interrogation PRIOR to advising juvenile of constitutional rights.
7. Advise at the same time, juvenile AND parent/guardian of rights as stated in **MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)** prior to interrogation.
   a. The juvenile may be questioned if he/she waives their rights in the presence of the parent/guardian. The parent /guardian does not have to separately waive the Miranda rights; they only need to be advised of such rights. However, if the parent/guardian objects to the questioning or requests an attorney for the juvenile, no questioning should occur even if the juvenile is willing to answer questions.

NOTE *If the parent/guardian cannot be notified, a juvenile MAY be questioned ONLY after:*
a. Every reasonable effort has been made to notify parent/guardian
b. Determining the necessity for questioning at this time
c. Considering the age, apparent intelligence of the juvenile, and the ability of the juvenile to understand Miranda Warnings.

NOTE (continued) *If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (e.g., relative, clergyman, teacher, etc.), other than law enforcement personnel, present during questioning; that the juvenile and the competent adult were advised jointly of the Miranda Warnings; that they understand these rights; and the effect of a waiver on these rights.*

ARRESTING OFFICER (continued)

8. Prepare handwritten copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if applicable, at interrogation location.
   a. Enter specific offenses under "charges" with juvenile offender or adolescent offender crimes listed first.
   b. Enter words "Juvenile Offender" or "Adolescent Offender" in box captioned "DAT - Return Date."

NOTE *A juvenile offender or adolescent offender is NOT eligible for Personal Recognizance, except in those circumstances delineated in P.G. 208-27, "Desk Appearance Ticket – General Procedure."*

9. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)** at interrogation location.
   a. Attach hard copy of warrant check.
10. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141)**, if necessary.
11. Prepare **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)**.
12. Ensure that juvenile offender or adolescent offender is fingerprinted and palmprinted in conformance with *P.G. 208-11, "Arrest Processing – 'Livescan' Fingerprinting and Palmprinting*."
13. Deliver property and **WORKSHEET** to desk officer.

DESK OFFICER

14. Review and sign all arrest documents.
15. Ensure distribution of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
16. Keep juvenile offender or adolescent offender segregated from adult prisoners while in custody.
   a. Direct that juvenile offender or adolescent offender be placed in forward patrol wagon compartment and adult prisoners in rear compartment if being transported at the same time.
17. Ensure delivery of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT (PD313-152)**, if prepared, **DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST**, **ARREST CHECKLIST (PD244-041)**, and related forms as directed by Juvenile Crime Desk, as appropriate.

ARRESTING OFFICER

18. Juvenile offenders and adolescent offenders will be arraigned in Supreme Court Youth Part in all boroughs, Monday through Friday, between 0900 and 1700 hours.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.
19. Juvenile offenders and adolescent offenders are to be detained in juvenile rooms.
20. In limited circumstances, such as when there are cross-complainants in custody or a concern for the safety of members of the service or other prisoners(s) is present, juveniles classified as adolescent offenders may be detained in detention holding areas or individual cells provided no adult prisoners are lodged therein.

NOTE *Precinct based investigative units, including Precinct Detective Squad/Burglary/Robbery Apprehension Modules, will enhance any case being made against a juvenile offender or violent adolescent offender.*

BOROUGH COURT SECTION SUPERVISOR

21. Give juvenile offenders, adolescent offenders, and companion case adult offenders priority in arrest processing, preparation of court complaint, arraignment, etc.
22. Ascertain that **ON LINE BOOKING SYSTEM ARREST WORKSHEET** and other related forms are prepared accurately.

BOOKING OFFICER

23. Determine if arraignment of juvenile offender or adolescent offender can be completed in Supreme Court Youth Part.
    a. On weeknights when Youth Part is closed, the borough Criminal Court will preside as the Youth Part.

NOTE *Members are reminded to confer with the Juvenile Desk for instructions.*

    b. If juvenile offender or adolescent offender is in the precinct of occurrence and arraignment cannot be completed, the desk officer, precinct of occurrence, must arrange transportation of juvenile to the designated juvenile lodging location, after conferral with the borough Court Section supervisor.
    c. If juvenile arrives at borough Court Section facility and it is determined the arraignment cannot be completed, and that facility is not a designated lodging location, the borough Court Section supervisor will direct the arresting officer and/or escort officer to transport juvenile to the designated lodging location.

NOTE *UNDER NO CIRCUMSTANCES WILL JUVENILE OFFENDERS OR ADOLESCENT OFFENDERS WHO ARE AWAITING ARRAIGNMENT, BE DETAINED OVERNIGHT AT A DEPARTMENT OF JUVENILE JUSTICE DETENTION CENTER.*

ADDITIONAL DATA

If the assistant district attorney declines to prosecute the juvenile offender or adolescent offender and directs that the juvenile offender or adolescent offender be released, the arresting officer will comply with P.G. 210-16, "Release of Prisoner at the Complaint Room By Direction of the Assistant District Attorney." If the assistant district attorney directs that the charges be reduced to an offense not meeting juvenile offender or adolescent offender classification but sufficient for processing as a juvenile delinquent, the arresting officer shall process the offender as a juvenile delinquent. The arresting officer will notify the borough Court Section supervisor so that the ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *may be changed if not already forwarded, or an* ***ARREST REPORT - SUPPLEMENT (PD244-157)*** *be prepared if* ***ON LINE BOOKING SYSTEM ARREST WORKSHEET*** *has been forwarded.*

The arresting officer will also notify the Juvenile Desk of any change in the charge(s) that will amend the status of the juvenile (e.g., upgrade in charge(s) or additional charges, assistant district attorney declines to prosecute juvenile, etc.).

The identity of a juvenile under 18 years of age who has been arrested and charged as a juvenile offender or adolescent offender (see "Definitions" above) may be released. However, the identity of a juvenile taken into custody for juvenile delinquency MAY NOT be released.

In those instances where a juvenile is charged with both a Vehicle and Traffic Law (VTL) and a non-VTL misdemeanor (such as a Penal Law misdemeanor) arising from the same incident, either a summons or a Desk Appearance Ticket for the VTL misdemeanor must be issued, if eligible. If the juvenile does not qualify for a summons or a Desk Appearance Ticket and the arrest for the VTL misdemeanor is to be processed online, contact the Juvenile Crime Desk to ascertain whether the juvenile is eligible for a Family Court Appearance Ticket on the non-VTL misdemeanor.

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
Photographable Offenses (P.G. 208-07)
Fingerprintable and Palmprintable Offenses (P.G. 208-08)
Arrest Processing - "Livescan" Fingerprinting and Palmprinting (P.G. 208-11)
Change In Arrest Charges (P.G. 208-17)
Performing Local, State and Federal Warrant Checks (P.G. 208-22)
Computerized Investigation Report Worksheet System (P.G. 208-23)
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)
Release Of Prisoner At Complaint Room By Direction of Assistant District Attorney (P.G. 210-16)
Release of Information to News Media (P.G. 212-77)
Offenses Committed By A Juvenile Under 18 Years Of Age (Other Than A Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Utilization of the Juvenile Desk (P.G. 215-21)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)
ARREST CHECKLIST (PD244-041))
COMPLAINT REPORT (PD313-152)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141)
DISTRICT ATTORNEY BODY-WORN CAMERA CHECKLIST (PD220-141)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-11

ARREST OF JUVENILE UNLAWFULLY IN CERTAIN LICENSED PREMISES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/30/19	10/01/19		1 of 1

PURPOSE To take a juvenile found in certain licensed premises into protective custody.

DEFINITIONS JUVENILE – An individual actually or apparently under 18 years of age.
LICENSED PREMISES - Public dance halls, cabarets, catering establishments, bars and grills, pool and billiard parlors, bowling alleys, skating rinks, theaters, motion picture theaters.

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain age of the juvenile.
2. Determine if presence is unlawful.
3. Take juvenile in to protective custody if presence in premises is in violation of law and arrest proprietor or person in charge.
   a. If a premise is a pool/billiard parlor, or bowling alley, issue a summons in lieu of arrest.
   b. If proprietor/person in charge is arrested, indicate under "Details" of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** a brief statement indicating person in charge of premises permitted or had knowledge of violation and actions that led arresting officer to make this conclusion.
4. Escort juvenile home, if residence is located within city.
   a. If residence of juvenile is outside city limits, handle as "Child Requiring Shelter" until provision is made for returning juvenile home.
5. Inform parents of juvenile of unlawful presence and question concerning reason.
6. Advise parent of legal responsibilities.
7. Prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)**, as per *P.G. 215-08, "On-Line Juvenile Report System"* and include under "Details" section:
   a. Occupation of parent/guardian
   b. Statements of parent/guardian.
8. Submit **WORKSHEETS** to desk officer.

DESK OFFICER

9. Review **WORKSHEETS** for accuracy and sign.
10. Process in normal manner.

COMMANDING OFFICER

11. Forward report of action taken to Chief of Department, Investigation Review Section, DIRECT, if premises is:
    a. Catering establishment
    b. Cabaret
    c. Public dance hall.

RELATED PROCEDURES *Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
On-Line Juvenile Report System (P.G. 215-08)

FORMS AND REPORTS ***COMPLAINT REPORT WORKSHEET (PD313-152A)***
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-12	
PERSONAL RECOGNIZANCE JUVENILE DELINQUENT			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To release a juvenile, at least 7 but less than 18 years of age, to the custody of parent, guardian, lawful custodian, or reasonably responsible adult relative for appearance at Family Court.

PROCEDURE When the release of a child on personal recognizance is appropriate.

DESK OFFICER

1. Determine if applicant is parent/guardian, lawful custodian, or reasonable responsible adult relative by evidence of identity and relationship to juvenile.

NOTE *<u>JUVENILE WILL NOT BE RELEASED IF</u>:*

a. Applicant, as defined above, is not capable of providing adequate supervision
b. Juvenile is wanted on a warrant or is juvenile recidivist
c. Health or morals of juvenile would be endangered if released
d. Juvenile is not likely to appear on return date
e. Juvenile's release would be dangerous to community
f. Classified as "Juvenile Offender" or "Adolescent Offender" (P.G. 215-10)
g. Juvenile is a "Designated Felon" and Family Court is in session
h. Juvenile is arrested for a felony and conferral with the Juvenile Desk indicates that the juvenile is awaiting trial on a violent felony
i. An act committed by a juvenile against a member of his or her family/household (as per P.G. 208-36, "Family Offenses/Domestic Violence") (NYPD expanded definition) is a felony assault, or any sex offense, or other circumstances exist where the release of juvenile would be dangerous to a member of the same family/household.

*If a juvenile is alleged to have committed one or more of the listed "Designated Felony" offenses (see ADDITIONAL DATA) and Family Court is in session, the member concerned will take the juvenile delinquent to Family Court <u>without delay</u> unless interrogation of the juvenile is required. If questioning is necessary, the member will take the juvenile to a command location which has been approved as a suitable facility for the interrogation of juveniles. An **APPEARANCE TICKET - FAMILY COURT (PD277-130)** will <u>not</u> be issued to a juvenile delinquent who has been taken into custody for a "Designated Felony" if Family Court is in session. In all cases in which a youth is arrested and charged with a violent felony act, the Precinct Detective Squad/Robbery Apprehension Module will be directed to enhance the arrest. It will also be their responsibility to identify, locate and apprehend any accomplices in gun related cases or acts of youth violence and attempt to match them to other outstanding crimes. These units will also attempt to identify and apprehend those selling guns to minors.*

UNIFORMED MEMBER OF THE SERVICE

2. Prepare **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)**.

WHEN JUVENILE IS TO BE RELEASED

UNIFORMED MEMBER OF THE SERVICE

3. Prepare **APPEARANCE TICKET-FAMILY COURT (PD277-130)** and have applicant sign in place provided.
   a. If the person refuses to sign the form, the word "REFUSED" will be entered on the signature line.

NOTE *Refusal of a parent/guardian, etc., to sign does not bar release of the juvenile and issuance of the **APPEARANCE TICKET**. However, if the parent/guardian, etc., refuses to take custody of the juvenile, the juvenile must be remanded.*

4. Distribute copies as indicated on form.
   a. Provide complainant with pink copy of **APPEARANCE TICKET - FAMILY COURT**, if applicable.
5. Prepare and deliver to complainant, **JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)**.

NOTE *This form must be prepared in all arrests whether the juvenile is released on personal recognizance or is to be detained.*

DESK OFFICER

6. Attest to the accuracy and completeness of forms by signing forms in appropriate spaces with rank, name, and shield number/tax number.

NOTE *All juveniles taken into custody for the same incident must appear at the same time and place for intake processing. If one juvenile does not qualify for personal recognizance, all others (acting in concert) who are released on personal recognizance, must appear at the borough Family Court on the next morning that court is in session.*

UNIFORMED MEMBER OF THE SERVICE

7. Prepare arrest package containing the following forms:
   a. Copy - **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**
   b. BUFF copy - **APPEARANCE TICKET - FAMILY COURT**
   c. Evidence/Release Investigation copy of appropriate **PROPERTY CLERK INVOICE (PD521-141)**, if evidence is involved.
   d. Copy of **COMPLAINT REPORT (PD313-152)**, if finalized and signed-off. If not finalized and signed-off, the **COMPLAINT REPORT WORKSHEET (PD313-152A)** will be submitted.
   e. **AIDED REPORT**, if prepared.
   f. Copy of digital **Activity Log** entry.
   g. **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)**.
      (1) Distribute remaining copies to precinct youth coordination officer, Youth Strategies Division, and juvenile detention facility, if juvenile is detained.
   h. Any other related arrest information including copies of arresting officer's/investigator's personal notes.

UNIFORMED MEMBER OF THE SERVICE (continued)

i. Document all contents of arrest package on **ARREST CHECKLIST (PD244-041)**.

NOTE *In ALL cases of an arrest of a juvenile, other than a juvenile offender or adolescent offender, the desk officer will ensure the above forms/reports are faxed or emailed to the respective borough Court Section (Attn: NYPD Family Court Liaison Officer) (see ADDITIONAL DATA statement for listing of liaison officers). During business hours, the Family Court Liaison Officer will be called to verify receipt of the above reports. During non-business hours, the fax transmittal receipt or copy of sent email, indicating receipt of the above reports at the borough Court Section, will be obtained and attached to the court package.*

IF JUVENILE IS TO BE DETAINED

UNIFORMED MEMBER OF THE SERVICE

8. Call the designated Administration for Children's Services (ACS) facility to arrange for lodging.
9. Forward copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT**, if prepared, and copy of **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT** to juvenile detention facility with juvenile.
10. Appear in Family Court, located in borough of arrest, with civilian complainant, if any, the next morning that court is in session.

NOTE *Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.*

IF CHILD, ELIGIBLE FOR RELEASE, HAS BEEN SENT TO A DETENTION SHELTER

DESK OFFICER

11. Notify juvenile counselor on duty at shelter.
12. Prepare **NOTICE OF RECOGNIZANCE - JUVENILE DELINQUENT (PD209-121)** and give to applicant for presentation at place of detention.
13. Make Command Log entry when notified by officer at shelter that juvenile has been released.
14. Notify arresting officer of release and scheduled appearance date.

NOTE *If applicant appears at a command where the shelter is located, the desk officer will telephone the command of arrest and carry out steps "11 through 14" above.*

ADDITIONAL DATA *If laboratory examination of a controlled substance or a firearm is required, the Police Laboratory/Firearms Analysis Section, as appropriate, will forward a copy of the results of the analysis to the Family Court Liaison Officer, Family Court concerned, when such report is requested.*

ADDITIONAL DATA (continued)

DESIGNATED FELONIES - JUVENILE DELINQUENTS

AGE/S	*OFFENSE*	*PENAL LAW SECT.*
13 ONLY	*Kidnapping 1*	*135.25*
13 ONLY	*Arson 1*	*150.20*
13 ONLY	*Assault 1*	*120.10*
13 ONLY	*Manslaughter 1*	*125.20*
13 ONLY	*Rape 1*	*130.35*
13 ONLY	*Criminal Sexual Act 1*	*130.50*
13 ONLY	*Aggravated Sexual Abuse 1*	*130.70*
13 ONLY	*Arson 2*	*150.15*
13 ONLY	*Robbery 1*	*160.15*
13 ONLY	*Murder 2 (subdivision 3)*	*125.25*
13 ONLY	*Attempted Murder 2*	*110/125.25*
13 ONLY	*Attempted Kidnapping 1*	*110/135.25*
14 & 15 ONLY	*Assault 1 (subdivisions 3 and 4)*	*120.10*
14 & 15 ONLY	*Rape 1 (subdivision 3)*	*130.35*
14 & 15 ONLY	*Criminal Sexual Act 1 (subdivision 3)*	*130.50*
13, 14, 15 ONLY	*Murder 1*	*125.27*
13, 14, 15 ONLY	*Attempted Murder 1*	*110/125.27*
13, 14, 15 ONLY	**Kidnapping 2*	*135.20*

**(Only where abduction involved use or threat of use of deadly physical force.)*

*If Family Court is closed, and juvenile qualifies for recognizance, a juvenile who has committed a "Designated Felony" may be released after the issuance of an **APPEARANCE TICKET-FAMILY COURT.** If an **APPEARANCE TICKET - FAMILY COURT** is issued, the member concerned will obtain the return date from the Juvenile Desk. It should be noted that the Department of Probation has directed that the return date for a released "Designated Felony-Juvenile Delinquent" will be the next date the court is open and the police officer will NOT be excused. Accordingly, the member must appear at Family Court on the next court date for the processing of "Designated Felonies-Juvenile Delinquents."*

*In cases where an **APPEARANCE TICKET-FAMILY COURT** is issued, the arresting officer will contact the Juvenile Desk to obtain a Family Court return date.*

If the arresting officer is reporting to court on the day of arrest or the next day, he/she will bring all required forms/reports to borough Court Section sign-in room, in addition to faxing required forms/reports to the respective borough Court Section.

*If the juvenile is issued an **APPEARANCE TICKET-FAMILY COURT**, the desk officer will ensure that all required forms/reports are forwarded to the borough Court Section Family Court Liaison Officer in the next day's a.m. mail, in addition to faxing required forms/reports to the respective borough Court Section.*

*In those instances where the juvenile is removed to the designated Administration of Children's Services (ACS) facility, the desk officer will ensure that copies of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**, **COMPLAINT REPORT** (if finalized and signed) or **COMPLAINT REPORT WORKSHEET**, if prepared, and the **JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT** are forwarded with the juvenile, in addition to faxing/emailing required reports/forms to the respective borough Court Section.*

ADDITIONAL DATA (continued)

ARRESTING OFFICER/APPEARANCE IN FAMILY COURT

JUVENILE DELINQUENT	*FAMILY COURT*
*REMANDED (**APPEARANCE TICKET-FAMILY COURT** NOT ISSUED)*	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	*APPEAR 0900 HOURS NEXT BUSINESS DAY*
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	*ARRESTING OFFICER EXCUSED*

Members will adhere to P.G. 215-23, "Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays" if an appearance at Family Court is requested on a weekend or court holiday and the borough Family Court is not in session.

*On weeknights, when Family Court is closed, youth who fail to qualify for an **APPEARANCE TICKET – FAMILY COURT** will be processed at Manhattan Criminal Court, located at 100 Centre Street*

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	*ADDRESS*
MANHATTAN	*60 LAFAYETTE STREET*
BROOKLYN	*330 JAY STREET*
BRONX	*900 SHERIDAN AVENUE*
QUEENS	*151-20 JAMAICA AVENUE*
STATEN ISLAND	*100 RICHMOND TERRACE*

RELATED PROCEDURES

Computerized Investigation Report Worksheet System (P.G. 208-23)
Family Offenses/Domestic Violence (P.G. 208-36)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Court Processing of Arrests of Juvenile Delinquents on Weekends and Court Holidays (P.G. 215-23)

FORMS AND REPORTS

AIDED REPORT
APPEARANCE TICKET-FAMILY COURT (PD277-130)
ARREST CHECKLIST (PD244-041)
COMPLAINT REPORT (PD313-152)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a)

FORMS AND REPORTS (continued)

JUVENILE DELINQUENT ARREST COMPLAINANT'S NOTIFICATION TO APPEAR (PD277-120)
NOTICE OF RECOGNIZANCE-JUVENILE DELINQUENT (PD209-121)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE (PD521-141)

Section: Juvenile Matters	Procedure No: 215-13

HANDCUFFING/RESTRAINING STUDENTS WITHIN SCHOOL FACILITIES FOR ARREST OR AS AN EMOTIONALLY DISTURBED PERSON AND USE OF ALTERNATIVE RESTRAINTS/VELCRO CUFFS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/08/20	01/08/20		1 of 5

PURPOSE To set forth a policy for the handcuffing/restraining of students within New York City public schools to ensure the safety of members of the service and students being taken into custody for an arrest or, when being safeguarded as an emotionally disturbed person.

SCOPE HANDCUFFING/RESTRAINING POLICY FOR STUDENTS:
The safety of all persons involved is the predominant factor in determining if a student should be restrained and which type of restraint used. When operating in a school environment, the minimum level of restraint necessary should be utilized to secure the student who is being restrained for an arrest or being safeguarded as an emotionally disturbed person. Members of the service should confer and coordinate with school administrative staff, including the principal, dean, teachers and guidance counselor in instances where it may be necessary to restrain a student, when possible and when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force.

Absent exigent circumstances, handcuffs/alternative restraints/Velcro cuffs should NOT be placed on a student while in a classroom, cafeteria, or area where other students are located. Members of the service should coordinate with school officials to have the student removed to a semi-private location (e.g., principal's office, school security office, etc.) when possible.

When it is necessary to handcuff students 16 years of age and above, metal handcuffs will be used. Alternative restraints will **NOT** be utilized for students sixteen years of age and above.

RESTRAINING STUDENTS UNDER 12 YEARS OF AGE:
Metal handcuffs should not be used on students less than twelve years of age without prior approval of the neighborhood coordination sergeant, patrol sergeant or school safety supervisor, whenever possible. Metal handcuffs will only be used as a last resort when other means of restraint are not effective and the student, members of the service or others, would face a risk of bodily harm if metal handcuffs were not used.

The Department is committed to recognizing that handcuffing students in a school facility has unique and sensitive aspects. Incidents that are not criminal but are related to school discipline only, are generally not a police matter, but fall under the purview of school officials. Members of the service will ordinarily defer to school officials for appropriate action when incidents committed by students are related only to school discipline. School actions could include parent conferrals, referral to guidance counselors, suspension and/or initiation of mediation procedures. Incidents committed by students within schools that are

SCOPE (continued) low level, non-violent misdemeanor crimes or violations may also be referred to school officials for appropriate action, after a review of the incident by members of the service and a conferral with the school principal/designee.

For the safety of all concerned, the Department's policy is to rear handcuff students who are arrested in a school facility unless mitigating circumstances dictate not to. Consideration should be given to a student's age or special needs status when determining how a student is restrained. A decision may be made not to rear handcuff or use restraints when such special circumstances exist.

Verbal commands, constructive restraint or alternative restraints should be strongly considered or attempted prior to utilizing metal handcuffs.

A student less than twelve years of age will **NOT** be handcuffed to a restraining bar, chair, railing, or other fixed objects and must be kept under constant observation by uniformed member of the service/school safety agent at all times.

Precinct commanding officer/executive officer/duty captain will investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs. This report will be forwarded to the Chief of Patrol along with a copy to the Commanding Officer, School Safety Division.

DEFINITIONS CONSTRUCTIVE RESTRAINT – Physical control, with no restraining device employed, using the minimal amount of physical force necessary to control movement in order to ensure the safety of the student (i.e., for use on a student who is obeying all commands).

ALTERNATIVE RESTRAINT – A Velcro restraining device that is an alternative to metal handcuffs when taking a student into custody, who poses a possible safety risk, risk of flight, and/or non-compliance. Only those members of the service trained in the use of Velcro restraining devices may use these alternative restraints. Alternative restraints will not be utilized for students sixteen years of age or older. All school safety agents carry and are trained in the use of alternative restraints/Velcro cuffs.

SPECIAL EDUCATION STATUS – Students with physical, intellectual, or emotional disabilities. Students may have one or more types of disabilities. Students with special education status may be attending any New York City public school.

PROCEDURE When handcuffing/restraining a student for arrest or, safeguarding as an emotionally disturbed person inside or on the grounds of a school facility, during school hours, after school or at weekend school related events:

UNIFORMED MEMBER OF THE SERVICE

1. Notify, confer, and coordinate actions with School Safety Division personnel and the principal/designee, prior to taking police action, or when responding to a student experiencing emotional issues in a public school facility, unless exigent circumstances exist.
   a. If conferrals with School Safety personnel or the principal/designee are not possible prior to effecting an arrest due to exigent circumstances, then a notification of the arrest MUST be made to School Safety Division personnel and school principal/designee as soon as practical after the arrest has been effected, or a student has been restrained for emotional issues.
   b. During a conferral with the principal/designee and School Safety Division personnel, discussions should include the option of referring low level non-violent criminal incidents and violations of law committed by a student in a school facility, to school officials for appropriate action in lieu of arrest or a summons.

UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT LEVEL I-III

2. Inform school personnel of the decision to effect an arrest and the basis of that decision unless physical resistance, flight or other factors render such procedure impractical.
3. Remove student, if possible, to a semi-private location (e.g., principal's office, school security office, etc.).
4. Inform student of authority and cause for arrest, unless physical resistance, flight or other factors render such procedure impractical.
5. Use appropriate level of restraint, as applicable (e.g., constructive restraint, alternative restraints/Velcro cuffs, or metal handcuffs), based on factors described in ADDITIONAL DATA statement under heading "OPERATIONAL CONSIDERATIONS."
6. Request neighborhood coordination sergeant, or if unavailable, patrol supervisor to respond to the scene, whether being taken into custody for an arrest or being safeguarded as an emotionally disturbed person.
7. Keep the student under constant supervision regardless of level of restraint used.
8. DO NOT remove student from a school to a Department facility if, upon investigation, it is determined that the incident involves the commission of a violation.

NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR/ SUPERVISOR OF SCHOOL SECURITY

9. Respond to location and verify that probable cause exists to support the arrest or to supervise the restraining of a student for emotional issues.
10. Assess the type of restraint used and direct change in level of restraint, as appropriate.
11. Advise school administrator to contact their Legal Department, if school administrator objects to arrest.
12. Notify precinct commanding officer/executive officer/duty captain, whenever metal handcuffs are utilized to restrain a student less than twelve years of age for any period of time.

PRECINCT COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

13. Investigate and prepare a report on **Typed Letterhead** when metal handcuffs are utilized on a student less than twelve years of age, and include a determination regarding the necessity and appropriateness of utilizing metal handcuffs.
    a. Forward **Typed Letterhead** to the Chief of Patrol, along with a copy to the Commanding Officer, School Safety Division.

NEIGHBORHOOD COORDINATION SERGEANT

14. Meet with principals of schools located within the command at the beginning of each school year to discuss school conditions, and to apprise them of the Department's handcuffing/restraining policy.

SCHOOL SAFETY AGENT LEVEL I-II

15. Be aware of all police action taken on school grounds and document any police action taken on **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)**.

SCHOOL SAFETY AGENT LEVEL III/ SUPERVISOR OF SCHOOL SECURITY

16. Verify that **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** are prepared as required.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Constructive restraint or alternative restraints/Velcro cuffs may be utilized when it is necessary to take a student into police custody. Nothing in this procedure prevents a member of the service from removing restraints from a student or moving to a lower level of restraint (i.e., from metal handcuffs to alternative restraints or, from alternative restraints to constructive restraint) when the incident has stabilized and the student is no longer a danger to themselves or others.

The safety of all persons involved is the predominant factor in determining if a student should be restrained, and if restrained, which method is utilized. It is incumbent on the member of the service to use a reasonable belief standard in determining the level of restraint. Factors that may be considered in making this determination include the following:

- *a. Age of the student (generally a student who is less than twelve years of age; however, students under the age of sixteen may be eligible for alternative restraints, dependent upon circumstances)*
- *b. Physical stature of the student*
- *c. Type of offense/nature of incident (including use of weapons)*
- *d. Presence of student's parent/guardian*
- *e. Special education status*
- *f. The reputation of the student with school authorities (including whether the student has a history of emotional or behavioral difficulties)*

ADDITIONAL DATA (continued)

g. The student's demeanor and compliance with instructions given by school staff, parents, and members of the service

h. Whether the student is demonstrating behavior that may cause imminent harm to themselves or others

i. Whether there is possible risk of escape

j. Medical, mental, physical and/or emotional condition/limitation of the student, if known.

If a juvenile has been arrested and removed from a school to a Department facility for arrest processing, a notification must be made to the Juvenile Crime Desk. The Juvenile Crime Desk will assist supervisors in making a determination as to whether that juvenile should be released on a ***JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)*** *or, if the juvenile should be processed as a Juvenile Delinquent as per P.G. 215-09, "Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender)."*

LEGAL CONSIDERATIONS

Whether probable cause to arrest exists will be determined by the Police Department. While the desires of school personnel (principals, teachers, etc.) may be considered by the member of the service in determining whether an arrest is warranted, the views of school personnel are NOT controlling. In the event a conflict arises between a member of the service who wishes to effect an arrest of a student and school personnel, the member of the service will request the response of the neighborhood coordination sergeant or, if unavailable, the patrol supervisor.

The final decision as to whether to take a student into custody for a criminal offense and the method of restraint rests with the ranking uniformed police supervisor present at the scene.

Under no circumstances will school personnel be permitted to interfere with an arrest.

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)
Prisoners – General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
Offense Committed by a Juvenile Under 17 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)
Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS

SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
Typed Letterhead

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-14

CHILD ADVOCACY REFERRALS IN THE BOROUGHS OF BROOKLYN, QUEENS AND MANHATTAN

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 2

PURPOSE To enhance investigations of complaints/arrests made for cases of child abuse and/or sex crimes in the boroughs of Brooklyn, Queens and Manhattan.

DEFINITION ABUSED CHILD (SECTION 1012, FAMILY COURT ACT)

Means a child less than eighteen years of age whose parent or person legally responsible for his care:

a. Inflicts or allows to be inflicted upon such child, physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

b. Creates or allows to be created, a substantial risk of physical injury to such child other than by accidental means which would be likely to cause death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ, OR

c. Commits or allows to be committed, a sex offense against such child defined in Article 130 of the Penal Law; allows, permits or encourages such child to engage in any act described in Sections 230.25, 230.30, and 230.32 of the Penal Law; commits any of the acts in Section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in Article 263 of the Penal Law provided, however, that (a) the corroboration requirements contained in the Penal Law and (b) the age requirement for the application of Article 263 of such law shall not apply to proceedings under this Article.

PROCEDURE Whenever there is a complaint/arrest in the boroughs of Brooklyn, Queens and Manhattan involving a child:

a. Less than eleven years of age who is the victim of child abuse, OR

b. Less than thirteen years of age who is the victim of any sex crime or attempted sex crime:

UNIFORMED MEMBER OF THE SERVICE

1. Promptly notify desk officer, precinct of occurrence.
2. Notify the Administration for Children's Services, Instant Response Team (ACS/IRT) Coordinator whenever:
   a. A child is removed from a household by police personnel; or
   b. An arrest is made in connection with the abuse or neglect of a child.
3. Prepare reports as specified in *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."*
4. Notify the New York State Central Registry of Child Abuse.
5. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.

DESK OFFICER

6. Promptly notify Special Victims Unit of complaint/arrest and provide preliminary details.
   a. Notify the desk officer, police service area (PSA)/transit district, when incident/arrest occurred on housing/transit jurisdiction, as appropriate.

SPECIAL VICTIMS UNIT

7. Notify the appropriate borough Child Abuse Squad concerned, provide details and coordinate the response to incident.
8. Notify desk officer, precinct of occurrence and provide investigative unit's estimated time of arrival to incident.

CHILD ABUSE SQUAD, MEMBER CONCERNED

9. Respond to incident and conduct investigation.
10. Determine if a case enhancement is needed in arrest situations.

UNIFORMED MEMBER OF THE SERVICE

11. Enter under "Notifications To" section on rear of **COMPLAINT REPORT WORKSHEET**:
    a. Name of member of the service notified at Special Victims Unit, the appropriate borough Child Abuse Squad assigned, investigator assigned and case number, if available
    b. Include any other investigative unit assigned, investigator assigned and case number, if applicable (e.g., IAB, Crime Scene Unit, etc.).

RELATED PROCEDURES

Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)
Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-15	
CONFISCATION OF NEW YORK CITY TRANSIT STUDENT METRO CARDS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To establish procedures and guidelines for the confiscation of a New York City Transit Student Metro Card.

SCOPE If a Student Metro Card is illegally possessed i.e., one which was legally issued to another, it will be confiscated and further police action will be taken depending upon the circumstances. When a student has committed a felony or a misdemeanor against New York City Transit property, employees or passengers, and possesses a Student Metro Card legally, that card will be confiscated and appropriate police action will be taken.

DEFINITION STUDENT METRO CARDS - Utilized by students going to and from school and school events on New York City Transit subways and New York City/MaBSTOA local buses, as well as Staten Island Railroad trains at St. George Terminal. Student Metro Cards are valid from 0530 to 2030 hours on school days. Night School Student Metro Cards are valid from 1300 to 0100 hours. Student Metro Cards must be swiped in a turnstile and may not merely be displayed to permit entry. New York City Transit encourages students to sign their Metro Cards, but this is not a requirement. An unsigned card is valid, and should NOT be confiscated merely because it is unsigned.

PROCEDURE When a Student Metro Card is confiscated:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)**.

IF IT IS SUSPECTED THAT THE CARD MAY HAVE BEEN REPORTED LOST OR STOLEN:

UNIFORMED MEMBER OF THE SERVICE

2. Call the New York City Transit Fare Media Unit for school of issuance.
3. Call the school where the card was issued, to verify if the card has been reported lost or stolen.
4. Indicate on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, when lost/stolen card verification cannot be made during non-business hours.
5. Prepare other Department reports as required.
6. Record all information in digital **Activity Log**.
7. Enter the **PROPERTY CLERK INVOICE (PD521-141)** number on the **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT**, if Student Metro Card is vouchered as evidence.
   a. DO NOT write on confiscated card.
8. Submit completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** and confiscated card to the precinct/district desk officer.

PRECINCT/ DISTRICT DESK OFFICER

9. Review completed **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for completeness and accuracy and sign the appropriate caption.
10. Direct that a check be made by second platoon clerical personnel on the next business day, if **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** indicates that a lost/stolen card check was not made.
11. Have original and first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** with confiscated card forwarded to Transit Bureau, Patrol Operations.
    a. Retain second copy in command file.

TRANSIT BUREAU, PATROL OPERATIONS

12. Maintain first copy of **SCHOOL TRANSPORTATION PASS CONFISCATION REPORT** for filing as a juvenile record.
    a. Forward original with card to:
    Manager of Fare Media-New York City Transit, 370 Jay Street, Brooklyn, New York, 11201.

ADDITIONAL DATA

Certain categories of Metro Cards produce different colored lights at the turnstile. Student Metro Cards produce an amber light; police and transit employee Metro Cards produce a green light; and half-fare cards (senior citizens, handicapped, etc.) produce a red light. No light is produced by a full fare Metro Card. Police officers may detect the improper use of a Student Metro Card by an adult, or of an adult employee's card by a youth, by noticing the color of light produced when the card is swiped. Questions about the proper use of Metro Cards may be referred to the New York City Transit Fare Media Unit.

RELATED PROCEDURE

Processing of Found Property Recovered by School Safety Agents in Facilities or on Property Owned by the Department of Education (P.G. 218-46)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-16

REPORTING AND RECORDING PUBLIC SCHOOL-RELATED CRIMINAL INCIDENTS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To record and monitor public school-related criminal incidents, thus enabling the Police Department to conduct timely incident analysis, develop strategies and tactics, and effectively deploy resources.

DEFINITION PUBLIC SCHOOL-RELATED CRIMINAL INCIDENT(S) incidents occurring on public school grounds, in the immediate vicinity of the school, on a school bus, at a school-sponsored event or while traveling to and from school, including the following:

a. Any felony or misdemeanor offense.
b. Any incident involving:
   1) Gangs
   2) Weapons
   3) Controlled substances.
c. Violation offenses involving:
   1) Fireworks
   2) Trespass
   3) Disorderly Conduct
   4) Harassment
   5) Loitering
   6) Marijuana.

NOTE *School Safety Agents, School Safety Agents Level III, School Safety Division supervisors, School Safety Division Operations Center supervisors and police supervisors will ensure that the student's name (as victim, witness, or suspect), or the identity of victims of sex-related offenses, are not recorded on the* ***SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)*** *for offenses as per "c" above. Such victims will be indicated by use of the term "person(s) known to this Department."*

PROCEDURE When a public school-related criminal incident occurs:

a. On public school grounds
b. In the immediate vicinity of the school
c. On a school bus
d. At a school-sponsored event or
e. While traveling to and from school:

SCHOOL SAFETY AGENT/ U.M.O.S. ASSIGNED TO THE SCHOOL

1. Request police response, via 911/radio dispatcher if an emergency, or via local precinct in other situations.
2. Request School Safety Agent Level III to respond.
3. Notify school principal/designee.

SCHOOL SAFETY AGENT LEVEL III

4. Respond to incident location.
5. Review actions taken by School Safety Division personnel.
6. Ensure that all required notifications are made, including the Patrol Borough Liaison Captain in situations of a serious nature.

NOTE *If the School Safety Agent Level III is unavailable, a School Safety Supervisor will be requested to respond from the School Safety Borough Command and perform the duties of the School Safety Agent Level III.*

SCHOOL SAFETY AGENT/ PRECINCT U.M.O.S. ASSIGNED TO THE SCHOOL

7. Interview students, complainants and witnesses in accordance with *P.G. 215-17, "Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property"* and request that they remain at the scene pending arrival of other supervisor/police personnel, if required.
8. Prepare **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD 313-147)**.

NOTE *The above form will be prepared in addition to any other Department reports/forms [**JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A), COMPLAINT REPORT WORKSHEET (PD313-152A), ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), YOUTH REFERRAL (PD377-153), AIDED REPORT**, etc.,] that are relevant to the incident.*

9. Notify School Safety Division Operations Center and obtain the SSD Operations Center serial number.
10. Enter details of incident in **ACTIVITY LOG (PD112-145)** or digital **Activity Log**, as appropriate.
11. Sign **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT**.

SCHOOL SAFETY AGENT LEVEL III

12. Ensure that **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** is properly prepared.
13. Sign the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** and forward report to the School Safety Division Borough Command.

SCHOOL SAFETY DIVISION BOROUGH COMMAND SUPERVISOR/ DESIGNEE

14. Review the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** for accuracy and completeness.
15. Contact the neighborhood coordination sergeant and/or other designated precinct personnel to determine the proper offense classification and to obtain any follow-up information.
16. Make two photocopies of the original **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** and distribute as follows:
    a. Original to School Safety Division Operations Center,
    b. One copy to the neighborhood coordination sergeant, precinct of occurrence, and
    c. One copy filed in the School Safety Division Borough Command.

NEIGHBORHOOD COORDINATION SERGEANT

17. Respond to public school-related criminal incidents of a serious nature and review action taken by School Safety Division and/or precinct personnel and determine if additional resources and notifications are required.
18. Ensure that the school principal/designee is notified.

NEIGHBORHOOD COORDINATION SERGEANT (continued)

19. Conduct additional interviews of students, complainants and witnesses, if necessary, in accordance with *P.G. 215-17, "Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property."*
20. Ensure that the **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** is properly completed.
21. Conduct a daily review of all police incidents, which may be public school-related to ascertain if a **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT** was prepared.
22. Prepare a **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT**, if required.
23. Make appropriate notifications, including the School Safety Division Operations Center to obtain the SSD Operations Center serial number.
    a. Distribute the report to the School Safety Division Borough Command.
24. Conduct a daily review of all **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** prepared for public school-related criminal incidents occurring in assigned precinct to ensure that the appropriate Police Department procedures were followed and necessary forms were prepared.
25. Meet regularly with School Safety Agents and public school principals/designees to:
    a. Ascertain if they are aware of criminal incidents which have been reported to the Police Department.
    b. Ensure that the Police Department is aware of public school-related criminal incidents which have been reported to the Department of Education.
26. Provide copies of all **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS** to the precinct crime analyst and Patrol Borough Pattern Identification Module to assist in pattern identification and the development of strategies and tactics.
27. Insure that the Patrol Borough Liaison Captain is apprised of all incidents, especially those of a serious nature.

ADDITIONAL DATA

The precinct desk officer will ensure that the neighborhood coordination sergeant is notified of any public school criminal-related incident:

a. Occurring during non-school hours (e.g., burglary of a school on a weekend), and

b. Occurring during school hours, where the school safety agent or neighborhood coordination sergeant may be unaware of the incident.

Uniformed members of the service will follow the provisions of P.G. 212-13, "Reporting Gang-Related Criminal Activity," regarding reporting requirements for possible gang related/motivated incidents or arrests of suspected or identified gang members.

RELATED PROCEDURES

Neighborhood Coordination Sergeant (P.G. 202-19c)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)
Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)
Search Protocols For School Safety Agents (P.G. 215-18)

FORMS AND REPORTS

SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
COMPLAINT REPORT WORKSHEET (PD313-152A)
YOUTH REFERRAL (PD377-153)
AIDED REPORT
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

POLICE ACTIONS, RELATED QUESTIONING, ARRESTS AND INVESTIGATIONS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY

PURPOSE To establish protocols for police actions, related questioning, arrests and investigations at a NYC Department of Education school, or on NYC Department of Education property.

PROCEDURE When taking police action at a NYC Department of Education school, or on NYC Department of Education property:

UNIFORMED MEMBER OF THE SERVICE

1. Request response of patrol supervisor, or covering detective squad supervisor, as appropriate.
2. Notify School Safety Division Operations Unit prior to arrest, absent exigent circumstances, and include the following:
   a. Name and location of school where arrest is to be effected, and
   b. Name of suspect, and
   c. Charge being investigated, and
   d. Date incident occurred, and
   e. Date incident reported.
3. Make digital **Activity Log** entry of log number received from School Safety Division Operations Unit.
   a. Enter log number in all reports prepared in connection with taking police action at a NYC Department of Education school, or on NYC Department of Education property.
4. Comply with *P.G. 215-27, "School-Related Threats at a NYC Department of Education School/Property,"* as necessary.

NOTE *Arrests of students for incidents that did not occur on NYC Department of Education property shall be effected off NYC Department of Education property when possible, practical, and in a manner that does not compromise the safety of the victim or other students, and is consistent with the policy and procedures set forth herein. The nature of the offense and the safety of the victim and other students are the primary considerations for effecting arrests for incidents that occur off NYC Department of Education property.*

5. Coordinate activities with School Safety Division personnel, if practicable, when taking police action on NYC Department of Education property.
6. Confer with principal/designee, except if exigent circumstances exist, when entering NYC Department of Education school or property to take police action.
   a. If prior consultation is not possible, members of the service shall notify the principal/designee, as soon as practicable, after issuing a summons, or effecting an arrest on school property.
7. Comply with *P.G. 215-13, "Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,"* as required.
8. Effect arrest at NYC Department of Education school, or on NYC Department of Education property for the following offenses, even if committed off of NYC Department of Education property:

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Any felony in the Penal Law except for Criminal Mischief, Criminal Possession of Stolen Property, Criminal Possession of a Forged Instrument, Grand Larceny of unattended property
b. All sex offenses
c. Menacing 2nd Degree or Menacing 3rd Degree, ONLY when allegedly displaying what appears to be a pistol, revolver, rifle, shotgun, machine gun, or other firearm
d. Any crime when complainant/victim and perpetrator attend school and/or work in same building/site/campus
e. Court ordered warrant
f. Any crime and there is an immediate risk of escape, based upon a history of perpetrator fleeing apprehension, resisting arrest, assaulting police/peace officers, previous escapes or attempted escapes from police or Administration for Children's Services (ACS) custody
g. Any crime and apprehension of perpetrator is effected during a hot pursuit
h. Any crime where initial preparation of **COMPLAINT REPORT (PD313-152)** and preliminary investigation by reporting officer are both conducted on school grounds, and perpetrator is present on school grounds.

9. Notify patrol supervisor, or covering detective squad supervisor, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off of NYC Department of Education property, should be effected on NYC Department of Education property.

PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR

10. Notify commanding officer, executive officer, or duty captain, as appropriate, if arrest for any crime/incident not listed in step "8" above, that occurred off NYC Department of Education property, should be effected on NYC Department of Education property.
    a. Direct arrest not be effected on NYC Department of Education property, if warranted, and after conferral with commanding officer, executive officer, or duty captain, as appropriate.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

11. Confer with Commanding Officer, or Executive Officer, or Assistant Commissioner of School Safety Division, and render decision to effect arrest.
    a. Inform patrol supervisor, or covering detective squad supervisor, of decision.

PATROL SUPERVISOR/ DETECTIVE SQUAD SUPERVISOR

12. Make follow-up notification to School Safety Division Operations Unit, including any pertinent information of police action taken (i.e., any arrests made, **COMPLAINT REPORT** number(s), if prepared, etc.).

ADDITIONAL DATA

LEGAL CONSIDERATIONS

When a uniformed member of the service wishes to investigate a school-related crime, the principal/designee must permit the interviewing of school staff, or other non-student witnesses/victims. These individuals, however, may not be compelled to submit to such questioning.

When a uniformed member of the service wishes to question a student in school regarding a school-related crime, the principal/designee will make every reasonable effort to contact the student's parent/guardian. If notification is made, the principal/designee, or member of the service, shall consult with the parent/guardian about how the parent/guardian wishes to proceed. If the parent/guardian does not object, the principal/designee must allow the student to be questioned. If the parent/guardian cannot be reached, the principal/designee must permit the uniformed member of the service to question the student under the following circumstances:

a. If the parent/guardian of a student who is suspected of committing a crime cannot be reached, the uniformed member of the service may not question the student unless the member feels there is a continued threat of imminent danger. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.

b. If a parent/guardian of a student who is not a suspect (i.e., victim or witness) cannot be reached, a uniformed member of the service may not question the student unless there are exigent circumstances warranting proceeding with the questioning. In such cases, the member of the service shall determine whether or not to proceed with questioning the student and will consult with principal/designee, as appropriate.

c. In cases where questioning is conducted without parental notification, the principal or designee may be present during the questioning. The principal or designee, however, may not compel a student to submit to questioning.

Imminent danger or exigent circumstances may include, but are not limited to, an active investigation of a violent crime including homicide, arson, robbery, sex offenses, weapons possession, or assault where there are reasonable grounds to believe that a current or former student is a suspect, or has information concerning the investigation, that is necessary to protect the health or safety of students or others.

Where it is clear that a student is a suspect in a crime, and such questioning may elicit incriminating statements, Miranda warnings must be issued. If the student is sixteen years old or younger, ***MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)*** *should be read while the principal/designee or parent/guardian is present. Questioning should be done in a manner which is least disruptive to the school and the student's education to the maximum extent possible, consistent with personal safety.*

When a uniformed member of the service wishes to access student information from NYC Department of Education records for the purposes of an investigation or arrest, a uniformed member of the service must obtain a court order or subpoena, unless there is a health or safety emergency, or written consent of the student's parent/guardian, or written consent of the student, if eighteen years of age or older. Absent such court order or subpoena, or exceptions above, principals or other school staff will not release student information. This includes NYPD school safety agents.

A health or safety emergency is a situation that presents imminent danger (as described above) or requires the immediate need for information to avert or defuse unusual conditions or disruptions.

RELATED PROCEDURES

Neighborhood Coordination Sergeant (P.G. 202-19c)
Arrests - General Processing (P.G. 208-03)
Prisoners General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)
School-Related Threats at a NYC Department of Education School/Property (P.G. 215-27)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
MIRANDA WARNINGS FOR JUVENILE INTERROGATIONS (PD244-1413)

Section: Juvenile Matters		Procedure No: 215-18
SEARCH PROTOCOLS FOR SCHOOL SAFETY AGENTS		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 47	PAGE: 1 of 3

PURPOSE To establish the protocols for the search of students, their possessions, and their lockers by School Safety Division personnel.

SCOPE A student's possessions and person may be searched by a school safety agent provided that school officials have reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or school rules and regulations. The extent or the scope of the search must be reasonably related to the objective of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

PROCEDURE When conducting searches of students, their possessions, or their lockers:

SEARCH OF STUDENTS AND THEIR POSSESSIONS (BAGS, CLOTHING, ETC.)

SCHOOL SAFETY AGENT

1. Conduct searches of students and their belongings only on behalf of principals or their designee, except if an emergency condition exists. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS").
2. Bring the student to a location designated by the principal or designee, if it is determined that a search is warranted.
3. Inform the student that there are reasonable grounds to believe that they have violated or are violating the law or school rules and regulations.

SCHOOL PRINCIPAL/ DESIGNEE

4. Question the student as to whether he/she has anything in their possession **not** permitted in school, prior to conducting the search. If the student acknowledges that he/she is in possession of contraband, ask the student to remove it from their person or belongings.

SCHOOL SAFETY AGENT

5. Remove the item, which is believed to be evidence of the student violating a law or school rules and regulations, if student refuses to remove same when asked by principal/designee.

SEARCH OF LOCKERS

SCHOOL SAFETY AGENT

6. Inform the principal or designee when there is reasonable suspicion that a student's locker contains contraband.
7. Search locker, only at the direction of principal or designee, except if an emergency condition exists. The principal or designee must be present while the search of the locker is conducted. (See ADDITIONAL DATA statement under heading, "EMERGENCY SEARCHES OF LOCKERS").

WHEN A STUDENT IS FOUND TO BE IN POSSESSION OF CONTRABAND

SCHOOL SAFETY AGENT

8. Notify the command concerned, if item is a violation of law, and follow appropriate procedure for the invoicing of property and arrest of student(s).
9. In non-arrest circumstances, request precinct personnel to respond to take custody of the contraband and invoice items seized.
10. Take control of and invoice the property under Department of Education procedures, if item is a violation of school rules and regulations **only**.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

Nothing in this procedure supersedes the rights and responsibilities of uniformed members of the service regarding search and seizure under applicable provisions of the Criminal Procedure Law.

SEARCH GUIDELINES

If the student declines to remove the item or denies possession of any contraband, a search may be conducted at the direction of the principal/designee. To the maximum extent possible, if the search involves contact with the student, the search shall be conducted by a school safety agent of the same gender as the student being searched. In situations where a student's gender is not immediately apparent or a student objects to the gender of the school safety agent assigned to perform the search, the school safety agent's supervisor will assign a school safety agent of the gender requested by the student, consistent with school safety agent safety and resource availability. Consistent with the privacy concerns of the student, only those school safety agents reasonably necessary to conduct the search should be present for the search. Under no circumstances shall school safety agents conduct searches for the purpose of determining gender. Additionally, school safety agents shall not ask questions about a student's anatomy without a reasonable basis for doing so. Refer to A.G. 304-06, "Prohibited Conduct."

Under no circumstances will a strip-search of a student be conducted.

EMERGENCY SEARCHES OF STUDENTS AND THEIR POSSESSIONS

An emergency condition is an incident that requires immediate intervention to protect the safety and security of the school community or any person. A search may be conducted if there is reasonable suspicion to believe that a student has violated or is violating the law or school rules and procedures. Once the emergency condition is under control, the school safety agent will immediately take the student to the principal or designee and advise the principal/designee of the situation.

EMERGENCY SEARCHES OF LOCKERS

An emergency condition is one that requires immediate intervention to protect the safety and security of the school community or any person. Once the situation is under control, the principal or designee will be immediately advised of the situation.

ADDITIONAL DATA (continued)

OPERATIONAL CONSIDERATIONS

In those circumstances when the request to search the property of a person is due to an established security perimeter or security checkpoint (e.g., transit bag checks, large scale events, school security, etc.), uniformed members of the service are not required to make such request in a prescribed manner or to provide a ***RIGHT TO KNOW BUSINESS CARD (PD142-012)****, or* ***RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)****, unless requested.*

RELATED PROCEDURES

Procedures for Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)

Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-19	
ABANDONED INFANTS/OPERATION SAFE HAVEN			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure the safety of any abandoned infant and familiarize uniformed members of the service with the provisions of the Abandoned Infant Protection Act.

SCOPE The Abandoned Infant Protection Act is designed to protect the lives of newly born infants by encouraging that they be left with a responsible person or in a safe, suitable location (a "safe haven") rather than simply abandoned in a possibly dangerous way. The law establishes an affirmative defense to the crime of Abandonment of a Child (Penal Law 260.00) and Endangering the Welfare of a Child (Penal Law 260.10), in certain circumstances as follows:

a. The abandoned infant appears to be not more than five days old, and,
b. The person abandoning the child intends for the child to be safe from physical injury and to be cared for in an appropriate manner, and,
c. The person abandoning the child indicates such intent by leaving the child with a responsible person or in a safe haven (e.g. hospital, firehouse, police precinct, etc.), and promptly notifies a responsible person of the child's location.

NOTE *The law does not provide an affirmative defense to other charges such as assault.*

PROCEDURE When a uniformed member of the service is notified that an infant has been abandoned or that a person intends to abandon an infant:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene.
2. Immediately secure medical attention for the:
   a. Infant and
   b. Mother if present.
3. Accompany child/mother to the hospital.
4. Request response of the patrol supervisor.
5. Make digital **Activity Log** entry, indicating:
   a. Physical condition of child.
   b. Child's age and medical history, if ascertained.
   c. Description of child's clothing and/or wrapping.
   d. Presence or absence of a hospital tag.
   e. Mother's pedigree information, address, and telephone number.
   f. Request for patrol supervisor.

WHEN INFANT'S PARENT(S) IS NOT PRESENT AT THE SCENE

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Attempt to ascertain from the person on the scene who physically is in possession of the infant:
   a. Their name, address, telephone number and relationship to the parent(s).
   b. The identity, description, location, and telephone number of the infant's parent(s)

NOTE *Advise person that they are not required to give this information (steps 6a. and 6b).*

7. Enter information, if obtained, in digital **Activity Log**.

PATROL SUPERVISOR

8. Respond to scene.
9. Determine if probable cause exists to make an arrest (i.e. criteria as set forth in the Abandoned Infant Protection Act are not present, or other offenses committed.)

NOTE *If probable cause to arrest the person responsible for the infant does not exist, and/or person is otherwise in compliance with the criteria set forth in the Abandoned Infant Protection Act, the person will be permitted to leave.*

10. Direct the preparation of the following Department forms:
    a. **New York State Domestic Incident Report (DCJS-3221**)
    b. **AIDED REPORT**
    c. **COMPLAINT REPORT (PD 313-152)** (Classify as Investigate Aided, or other charges as appropriate)
    d. **REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)**.
11. Direct notification to be made to the New York State Central Registry.
12. Prepare **UNUSUAL OCCURRENCE REPORT (PD 370-152)**.
13. Notify Desk Officer.

DESK OFFICER

14. Immediately notify the precinct detective squad. (If necessary the precinct detective squad will notify the Missing Persons Squad.)
15. Notify Operations and the patrol borough command.
16. Make Command Log entry of items in step 5, subdivisions "a" through "f", listed above.
17. Notify Administration for Children's Services (ACS) Instant Response Team Coordinator. (Enter name of Administration for Children's Services Instant Response Team Coordinator in the Command Log.)

RELATED PROCEDURES

Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)
Child Advocacy Referrals in the Boroughs of Brooklyn, Queens and Manhattan (P.G. 215-14)
Aided Cases-General Procedure (P.G. 216-01)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT (PD313-152)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)
UNUSUAL OCCURRENCE REPORT (PD370-152)
New York State Domestic Incident Report (DCJS-3221)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-20

REQUESTS FOR INFORMATION FROM THE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH THE FEDERAL NO CHILD LEFT BEHIND ACT

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To assist the New York City Department of Education in determining whether a student is entitled to a "safety transfer" pursuant to the provisions of the federal "No Child Left Behind Act" by confirming whether the student has reported a qualifying incident to the Department.

DEFINITION QUALIFYING INCIDENT - For the purpose of this procedure, a "qualifying incident" is any founded allegation of a crime reported to the Department by a victim who is a New York City public school student and:

a. Names New York City Public School property as the location of occurrence, **AND**
b. Involves infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10); **OR**
c. Is a sex offense involving forcible compulsion; **OR**
d. Is any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).

PROCEDURE When the Department receives a verbal, faxed or written request to confirm that a qualifying incident has occurred at a New York City Public School from that school's principal or his/her authorized designee:

MEMBER OF THE SERVICE RECEIVING THE REQUEST

1. Hand-deliver or personally relate the request to the Neighborhood coordination sergeant of the precinct concerned.
   a. If the Neighborhood coordination sergeant is not available, hand-deliver or personally relate the request to the precinct commander concerned or his/her specified designee, who will perform the duties of the Neighborhood coordination sergeant for this procedure.

NEIGHBORHOOD COORDINATION SERGEANT

2. Confirm that the request was initiated by either the principal of the school where the incident is alleged to have occurred, or that principal's authorized designee.
3. Confirm that the request provides the following:
   a. The name and number of the school
   b. The date, time and location of the alleged incident(s)
   c. The name(s) of the victim(s)

NOTE *If the request does not meet the requirements specified in steps (2) and (3), contact the principal/designee in order to obtain the required information or to verify the source of the request.*

NEIGHBORHOOD COORDINATION SERGEANT (continued)

4. Given the proper information for an authorized request:
   a. Consult Department resources in the following order for the date specified in the request for reports naming the victim(s):
      (1) The OMNIFORM System, or hard copies of **COMPLAINT REPORT WORKSHEETS (PD313-152A)**, as appropriate.
      (2) The **ON-LINE JUVENILE REPORT SYSTEM** database or hard copies of **JUVENILE REPORT SYSTEM WORKSHEETS (PD377-159A)**, as appropriate.
      (3) **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORTS (PD313-147)**.
      (4) **AIDED REPORT**.
      (5) Precinct Detective Squad.
      (6) School Safety Division Operations Center.

YOUTH OFFICER

5. Assist in the search of Department records when directed by the Neighborhood coordination sergeant.

NEIGHBORHOOD COORDINATION SERGEANT

6. Ascertain from report(s) and question assigned detective, if necessary, if incident has been classified as unfounded.
7. Upon conclusion of the records search, prepare a report in duplicate, on **OFFICIAL LETTERHEAD (PD158-151)**, addressed to the individual making the request.
   a. Adhere to the sample format provided in the *ADDITIONAL DATA* statement of this procedure.
8. Deliver the original either by hand or by mail to the principal or designee.
9. Notify the principal or designee verbally either in person or by telephone of the results of the search, no later than the next day that school is in session after the initial request was made. Limit contents of the verbal notification to the information specified in report prepared in Step 7.
10. Record both the personal and mail notifications in digital **Activity Log**. Include:
    a. The time of the verbal notification.
    b. The title and name of the person notified.
    c. Whether the written report was hand-delivered or mailed to the recipient.
    d. Whether the incident was a qualifying incident or not and whether it was classified as founded or unfounded.
11. Maintain duplicate copies of reports in a secure location for future reference if necessary.

ADDITIONAL DATA

The Department must balance the need of the Department of Education to comply with the federal regulations against the privacy rights of the complainant. For this reason, members of the service who process these requests must do so in a thorough and timely manner, but report the results in a way that only relates the facts necessary for school administrators to determine if a qualifying incident has in fact occurred. The sample below provides the format best suited to this end. In the interest of efficiency, commands may utilize a pre-printed letter on ***OFFICIAL LETTERHEAD*** *to prepare the report. Should the principal or designee request information beyond whether a qualifying incident has been reported, such as the alleged details of an incident or the progress of an investigation, the member will confer with both the detective assigned and the Deputy Commissioner, Legal Matters.*

All reports will be formatted with proper date, salutation and signature block in accordance with Department procedure for preparing correspondence. The body of the text will be prepared as such:

SAMPLE

A search of Department records indicates that a report has/has not ***[specify one]*** *been filed naming* ***[name specified in request]*** *as a complainant in an incident.*

This incident was/was not ***[specify one]*** *alleged to have occurred on New York City Public School Property, and did/did not* ***[specify one]*** *allege the infliction of a serious physical injury upon the victim as defined in Penal Law § 10.00 (10), or a sex offense against the victim involving forcible compulsion, or any offense defined in the Penal Law that involves the use or threatened use of a deadly weapon against the victim as defined in Penal Law § 10.00 (12).*

At the time that this search was conducted, this incident was/was not ***[specify one]*** *classified as unfounded.*

RELATED PROCEDURES

Information Concerning Official Business of Department (P.G. 212-76)
Reporting and Recording Public School-Related Criminal Incidents (P.G. 215-16)
Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
OFFICIAL LETTERHEAD (PD158-151)
SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-21	
UTILIZATION OF THE JUVENILE DESK			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide juvenile arrest processing and investigative support to members of the service.

PROCEDURE When a juvenile is detained by a member of service and removed to a police facility:

ARRESTING OFFICER

1. Remove juvenile to the precinct of arrest/designated arrest processing facility and inform desk officer of circumstances.
   a. Juvenile delinquents/juvenile offenders will be taken to the location in the stationhouse SPECIFICALLY DESIGNATED as suitable for the interrogation of juveniles.
   b. A list of locations approved for the interrogation of juveniles is maintained in the Command Reference Library and at the Juvenile Desk.
2. Notify parent/guardian immediately and,
   a. Document notification in digital **Activity Log** including parent/guardian's pedigree information, address and date of birth.
   b. Have juvenile's pedigree information determined by questioning juvenile and/or their parent/guardian.
   c. Verify pedigree information by satisfactory documentary proof, if available.

DESK OFFICER

3. Document the notification to the parent/guardian in Command Log and include parent/guardian pedigree information, address and date of birth.
4. Determine the appropriate charges, including law, section, degree, and subdivision (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

ARRESTING OFFICER

5. Contact the Juvenile Desk after juvenile is removed to command of detention.

NOTE *The Juvenile Desk will provide arresting officers and supervisors with support twenty-four hours/seven days a week. Arresting officers must call the Juvenile Desk before beginning the arrest process to ensure that any intelligence regarding the juvenile is obtained before the decision whether to release the juvenile to a parent/guardian/adult relative is made. The Juvenile Desk has specialized databases that can provide vital background information on arrested/detained juveniles and those adults taking custody of a juvenile upon recognizance or release.*

6. Provide Juvenile Desk analyst with the following information:
   a. Juvenile's last name, first name, date of birth, and home address;
   b. Parent or guardian's last name, first name, date of birth, and home address;
   c. Whether parent/guardian notification was successful;
   d. Top charge by law, numeric section, numeric subdivision, name and degree (i.e., Penal Law 120.10 [1], for Assault in the 1st Degree, Subdivision One or Penal Law 160.10 [3], for Robbery in the 2nd Degree, Subdivision Three, etc.).

JUVENILE DESK ANALYST

7. Perform relevant computer checks of the juvenile and the parent/guardian, and advise arresting officer of results.
8. Provide arrest processing support.
9. Make recommendation to remand juvenile or release on recognizance, as appropriate (see *ADDITIONAL DATA*).
10. Provide arresting officer with Family Court return date, if required.

ARRESTING OFFICER

11. Obtain information regarding juvenile's history from the Juvenile Desk analyst.
12. Be guided by responses from Juvenile Desk analyst.
13. Document results of conferral with analyst in digital **Activity Log**.
14. Comply with applicable arrest processing procedures.
15. Telephone Juvenile Desk, as soon as possible, for changes to the following:
    a. Any change in the charge(s) that will amend the status of the juvenile (i.e., upgrade in charge(s) or additional charges, Assistant District Attorney declines to prosecute juvenile in criminal court, etc.)
    b. Inability to make a parental notification or the inability to release the juvenile to a responsible parent/legal guardian/adult relative
    c. Any changes that would amend the Juvenile Desk's previous recommendation (i.e., investigation reveals that juvenile misrepresented his/her actual age or identity, etc.).

JUVENILE DESK ANALYST

16. Notify the Juvenile Crime Squad for the following offenses:
    a. Any felony
    b. Criminal Possession of Weapon (firearm only)
    c. Reckless Endangerment
    d. Arson.
17. Notify the appropriate investigative unit (i.e., Precinct Detective Squad/Nightwatch for felonies, Burglary/Robbery Apprehension Module (BRAM) for robberies and burglaries, and the respective Special Victims Squad/Child Abuse Squad for serious sex crimes).
18. Notify the Corporation Counsel for the following offenses:
    a. Any Homicide, including attempts (request that a Corporation Counsel representative respond)
    b. Rape 1st Degree (request that a Corporation Counsel representative respond)
    c. Any First Degree Sexual Offense
    d. Assault 1st Degree
    e. Robbery 1st Degree
    f. Any Firearm-Related Offense.
19. Make any other necessary notification on the behalf of arresting officer (i.e., Special Victims Squad for sex offenses with minors, etc.) with the exception of the notification to juvenile's parent/guardian.
20. Provide officer with Juvenile Desk – Intake Log number, if appropriate.

ARRESTING OFFICER

21. Document the Juvenile Desk – Intake Log number in the "Narrative" section of the **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)**, or in the "Details" section of the **COMPLAINT REPORT WORKSHEET (PD313-152A)**, and the "Narrative" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

ADDITIONAL DATA

*Juvenile Desk personnel will make a recommendation whether to remand or release on recognizance a juvenile based on several factors including the age of the juvenile, the offense charged, the information provided by the arresting officer, and the results of comprehensive background checks of the juvenile and their parent(s). The ultimate decision making authority, however, remains with the supervisor at the detention command. This provides the flexibility to respond to information or circumstances known only to supervisors at the field command. However, the discretion to depart from the recommendations of the Juvenile Desk should be founded on the rationale that the Department will act on the principle of "what is best for the child" balanced by appropriate measures to discourage future criminal behavior. Examples of considerations that should not impact discretion are the availability of vehicles for transport or shortage of personnel. In cases where conditions in the field necessitate a departure from the Juvenile Desk recommendation, the desk officer must confer with a Juvenile Desk supervisor. If after conferral with the Juvenile Desk supervisor, the desk officer's decision is to not follow the recommendation of the Juvenile Desk, the commanding officer of the command of detention, will prepare a report, on **Typed Letterhead**, to the Real Time Crime Center explaining the reason for the non-compliance.*

*School safety agents who detain and remove a juvenile to a police facility for arrest processing or for the issuance of a **JUVENILE REPORT SYSTEM WORKSHEET** and **COMPLAINT REPORT WORKSHEET**, as per P.G. 215-08, "On-Line Juvenile Report System," are also required to comply with the above procedure. When school safety agents have removed a juvenile to a police facility for processing, they will notify the School Safety Division (SSD) Operations Center prior to calling the Juvenile Desk. The SSD Operations Center member will issue the agent a SSD Operations Center serial number for entry on a **SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)**, if appropriate. When the detention of a juvenile takes place within school grounds, the SSD Operations Center will contact the Juvenile Desk on behalf of the arresting agent, if necessary. This process will ensure that the SSD Operations Center remains aware of all enforcement activity occurring in and around New York City public schools.*

It is not the function of the Juvenile Desk to collect or disseminate statistical data on juveniles and juvenile incidents.

RELATED PROCEDURES

On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)

FORMS AND REPORTS

JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
COMPLAINT REPORT WORKSHEET (PD313-152A)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-22

REQUESTS FOR ASSISTANCE FROM THE ADMINISTRATION FOR CHILDREN'S SERVICES (ACS) CHILD PROTECTION SPECIALISTS IN RELATION TO AN OFFICIAL ACS INVESTIGATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To ensure the safety of all persons present when responding to requests for assistance by Administration for Children's Services (ACS) Child Protection Specialists.

SCOPE Police officers may be requested to assist Administration for Children's Services Child Protection Specialists when:

1. Executing an Order of Entry endorsed by a Family Court judge;
2. Executing a Child Removal Order or warrant endorsed by a Family Court judge;
3. Conducting an emergency removal pursuant to *Section 1024 Family Court Act*.
4. The ACS Child Protection Specialist is concerned for his/her personal safety due to suspicion that guns, drugs, or prior or threatened acts of violence against ACS Child Protection Specialists exist.

ACS Child Protection Specialist (CPS) may only request assistance in these matters when a complaint has been lodged with the State Central Registry.

When requesting patrol assistance, ACS Child Protection Specialists are required to provide the reason for the request and a contact cellular telephone number to make outreach easier.

PROCEDURE Upon being dispatched to assist an ACS Child Protection Specialist:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene.
   a. Give dispatcher 10-84 code upon arrival.
   b. Locate the Administration for Children's Services employee.

NOTE *ACS Child Protection Specialists carry cellular telephones issued by their agency. Therefore, police officers may request that the communications section contact the caller to obtain the Child Protection Specialist's exact location.*

2. Confer with ACS Child Protection Specialist at the scene who requested assistance.
   a. Determine specific reason for request for police response.
   b. Obtain copy of Removal/Entry Order(s) or warrant, if that is purpose of request for assistance.

NOTE *In an emergency removal situation the ACS - Child Protection Specialists may not have a warrant or Removal Order.*

3. Request patrol supervisor, if not already present.

PATROL SUPERVISOR

4. Respond and confer with uniformed members of the service and ACS Child Protection Specialist.
5. Determine if precinct detective, borough Special Victims or Child Abuse squads have an open case regarding this family, if possible.
6. Review Entry/Removal order(s) from ACS, if applicable.
   a. Confer with Legal Bureau if question as to validity of the order exists. Be guided by response from Legal Bureau personnel.
7. Determine if additional Department resources are needed.

UNIFORMED MEMBER OF THE SERVICE

8. Ensure the safety of all persons present.
9. Aid in carrying out Entry/Removal order(s), if applicable.
10. Follow *P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children,*" if arrest is required for child abuse or neglect.
11. Follow appropriate complaint or arrest procedure for other cases involving criminal activities, if appropriate.
12. Make an entry in digital **Activity Log** including:
    a. ACS Child Protection Specialist's name.
    b. Specific purpose of the request for assistance (see SCOPE statement 1 through 4).
    c. ACS case number. (Also known as "State Connections" ID #).

PATROL SUPERVISOR

13. Take appropriate action.

ADDITIONAL DATA

When an ACS Child Protection Specialist appears at a police facility and requests assistance as outlined in this procedure, the desk officer will ensure that the communications section is notified in a timely manner and a 10-68A code is dispatched. The desk officer will direct the Child Protection Specialist to the scene to await patrol response.

A new radio code (10-68A) has been created for "Request for Assistance to ACS Child Protection Specialists."

Nothing is to preclude a police officer from taking police action if evidence of criminal activity exists.

RELATED PROCEDURES

Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children (P.G. 215-03)
Family Court Warrant for Child Abuse/ Neglect Cases (P.G. 215-04)
Preliminary Investigation of Complaints (Other Than Vice Related or Narcotics Complaints) (P.G. 207-07)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-23

COURT PROCESSING OF ARRESTS OF JUVENILE DELINQUENTS ON WEEKENDS AND COURT HOLIDAYS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/30/19	10/01/19		1 of 4

PURPOSE To provide for the appearance of arresting officers at the weekend Department of Probation intake location, at the Corporation Counsel office, when a juvenile delinquent has been taken into custody, delivered to the appropriate facility designated by the Administration for Children's Services (ACS), and the respective borough Family Court will not be in session due to the weekend or court holiday

DEFINITIONS BOROUGH FAMILY COURT- A location in the borough of arrest where juvenile delinquents are routinely brought to be arraigned during non-holiday weekdays.

WEEKEND/HOLIDAY COURT PROCESSING – When a juvenile delinquent is taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or holiday, the arresting officer will appear at Manhattan Criminal Court to process the arrest.

MANHATTAN CRIMINAL COURT – All weekend/holiday juvenile delinquent court processing will take place at Manhattan Criminal Court. The Manhattan Criminal Court is located at 100 Centre Street.

PROCEDURE When a juvenile delinquent has been taken into custody and does not qualify for personal recognizance and the borough Family Court will not be in session the next calendar day due to the weekend or court holiday:

DESK OFFICER

1. Notify the Real Time Crime Center Juvenile Desk when juvenile is detained and removed to a police facility.
2. Provide detained juvenile's pedigree, primary charge and any other information the juvenile crime desk analyst requests.
3. Ensure multiple arrests resulting from one incident, which will be arraigned in Family Court and Criminal Court, are separated and assigned to two different arresting/assigned officers.
   a. Be guided by *P.G. 208-20, "Turnover Arrests"* when re-assigning an arrest.
   b. Ensure assigned officer is given arrest(s) which will be arraigned in Criminal Court.

NOTE *Due to the challenges that may occur when processing prisoners in two different courts (Family and Criminal Court), it is mandated that an arrest involving an adult/juvenile offender/adolescent offender and juvenile delinquent be separated and assigned to different officers (e.g., juvenile delinquent processed in Family Court; adult prisoner/juvenile offender/adolescent offender processed in Criminal Court). The assigned officer given the arrest(s) that will be arraigned in Criminal Court must re-interview the complainant/witness in order to prevent double "hearsay."*

JUVENILE DESK ANALYST

4. Perform required information inquires.
5. Inform desk officer of recommendation to either deliver juvenile into the custody of the Department of Juvenile Justice or release juvenile delinquent on personal recognizance.
6. Ascertain whether juvenile will be lodged at the appropriate facility designated by the Administration for Children's Services (ACS), prior to 0600 hours.
   a. If juvenile is lodged prior to 0600 hours, the arresting officer will be required to appear that same day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday or official court holiday).
   b. If juvenile is lodged after 0600 hours, the arresting officer will be required to appear the following day at Manhattan Criminal Court to complete the arrest process (only if that day is a Saturday, Sunday, or official court holiday).
7. Inform desk officer of arresting officer's mandatory appearance for a Weekend/Holiday Pre-Petition Detention Hearing at Manhattan Criminal Court, pursuant to step "6 a or b."

DESK OFFICER

8. Have juvenile NOT eligible for personal recognizance or for whom NO application for personal recognizance was made delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
9. Have officer delivering juvenile to the appropriate facility designated by the Administration for Children's Services (ACS) provide Department of Juvenile Justice intake personnel with one copy of **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, **COMPLAINT REPORT (PD313-152)**, if prepared, and **JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORT (PD277-151)**.
10. Direct arresting officer to appear at 100 Centre Street, Room 132, at 0900 hours the following weekend or court holiday morning.
11. Ensure that parent/legal guardian of juvenile delinquent and complainant(s)/ victim(s) in the case are notified and informed of the time and location to be present at Manhattan Criminal Court for the juvenile delinquent's court arraignment.

ARRESTING OFFICER

12. Report to Manhattan Criminal Court, 100 Centre Street, at 0900 hours the next calendar day, if the borough Family Court will not be in session due to weekend and/or court holiday in order to begin juvenile arraignment process.
13. Bring two copies of arrest paperwork for each juvenile delinquent taken into custody and delivered to the appropriate facility designated by the Administration for Children's Services (ACS).
14. Sign-in at the Manhattan Court Section desk in Room 132 and be guided by court section supervisor.

ARRESTING OFFICER (continued)

15. Report to the 14th floor for conferral with representatives from the Department of Probation and Corporation Counsel, for preparation of Family Court complaint and possible testimony at a pre-petition detention hearing.
    a. Provide both the probation officer and the Assistant Corporation Counsel handling the case with one copy of arrest paperwork each.
16. Upon being excused by Corporation Counsel following arraignment, report to Room 132 to sign-out.
17. Inform court section supervisor and desk officer of command, if notified by judge or Corporation Counsel, to appear for subsequent hearings.

DESK OFFICER

18. Make entry in Telephone Record pertaining to required uniformed member's appearance for subsequent hearings.
19. Ensure Appearance Control Unit is notified the next business day of requested appearance.
20. Notify the operations coordinator and integrity control officer of any mandatory overtime and/or appearance for members of the service who are required to be present at court on a weekend or court holiday.

NOTE

Due to the possibility of short-date notifications, desk officers should be aware that the Corporation Counsel may contact the command to have a uniformed member notified for a court appearance. When a member of the service is not at the command (i.e., regular day off, at a training session, etc.) the desk officer will attempt to notify the member of the service by telephone. All such attempts must be documented in the Telephone Record.

ADDITIONAL DATA

*Members of the service are reminded to adhere to current Department procedures when obtaining a return date for an **APPEARANCE TICKET-FAMILY COURT (PD277-130)** for juvenile(s) released on personal recognizance. Return dates for juvenile(s) released on personal recognizance do not have to coincide with a Weekend/Holiday Pre-Petition Detention Hearing scheduled for juvenile(s) delivered to the appropriate facility designated by the Administration for Children's Services (ACS). Arraignments for juveniles released on personal recognizance can be held at a later date.*

Desk officers are reminded of their obligation to forward DNA, narcotics and firearm evidence to the Police Laboratory in a timely manner as outlined in P.G. 218-04, "Delivery of Evidence to the Police Laboratory" and P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME)."

Desk officers will ensure uniformed members of the service are provided with a means of transportation to Manhattan Criminal Court. School Safety personnel will contact their Operations Desk in order to coordinate transportation to Manhattan Criminal Court.

If a complainant/victim has difficulty in finding transportation to Manhattan Criminal Court, a reasonable effort should be made by the command to provide transportation. Under no circumstances will such effort take priority over the field operations of the command.

The Manhattan Court Section desk is located in Room 132 at Manhattan Criminal Court, 100 Centre Street.

ADDITIONAL DATA (continued) *Members of the service are reminded that any subsequent hearings following a weekend or court holiday appearance at Manhattan Criminal Court will be conducted in the borough Family Court (borough origin of complaint).*

RELATED PROCEDURES

"Turnover" Arrests (P.G. 208-20)
First and Third Platoon Arrests (P.G. 208-25)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Delivery of Evidence to the Police Laboratory (P.G. 218-04)
Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151)
APPEARANCE TICKET-FAMILY COURT (PD277-130)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-24

PHOTOGRAPHING JUVENILES CHARGED AS JUVENILE DELINQUENTS, JUVENILE OFFENDERS, OR ADOLESCENT OFFENDERS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 5

PURPOSE To ensure official Department photographs of juveniles charged as juvenile delinquents, juvenile offenders, or as adolescent offenders, are taken at the time of arrest, when legally permissible, and are stored in the Photo Manager System for investigatory purposes.

PROCEDURE When a juvenile is arrested and charged as a juvenile delinquent, juvenile offender, or adolescent offender:

DESK OFFICER

1. Direct arresting officer to contact Juvenile Desk, as per P.G. 215-21, "Utilization of the Juvenile Desk" after juvenile is removed to command of detention; and, comply with *Patrol Guide 215-09, "Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender)"* or *Patrol Guide 215-10, "Arrest of Juvenile Offender,"* as appropriate.
2. Determine if the offense for which the juvenile is charged allows him/her to be photographed.
   a. Photographs will be taken of juveniles charged with juvenile delinquency as follows:
      i. 11 or 12 years of age and charged with a class "A" or "B" felony
      ii. 13, 14, 15, 16 or 17 years of age and charged with <u>any</u> felony.
   b. Photographs will be taken of all juveniles charged as juvenile offenders and adolescent offenders.
3. Ensure juvenile is properly placed in front of the "Photograph Background Board" prior to taking the arrest photograph utilizing the command's Digital Camera Capture Station System.

NOTE *In all cases in which photographs are taken of juveniles as part of this procedure, the newly created "Photograph Background Board" MUST be used. This gray colored board is used to ensure that all juvenile photographs have the same color background.*

Should the Photograph Background Board need to be repaired or replaced, notify the Facilities Management Division.

Absent unusual circumstances, the new Photograph Background Boards should also be used for adult digital Prisoner Movement Slip photographs.

4. Direct the arresting officer to photograph the juvenile delinquent or juvenile offender utilizing the command's Digital Camera Capture Station System.

NOTE *The official arrest photograph for juveniles charged as juvenile delinquents will be the photograph taken at the command of arrest utilizing the Digital Camera Capture Station System.*

NOTE (continued) *The official arrest photograph for juveniles charged as juvenile offenders will be the photograph taken at the borough court section booking facility. However, if a determination is subsequently made to charge the juvenile as a juvenile delinquent and not a juvenile offender, then the official arrest photograph taken at the borough court section booking facility will be deleted, and the Digital Camera Capture Station System photograph will become the official arrest photograph.*

ARRESTING OFFICER

5. Properly place juvenile in front of the "Photograph Background Board" prior to taking the arrest photograph.
6. Take one full frontal photograph of the juvenile utilizing the command's Digital Camera Capture Station System, and crop the image to obtain a centered, straight-on, in-focus photograph of the juvenile.
   a. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.
7. Take one side-view photograph of the right side of the face of the juvenile.
   a. Turn the juvenile to the left so the right side of the face is photographed
   b. If the juvenile wears prescription eyeglasses, take one photograph with eyeglasses and one without eyeglasses.

NOTE *Under **no circumstances** should intimate areas of the body (e.g., breast, lower waist area, buttocks, etc.) be exposed or photographed.*

8. Ensure the following when taking photographs:
   a. No other person is in the photograph
   b. Juvenile's face is expressionless
   c. Juvenile is not photographed while laughing, smiling, biting their lips or pursing their lips
   d. Juvenile has his/her eyes open
   e. Juvenile is standing straight
   f. Sunglasses and hats are removed
   g. Hair is not covering the face
   h. If the juvenile is wearing a turtle-neck sweater, hooded sweatshirt, or a garment with a large collar, the garment will be folded down to allow as much of the juvenile's neck to be seen as possible.
9. Save the juvenile's image if the requirements listed in steps "5," "6," "7," and "8" are satisfied.

NOTE *The digital capture system will automatically verify the quality of the photograph taken. The member of the service will have three attempts to take a photograph that passes validation. Only after three unsuccessful attempts may a member override the validation and submit a photo. All photographs taken with the digital capture system, including DESK APPEARANCE TICKETS (DATs), are subject to this quality control procedure and must pass validation.*

If the juvenile refuses to be photographed, the arresting officer will notify the desk officer. The desk officer will attempt to obtain compliance from the juvenile. If the juvenile continues to refuse to be photographed, the desk officer will confer with the Legal Bureau.

ARRESTING OFFICER (continued)

10. Return juvenile to the area designated for the interrogation of juveniles and continue arrest processing.
11. Generate digital Prisoner Movement Slip with digital photograph using the Digital Camera Capture Station System, and retain with juvenile.

DESK OFFICER

12. Ensure the arrest is based upon Probable Cause and the arrest was made in compliance with Department procedures and arrest photographs of the juvenile are taken in compliance with the requirements listed in step "2."
13. Confer with Juvenile Desk regarding juvenile arrest and juvenile arrest photograph procedures including the requirements listed in steps "2", "5," "6," "7," and "8."
14. If a juvenile arrest is voided **OR** if juvenile arrest photographs were not taken in compliance with the requirements listed in step "2" **OR** if juvenile arrest photographs were inadvertently "accepted" when they should have been "rejected", prepare a **Typed Letterhead** addressed to Director, Photographic Services requesting arrest photograph and arrest record / information be deleted from the system and explaining the reasons for deletion (see *ADDITIONAL DATA*).
    a. E-mail the **Typed Letterhead** to the Photographic Unit
    b. Make an entry in the Command Log stating the date and time the **Typed Letterhead** was e-mailed to the Photographic Unit and explaining the reasons why the arrest photograph had to be deleted.

ADDITIONAL DATA

*Pursuant to the Family Court Act, juvenile delinquent arrest photographs must be kept confidential and in the exclusive possession of the Department. Juvenile delinquent arrest photographs must also be kept separate from adult arrest photographs and juvenile offender arrest photographs. Additionally, pursuant to the Family Court Act, the Department may **ONLY** retain juvenile delinquent arrest photographs:*

1. *During the pendency of the Family Court proceeding that is the subject of the arrest.*
2. *Following the disposition of the Family Court proceeding that is the subject of the arrest, only upon the conviction of a juvenile 11 or 12 years of age, for a class "A" or "B" felony OR the conviction of a juvenile 13, 14, 15, 16 or 17 years of age for any felony.*

In all other circumstances, ALL copies of juvenile delinquent arrest photographs must be retrieved and destroyed.

To ensure compliance with the strict controls mandated by the Family Court Act, members of the service must comply with the following guidelines concerning juvenile delinquent arrest photographs:

a. Juvenile delinquent arrest photographs and adult arrest photographs should never be displayed together.
b. Juvenile delinquent arrest photographs and juvenile offender arrest photographs should never be displayed together.
c. Juvenile delinquent arrest photographs must be treated as confidential and retained in the exclusive control of the Department.
d. Juvenile delinquent arrest photographs will not be printed from the Photo Manager System except: (1) to create and preserve a copy of a photo array

ADDITIONAL DATA (continued)

displayed to a victim / witness; or (2) to preserve a copy of an arrest photograph identified by a victim / witness during a Mugshot photo viewing identification procedure; or (3) to assist in the execution of a Family Court warrant for the charge that is the subject of the arrest for which the juvenile delinquent arrest photograph was taken and entered into the Photo Manager System; or (4) to generate a digital Prisoner Movement Slip. If there are questions concerning the printing of juvenile delinquent arrest photographs from the Photo Manager System, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

e. Juvenile delinquent arrest photographs will not be provided to outside agencies, including other law enforcement agencies, except the District Attorney's Office, NYC Corporation Counsel's Family Court Division or US Attorney's Office, when requested. If there are questions concerning the distribution of juvenile delinquent arrest photographs to other agencies, confer with the Legal Bureau. Member in non-investigative assignment will record such conferral in digital ***Activity Log****. Member in investigative assignment will record such conferral in the appropriate manner in the related electronic case file or non-electronic case folder.*

f. Juvenile delinquent arrest photographs will not be used for wanted flyers.

g. Juvenile delinquent arrest photographs will not be used for missing person flyers without permission from the Legal Bureau.

h. Juvenile delinquent arrest photographs will not be released to the media.

SAMPLE OF TYPED LETTERHEAD

POLICE DEPARTMENT
CITY OF NEW YORK

[DATE]

From: [RANK, NAME, COMMAND]

To: Director, Photographic Services

Subject: ***REQUEST FOR DELETION OF JUVENILE DELINQUENT ARREST PHOTOGRAPHS AND RECORDS / INFORMATION***

1. On [DATE], [RANK] [FULL NAME] [TAX REGISTRY #], arrested [JUVENILE'S FULL NAME], [ARREST NUMBER], as a juvenile delinquent for [CHARGES]. Arrest photographs of the respondent were erroneously taken due to the fact that [STATE REASON(S) WHY DELETION IS NECESSARY].

2. Based upon the forgoing facts, I request that all copies of arrest photographs and arrest records / information be deleted.

3. For your information and appropriate attention.

[SUPERVISOR'S FULL NAME]
[SUPERVISOR'S RANK]

RELATED PROCEDURES *Photographable Offenses (P.G. 208-07)*
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Utilization of the Juvenile Desk (P.G. 215-21)

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-25

CHILD CUSTODY EXCHANGES OCCURRING AT NEW YORK CITY POLICE DEPARTMENT FACILITIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/21/18	03/21/18		1 of 1

PURPOSE To provide a safe and neutral environment to perform child custody exchanges.

DEFINITION CHILD CUSTODY EXCHANGE – The physical exchange of a child from one party to another.

PROCEDURE When a member of the service is notified by a person that they are present at a Department facility for the purpose of conducting a child custody exchange, as stipulated by a New York City Family Court order:

MEMBER OF THE SERVICE

1. Notify the desk officer.

DESK OFFICER

2. Designate a uniformed member of the service to monitor the child custody exchange.
3. Make an entry in the Command Log and record, for each party present, the date and time of arrival, the person's full name, address, date of birth, and the name of the uniformed member of the service monitoring the child custody exchange.

UNIFORMED MEMBER OF THE SERVICE

4. Ensure party is fit to take custody of child (i.e., not under the influence of controlled substances, etc.).
5. Monitor the child custody exchange.
6. Encourage parties to leave Department facility at staggered departure times.

DESK OFFICER

7. Enter in the Command Log the time of departure, for each party.

ADDITIONAL DATA *Members of the service are reminded that the Department has no authority to take enforcement action where one or more parties involved in the child custody exchange refuses to comply, wholly or in part, with the exchange. In such circumstances, members of the service will advise the parties to return to the court, which issued the visitation order to gain compliance. However, should a verbal dispute or offense arise during the course of a child custody exchange, members of the service will comply with P.G. 208-36, "Family Offenses/Domestic Violence.*

PATROL GUIDE

Section: Juvenile Matters		Procedure No: 215-26	
ISSUANCE OF WARNING CARD (PD277-121) TO STUDENTS 16 YEARS OF AGE OR OLDER IN NYC PUBLIC SCHOOLS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To instruct uniformed members of the service and/or school safety agents (SSA) on the issuance of **WARNING CARDS (PD277-121)** for students sixteen years of age or older, enrolled in that particular school, who commit a New York State Penal Law violation of Disorderly Conduct or Unlawful Possession of Marijuana while on school grounds during school hours, or while school activities are in session.

PROCEDURE When a New York City Department of Education student aged sixteen years of age or older, enrolled in that particular school, commits a New York State Penal Law violation of Disorderly Conduct or Unlawful Possession of Marijuana while on school grounds during school hours, or while school activities are in session:

UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT

1. Comply with *Patrol Guide 215-13, "Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs,"* as appropriate.
2. Conduct warrant check though Communications Section and/or through a mobile device.
3. Confer with the school principal/designee on the issuance of a **WARNING CARD**.
4. Consult written logbook, maintained by SSA Level 3 assigned to the school, if available, listing all students that have been previously issued a **WARNING CARD** to identify previous infractions and determine if issuing a **WARNING CARD** is appropriate.
   a. Factors to be considered to determine appropriateness include:
      (1) If offenses other than Disorderly Conduct or Unlawful Possession of Marijuana were committed
      (2) Quantity of Marijuana
      (3) Demeanor
      (4) Opinion of school principal/designee
      (5) Specific details of the incident.
   b. Prior to making the final determination, confer with the School Safety Division Operations supervisor for additional direction.
   c. The final decision regarding whether to issue a **WARNING CARD**, in lieu of a Criminal Court summons, will be made by the uniformed member of the service/school safety agent.
5. Issue student a **WARNING CARD** in lieu of a Criminal Court summons, if appropriate, and if no other offense was committed.
   a. Complete all captions on **WARNING CARD**.
   b. Provide copy of **WARNING CARD** to the student.
   c. Forward original **WARNING CARD** to School Safety Division's Operations Center.
6. Notify the School Safety Division supervisor at the school of details.

UNIFORMED MEMBER OF THE SERVICE/ SCHOOL SAFETY AGENT (continued)

7. Make entry in **ACTIVITY LOG (PD112-145)**, or digital **Activity Log,** including:
   a. Penal Law violation (Disorderly Conduct or Unlawful Possession of Marijuana) alleged
   b. Student's name and date of birth
   c. Name of school and location of incident
   d. Name of school principal/designee conferred with and whether or not parent notification made
   e. Rank and name of School Safety Division Operations supervisor conferred with
   f. Serial number provided by School Safety Division Operations
   g. Rank and name of School Safety Division supervisor at school notified.
8. Confiscate contraband for subsequent testing and invoicing, as per *P.G. 218-08, "Field Testing of Marijuana by Authorized Uniformed Members of the Service."*

SCHOOL SAFETY DIVISION SUPERVISOR

9. Ensure **WARNING CARD** log entries are made at school.

ADDITIONAL DATA

*A **WARNING CARD** will be assigned a serial number by the School Safety Division and filed at the School Safety Division's Operations Center.*

*All **WARNING CARDS** issued during a school year will be destroyed at the end of that school year.*

Any inquiries regarding the Warning Card program shall be directed to the School Safety Division's Operations Center.

RELATED PROCEDURES

Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-06)
Field Testing of Marijuana by Authorized Uniformed Members of the Service. (P.G. 218-08)

FORMS AND REPORTS

WARNING CARD (PD277-121)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-27

SCHOOL RELATED THREATS AT A NYC DEPARTMENT OF EDUCATION SCHOOL/PROPERTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/08/20	01/08/20		1 of 2

PURPOSE To ensure a thorough investigation is conducted regarding school-related threats received at a NYC Department of Education school/property.

DEFINITION SCHOOL-RELATED THREAT – A threat with no corroborating evidence to support that it will be carried out (e.g., jokes or statements made in anger that are expressions of feelings, or figures of speech, rather than expressions of a genuine intent to harm someone).

PROCEDURE When a school-related threat has been made at a NYC Department of Education school/property:

UNIFORMED MEMBER OF THE SERVICE

1. Confer with School Safety Division Counterterrorism Unit prior to taking enforcement action against a student regarding school-related threats.
2. Ascertain from principal/school staff any pertinent information about student and specific details of threat.
3. Request response of patrol supervisor.

SCHOOL SAFETY DIVISION COUNTER-TERRORISM UNIT

4. Make recommendation regarding threat based on factors that are determined by the Commanding Officer, School Safety Division.
5. Comply with *P.G. 215-17, "Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property"* when taking enforcement action in a NYC Department of Education facility, or on NYC Department of Education property.

PATROL SUPERVISOR

6. Ensure conferral was made with School Safety Division Counterterrorism Unit.
7. Confer with School Safety Division Counterterrorism Unit supervisor when:
   a. There is disagreement with recommendation from School Safety Division Counterterrorism personnel.
8. Notify commanding officer/duty captain, if not in agreement with recommendation of School Safety Division Counterterrorism Unit supervisor.

COMMANDING OFFICER/ DUTY CAPTAIN

9. Review circumstances of incident.
10. Confer with School Safety Division Counterterrorism Unit, if necessary.
11. Make final determination regarding action to be taken.

ADDITIONAL DATA *This procedure does not preclude a member of the service from ensuring the safety of other students and school administrators when responding to a school-related incident. In the event a member of the service develops information that a subject may be connected to terrorism, he or she must comply with P.G. 212-110, "Communications Between the Intelligence Bureau and Units in the Field Regarding Suspected Terrorist Activity."*

ADDITIONAL DATA (continued)

Threats made by students materialize in a myriad of ways (e.g., social media accounts, e-mail, phone, letter, fax, word of mouth, etc.). These communications require a thorough investigation before a student is formally charged with a crime. Presently, the School Safety Division Counterterrorism Unit is the central repository of all threats affecting the New York City school system. Their knowledge and expertise regarding the severity of threats will assist responding officers with making a final determination of whether an arrest of a student(s) is warranted, or if the incident should be referred back to the school for appropriate discipline and/or counseling. When notified, School Safety Division Counterterrorism Unit personnel will assess the exigency of the alleged threat to determine if it is a low-level, unverified threat with little substantive evidence to warrant detention, or if the threat is serious enough to support a charge based on probable cause. Furthermore, School Safety Division Counterterrorism Unit personnel will make follow-up notifications corresponding to the appropriate threat level.

When the School Safety Division Counterterrorism Unit determines that the incident in question is a low-level, unverified threat and is being referred back to the school for discipline, and/or no further investigation is needed, it is not necessary to notify the Intelligence Bureau in regard.

RELATED PROCEDURES

Neighborhood Coordination Sergeant (P.G. 202-19c)
Arrests - General Processing (P.G. 208-03)
Prisoners General Procedure (P.G. 210-01)
Truants (P.G. 215-07)
On-Line Juvenile Report System (P.G. 215-08)
Offense Committed by a Juvenile Under 18 Years of Age (Other than a Juvenile Offender or Adolescent Offender) (P.G. 215-09)
Arrest of Juvenile Offender or Adolescent Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing/Restraining Students Within School Facilities for Arrest or as an Emotionally Disturbed Person and Use of Alternative Restraints/Velcro Cuffs (P.G. 215-13)
Police Actions, Related Questioning, Arrests and Investigations at a NYC Department of Education School/Property (P.G. 215-17)

PATROL GUIDE

Section: Juvenile Matters	Procedure No: 215-28	
USE OF CHILD CAR SEATS		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 37	PAGE: 1 of 2

PURPOSE To provide safe transport for children in Department vehicles.

PROCEDURE When transporting a child under the age of eight in a Department vehicle:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer in order to arrange to have a child car seat and/or booster seat delivered to the scene.

DESK OFFICER

2. Ensure uniformed member of the service placing child in child car seat or booster seat has been trained in its use and installation.

UNIFORMED MEMBER OF THE SERVICE

3. Ensure child is placed safely in appropriate safety seat, and that safety belts are in working order and properly buckled.
4. Notify radio dispatcher of the presence of a child, the time entering the Department vehicle, their gender and the beginning mileage.
   a. Notify the radio dispatcher of the time the child exited Department vehicle and ending mileage upon arrival at destination.
5. Enter in digital **Activity Log**:
   a. Time trip starts,
   b. Identity of child transported,
   c. Place of beginning and end of trip,
   d. Purpose of trip,
   e. Time trip ends, and
   f. Notation a child car seat and/or booster seat was utilized.

DESK OFFICER

6. Inspect child car seat and booster seat at the start of every tour to ensure:
   a. Restraints are in proper working order
   b. Restraints are not beyond expiration.
7. Notify operations coordinator, if defective or expired.

OPERATIONS COORDINATOR

8. Verify child car seat and booster seat are properly secured in the command, and in proper working order.
   a. Order new child car seat and/or booster seat, as necessary.

TRAINING SERGEANT

9. Ensure that all uniformed members of the command have been appropriately trained in the use and installation of child car seats and booster seats.

ADDITIONAL DATA *All children under the age of eight must be properly secured in a restraint system while riding in a motor vehicle. Children under the age of four must be secured in a child car seat. If they are under the age of two, the seat must be facing the rear of the vehicle. The booster seat must be utilized for children aged four to seven. Both the child car seat, and the booster seat, must only be used in the back seat of the vehicle.*

RELATED PROCEDURES *Children or Minors Requiring Care and/or Shelter (P.G. 215-01)*
Emergency Removals or Investigations and Reporting of Abused, Neglected or Maltreated Children (P.G. 215-03)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-01	
AIDED CASES GENERAL PROCEDURE			
DATE ISSUED: 04/07/21	DATE EFFECTIVE: 04/07/21	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To render necessary aid, take corrective or summary action and prepare the prescribed forms.

DEFINITIONS AIDED CASE - Any occurrence coming to the attention of a uniformed member of the service which requires that a person, OTHER THAN A PRISONER, receive medical aid or assistance because such person is:

a. Sick or injured (except vehicle or bicycle collision)
b. Dead (except vehicle or bicycle collision)
c. Lost person
d. Mentally ill
e. An abandoned, destitute, abused or neglected child
f. Runaway child
g. Adult/child requiring care due to arrest, hospitalization, death of parent/guardian/person responsible for care
h. Homeless individual.

NOTE *Contact with homeless individuals resulting from outreach efforts will be recorded by selecting the "Other (Explain in Details)" check box on the **AIDED REPORT** and including the circumstances of the contact under the "Details" section of the **AIDED REPORT**.*

ROUTINE SICK AT HOME - Requires ONLY a digital **Activity Log** entry if aided is at any residence AND

a. Is conscious and properly identified
b. No other police service or notification is required
c. No dependent adults or uncared for children are in household
d. No other investigation is needed.

NOTE *Ascertain that ambulance is responding and resume patrol.*

ROUTINE SICK IN NURSING HOMES - Uniformed members of the service will NOT respond to sick cases in nursing homes. However, other than a routine sick case (injury, cardiac, D.O.A., etc.), a uniformed member will respond to the nursing home, prepare an **AIDED REPORT**, and make necessary notifications.

PROCEDURE Upon arrival at the scene of an aided incident:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid to sick or injured person.
   a. Refer individual to NYC Well and provide a **NYC WELL PALM CARD (PD154-181)**, if appropriate (see ADDITIONAL DATA).
2. Request an ambulance or doctor, if necessary.
   a. If not assigned to patrol, request dispatcher to assign patrol unit concerned

UNIFORMED MEMBER OF THE SERVICE (continued)

b. If aided person is wearing a Medic Alert Emblem indicating diabetes, heart disease, etc., notify radio dispatcher and bring to the attention of ambulance attendant. Do not remove Emblem.

3. Wait in view to direct the ambulance or have a responsible person do so.
4. Make a second call in twenty minutes if ambulance does not arrive.
5. Make digital **Activity Log** entry.
   a. Include name of person notified regarding Medic Alert Emblem
   b. Include Ambulance Call Report (ACR) number or Patient Care Report (PCR) number related to the aided (obtain from the responding ambulance attendant).
6. Accompany unconscious or unidentified aided to hospital in body of ambulance.
   a. Witness search by hospital authorities and sign hospital property record as witness
   b. Examine property removed in attempt to determine identity of aided
   c. Record, in digital **Activity Log**, a list of property removed and identity of person conducting search.

NOTE *When a uniformed member of the service responds to an aided case and finds that the aided has been removed from the scene prior to the arrival of the member, such member will ascertain the location of the aided and obtain all information necessary for preparation of **AIDED REPORT**.*

7. Obtain name, address and telephone number of relative or friend for notification.
8. Prepare **AIDED REPORT**.
   a. Include under "Details," name of person notified regarding Medic Alert Emblems worn.

ALL AIDED CASES:

UNIFORMED MEMBER OF THE SERVICE

9. Have relatives/friends notified if aided is admitted to a hospital or dies.
10. Classify aided "Unidentified" if unable to make identification and inform desk officer.
11. Submit **AIDED REPORT** to desk officer.

DESK OFFICER

12. Ascertain that notification has been made or comply with *P.G. 216-03, "Unidentified Persons."*
13. Review **AIDED REPORT** for accuracy and completeness.

NOTE *In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the **AIDED REPORT**.*

14. Process **AIDED REPORT** in accordance with *P.G. 216-02, "Preparation of Aided Report."*

DESK OFFICER (continued)

15. Notify the New York City Human Resources Administration Adult Protective Services to obtain care for a dependent adult due to arrest, hospitalization or death of a guardian.

ADDITIONAL DATA

When an aided person is placed in care of ambulance or medical personnel at a hospital, the authority and responsibility for the medical care of the aided rests solely with hospital personnel.

Uniformed members of the service concerned shall cooperate with ambulance/hospital personnel in every reasonable manner.

If a person is unconscious in a manhole, the uniformed member of the service concerned should immediately request the services of the Emergency Service Unit. If there is reason to believe that the victim was asphyxiated by lack of oxygen, or toxic gas in the manhole, the member WILL NOT DESCEND into the manhole unless equipped with a self-contained oxygen breathing apparatus such as a Scott Air Pack, NOT a filter mask as used by the military. If a person is unconscious in a manhole and there is reason to believe the atmosphere in the manhole is safe, the member concerned, before descending into the manhole, shall obtain a rope or similar article and tie the rope, etc., securely around his/her body. A capable person outside the manhole should hold the free end.

A member of the service (uniformed or civilian) who receives a report of a crime involving personal physical injury, death or loss of essential personal property to an innocent crime victim will notify the victim, or a dependent or surviving relative, of the State Crime Victim's Compensation Program and that additional information and applications are available at any precinct stationhouse, police service area or transit district.

Whenever a uniformed member of the service is present at the scene of an aided case that is not life threatening, and there is a difference of opinion between the aided, aided's family, or other interested parties and Emergency Medical Service (EMS) personnel relative to the medical treatment or removal of the aided to a hospital, the member concerned will IMMEDIATELY request the patrol supervisor and an EMS supervisor to respond to the scene. If the patrol supervisor is not available, the Communications Section dispatcher will automatically direct the patrol supervisor from the adjoining command to respond without delay.

The patrol supervisor will immediately respond to ascertain the facts, and if the situation is resolved, the request for the EMS supervisor will be canceled. If the situation cannot be properly resolved, the patrol supervisor will make a second request for an EMS supervisor to respond to the scene.

When responding to an aided case, and the aided is the victim of domestic violence, uniformed members concerned will ensure that photographs are taken of the visible injuries, as per Patrol Guide 208-39, "Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property)."

NYC Well is a treatment referral program for individuals or families in need of counseling assistance outside the purview of this Department (e.g., drug/alcohol abuse, mental health related issues, the lonely and confused, etc.). Members of the service responding to aided

ADDITIONAL DATA (continued)

*cases encountering such individuals or families are directed to give to them a **NYC WELL PALM CARD**, which contains the program's contact information. NYC Well personnel can be reached by a toll-free number, text, or via website, 24 hours a day, 7 days a week. Texting and live chat services are available in various languages. NYC Well is not intended as an alternative means by which to handle mentally ill or emotionally disturbed persons who may pose a danger to themselves or others. In such situations, members will comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

Uniformed members of the service at the scene of an incident at which an aided is acting in a deranged, erratic manner apparently caused by a drug overdose (e.g., cocaine psychosis, angel dust, heroin overdose, etc.) will request the response of the patrol supervisor. If an ambulance is not immediately available, the supervisor will determine if aided should be removed to the appropriate hospital by utilizing an RMP or await the arrival of an ambulance. The aided is not to be brought to a police facility.

Cocaine induced psychosis or other illegal drug usage may cause violent behavior, which may be a means of self-defense against imagined persecutors. In addition to paranoia, the individual may experience visual, auditory, or tactile (e.g., bugs crawling under the skin, etc.), hallucinations, high body temperature and seizures. Since sudden death may ensue, uniformed members of the service are reminded to have such person brought to an appropriate hospital facility and NOT TO A POLICE FACILITY.

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if such person volunteers his/her services, and the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" on **AIDED REPORT**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medivac, etc., will be determined by Emergency Medical Service personnel.*

RELATED PROCEDURES

Arrests - Removal to Department Facility for Processing (P.G. 208-02)
Family Offenses/Domestic Violence (Digital Photography of Visible Injuries/Damaged Property) (P.G. 208-39)
Children or Minors Requiring Care and/or Shelter (P.G. 215-01)
Runaway Children (P.G. 215-05)
Preparation of Aided Report (P.G. 216-02)
Unidentified Persons (P.G. 216-03)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Notifications (P.G. 216-15)
Safeguarding Property of Deceased Persons (P.G. 218-28)

FORMS AND REPORTS

AIDED REPORT
NYC WELL PALM CARD (PD154-181)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-02	
PREPARATION OF AIDED REPORT			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To provide statistical data and record occurrences and services rendered.

PROCEDURE To record an aided case:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **AIDED REPORT** utilizing the Finest Online Records Management System (FORMS).
   a. Complete all boxes with captions pertaining to the aided case.
   b. Document the type of "Treatment" the aided received on **AIDED REPORT** using the appropriate caption (i.e., "Removed to Hospital," "Treated at Scene," "Refused Medical Aid").
   c. If a person is unidentified and hospitalized, enter the hospital admission number under caption "Admission #: If unidentified and hospitalized" on **AIDED REPORT**.
   d. If the City is involved, check caption "City Involved" and enter agency code, official diagnosis, description of area and witness' name, address and telephone number under caption "Dept. or Agency Involved."
   e. If intradepartmental notifications are required, select and complete caption "Department Notifications" on **AIDED REPORT**. These include but are not limited to:
      (1) PRECINCT YOUTH COORDINATION OFFICER (Child's Temporary Resident Precinct) – If person deceased or removed to hospital and UNCARED FOR CHILDREN are left with friends, neighbors, relatives, etc., not residing in household
      (2) PRECINCT YOUTH COORDINATION OFFICER (Child's Permanent Resident Precinct) – If child is neglected, abused or maltreated
      (3) EMERGENCY SERVICES UNIT – If cardio-pulmonary resuscitation (CPR) is administered by members of the service
      (4) HARBOR UNIT – If person injured or killed in boating collision or person aided on an island inaccessible to a patrol precinct
      (5) OTHER – If directed by Patrol Guide, or other directive, forward duplicate copy of **AIDED REPORT** to unit concerned.

NOTE *Intradepartmental notifications must be made as required. Notifications are to be made electronically through FORMS. If notification through FORMS is not possible, then notification is to be made via telephone, or other means, as appropriate.*

UNIFORMED MEMBER OF THE SERVICE *(*continued)

f. If additional Department reports are required, indicate "Form Type," "Report Number," "Violation Section" (as appropriate), and "Precinct," in "Additional Reports Prepared" caption.

g. When applicable, document in the appropriate field boxes whether the aided accepted or refused shelter and the name of the facility.

h. Document whether a Conducted Electrical Weapon (CEW) was used in the field box "CEW Used? Yes/No."

i. If a "Suspected Narcotics Overdose" aided case:

(1) Enter the "Suspected Narcotic Type:" used by aided, if known

(2) Enter "Method of Use:," if known (i.e., smoked, ingested, snorted, injected, etc.)

(3) Enter name of person that informed MOS of narcotic type used by aided in the "Informed By:" field box

(4) Select whether "Naloxone/Narcan Used:," enter the "Number of Uses:," "Administered By:," "Agency:," and select whether "Responded to Naloxone/Narcan?"

i. If Naloxone/Narcan was administered, enter "Naloxone/Narcan Log No." obtained from Operations Bureau

ii. If Naloxone/Narcan was administered by NYPD, enter the rank, name and tax registry of each uniformed member who discharged a spray in the "Details" caption.

j. If Oleoresin Capsicum (O.C.) spray used, select caption "MOS Who Discharged O.C. Spray" on **AIDED REPORT**, and enter in the rank, name and tax registry number of each uniformed member of the service who discharged spray.

k. Under "Details" caption, use own words to describe apparent illness or injury, such as "stomach pains," "head injury," "maternity," etc.

l. If an unidentified person was treated and released, record such facts under "Details" caption.

m. If child/dependent adult left uncared for, enter the following in the "Details" caption:

(1) Name of child/dependent adult, date of birth, phone number, cell phone number, address, and current location

(2) Designated caregiver's name, date of birth, phone number, cell phone number, and address.

2. Comply with *P.G. 208-03, "Arrests – General Processing,"* if alerted on Department mobile device (e.g., cellular telephone, tablet, etc.) that aided has a felony warrant or an active **INVESTIGATION CARD (PD373-163)** labeled, *"Perpetrator – Probable Cause To Arrest."*

3. Report incident to desk officer, precinct of occurrence.

4. Submit **AIDED REPORT** to the desk officer.

DESK OFFICER

5. Review **AIDED REPORT** using FORMS and ensure that all required captions are complete and accurate, and that all proper notifications are made.
   a. If unable to verify accuracy and completeness, return to submitting uniformed member of the service for necessary attention.
6. Approve **AIDED REPORT** using FORMS, after verifying accuracy and completeness, and ensure appropriate action is immediately taken.
7. Ensure Command Clerk prepares duplicate reports for outside agencies, as necessary.

COMMAND CLERK

8. Prepare duplicate reports for outside agencies by printing out and placing copy in a white envelope, addressed appropriately (e.g., Office of the Comptroller, One Centre Street, New York, NY 10007, attn: CIF Department) and forward to the Mail and Distribution Unit.

ADDITIONAL DATA

Once aided information is entered into FORMS, aided numbers will be automatically and sequentially issued by the system for each precinct, and will be composed of:

a. A four digit year number; and
b. A three digit precinct number; and
c. A five digit serial number.

If a number of persons are aided as a result of the same occurrence:

*a. The first numbered FORMS **AIDED REPORT** will describe the full details*
*b. On each succeeding **AIDED REPORT** for the same occurrence, only the aided number, name, address, sex, age, and the nature of the injury/illness of the aided person will be entered. (Include the name of hospital and name of attendant if different from information contained on first **AIDED REPORT**)*
*c. Under "Details," make reference to the full name of the person on the **AIDED REPORT** that describes the full details of incident.*

*Upon receipt of additional information related to an aided case that has already been entered into FORMS, the uniformed member receiving additional information will prepare an additional **AIDED REPORT**. The desk officer will review the new information and approve the **AIDED REPORT**, and ensure that it is electronically linked to the original **AIDED REPORT** in the "Additional Reports Prepared" caption.*

*When an **AIDED REPORT** is prepared in other than the precinct of occurrence, the desk officer/supervisory counterpart, command of report, will review and submit the **AIDED REPORT** to the desk officer, precinct of occurrence electronically. The desk officer/supervisory counterpart, precinct of occurrence is responsible for final approval.*

*When FORMS becomes disabled, members of the service will prepare an **AIDED REPORT WORKSHEET (PD304-152b)** and be guided by their desk officer regarding input into FORMS.*

RELATED PROCEDURES

Arrests – General Processing (P.G. 208-03)

FORMS AND REPORTS

AIDED REPORT
AIDED REPORT WORKSHEET (PD304-152b)
INVESTIGATION CARD (PD373-163)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-03	
UNIDENTIFIED PERSONS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To record and initiate investigation of an unidentified person.

DEFINITION UNIDENTIFIED PERSON - Subject of an aided/collision case and is:

a. Unable to identify himself or such information cannot be determined at once, OR
b. Admitted to a hospital, or a child in a shelter, whose relatives or friends cannot be located or are unknown at the address given, OR
c. Actually or apparently under eighteen years of age and refuses to identify himself or give his home address, OR
d. Dead human body and the true name and address are unknown, or if known, the relatives or friends cannot be located.

PROCEDURE Upon responding to the scene of an aided/collision case and the victim is unidentified.

UNIFORMED MEMBER OF THE SERVICE

1. Interview neighbors/witnesses to obtain information regarding identity of relatives or friends of aided/collision victim.
2. Accompany subject to hospital and obtain any information that may assist in identifying subject from hospital authorities.

NOTE *If aided/collision victim is deceased, comply with P.G. 218-28, "Safeguarding Property of Deceased Person."*

3. Make digital **Activity Log** entry of incident and include an accurate description of subject and clothing worn.
4. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, one copy of **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and **COMPLAINT REPORT WORKSHEET (PD313-152A)** if victim is deceased (see *P.G. 216-04, "Dead Human Body General Procedure").*

DESK OFFICER

5. Check command records.
6. Notify detective squad to conduct preliminary investigation.
   a. If no detective is immediately available, the patrol supervisor will commence the preliminary investigation, pending arrival of assigned detective.

NOTE *Assigned detective is responsible for continuing and completing the investigation.*

PRECINCT DETECTIVE/ PATROL SUPERVISOR

7. Notify Missing Persons Squad of available information.
   a. Enter name of Missing Persons Squad member notified on copy of **MISSING/UNIDENTIFIED PERSON REPORT**.
8. Conduct an immediate preliminary investigation, AND
   a. Interview neighbors/witnesses in an effort to obtain further information.

PRECINCT DETECTIVE/ PATROL SUPERVISOR (continued)

b. Examine documents/property removed from aided/collision victim or from residence, e.g., personal papers, wills, bankbooks, insurance policies, etc.

c. Make any other reasonable effort to identify aided/collision victim or locate relatives or friends.

9. Notify desk officer and Missing Persons Squad of results of preliminary investigation.

NOTE *If subject is homicide victim, the assigned precinct detective handles the identification and notification process. The Missing Persons Squad will provide assistance, if needed.*

COMMAND CLERK

10. Enter unidentified person complaint in OMNIFORM System and obtain serial number.

DESK OFFICER

11. Have **MISSING/UNIDENTIFIED PERSON REPORT** typed from copy prepared by uniformed member of the service.
    a. If unidentified aided/collision victim is at least 7 but less than 18 years of age, prepare **JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)** and assign precinct serial number.
12. Review, sign and forward **MISSING/UNIDENTIFIED PERSON REPORT**, **AIDED REPORT**, **Police Accident Report** and **JUVENILE REPORT SYSTEM WORKSHEET**, if prepared, as per instructions on the form.

YOUTH COORDINATION OFFICER

13. Process all **JUVENILE REPORT SYSTEM WORKSHEET** prepared for unidentified aided/collision victims and provide assistance to precinct detective squad.

ASSIGNED DETECTIVE

14. Forward **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** within three working days detailing the steps taken in the preliminary investigation UNLESS the investigation was closed on the **MISSING/UNIDENTIFIED PERSON REPORT**.
    a. Obtain Missing Persons Squad case number and identity of assigned detective.

RELATED PROCEDURES

On-Line Juvenile Report System (P.G. 215-08)
Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Dead Human Body General Procedure (P.G. 216-04)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)
COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT SYSTEM WORKSHEET (PD377-159A)
MISSING/UNIDENTIFIED PERSON (PD336-151)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-04	
DEAD HUMAN BODY GENERAL PROCEDURE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure that notifications to concerned authorities and relatives are properly made and recorded, evidence is preserved and proper disposition is made of dead human bodies.

PROCEDURE Upon arrival at scene of an apparently dead human body:

UNIFORMED MEMBER OF THE SERVICE

1. Request ambulance and patrol supervisor to respond.
2. Exclude unauthorized persons from scene.
3. Obtain names of witnesses and detain at scene if death is suspicious.
4. Screen area from public view, if possible.
5. Cover body with waterproof covering, if publicly exposed.
6. Ascertain facts and notify desk officer as soon as possible.
7. Request aided person be removed to hospital or that doctor be dispatched if pronouncement of death by ambulance attendant, emergency medical technician or paramedic is questioned by anyone.

DESK OFFICER

8. Notify:
   a. Detective squad.

NOTE *Responding detective will notify Crime Scene Unit, if an apparent homicide, suicide, or death is suspicious.*

   b. Harbor Unit, if aided is removed from navigable waters by other than Harbor Unit personnel
   c. Operations Unit, if an apparent homicide, suicide or death is suspicious
   d. Communications Section, if death is unusual or homicide
   e. Medical Examiner
      (1) Obtain Medical Examiner Case Number for entry on **AIDED REPORT**
      (2) Inform Medical Examiner if plastic sheet or bag may be factor in death
      (3) Make follow-up call to Medical Examiner, if he/she fails to respond within one hour.
9. Record all calls to Medical Examiner in Telephone Record.

UNIFORMED MEMBER OF THE SERVICE

10. Prevent anyone from disturbing body or its effects, EXCEPT:
    a. Paramedic, E.M.T., or doctor (caution not to disturb evidence)
    b. Medical Examiner or assistant
    c. District Attorney or assistant
    d. Members of the Detective Bureau, detective squad or Crime Scene Unit
    e. Member of Highway District assigned as "collision technicians" or "collision investigators"
    f. Member of Emergency Service Unit, if body is on train tracks or in subway tunnel.

NOTE *Make digital **Activity Log** entry identifying all persons entering crime scene.*

UNIFORMED MEMBER OF THE SERVICE (continued)

11. Prepare and attach **IDENTIFICATION TAG (PD317-091)** on body.

NOTE *An **IDENTIFICATION TAG** will be placed on dead human bodies, parts of bodies, and human fetuses that are to be delivered to the morgue.*

12. Obtain receipt on lower half of **IDENTIFICATION TAG** for body when removed to morgue, and for body and death certificate if released to a funeral director or other authorized person.
13. Prepare **AIDED REPORT** or **Police Accident Report (MV104AN)**, as appropriate, and under "Details" include:
    a. Name and badge number of morgue vehicle operator removing body, or
    b. Name and address of undertaker authorized to remove body and name, address, and relationship or person authorizing such removal, or
    c. Name, address, and relationship of person to whom body was released.

NOTE *A notification to a member of the immediate family of the deceased will be made tactfully and in person, if possible. Efforts should be made to have a friend or neighbor present when making such notification.*

14. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**.
15. Enter all facts in digital **Activity Log** including
    a. Identity and complete description of deceased person and clothing worn
    b. Name of doctor, paramedic or E.M.T. who made death pronouncement
    c. Name, address and identification of person to whom body was released.
16. Safeguard body and effects until instructions are received from patrol supervisor
17. Deliver receipt for body and death certificate to desk officer.

PATROL SUPERVISOR

18. Ascertain that precinct detective squad, Crime Scene Unit and Operations Unit have been notified, when necessary.

NOTE *An immediate telephone notification to the Operations Unit of all unusual incidents involving a homicide or suspicious death is required. The initial notification will include the preliminary facts and circumstances. However, subsequent notifications should be made as additional information becomes available or developments occur during the course of the incident or investigation.*

19. Have body and premises searched in the presence of witnesses, when possible, if deceased resided alone or died at a location other than residence.

NOTE *A police officer of either sex may search a dead body.*

PATROL SUPERVISOR (continued)

20. Direct member searching body to safeguard property.
21. Examine reporting officer's digital **Activity Log** entries and certify accuracy by signing rank and name.
22. Make appropriate digital **Activity Log** entry.

DESK OFFICER

23. Direct command clerk to prepare **COMPLAINT REPORT (PD313-152)** from **COMPLAINT REPORT WORKSHEET**, by entering information in OMNIFORM System.
    a. Ensure serial number is obtained from OMNIFORM System.
24. Close complaint at precinct level when deceased is properly identified, Medical Examiner certifies death as natural, and relatives are present and notified.

NOTE *If deceased remains unidentified or relatives cannot be located, prepare **MISSING/ UNIDENTIFIED PERSONS REPORT (PD336-151)**, enter in OMNIFORM System, obtain a new serial number, and comply with P.G. 216-03, "Unidentified Persons."*

25. Direct officer who discovered body in a homicide case to report to the morgue at 0900 hours, the next day, to identify the body to two Medical Examiners.
    a. Assign officer first on the scene, or another officer who is not on a regular day off, if reporting officer is not available, who can identify the body as the one found or observed at scene.

NOTE *If a person dies as the direct result of a police action, the uniformed member involved in or actually witnessing the incident WILL NOT be assigned to identify the body at the morgue. Another member who can make the identification will be assigned.*

26. Direct officer concerned to arrange for a relative or other person who knew the deceased to be present to identify body in presence of the officer.
27. File receipt for body and death certificate, if received, in the Property Receipt Book.

ADDITIONAL DATA *A body, offensive to public decency, may be removed from a public place. However, if death is suspicious, permission of the Medical Examiner and the assigned detective investigating the incident must be obtained.*

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Notifications (P.G. 216-15)
Safeguarding Property of Deceased Person (P.G. 218-28)

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
IDENTIFICATION TAG (PD317-091)
MISSING/UNIDENTIFIED PERSONS REPORT (PD336-151)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-06	
MENTAL HEALTH REMOVAL ORDERS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To execute a Mental Health Removal Order and safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek psychiatric/medical assistance.

PROCEDURE When a Mental Health Removal Order is received from the Commissioner, Department of Health and Mental Hygiene:

DESK OFFICER

1. Review Removal Order to verify validity (see *"ADDITIONAL DATA"*).
2. Make a Command Log entry.

NOTE *Await arrival of an assigned city psychiatrist before executing order. If the psychiatrist does not contact the command or respond within one hour, notify Operations Unit.*

3. Have Communications Section assign patrol supervisor, RMP unit, Emergency Service Unit and ambulance to execute the Removal Order.
4. Direct RMP unit to respond to command and transport city psychiatrist to the scene, if necessary.

PATROL SUPERVISOR

5. Respond to the scene, assume command and evaluate the condition of the patient.

NOTE *If subject of Removal Order is not present, consider whether a search of immediate area would be fruitful. Contact desk officer for additional instructions concerning return visits, if necessary.*

6. Determine if services of Emergency Service Unit and commanding officer/ duty captain are necessary.
   a. Cancel response of Emergency Service Unit, if not required.
7. Permit city psychiatrist to interview patient to gain cooperation.

NOTE *If patient will not cooperate and refuses to go to hospital voluntarily, request response of commanding officer/duty captain.*

8. Comply with provisions of *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*
9. Assign uniformed member of the service to escort patient to the hospital, if necessary, and remain until patient examined at Psychiatric Emergency Room.
10. Notify desk officer upon completion of removal.

UNIFORMED MEMBER OF THE SERVICE

11. Deliver copy of Removal Order to admitting psychiatrist at hospital.
    a. Comply with *P.G. 216-07, "Firearm Safety Stations at Psychiatric Wards and Admitting Areas."*
12. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
    a. Indicate "Mental Health Removal Order," name of responding city psychiatrist and name of admitting psychiatrist under "Details" on **AIDED REPORT**.
13. Submit **AIDED REPORT** to desk officer.

DESK OFFICER

14. Enter completion time and aided number in margin opposite original Command Log entry.
15. Notify Operations Unit of disposition.

ADDITIONAL DATA

SAMPLE MENTAL HEALTH REMOVAL ORDER

Department of Mental Health
Mental Retardation and Alcoholism Services

To: **Commanding Officer, _____ Precinct**

From: **Commissioner, Department of Health and Mental Hygiene**

Subject: **REMOVAL OF (NAME) TO (HOSPITAL), PSYCHIATRIC EMERGENCY ROOM, (ADDRESS)**

Pursuant to Section 9.45 of the State Mental Hygiene Law, you are hereby directed to remove (NAME) to the (HOSPITAL), Psychiatric Emergency Room, for an examination to determine whether (NAME) should be hospitalized in accordance with Section 9.39 of the Mental Hygiene Law.

(NAME), presently resides at (ADDRESS) with (FAMILY/FRIENDS). He/she is (AGE) and in (PHYSICAL CONDITION).

This directive is based on information provided in conversation between my staff and (FAMILY MEMBERS/SOCIAL WORKER ETC.), and is further based on (NO.) psychiatric evaluations of (NAME) by (DR.'S NAME), a physician licensed to practice medicine in the State of New York. It is (DR.'s NAME) opinion that (NAME) has a mental illness for which observation, care and treatment in a hospital is appropriate.

Based on the information provided to me that (NAME) has a mental illness for which immediate care and treatment in a psychiatric hospital is appropriate, it is my judgement that (NAME) should be removed to (HOSPITAL), Psychiatric Emergency Room, for an examination to determine whether he/she should be hospitalized pursuant to Section 9.39 of the Mental Hygiene Law.

This directive is valid through (DATE). If (NAME) is not at home, the police are directed to make repeated visits until this order can be carried out.

Please notify me of the disposition of this case.

Commissioner

ADDITIONAL DATA (continued) *Mental Health Removal Orders include an expiration date. If the subject is not present on the first visit, desk officers should notify their reliefs and arrange for repeated visits until the expiration date, as necessary. Each visit should be documented with an appropriate Command Log entry, and cross-referenced to the original entry. Upon expiration, notify Operations Unit of efforts made to locate mentally ill or emotionally disturbed person and file copy of Removal Order at the command.*

RELATED PROCEDURES *Aided Cases General Procedure (P.G. 216-01)*
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Unlawful Evictions (P.G. 214-12)

FORMS AND REPORTS ***AIDED REPORT***

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-07

FIREARM SAFETY STATIONS AT PSYCHIATRIC WARDS AND ADMITTING AREAS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To utilize firearms safety stations, when available, for the safe unloading and reloading of firearms at psychiatric wards or psychiatric admitting areas of city hospitals.

PROCEDURE Upon entering a hospital psychiatric ward or psychiatric admitting area of a city hospital:

UNIFORMED MEMBER OF THE SERVICE

1. Escort mentally ill or emotionally disturbed person to designated patient waiting area.
2. Sign in and complete entries under captions in Psychiatric Admitting Log maintained by hospital security police.
3. Proceed to designated firearms safety station, when available, and unload firearm(s).
   a. Replace unloaded firearm(s) in holster and put loose ammunition, and/or magazine containing ammunition, into pocket.
4. Confer with psychiatric admitting staff and provide necessary information.
5. Safeguard patient at hospital until examined by a psychiatrist.

NOTE *If the psychiatrist refers a patient to the hospital emergency room for medical evaluation and clearance, a uniformed member shall reload firearm(s) at the firearms safety station before leaving the psychiatric admitting area, and unload upon return. A member unloading/reloading a firearm will make interim entries in "Remarks" column of the Psychiatric Admitting Log.*

6. Inform psychiatrist of circumstances which brought patient into police custody.

NOTE *Inform relieving uniformed member of circumstances regarding aided, if safeguarding extends beyond expiration of tour. Relieving uniformed member will comply with sign-in and firearms unloading procedures in addition to informing psychiatrist of circumstances regarding aided.*

7. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
   a. Indicate on **AIDED REPORT**, name of psychiatrist and admission number, when appropriate.
8. Proceed to designated firearms safety station location and reload firearm(s) prior to leaving hospital facility.
9. Complete "time-out" entry in Psychiatric Admitting Log.
10. Submit **AIDED REPORT** to desk officer.

ADDITIONAL DATA *Patrol supervisors/integrity control officers shall comply with unloading procedures and make a visit entry in the Psychiatric Admitting Log when supervising activities of subordinates.*

When a mentally ill or emotionally disturbed prisoner is escorted to a Department of Correction Forensic Psychiatry Ward, uniformed members will comply with the regulations of the Department of Correction regarding unloading and safeguarding firearms.

ADDITIONAL DATA (continued) *The following Health and Hospitals Corporation facilities are designated for emergency admission, care and treatment of mentally ill and emotionally disturbed persons:*

HOSPITAL

Bellevue Hospital Center
Bronx Municipal Hospital Center
City Hospital Center at Elmhurst
Coney Island Hospital
Harlem Hospital Center
Kings County Hospital Center
Lincoln Hospital
Metropolitan Hospital Center
North Central Bronx Hospital
Queens Hospital Center
Woodhull Hospital

RELATED PROCEDURES *Aided Cases General Procedure (P.G. 216-01)*
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

FORMS AND REPORTS ***AIDED REPORT***

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-08

PERSONS OVERCOME BY GAS, DRUGS, OR OTHER POISONOUS SUBSTANCES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To secure special assistance and obtain samples of poisonous substances in appropriate cases.

PROCEDURE When it appears that aided person is suffering from ingestion of drugs, a poisonous substance or inhalation of gas:

UNIFORMED MEMBER OF THE SERVICE

1. Call an ambulance.
2. Request Emergency Service Unit, if oxygen required.
3. Give ambulance attendant information regarding the nature of the poisoning.
4. Permit doctor or attendant to take the substance, prescription or container, if not required as evidence.
   a. If evidence, give sample to doctor or attendant and deliver remainder of substance to the desk officer or detective assigned.
5. Notify, and make samples available to, the Poison Control Center of the Health Department, if required.
6. Obtain a receipt for such materials.
7. Make digital **Activity Log** entry of facts and time required notifications were made.
8. Prepare **AIDED REPORT**.
9. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if necessary.

ADDITIONAL DATA *The desk officer will notify the Operations Unit in poisoned or infected food cases, or in wood or denatured alcohol poisoning cases.*

ADDITIONAL GUIDELINES FOR PROCESSING CONTAMINATED FOOD OR DRUG SAMPLES:

a. Cases of spoiled or biologically contaminated foods served in restaurants or other locations where food may be obtained will be referred to the Department of Health, Food Poisoning Investigation Unit which will determine the proper course of action to be taken.

b. Person treated at a hospital for apparent poisoning - if sample of suspected substance is available, the sample will be taken directly to Department of Health Laboratories, 455 First Avenue, Manhattan, with ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)*** *attached.*

(1) If a food product is involved, immediately notify Department of Health, Food Poisoning Investigation Unit.

c. When pattern emerges concerning several separate incidents of suspected poisoning that occurred under similar circumstances, the Poison Control Center will be notified and the uniformed member of the service will comply with instructions received.

d. The mass removal of a potentially dangerous product that must be removed from retail shelves will be handled on a case by case basis. Under no circumstances will items be removed from a retail establishment and brought to a precinct stationhouse/command before consultation with concerned city, state and federal agencies via the Operations Unit.

ADDITIONAL DATA (continued)

*e. Samples of evidence in cases having potential criminal sanctions and not covered in any of the above categories will be delivered to the Police Laboratory with **REQUEST FOR LABORATORY EXAMINATION** attached. Materials not classified as evidence in an investigation will be invoiced and forwarded to the Property Clerk for safekeeping in appropriate cases.*

f. Substances delivered to a member of the service by a citizen for analysis will not be accepted if there is no allegation of danger to public health or of specific criminal activity. The complainant will be notified that in civil negligence cases, private laboratories conduct such analysis. When an item is a sealed food product, the Food Poisoning Investigation Unit will be notified for follow-up at point of purchase.

FORMS AND REPORTS

AIDED REPORT
COMPLAINT REPORT (PD313-152)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-09	
ANIMAL BITES			
DATE ISSUED: 02/18/15	DATE EFFECTIVE: 02/18/15	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To notify the New York City Department of Health and Mental Hygiene of human exposure to a rabid animal, an animal suspected of being rabid, and/or an animal that has bitten, scratched, or abraded a human being and to provide for the observation of the animal involved.

DEFINITION HUMAN EXPOSURE TO RABIES: A bite or a scratch from a rabid animal, an animal suspected of being rabid or contamination of an open or fresh wound (i.e., having bled within the last twenty-four hours) or mucous membranes (e.g., eyes, nose, mouth, etc.) with infectious material (e.g., saliva, nervous tissue, etc.) from a rabid animal or an animal suspected of being rabid.

PROCEDURE Upon responding to a complaint which concerns exposure to a rabid or suspect-rabid animal and/or an animal that has bitten, scratched, or abraded a human being, follow normal aided case procedures and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid and prepare **AIDED REPORT WORKSHEET (PD304-152b)**, if applicable.
2. Comply with *P.G. 219-17, "Use of Patrol Kits."*
3. Advise person concerned to thoroughly wash affected area with soap and water, and to seek medical attention as quickly as possible (even if the injury or exposure is not serious).
4. Ascertain owner of animal.
   a. Obtain description of animal and attempt to locate for examination.
   b. If animal is located comply with *P.G. 214-33, "Care and Disposition of Animals."*
5. Prepare **DANGEROUS ANIMAL/BITE REPORT (PD311-152)** in all instances in which responding to or becoming apprised of an incident involving an animal bite and/or dangerous animal and include the ICAD Incident number on form.
   a. If the animal is gone upon arrival at the scene, a **DANGEROUS ANIMAL/BITE REPORT** must still be prepared, regardless of whether or not a person has been injured by the animal.
6. Deliver **DANGEROUS ANIMAL/BITE REPORT** and **AIDED REPORT WORKSHEET**, if applicable, to desk officer.

NOTE *The Department of Health and Mental Hygiene, Animal Bite Unit can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.*

DESK OFFICER

7. Review and sign **AIDED REPORT WORKSHEET**, if applicable.
8. Process **AIDED REPORT WORKSHEET** in accordance with *P.G. 216-02, "Preparation of Aided Report Worksheet."*

DESK OFFICER (continued)

9. Review and sign **DANGEROUS ANIMAL/BITE REPORT** and distribute as delineated on form.
10. Notify Department of Health and Mental Hygiene by telephone of an animal that has bitten, scratched, or abraded a human being and/or of human exposure to a rabid animal or of an animal suspected of being rabid.
11. Forward the Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT** via the Mail and Distribution Unit.
12. Notify Department of Health and Mental Hygiene by telephone if animal or owner is located after **DANGEROUS ANIMAL/BITE REPORT** has been forwarded.
    a. Ensure that all supplementary information is recorded on **AIDED REPORT WORKSHEET** and entered in the Online Aided System.
13. File command copy of all **DANGEROUS ANIMAL/BITE REPORTS**.

ADDITIONAL DATA

*Snakebite cases require a notification to the Poison Control Center of the Department of Health and Mental Hygiene. Enter notification on **AIDED REPORT WORKSHEET**.*

*In other than animal bite, injury, or exposure cases, a member of the service is required to notify the Department of Health and Mental Hygiene, Bureau of Communicable Disease by telephone of any animal of which he/she has knowledge that is rabid, or is suspected of being rabid, or of any animal which has been bitten by, come in contact with, or kept together with a rabid animal. The member must complete the **DANGEROUS ANIMAL/BITE REPORT** and deliver the **DANGEROUS ANIMAL /BITE REPORT** to the desk officer to be reviewed and distributed as delineated on the form. Forward Department of Health and Mental Hygiene copy of **DANGEROUS ANIMAL/BITE REPORT**, via the Mail and Distribution Unit.*

For cases involving rabies, the Department of Health and Mental Hygiene, Bureau of Communicable Disease can be notified from 0900 to 1700 hours, Monday through Friday. After hours, the Poison Control Center of the Department of Health and Mental Hygiene must be notified.

Raccoons are primarily nocturnal animals; any raccoon seen active during the daytime should be considered rabid until proven otherwise. Any raccoon acting friendly or aggressively should be considered rabid.

P.G. 214-33, "Care and Disposition of Animals," will be complied with whenever an animal is located. All parties will be removed from the immediate vicinity of the animal. The location of the animal, if not contained, will be monitored and the Emergency Services Unit or the Animal Care and Control of New York City (A.C. & C.) will be contacted for assistance regarding the animal's capture and removal. Uniformed members of the service shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat. When a suspected rabid animal is captured, A.C. & C. of New York City must be notified of the location of capture, the primary reason the police were called, and the names and addresses of all persons and animals that were potentially exposed to the suspected rabid animal.

RELATED PROCEDURES	*Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)* *Care and Disposition of Animals (P.G. 214-33)* *Preparation of Aided Report Worksheet (P.G. 216-02)* *Use of Patrol Kits (P.G. 219-17)*
FORMS AND REPORTS	***AIDED REPORT WORKSHEET (PD304-152b)*** ***DANGEROUS ANIMAL/BITE REPORT (PD311-152)***

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-10	
TAXICAB DRIVERS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report certain aided cases involving taxicab drivers to the New York City Taxi and Limousine Commission.

PROCEDURE Upon responding to an incident in which a taxicab is involved and it is apparent that the taxi driver has epilepsy, vertigo, heart disease or other condition making him/her unfit to operate a taxi:

UNIFORMED MEMBER OF THE SERVICE

1. Follow normal aided case procedures.
2. Obtain driver's credentials and give **RECEIPT FOR CREDENTIALS (PD616-011)**.

DESK OFFICER

3. Forward credentials and facts of the aided case on **REPORT OF VIOLATION (PD672-151)** to New York City Taxi and Limousine Commission.
4. Note on **REPORT OF VIOLATION** if unable to obtain credentials.

FORMS AND REPORTS

RECEIPT FOR CREDENTIALS (PD616-011)
REPORT OF VIOLATION (PD672-151)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-11	
COMMUNICABLE DISEASE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To assist in the orderly removal of a person with a communicable disease.

DEFINITION COMMUNICABLE DISEASE - an infectious disease capable of being passed to another by direct contact with an infected individual or his/her discharges.

PROCEDURE When advised by the Department of Health that a person with a communicable disease is to be removed to a hospital:

DESK OFFICER

1. Assign a uniformed member of the service to assist in the removal of patient.

UNIFORMED MEMBER OF THE SERVICE

2. Comply with the pertinent provisions of *P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*
3. Accompany patient to the hospital when requested by the hospital attendant or physician.

ADDITIONAL DATA

Information concerning a prisoner's or a victim's affliction with a communicable disease must be kept confidential. This information generally should not be released to the public, the media, the person's family and friends or to other prisoners. There may be unusual circumstances under which release of this information is warranted. Any such release, however, may only be made with the written consent of the Deputy Commissioner - Legal Matters.

In some cases, prisoners may volunteer their positive status regarding a communicable disease indicating the need to be segregated from general prisoner population or the need for medical treatment. In such cases, isolation cells should be used, if available. This information may be recorded on a Prisoner Movement Slip or on form ***MEDICAL TREATMENT OF PRISONER (PD244-150)*** *in order to alert personnel assigned to Corrections, District Attorney's offices or courts.*

Members of the service who are exposed to a communicable disease should follow the provisions of P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."

RELATED PROCEDURES

Reporting Sick From Outside City And Outside Residence Counties (P.G. 205-02)
Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)
Prisoners General Procedure (P.G. 210-01)
Aided Cases General Procedure (P.G. 216-01)

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-12

SCHOOL CROSSING GUARD INJURED WHILE PERFORMING DUTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/27/16	09/27/16		1 of 2

PURPOSE To maintain a record of a school crossing guard injured while performing duty.

PROCEDURE When a school crossing guard is injured in the line of duty, follow normal aided case procedures and:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.

PATROL SUPERVISOR

2. Investigate circumstances.
3. Interview the school crossing guard.
   a. Obtain name of hospital, attendant and doctor, if removed to a hospital.
4. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

NOTE *This notification is in addition to, and does not preclude the requirement for other notifications to Operations as indicated elsewhere in this procedure.*

5. Have school crossing guard prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)** and submit to commanding officer of precinct of occurrence.
6. Interview the witnesses and request them to prepare **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT (PD429-065)**.
7. Direct uniformed member of the service to prepare **Police Accident Report (MV104AN)**, if vehicle is involved, OR **AIDED REPORT WORKSHEET (PD304-152b)** in all other cases.
8. Report circumstances to the desk officer.

DESK OFFICER

9. Make Command Log entry regarding circumstances of incident and results of investigation.
10. Notify Employee Resources Section, Civilian Employee Services Unit during next business day and Operations Unit within twenty-four hours.
11. Prepare **Typed Letterhead** explaining circumstances and deliver to commanding officer with a copy of Command Log entry attached.

COMMANDING OFFICER

12. Forward two copies of the **Typed Letterhead** with the two copies of the **Employee's Notice of Injury** and the **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT**, if any, to Employee Resources Section (Attention: Civilian Employee Services Unit).

COMMANDING OFFICER (continued)

13. Keep school crossing guard on payroll, without pay, from time of injury until return to duty, and cause **Election of Rate of Change Against Annual and/or Sick Leave Balances** form to be prepared.
14. Notify Employee Resources Section, Civilian Employee Services Unit when school crossing guard returns to duty and every subsequent time that the guard reports sick and returns to duty as a result of the injury.
15. Direct that **Supervisor's Report of Injury (Law Department Form 201)** be prepared within forty-eight hours after occurrence.
16. Direct that **Report to Employee Benefits Unit (Form E)** be prepared.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Civilian Member - Injury (A.G. 319-15)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
WITNESS STATEMENT- INJURY TO MEMBER OF DEPARTMENT (PD429-065)
Election of Rate of Change Against Annual and/or Sick Leave Balances Form
Employee's Notice of Injury (Law Dept. Form WCD 23)
Police Accident Report (MV104AN)
Report to Employee Benefits Unit (Form E)
Supervisor's Report of Injury (Law Dept. Form 201)
Typed Letterhead

PURPOSE To report and record line of duty injuries and deaths of auxiliary police officers.

DEFINITIONS For the purpose of this procedure, the following definitions will apply:

LINE OF DUTY - An incident that occurred while a member was on duty. Auxiliary Police Officers are considered ON DUTY after they "sign-in" on the **Auxiliary Police Roll Call (APS #10)** until they sign out at the end of their tour. Line of duty designation will NOT be given for any off duty incidents.

INVESTIGATING SUPERVISOR

a. The lieutenant platoon commander, precinct of occurrence, if available, will act as investigating supervisor.
b. A patrol supervisor, precinct of occurrence will act as the investigating supervisor, if the lieutenant platoon commander is unavailable.
c. The precinct commanding officer/duty captain will be the investigating supervisor, if the injured auxiliary police officer dies or is likely to die.

PROCEDURE Upon being notified or arriving at a location where a member of the Auxiliary Police Program has been injured while on duty:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.
2. Notify desk officer of:
   a. Circumstances of injury.
   b. Request witnesses to await arrival of supervisor and precinct auxiliary coordinator (if coordinator is on duty).
3. Remain at scene with auxiliary police officer unless:
   a. Hospitalization or medical attention is required.
   b. Further police action is necessary.

PATROL SUPERVISOR

4. Respond to the scene.
5. Interview the auxiliary police officer.
   a. If removed to a hospital, obtain the name of the hospital, attendant, and doctor.
6. Have auxiliary police officer prepare, in own handwriting, if possible, two copies of **Employee's Notice of Injury (Law Department Form WCD 23)**.
   a. If member is unable to do so, the patrol supervisor will prepare and submit the report to the commanding officer, precinct of occurrence.
7. Request witnesses to await arrival of the investigating supervisor, if necessary.
8. Obtain and safeguard shield, identification card, portable radio and personal property of auxiliary police officer, if hospitalized.
9. Report circumstances to desk officer.
10. Prepare **Police Accident Report (MV104AN)** if vehicle collision involved.
11. Have an **AIDED REPORT WORKSHEET (PD304-152b)** prepared if a vehicle is not involved.

DESK OFFICER

12. Notify the investigating supervisor as indicated in the above "DEFINITION."
13. Make Command Log entry.
14. Notify Operations Unit and supervisor at Auxiliary Police Section.
    a. Notify member's command if not assigned to precinct of occurrence.
15. Notify precinct commanding officer or duty captain if member dies or is likely to die.
16. Notify borough commander if member dies.
17. Enter the results of investigation in Command Log, indicating whether injury was sustained in line of duty.

INVESTIGATING SUPERVISOR

18. Interview injured auxiliary police officer and investigate circumstances.
19. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
    a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

NOTE *This notification is in addition to, and does not preclude the requirement for other notifications to Operations as indicated elsewhere in this procedure*.

20. Make initial report to desk officer without delay.
21. Interview witnesses and request them to prepare and sign **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)**.
22. Prepare report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT (PD370-152)** and forward to the precinct commander.

AUXILIARY POLICE SECTION

23. If injured auxiliary police officer dies or is likely to die, commanding officer at Auxiliary Police Section will designate a supervisory member of the unit to respond and assist the precinct commanding officer/duty captain.

AUX. POLICE COORDINATOR PRECINCT OF OCCURRENCE

24. Ensure that all required reports and forms are forwarded to the Auxiliary Police Section within ten days, including any copies of **UNUSUAL OCCURRENCE REPORTS**.

COMMANDING OFFICER/ DUTY CAPTAIN

25. Prepare report on **Typed Letterhead** or **UNUSUAL OCCURRENCE REPORT** for line of duty death or serious injury and likely to die and forward as indicated in *P.G. 212-09, "Unusual Occurrence Reports"* (exclude copy for Police Pension Fund).
26. Forward two copies of the **Employee's Notice of Injury** and the **WITNESS STATEMENT - INJURY TO MEMBER OF DEPARTMENT**, if any, to Commanding Officer, Auxiliary Police Section.

ADDITIONAL DATA *In line of duty cases where an auxiliary police officer dies or is likely to die, the command auxiliary police coordinator where member is assigned shall maintain liaison with the Patrol Borough Auxiliary Police Section. In the absence of the command coordinator, the precinct commanding officer will designate an alternate uniformed member of the service who will perform this function.*

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Department Vehicle Collisions (P.G. 217-06)
Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
UNUSUAL OCCURRENCE REPORT (PD370-152)
WITNESS STATEMENT-INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
Auxiliary Police Roll Call (APS #10)
Employee's Notice of Injury (Law Dept. Form WCD 23)
Police Accident Report (MV104AN)
Typed Letterhead

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-14	
AIDED CASES ON NEW YORK CITY TRANSIT TRAINS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide procedures for the handling of aided cases occurring on trains.

PROCEDURE Upon arriving at the scene of a sick or injured passenger on a train:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain the condition of the aided, e.g., unconscious, pregnant, epileptic, intoxicated, bleeding, etc.
2. Transmit this information, immediately, via the radio dispatcher.
3. Remove aided from train, if feasible, unless it is not advisable to move the aided due to the nature of his or her illness or injury.
   a. Seek assistance of train crew or passengers, if necessary.

NOTE *Where removal from the train is not feasible, due to lack of adequate assistance, the radio dispatcher and the New York City Transit Command Center will coordinate a point along the train route where the train will be moved to and have adequate assistance dispatched to that location.*

Where removal from the train or movement of the train is not feasible due to the serious condition of the aided, medical and other assistance shall be dispatched to the scene immediately. If it is subsequently determined that the aided can be moved, the aided shall be removed from the train and train service will continue.

4. Keep the radio dispatcher informed of pertinent developments.
5. Avoid unnecessary interruptions of train service.

NOTE *Unnecessary interruption of train service can inconvenience thousands of passengers and endanger public welfare. In addition, unnecessary interruptions can increase temperatures significantly in trains and stations, and may cause panic on crowded trains stopped in tunnels. Service will be interrupted only when absolutely necessary.*

6. Notify passengers of delay in service and alternate routes, when possible.
7. Prepare **AIDED REPORT WORKSHEET (PD304-152b)**.

RADIO DISPATCHER

8. Obtain all relevant information concerning aided.
9. Provide all relevant information to field units responding.
10. Dispatch sufficient personnel and assistance promptly.
11. Notify other city agencies as necessary.
12. Notify Operations Unit for serious incidents.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report Worksheet (P.G. 216-02)
Dead Human Body General Procedure (P.G. 216-04)

FORMS AND REPORTS ***AIDED REPORT WORKSHEET (PD304-152b)***

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-15	
NOTIFICATIONS			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that relatives or friends are notified, where necessary, in aided and collision cases.

PROCEDURE When it is necessary to notify relatives/friends of a deceased, injured or sick person:

DESK OFFICER

1. Direct notifications be made by telephone, if possible.

NOTE *Make notifications tactfully and in person, if possible, when aided/collision victim is deceased or seriously injured and likely to die. Efforts should be made to have a relative, friend or neighbor present.*

In cases where a death has occurred or the person is seriously injured and likely to die, the desk officer will ensure that a notification is made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "Notification" on the ***AIDED REPORT WORKSHEET (PD304-152b)*** *or under caption "NOTIFICATIONS" on the* ***Police Accident Report (MV104AN)****.*

2. Have notifications made as follows, if telephone notification not possible:
   a. Relatives or friends residing within precinct of occurrence, notification will be made by member assigned to precinct.
   b. Relatives or friends residing outside precinct but within New York City, notification will be made by member assigned to resident precinct.
   c. Relatives or friends residing outside New York City, make notification through Inter-City Correspondence Unit. If notification cannot be made within a reasonable amount of time, prepare **MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)** and comply with pertinent provisions of *P.G. 216-03, "Unidentified Persons."*
   d. DO NOT NOTIFY relative or friend of firefighter killed or injured at scene of fire without permission of the fire officer in charge.
   e. DO NOT NOTIFY relative or friend of an inmate who dies in a Department of Correction Facility UNLESS requested to do so by the Correction supervisor in charge.
   f. The assigned detective will make notification to relative or friends of a homicide victim.
3. Comply with the following special notification procedures:
   a. Aided killed/injured on MTA bus - Desk officer will notify NYC Transit.
   b. Aided killed/injured on scaffold - Desk officer will notify the Department of Buildings.
   c. Aided killed/injured at construction site - Desk officer will notify the Operations Unit.
   d. Aided killed/injured on Parks Department property - Desk officer will notify the Operations Unit.

DESK OFFICER (continued)

e. Aided killed/injured in a factory or store - Desk officer will notify the Operations Unit.

NOTE *In all other cases notifications will be made even though other authorities (hospital, etc.) indicate they have already made the notification.*

COMMAND CLERK

4. Record name, address, telephone number and relationship of person notified and the identity of member of the service making notification under the caption "Notifications" on the **AIDED REPORT WORKSHEET (PD304-152b)** or **Police Accident Report (MV104AN)**, as appropriate.
   a. Under "Details" on the rear of the **AIDED REPORT WORKSHEET** enter the rank and name of fire officer in charge at fire where firefighter was killed or injured or the rank and name of the supervisor in charge of the Department of Corrections facility where an inmate died.
   b. Indicate which agency will make the notifications, i.e., Police Department, Fire Department or Corrections Department.
   c. Enter name of detective making notification, if applicable, when an unidentified person is subsequently identified and relatives or friends are notified.
5. Forward a copy of **AIDED REPORT WORKSHEET** to desk officer, if notification(s) cannot be made prior to entry of information into the On Line Aided System.

DESK OFFICER

6. Review and sign **AIDED REPORT WORKSHEET** and process in accordance with *P.G. 216-02, "Preparation of Aided Report Worksheet."*
7. Retain duplicate copy of **AIDED REPORT WORKSHEET** at the desk until notification is made.
   a. Mark "Supplementary" on face of **AIDED REPORT WORKSHEET**
      (1) Record notification on **WORKSHEET** and have new information entered into On Line Aided System.
8. Enter name of detective making notification on **AIDED REPORT WORKSHEET** when subject is a homicide victim.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report Worksheet (P.G. 216-02)
Unidentified Persons (P.G. 216-03)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-16

SUSPICIOUS DEATH OR SUICIDE IN DEPARTMENT OF CORRECTION FACILITY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1

PURPOSE To investigate suspicious deaths or suicides in Correction Department facilities.

PROCEDURE When notified by Department of Correction of a suspicious death or suicide in a Department of Correction facility:

DESK OFFICER

1. Notify:
   a. Precinct detective squad
      1. If detective squad member not available, notify detective borough command concerned.
   b. Commanding officer/duty captain
   c. Patrol borough
   d. Internal Affairs Bureau (obtain log number)
   e. Operations Unit

NOTE *Uniformed member of the service assigned to duty in uniform will NOT respond to Correction facility.*

2. Direct preparation of **AIDED REPORT WORKSHEET (PD304-152b)**.
   a. Include under "Details" name and rank of Department of Correction supervisor present and identity of person making the death pronouncement.
3. Have **COMPLAINT REPORT (PD313-152)** prepared.
   a. Include Internal Affairs Bureau log number.
4. Verify that Medical Examiner's office has been notified.
   a. Enter time of notification, identity of person receiving call and name of Medical Examiner on **AIDED REPORT WORKSHEET.**
   b. Make follow-up call if Medical Examiner does not respond within one hour.
   c. Obtain Medical Examiner case number for entry on **AIDED REPORT WORKSHEET**.

NOTE *Record all calls to the Medical Examiner in the Telephone Record.*

5. Notifications WILL NOT be made to relatives or friends of an inmate who dies in a Department of Correction facility, unless requested to do so by Correction Supervisor in charge of facility.
   a. Indicate on **AIDED REPORT WORKSHEET** that Department of Correction will make notification, where applicable.
6. Request permission of Medical Examiner prior to moving body.

RELATED PROCEDURES *Notifications (P.G. 216-15)*

FORMS AND REPORTS ***AIDED REPORT WORKSHEET (PD304-152b)***
COMPLAINT REPORT (PD313-152)

Section: Aided Cases		Procedure No: 216-17	
INVOLUNTARY REMOVALS PURSUANT TO MENTAL HYGIENE LAW SECTION 9.60			
DATE ISSUED: 10/01/20	DATE EFFECTIVE: 10/01/20	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To execute a Court mandated or a Mental Hygiene Law (MHL) Section 9.60, (Kendra's Law) Order and safely remove a mentally ill or emotionally disturbed person to a psychiatric/medical facility.

DEFINITION ASSISTED OUTPATIENT TREATMENT COORDINATING TEAM (AOT) - Groups of two or more licensed mental health clinicians designated by the New York City Department of Health and Mental Hygiene. These teams will notify the NYPD Operations Unit by telephone of any pending Kendra's Law Removal Order, fax the Order to the Operations Unit, and then send a clinician(s) to the command concerned to assist in the removal of the subject. Presently, four AOTs exist city-wide; they will provide coverage for all patrol boroughs (see "Additional Data" for locations.)

PROCEDURE When a Mental Hygiene Law (MHL) Section 9.60 (Kendra's Law) Removal Order is received at a Patrol Services/Housing Bureau command:

OPERATIONS UNIT PERSONNEL

1. Upon receipt of a Kendra's Law/Court Removal Order from an AOT:
   a. Review Removal Order for validity (see Appendices "A"&"B").
   b. Enter in the Command Log the name of the AOT clinician making notification and the pedigree information of the subject.
2. Notify by telephone and fax a copy of the Removal Order to:
   a. The appropriate patrol borough command/Housing Bureau Wheel.
   b. Advise that a removal is to be effected.
   c. Indicate all information pertinent to the removal, including the clinician's estimated time of arrival.

PATROL BOROUGH/ HOUSING BUREAU PERSONNEL

3. Notify the appropriate precinct/police service area (PSA) in the same manner as indicated in step 2.

DESK OFFICER

4. Review the Removal Order to determine if it is:
   a. Court mandated removal of patient to a hospital (see Appendix "A").
   b. Properly prepared and signed Kendra's Law Removal Order (see Appendix "B").

NOTE *Comply with P.G. 216-06, "Mental Health Removal Orders," if Removal Order is other than one listed in step four above.*

Both the Court mandated and Kendra's Law removals will be handled cooperatively by the New York City Sheriff's Department and the NYPD. The Sheriff's Department will effect all removals between 0900 and 2100 hours, Monday through Thursday, and

NOTE (continued) *between 0900 and 1700 hours on Fridays, excluding holidays. The NYPD will effect removals at all other times. However, if the Sheriff's Department personnel respond to execute a Kendra's Law removal order and find the subject to be non-cooperative or violent, they will request NYPD assistance. NYPD personnel will take charge at the scene and comply with P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

DESK OFFICER

5. Enter the following information in the Command Log:
   a. Type of Removal Order
   b. Subject's name, race, age, gender, and address
   c. Rank, name, shield and tax registry numbers of uniformed members of the service assigned to execute the Order
   d. Name of assigned clinician (when determined).
6. Request Communications Section to assign patrol supervisor, RMP unit and Emergency Service Unit to execute the Order.
7. Direct RMP unit to respond to the command/PSA and transport clinician to the scene, if necessary.

NOTE *Await arrival of assigned clinician before executing removal. If the clinician does not contact the command/PSA or respond within one hour, notify both the borough command and the Operations Unit.*

PATROL SUPERVISOR

8. Respond to the scene and assume command.
9. Request presence of Emergency Medical Service (EMS) if the subject of the removal order is present.

NOTE *If the subject is not present, consider whether a search of the immediate area would be fruitful. When unable to locate subject, have precinct records and Department computerized databases checked to determine if subject has had any interaction with the police (arrested, aided, involved in a collision, etc.) Have precinct detective squad notified for the preparation of an* ***INVESTIGATION CARD (PD373-163)*** *(see ADDITIONAL DATA). Consult with assigned clinician to determine when clinician will return to make additional attempts to execute the removal order. If it is believed that the subject may frequent the transit system, have the appropriate Transit Bureau district notified. Notify desk officer of actions taken and results.*

10. Permit AOT clinician to interview subject to gain cooperation.
11. Determine if services of Emergency Service Unit and commanding officer/duty captain are necessary.
    a. Cancel Emergency Service Unit, if not required.

NOTE *If subject of the removal order will not cooperate, request response of commanding officer/duty captain and comply with provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*

12. Assign uniformed member of the service to accompany the subject in the ambulance to the psychiatric emergency room of the hospital named on the Removal Order.

NOTE *If no specific hospital is cited in the Removal Order, then the subject will be brought to the closest psychiatric emergency room designated under Section 9.39 of the Mental Hygiene Law (see ADDITIONAL DATA). However, the EMS personnel performing the transport have the authority to bring the subject to a closer or different hospital than that cited if the subject becomes violent, or if they believe the subject's condition requires it.*

UNIFORMED MEMBER OF THE SERVICE

13. Remain with the subject throughout medical triage and until examined by hospital psychiatrist.

NOTE *Comply with P.G. 216-07, "Firearm Safety Stations at Psychiatric Wards and Admitting Areas" upon arrival at the psychiatric emergency room of the hospital.*

14. Notify desk officer upon completion of removal.
15. Enter details of transport in digital **Activity Log**.
16. Prepare **AIDED REPORT**.
    a. Enter "MHL Section 9.60 (Kendra's Law) Removal" and name of assigned clinician under "Details" section.
17. Submit **AIDED REPORT** to desk officer.

DESK OFFICER

18. Enter completion time and aided number in margin opposite original Command Log entry of incident.
19. Notify patrol borough command/Housing Bureau Wheel and Operations Unit of disposition.

OPERATIONS UNIT PERSONNEL

20. Notify the appropriate AOT of case disposition.

ADDITIONAL DATA

HOSPITAL TRANSPORTS

If the patient is initially treated in a hospital other than the one cited in the Removal Order and later released, he or she must still be transported to the hospital named in the Order. When the assigned member is informed by hospital staff that the patient is ready to be transported, he/she will notify the desk officer concerned. The desk officer will then request that an EMS ambulance be dispatched to the hospital where the patient is located for a "Kendra's Law" transfer. EMS will transport the patient and the assigned member to the hospital named on the Removal Order.

However, if the patient is admitted to the initial hospital, even though it is not the hospital named in the Order, NYPD personnel will no longer be required to accompany the patient. The assigned member will notify the desk officer of the circumstances, and that the patient has been admitted. The borough command and Operations will be notified in turn, as noted above. Operations will notify the appropriate AOT Team of the circumstances, and the AOT Team will seek to have the Removal Order vacated.

Sheriff's Department or NYPD personnel may be required to return at a later time to assist in the transport of the subject to another hospital.

ADDITIONAL DATA (continued)

INVESTIGATION CARD

*When a precinct detective squad is notified to prepare an **INVESTIGATION CARD** because the subject of a Kendra's Law Removal Order was not found, the member preparing the **CARD** will enter the following under the "Crime/Charge" caption: "Subject of Kendra's Law Order." Under caption "Additional Information/ Characteristics/Peculiarities," enter the following: "To be removed to hospital for psychiatric examination. Contact Operations Unit for further information."*

MENTAL HEALTH LAW SECTION 9.39, DESIGNATED HOSPITALS

BRONX

Bronx Lebanon
Jacobi
Lincoln
Montefiore
North Central Bronx
Our Lady of Mercy
St. Barnabas

STATEN ISLAND

Bayley Seton
North Richmond
Staten Island University
St. Vincent's

BROOKLYN

Brookdale
Coney Island
Interfaith
Kings County
Kingsbrook Jewish
Long Island College
Lutheran
Maimonides
Woodhull

QUEENS

Elmhurst
Holliswood
Jamaica
Long Island Jewish
Queens Hospital Center
Queens Hospital Network
St. John's

MANHATTAN

Bellevue
Beth Israel
Cabrini
Harlem
Metropolitan
Mt. Sinai
N.Y. Hospital/ Cornell
North General
Columbia Presbyterian
St. Lukes
Roosevelt
St. Vincent's

LOCATIONS OF AOT TEAMS

AOT TEAMS

Bellevue Hospital (Manhattan)

North Central Bronx Hospital (Bronx)

Woodhull Hospital (Brooklyn and Staten Island)

Elmhurst Hospital (Queens)

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Mental Health Removal Orders (P.G. 216-06)
Hostage/Barricaded Person(s) (P.G. 221-14)

FORMS AND REPORTS

AIDED REPORT
INVESTIGATION CARD (PD373-163)

APPENDIX "A"

(Sample of court mandated removal of subject to a hospital.)
(Note: only the first of several pages listed here.)

At a _____Part of the
Court of the State of New York, Located at
_____, New York
on the _____day of _____

PRESENT:
HON. ,Judge/Justice

----------x
In the Matter of the Application of _____
_____, Director of Community Services for
the (Country) (City) of _____,

Petitioner,

ORDER AUTHORIZING AND DIRECTING EXAMINATION OF THE RESPONDENT PURSUANT TO MHL § 9.60(h)(3)

For an order Authorizing Assisted Outpatient Treatment
-for-

_____,Respondent
----------x

Upon reading and filing the order to show cause made by Hon._____ _____,Judge/Justice of the _____Court, dated _____, the petition of _____, Director of Community Services for the (Country) (City) of _____, verified on _____, the affirmation of_____, M.D., dated _____, the affidavit of (Insert name of petitioner)_____, sworn on _____, and (Describe other papers in support of the motion)_____ _____, in support of the motion, and (Describe papers in opposition to motion, if any)_____ _____, and after hearing _____

APPENDIX "B"

Sample of Kendra's Law Removal Order
(Section 9.60, Mental Hygiene Law)

ASSISTED OUTPATIENT TREATMENT PROGRAM AUTHORIZATION OF TRANSPORT

(Section 9.60, Mental Hygiene Law)

RE: PATIENT'S NAME _____
SEX _____DATE OF BIRTH _____
ADDRESS _____

I, _____, am Director of Psychiatry at _____ Hospital and the designee of Dr. Neal L. Cohen, Director of Community Services of the City of New York to exercise the powers vested in the Director of Community Services by Section 9.60(n) of the Medical Hygiene Law to transport patient to such section.

I have been notified by _____, that, in his or her clinical
(examining physician)
judgment, _____ has failed or has refused to comply
(name of patient)
with assisted outpatient treatment ordered by the court, and that efforts were made to solicit compliance, and that this person may be in need of involuntary admission to a hospital pursuant to Section 9.27 of the Mental Hygiene Law, or immediate observation, care and treatment pursuant to Section 9.39 or 9.40 of the Mental Hygiene Law. The examining physician has requested that I direct the removal of _____ to _____
(name of patient) (name of receiving hospital)
for an examination to determine if he/she has a mental illness for which hospitalization is necessary pursuant to Section 9.27, 9.39 or 9.40 of the Mental Hygiene Law.

Based on such request, I hereby direct, pursuant to Section 9.60(n) of the Mental Hygiene Law, that peace/police/sheriff's office take into custody and transport this person to _____.
(Name of hospital)

_____
(Signature)

Date _____

Time_____

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-18	
CHILD WINDOW FALL REPORT			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify the Department of Health within twenty-four hours when a child less than seventeen years of age falls from the window of any building, regardless of whether injury or death results.

DEFINITION BUILDING - Structures as indicated on the **Child Window Fall Report** caption, "Type Of Building."

PROCEDURE When responding to an incident involving a child falling from a window:

UNIFORMED MEMBER OF THE SERVICE

1. Follow *P.G. 216-01, "Aided Cases - General Procedure*."
2. Prepare Department of Health form, **Child Window Fall Report**.
   a. Immediately fax copy of **Report** to the Department of Health.
   b. Mail original copy of **Report** to the Department of Health.

NOTE *To maintain confidentiality, the self-addressed, postage paid Child Window Fall Report should be folded and taped before mailing.*

Commands and Police Service Areas can obtain copies of the Child Window Fall Report directly from the Department of Health by calling.

3. Prepare **AIDED REPORT WORKSHEET (PD 304-152b)**.
   a. Indicate in "Details" section that **Child Window Fall Report** was prepared, faxed and mailed to the Department of Health.

ADDITIONAL DATA *Public inquiries regarding the Window Fall Prevention Program may be referred to the Department of Health.*

RELATED PROCEDURES *Aided Cases - General Procedure (P.G. 216-01)*

FORMS AND REPORTS ***AIDED REPORT WORKSHEET (PD304-152b)***
Child Window Fall Report

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-19

PUBLIC ACCESS DEFIBRILLATION PROGRAM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 3

PURPOSE To account for and properly document the use of Automated External Defibrillators (AEDs) in assigned commands, and to provide for the training and certification of uniformed, civilian and auxiliary members of the service in their use.

DEFINITIONS AUTOMATED EXTERNAL DEFIBRILLATOR (AED) – An electronic device that is used to defibrillate the heart by applying an electric shock to it.

UTILIZATION OF AED – Once an AED is placed on an aided, the Department considers that as utilized, even if a shock is not administered. When the AED pads are placed on an aided the machine will perform an analysis and advise what actions should be taken.

CARDIO PULMONARY RESUSCITATION (CPR) ADMINISTERED – The Department considers that CPR has been administered once a member of the service performs rapid chest compressions or mouth-to-mouth ventilation on an aided.

PROCEDURE In all commands assigned Automated External Defibrillators (AEDs):

DESK OFFICER

1. Account for all AED kits assigned to command at the beginning of each tour.
2. Assign an AED at the start of each tour to a member of the service trained and certified by the Department, as AED qualified.
3. Notify radio dispatcher of the unit(s) that have been assigned an AED kit.
4. Make a Command Log entry accounting for all AED kits and the notification to radio dispatcher.
   a. Note the assignment of AED kits by their serial numbers, with the prefix "AED" (e.g., AED 1234).
5. Ensure assignment of AED kits are noted on the roll call.
6. Secure AED kits that are not in use, in an appropriate location (e.g., radio room, property room).

MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR

7. Inspect the AED kit to ensure that it contains the following items:
   a. Operational AED – one device
   b. Electrode pads with wire leads – two sealed packages, each containing two pads
   c. Pocket mask
   d. Gloves
   e. Cloth/gauze compress
   f. Razor.
8. Notify desk officer of any deficiencies/missing equipment and make appropriate digital **Activity Log** entries.

UPON ARRIVING AT THE SCENE OF A CARDIAC AIDED CASE

MEMBER OF THE SERVICE CERTIFIED TO UTILIZE AED/ ADMINISTER CPR

9. Advise radio dispatcher of aided's condition and request response of Emergency Medical Service (EMS) to the scene.
10. Utilize the AED device in compliance with Department guidelines/ training.
    a. The AED will only be attached to an unconscious adult patient after it has been confirmed that the patient is not breathing and does not have a pulse.
    b. Provide care until relieved by advanced level emergency medical personnel.
11. Brief responding EMS crew or other advanced level emergency medical personnel of the following:
    a. Condition of the patient when found
    b. Nature of care provided, (i.e., rescue breathing, CPR, defibrillation, etc.).
12. Prepare **AIDED REPORT**.
    a. Note in "Details" section of **AIDED REPORT** if the AED was utilized, or CPR administered and results achieved.
       (1) If AED utilized, include serial number.
    b. If CPR was administered, check the appropriate caption on the **AIDED REPORT**.
13. Submit **AIDED REPORT** immediately to the desk officer after returning to the command.

NOTE *If an AED/CPR is administered by a uniformed member of the service on a prisoner in the custody of this Department, a **MEDICAL TREATMENT OF PRISONER (PD244-150)** form will be completed instead of an **AIDED REPORT**.*

DESK OFFICER

14. Telephone the ESU desk to obtain an AED/CPR Log number and enter this number on the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form.
    a. Forward a copy of the completed **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the ESU-AED Coordinator via fax, and via Department mail to the Emergency Service Unit, Attention: EMT School.
    b. Ensure AED is secured until delivery, and is not reassigned.
15. Schedule an appointment and ensure the AED is delivered to the ESU-AED Coordinator, for downloading of information after each use.

ESU-AED COORDINATOR

16. Download information from the data card or AED, as appropriate, and submit to the Supervising Chief Surgeon or designee.
    a. Check AED for operability/serviceability (battery charge, etc.).
17. Fax a copy of the **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the Office of the Supervising Chief Surgeon.
18. Maintain:
    a. Permanent file of data collected from the AED Program
    b. List of AED kits by serial number
    c. Supply of AED pads and batteries for replacement when needed by commands.

SUPERVISING CHIEF SURGEON/ DESIGNEE

19. Review the data received from the Emergency Service Unit.

COMMANDING OFFICER

20. Designate the command's training sergeant as the AED liaison for the command.
21. Ensure all members of the service assigned to use AEDs attend a one day AED training course at the Police Academy.

COMMAND TRAINING SERGEANT

22. Act as command's liaison with ESU-AED coordinator and the Police Academy.
    a. Resolve issues with the AED program.
    b. Schedule members of the service to attend the one day training session at the Police Academy via the Training Attendance Certification Transcript Integrated Collection System (T.A.C.T.I.C.S.) based on allotments assigned by the borough/bureau training coordinator. The course is available under "BLASTT – Basic Life Support and Trauma Treatment CPR-AED-Naloxone-BTK."

ADDITIONAL DATA

In the event of loss or theft of an AED kit or its contents (except cloth/gauze compress and plastic gloves) comply with Patrol Guide 219-20, "Loss or Theft of Department Property."

Replacement of AED supplies, i.e. batteries, pads, etc., defective AED equipment, and other issues related to this program, may be referred to the ESU-AED coordinator.

If any command wishes to purchase or accept a donation of an AED, that command must contact the ESU-AED coordinator, for inventory control and guidance as to which equipment has been approved by the Department.

Training issues relating to this Program may be referred to the Police Academy.

RELATED PROCEDURES

Departmental Recognition – Uniformed Members of the Service (P.G. 205-39)
Aided Cases General Procedure (P.G. 216-01)
Loss or Theft of Department Property (P.G. 219-20)
Gifts Offered to the Police Department (A.G. 325-33)

FORMS AND REPORTS

AIDED REPORT
MEDICAL TREATMENT OF PRISONER (PD244-150)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-20	
HANDLING SHELTER CLIENTS WITH TUBERCULOSIS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To assist the Department of Health and Mental Hygiene in the removal of recalcitrant patients sheltered in Human Resources Administration facilities, who have tuberculosis and are refusing treatment.

PROCEDURE When the Department of Health and Mental Hygiene notifies the Operations Unit that a removal and detention order has been issued:

OPERATIONS UNIT PERSONNEL

1. Upon notification by the Department of Health and Mental Hygiene (DOHMH) that a removal and detention order has been issued.
   a. Ascertain location of removal.
   b. Enter in the Command Log the name of the DOHMH personnel making notification and the pedigree information of the subject.
2. Notify Communications Section to assign a patrol supervisor, an RMP unit and Emergency Service Unit to respond.

PATROL SUPERVISOR

3. Respond to scene and assess the situation.
4. Determine if services of Emergency Service Unit are necessary.
   a. Cancel Emergency Service Unit if not required.
5. Confirm that the Removal and Detention Order is possessed by the DOHMH physician/peace officer at the shelter site.
6. Assign uniformed member of the service to accompany the subject and DOHMH physician/peace officer in the transportation vehicle provided by DOHMH to the pre-designated hospital.

NOTE *The primary responsibility of the Department, during these removals is to assist in the arrest and preserve the peace. If the patient resists, physical force may be used, but only to the extent necessary to restrain the subject until delivery to the hospital. Members of the service assigned are not to personally assist in forcing entry to the premises, securing it afterwards, or safeguarding property thereat. Those duties, if necessary, will be performed by other agencies at the direction of the Department of Health and Mental Hygiene (DOHMH) physician/peace officer.*

In the event that the Human Resources Administration is unable to provide a vehicle, an ambulance will be requested through Communications. Except in extreme cases, Department vehicles will not be utilized for transportation purposes.

Responding members of the service will take appropriate precautions, including the wearing of plastic gloves and facial masks. Facial masks will be provided at the shelter site by the Department of Health and Mental Hygiene.

Due to the medical conditions of the patient and the Department's responsibility to minimize exposure of the patient to others, it is imperative that they be transported only to the designated Health and Hospitals Corporation facility. This includes those situations where the subject to be removed engages in conduct where an arrest is effected for other than refusal to comply with the DOHMH physician/peace officer's order. In these cases, the arrest will be made by members of this Department and P.G. 210-02 "Hospitalized Prisoners," will be followed.

UNIFORMED MEMBER OF THE SERVICE

7. Accompany patient along with a DOHMH physician/peace officer to pre-designated hospital.
8. Enter details of removal and transport in digital **Activity Log**.
9. Ensure that the name of the DOHMH physician/peace officer, and the patient removed, are recorded in digital **Activity Log** and on any other Department forms prepared.
10. Comply with the pertinent provisions of *P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials."*

ADDITIONAL DATA

If the patient exhibits behavior where it is likely that the patient or others may be seriously injured or the patient barricades himself in the premises and refuses to comply, members of the service at the scene will comply with the provisions of P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons" and P.G. 221-14, "Hostage/ Barricaded Person(s)," as appropriate.

RELATED PROCEDURES

Exposure of Members of the Service to Infectious Diseases or Hazardous Materials (P.G. 205-10)
Hospitalized Prisoners (P.G. 210-02)
Hostage/Barricaded Person(s) (P.G. 221-14)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)

PATROL GUIDE

Section: Aided Cases		Procedure No: 216-21	
RESPONSE TO CARBON MONOXIDE ALARMS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

DEFINITIONS

CARBON MONOXIDE - a colorless and odorless gas that interferes with the delivery of oxygen to the cells of the body. The signs and symptoms of carbon monoxide poisoning are headache, nausea, vomiting, confusion and disorientation. In severe cases cherry red skin can be present. Carbon monoxide is created by incomplete combustion of burning fuels, such as gasoline, oil, wood and paper.

PROCEDURE

When responding to a report of a residential carbon monoxide alarm:

UNIFORMED MEMBER OF THE SERVICE

1. Promptly respond to location and attempt to identify what type of alarm has been transmitted (e.g. residential, central station monitored, EMS call).
2. Interview any person(s) that may have information regarding location of the alarm.
3. Refrain from entering location.
4. Request the response of Patrol Supervisor, if alarm confirmed.
5. Establish frozen area.
6. Render reasonable aid to victims, if present.
7. Request Emergency Medical Service to respond if necessary.
8. Observe affected individuals for signs and symptoms of carbon monoxide poisoning and direct them to EMS for treatment.

PATROL SUPERVISOR

9. Respond to location.
10. Evaluate situation upon arrival.
11. Maintain frozen area and extend if necessary, until hazard is removed.

NOTE

Patrol Supervisors should be guided by Patrol Guide 212-37, "Hazardous Materials," when responding to a carbon monoxide alarm and setting up frozen areas.

12. Establish Crime Scene, if necessary.
13. Request response of ESU personnel.
14. Prevent all non-ESU police personnel from entering location.
15. Notify Duty Captain and precinct Desk Officer.
16. Direct Communications to notify Department of Buildings if location is City owned.

EMERGENCY SERVICE UNIT MEMBER

17. Respond to location and determine whether carbon monoxide gases are present.
18. Advise patrol supervisor on appropriate frozen area boundaries, as necessary.
19. Determine whether location is safe for re-entry.

UNIFORMED MEMBER OF THE SERVICE

20. Remain outside location until ESU deems location habitable.
21. Assist EMS with removal of aided(s) if location is properly vented and ESU personnel advise the location is safe to enter.
22. Comply with *P.G. 216-01, "Aided Cases General Procedure."*

PATROL SUPERVISOR

23. Direct preparation of **AIDED REPORT WORKSHEETS (PD304-152b)** and a **COMPLAINT REPORT WORKSHEET (PD313-152A)**, if appropriate.
24. Confer with ESU personnel to determine if location is safe for occupants to re-enter prior to allowing re-entry.
25. Comply with pertinent provisions of *Patrol Guide 212-37, "Hazardous Materials,"* if it is determined that a continuing carbon monoxide threat exists.

RELATED PROCEDURES *Hazardous Materials (P.G. 212-37)*
Aided Cases General Procedure (P.G. 216-01)

FORMS AND REPORTS ***AIDED REPORT WORKSHEET (PD304-152b)***
COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Aided Cases	Procedure No: 216-22

MOBILE CRISIS OUTREACH TEAMS AND ASSERTIVE COMMUNITY TREATMENT TEAMS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To safeguard and remove mentally ill or emotionally disturbed persons at the direction of Mobile Crisis Outreach or Assertive Community Treatment Teams pursuant to Sections 9.37 and 9.58 of the New York State Mental Hygiene Law.

DEFINITIONS MOBILE CRISIS OUTREACH TEAMS- These teams are independently operated by local hospitals or community-based mental health organizations, are usually funded by the Department of Health and Mental Hygiene, and may sometimes be attached to New York State licensed "comprehensive emergency programs." Their goal is to assess, stabilize and rapidly refer patients to longer-term providers.

ASSERTIVE COMMUNITY TREATMENT TEAMS (ACT)- Similar to Mobile Crisis Outreach Teams, but are "hospitals on wheels," more richly staffed by mental health workers and charged with providing a wide range of ongoing services. ACT teams sometimes need to order involuntary transport of their patients to hospital emergency rooms. They receive contract funding from the Department of Health and Mental Hygiene and are licensed by the New York State Office of Mental Health.

QUALIFIED MENTAL HEALTH PROFESSIONAL (QMHP)- are members of a Mobile Crisis Outreach or Assertive Community Treatment Team who are licensed psychologists, certified social workers or registered professional nurses.

PROCEDURE When directed to assist, on scene, designated physicians or qualified mental health professionals assigned to Mobile Crisis Outreach Teams or Assertive Community Treatment Teams, uniformed members of the service will:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with provisions of *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons."*
2. Examine the Department of Health and Mental Hygiene photo identification card of the physician or qualified mental health professional on scene.
   a. Record pertinent information in digital **Activity Log**, including the identity of the physician or qualified mental health professional ordering the removal, and the length of time the aided was in police custody.
3. Prepare **AIDED REPORT**.
   a. Submit Form **OMH 475 (Application for Involuntary Admission on Certificate of a Director of Community Services or Designee)** OR **Form OMH 482 (Mobile Crisis Outreach Team Authorization for Transport)** with **AIDED REPORT**.

ADDITIONAL DATA

Designated physicians authorizing a removal must prepare ***Form OMH 475 (Application for Involuntary Admission on Certificate of a Director of Community Services or Designee)*** *prior to directing the involuntary transport of an individual. Other qualified mental health professionals assigned to Mobile Crisis Outreach Teams / Assertive Community Treatment Teams must prepare* ***Form OMH 482 (Mobile Crisis Outreach Team Authorization for Transport)*** *prior to directing the involuntary transport of an individual. In either case, a copy of the required form must be provided to responding officers for submission with the* ***AIDED REPORT****.*

A uniformed member of the service will assist in the transportation of the patient to the hospital and ride in the body of the ambulance with the patient. A uniformed member will remain with the patient until he/she is examined and is either released or admitted at the psychiatric emergency room.

Mobile Crisis Outreach or Assertive Community Treatment Teams ordering the removal of a mentally ill person will safeguard all personal property (other than contraband) removed from the patient.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)
Hostage/Barricaded Person(s) (P.G. 221-14)
Aided Cases General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Mental Health Removal Orders (P.G. 216-06)

FORMS AND REPORTS

AIDED REPORT
Application for Involuntary Admission on Certificate of a Director of Community Services or Designee (OMH Form 475)
Mobile Crisis Outreach Team Authorization for Transport (OMH Form 482)

Section: Aided Cases		Procedure No: 216-23	
RESPONSE TO SUSPECTED OVERDOSE INCIDENTS			
DATE ISSUED: 01/13/21	DATE EFFECTIVE: 01/13/21	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To delineate the duties and responsibilities of uniformed members of the service when coming into contact with an individual that may have apparently overdosed while using drugs and/or alleged opioids.

DEFINITIONS OPIOIDS – An opiate (synthetic or otherwise) which includes but is not limited to heroin, morphine, oxycodone, fentanyl, methadone, hydrocodone, and codeine.

FENTANYL AND FENTANYL ANALOGUES – Fentanyl is a fast acting (rapid onset) potent narcotic analgesic and synthetic opioid pain medication. Fentanyl, a prescription opioid, is approximately thirty to fifty times more powerful than heroin, and eighty to one hundred times more powerful than morphine. Fentanyl can be absorbed through the skin, therefore proper handling of opioids such as Fentanyl is essential to keeping members of the service and the public safe.

OPIOID ANTAGONIST – An FDA approved drug (e.g., Naloxone, Narcan, etc.) that when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.

NALOXONE KIT – An opioid antagonist kit which consists of intranasal mucosal atomization devices, safety gloves, Rescue Breathing Face Shield, and Naloxone Hydrochloride prefilled syringes.

NOTE *If trained and equipped with Naloxone, uniformed members of the service must carry Naloxone while performing patrol duty.*

DRUG PARAPHERNALIA – Items associated with the use, preparation, manufacture, packaging, or storage of narcotics, including but not limited to, straws, syringes, cutting agents, scales, strainers, pestles, empty or new glassine envelopes or vials, plastic bags, rubber stamps, drug records, etc.

STAMPS – An image and/or writing that drug dealers utilize to identify the dealer's "brand" for the product. When applicable, the stamp will be located on wax folds or glassines.

PROCEDURE Upon arrival at a scene when an individual may be suffering from, or has died from, a suspected drug overdose:

UNIFORMED MEMBER OF THE SERVICE

1. Request an ambulance and render reasonable aid to suspected overdose victim.
   a. Request the response of a uniformed member of the service equipped with a Naloxone Kit, if not present at scene.
   b. Ascertain from witnesses if Naloxone was administered to individual prior to police arrival.

NOTE *The uniformed member of the service will use common sense standards and consider the totality of the circumstances in deciding whether the individual is suffering from, or has died from, a suspected overdose. The presence of narcotics and/or drug paraphernalia, statements from the aided/family/witnesses, or other independent observations from the uniformed member of the service should be considered in making a determination.*

UNIFORMED MEMBER OF THE SERVICE (continued)

2. If individual is unresponsive, administer Naloxone, if appropriate.
3. Request dispatcher to notify responding Emergency Medical Service (EMS) personnel that Naloxone was administered.
4. If individual is not breathing and has no pulse, Cardio Pulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) should be administered while waiting to administer additional dose of Naloxone.
5. If individual has not responded to Naloxone within three to five minutes, administer one additional dose of Naloxone.
6. Inform responding EMS personnel of the circumstances which led to the belief that the individual was suffering from an opioid drug overdose (i.e., physical signs, statements by witnesses, etc.).
   a. Inform EMS personnel of any attempt to revive individual (e.g., CPR, AED, etc.) and number of Naloxone doses given.

NOTE *If individual is removed from scene prior to arrival of uniformed member of the service, the responding member will ascertain which hospital the individual was removed to and comply with steps "7" through "11" and steps "23" through "26."*

7. Request the response of the patrol supervisor and notify the detective squad.
8. Notify desk officer of fatal/non-fatal suspected overdose.
   a. Inform desk officer if Naloxone was administered.
      (1) Indicate whether Naloxone was administered by NYPD, EMS, NYC Fire Department (FDNY), family member, friend or other person.
      (2) Include name of person(s) administering Naloxone.
9. Safeguard scene and potential evidence, including but not limited to, narcotics (including legally prescribed medicine), drug paraphernalia (including syringes), pill bottles, cellular telephones, and anything else that aids in determining the source of the substance.
   a. If required to handle evidence, utilize Personal Protection Equipment (PPE) (i.e., gloves, etc.).
10. Document any prescription pills found on the person, in the vicinity of the body, and/or, if the initial interview reveals what the individual ingested. Include:
    a. Doctor's name, address and phone number
    b. Pharmacy name, address and phone number
    c. Patient's name on the prescription bottle, address, and phone number.
11. Attempt to identify witnesses and obtain from individual/family/witnesses, any potential substance(s) that could possibly be responsible for suspected overdose (e.g., heroin, fentanyl, oxycodone, etc.).

NOTE *Uniformed members of the service must exercise extreme caution in the handling of all drugs and drug paraphernalia. Even the slightest contact can be lethal. Taking proper safety precautions is vital when investigating and documenting drug overdose evidence.*

PATROL SUPERVISOR

12. If the individual has died or is likely to die, or if Naloxone was administered, request the detective squad to respond.
13. Request Evidence Collection Team (ECT) to process scene for evidence.

DETECTIVE SQUAD INVESTIGATOR

14. If the individual has died or is likely to die, or if Naloxone was administered, respond to the scene and conduct investigation.
15. Confer with ECT personnel, when appropriate, in regard to the collection of any drugs and/or drug paraphernalia (including syringes), cellular telephones, and any other evidence that may assist in the investigation.

ECT PERSONNEL

16. Respond to all overdoses (fatal and non-fatal).
17. Photograph all drugs and drug paraphernalia and document any relative stamps/markings.
18. Ensure evidence is invoiced as "Investigatory Evidence" by initial responding unit.

NOTE *In the event additional testing or analysis is necessary (i.e., Latent Fingerprint analysis or DNA analysis), comply with P.G. 218-09, "Evidence Other Than Controlled Substances/Marijuana and Firearms/Ballistics Evidence Requiring Police Laboratory Analysis."*

19. Upload all photographs taken of evidence into the Enterprise Case Management System (ECMS).
    a. Ensure photographs have captured any stamps on glassine envelopes or wax folds, when appropriate.

DETECTIVE SQUAD SUPERVISOR

20. Supervise initial investigation and ensure all preliminary steps have been completed.
    a. Ensure photographs are uploaded into ECMS.
21. Prepare a **Detective Bureau Unusual Occurrence Report** and make appropriate notifications.
22. Review prior overdose cases to see if any patterns or clusters of cases exist.
    a. Notify Detective Bureau zone captain for appropriate follow-up with narcotics counterpart, if any patterns or clusters of cases exist.

UNIFORMED MEMBER OF THE SERVICE

23. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and report classification as "Investigate Aided – Drug Overdose" or "Investigate DOA – Possible Drug Overdose," as appropriate.
    a. Enter in "Details" section:
        (1) Any stamps/markings on glassine envelopes or pills
            i. Include name, address and phone number of the doctor, pharmacy or patient, listed on any prescription bottles
        (2) ICAD number
        (3) Type of call (i.e., pick up, radio run)

UNIFORMED MEMBER OF THE SERVICE (continued)

(4) Type of location (apartment, business, etc.)
(5) Suspected drug type and manner of ingestion (e.g., injected, snorted, taken in pill form, etc.), if known
(6) If Naloxone was administered
  i. Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person
  ii. Include name of person(s) administering Naloxone
(7) Condition of aided (e.g., was individual conscious or breathing before/after administration of Naloxone, etc.)
(8) Naloxone Log number.

b. If individual has died or is likely to die, or if Naloxone was administered, enter case status on **COMPLAINT REPORT WORKSHEET** as "Open" and refer to detective squad.

NOTE *GOOD SAMARITAN LAW*

Members are reminded that the 911 Good Samaritan Law prohibits a person from being charged with possessing a controlled substance, marijuana, drug paraphernalia, or alcohol by someone under 21, when evidence is obtained as the result of the person seeking, in good faith, health care for himself or another person who is experiencing a drug or alcohol overdose. Members of the service will comply with Operations Order 12, series 2014, entitled, "911 Good Samaritan Law" if controlled substances, marijuana or drug paraphernalia are observed while responding to a suspected opioid overdose.

Pursuant to New York State Social Services Law Section 413(1)(a), police officers are mandatory reporters of suspected child abuse, neglect, and maltreatment. Failure to report an instance of such constitutes a class A misdemeanor. Members of the service will comply with P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected, or Maltreated Children."

24. Prepare **AIDED REPORT** in non-arrest situations or, **MEDICAL TREATMENT OF PRISONER (PD244-150)** form in arrest situations.
25. If Naloxone has been administered by a uniformed member of the service, complete the **New York State Public Safety Naloxone Quality Improvement Usage Report** and deliver to the desk officer, precinct of occurrence.
  a. If report is entered directly into a digital PDF, print a copy for review by the desk officer.
26. Prepare a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for any drugs or drug paraphernalia recovered from the scene as directed by ECT.
  a. Use the Property and Evidence Tracking System (PETS) and invoice recovered items as "Investigatory Evidence."

DESK OFFICER

27. Notify the commanding officer/duty captain and Patrol Borough of fatal/non-fatal suspected overdoses.
28. Notify Operations of all fatal/non-fatal suspected overdoses.
  a. If Naloxone was administered, obtain Naloxone Log number from Operations Bureau.

DESK OFFICER (continued)

(1) Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.
(2) Include name of person(s) administering Naloxone.

b. Include any Department report serial numbers and/or log numbers that were prepared in regard to the incident (e.g., **AIDED REPORT**, **COMPLAINT REPORT**, Naloxone Log number, etc.).

c. Ensure notification to Operations Bureau is documented on **COMPLAINT REPORT WORKSHEET**, and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**.

d. Ensure Naloxone Log number is entered on **COMPLAINT REPORT WORKSHEET**, and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**.

29. Review **PROPERTY CLERK INVOICE(S)** prepared, **COMPLAINT REPORT WORKSHEET** and **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER**, and verify reports are accurate and complete.

a. Review **New York State Public Safety Naloxone Quality Improvement Usage Report** if prepared, for completeness and forward as required.

(1) Forward a copy of the **New York State Public Safety Naloxone Quality Improvement Usage Report** via email to the Operations Bureau.

OPERATIONS BUREAU

30. Maintain a log to document the administration of Naloxone.

a. When notified that Naloxone was administered, provide the desk officer with a Naloxone Log number.

b. Document whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.

(1) Include name of person(s) administering Naloxone.

c. Forward a copy of **New York State Public Safety Naloxone Quality Improvement Usage Report** to the Office of the Chief of Department, when received.

PATROL SUPERVISOR

31. Prepare report on **Typed Letterhead** addressed to the Chief of Department for fatal overdoses.

a. Indicate whether Naloxone was administered by NYPD, EMS, FDNY, family member, friend or other person.

(1) Include name of person(s) administering Naloxone.

b. Include any Department report serial numbers and/or log numbers that were prepared in regard to the incident (e.g., **AIDED REPORT**, **COMPLAINT REPORT**, Naloxone Log number, etc.).

32. Forward copy of report on **Typed Letterhead** along with copies of **COMPLAINT REPORT**, **New York State Public Safety Naloxone Quality Improvement Usage Report**, **AIDED REPORT** or **MEDICAL TREATMENT OF PRISONER** form to the following:

a. Chief of Department
b. Chief of Patrol
c. Chief of Crime Control Strategies, Crime Analysis Unit

PATROL SUPERVISOR (continued)

d. Supervising Chief Surgeon
e. Borough/Bureau training coordinator
f. Training sergeant.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

Naloxone Rescue Kits

Members of the service are advised that possession of Naloxone by the public is legal. Naloxone is not a controlled substance. Rescue kits containing Naloxone have been distributed to friends and family members of intravenous drug users. In past distributions, some rescue kits contained a hypodermic instrument to administer the Naloxone intravenously. Possession of a hypodermic instrument, in most circumstances, is not a crime.

Possession of Hypodermic Instruments

Members of the service are reminded there was a change several years ago to the New York Public Health Law Section 3381. Under that change, any person eighteen years of age or more may lawfully purchase and possess up to ten hypodermic instruments without a prescription. The ten instrument limitation is at the point of purchase. In other words, a person may purchase ten instruments in one pharmacy, ten more in another and so on. Under this change to the law, there is also no limit as to how many instruments a person may possess.

Members of the service should also be reminded New York State Penal Law Section 220.03 was changed several years ago. That change made it lawful to possess a residual amount of a controlled substance inside a hypodermic instrument or syringe. The law did not define what constitutes a residual amount. Prior to this change, members of the service had been instructed not to charge persons with possession of a controlled substance if the amount recovered from inside a hypodermic instrument was a residual amount and the person was a member of a syringe exchange program. That direction was the result of litigation and a Court Order. The change to New York State Penal Law Section 220.03 makes residual amount possessed inside of a hypodermic instrument or syringe lawful for all persons.
As always, members of the service are reminded to contact the Legal Bureau should there be any questions or concerns regarding the validity of an arrest.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Dead Human Body General Procedure (P.G. 216-04)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Public Access Defibrillation Program (P.G. 216-19)
Invoicing Property – General Procedure (P.G. 218-01)
Evidence Other Than Controlled Substances/Marijuana and Firearms/Ballistics Evidence Requiring Police Laboratory Analysis (P.G. 218-09)
911 Good Samaritan Law (Operations Order 12, series 2014)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
MEDICAL TREATMENT OF PRISONER (PD244-150)
AIDED REPORT
Typed Letterhead
New York State Public Safety Naloxone Quality Improvement Usage Report

Section: Vehicle Collisions		Procedure No: 217-01
VEHICLE COLLISIONS – GENERAL PROCEDURE		
DATE EFFECTIVE: 06/09/21	LAST REVISION: I.O. 40	PAGE: 1 of 9

PURPOSE To record and determine the cause of each vehicle collision and take or recommend corrective action.

DEFINITIONS VEHICLE COLLISION – A collision which occurs on a public highway, a street between building lines, or private property and involves a vehicle, including a parked vehicle, attended or unattended.

VEHICLE – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

QUALIFYING VEHICLE – For the purposes of this procedure is:

a. Any commercial truck having a Gross Weight Rating or Gross Combined Weight Rating more than 10,000 pounds
b. Any vehicle displaying a hazardous materials placard
c. A bus designed to carry nine or more persons, including the driver.

BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

E-BIKE (ELECTRIC ASSIST BICYCLE) – A bicycle which is not more than 36 inches wide and has an electric motor of less than 750 watts, equipped with or without operable pedals. There are three classes of E-Bikes:

a. CLASS 1 – E-Bike that has a maximum speed of 20 mph and will only provide assistance while the person is pedaling.
b. CLASS 2 – E-Bike that has a maximum speed of 20 mph and may propel the bicycle without assistance from the operator.
c. CLASS 3 – E-Bike that has a maximum speed of 25 mph and may propel the bicycle without assistance from the operator. This class is only applicable in New York City.

E-SCOOTER (ELECTRIC SCOOTER) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

NOTE *For the purposes of this procedure "E-Bike" and "E-Scooter" collisions are to be treated in the same manner as bicycle collisions, and the provisions of P.G. 217-17, "Bicycle Collisions – General Procedure" are to be complied with.*

DEFINITIONS (continued)

MOTORIZED SCOOTER – For the purposes of this procedure, is any wheeled device that has handlebars and is designed to be stood or sat upon by the operator, is powered by a gasoline motor and is capable of propelling the device without human power (i.e., it has a throttle), and cannot be registered with the New York State Department of Motor Vehicles (DMV). The term does not include scooters that can be registered by the DMV, wheelchairs, or other mobility aids designed for use by persons with disabilities; or an electric scooter or an electric assist bicycle as defined above.

NOTE *For the purposes of this procedure, "Motorized Scooter" collisions are to be treated in the same manner as vehicle collisions, and the provisions contained within this procedure are to be complied with.*

CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

SERIOUS PHYSICAL INJURY – For the purpose of this procedure, a physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

SERIOUS TRAFFIC VIOLATION – For the purpose of this procedure, a serious traffic violation includes and traffic violation under the following sections of the New York State Vehicle and Traffic Law.

Section 511:	Operation while license or privilege is suspended or revoked; aggravated unlicensed operation
Section 600:	Leaving the scene of an incident without reporting
Section 1100 – 1105:	Obedience to and effect of traffic laws
Section 1110 – 1117:	Traffic signs, signals and markings
Section 1120 – 1131:	Driving on right side of roadway, overtaking and passing, etc.
Section 1140 – 1146a:	Right of way
Section 1160 – 1166:	Turning and starting and signals on stopping and turning
Section 1170 – 1176:	Special stops required
Section 1180 – 1182-b:	Speed restrictions
Section 1212:	Reckless driving.

PROCEDURE Upon notification or observation of a vehicle collision:

UNIFORMED MEMBER OF THE SERVICE

1. Park Department vehicle behind vehicle(s) involved, so that traffic will not be impeded.
   a. The first responding unit (e.g., the unit assigned to vehicle collision via Communications Section, pickup by unit, etc.), regardless of command, assignment, or whether vehicle collision occurred on the border of two or more precincts, will interview motorists, witnesses, etc., and prepare **Police Accident Report (MV104AN)**, if required.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. If determined to be a property damage only vehicle collision (see *ADDITIONAL DATA* for list of disqualifiers):
   (1) Provide each motorist with **Report of Motor Vehicle Accident (MV104), COLLISION INFORMATION EXCHANGE (PD301-157)** form, and **WHAT YOU SHOULD KNOW ABOUT VEHICLE COLLISIONS (PD571-111)** card,
   (2) Inform motorists they must prepare and forward a **Report of Motor Vehicle Accident** to the New York State Department of Motor Vehicles within ten days for vehicle collisions resulting in damage over $1,000 (failure to do so may result in license and/or registration suspension),
   (3) Instruct each motorist involved that they are to exchange pertinent information, and
   (4) Provide radio code "**10-99T3 – Referred to DMV**," and resume patrol/assignment.

c. Under no circumstances, will a motorist be instructed to wait for a response from the precinct of occurrence, or Highway personnel, for preparation of a **Police Accident Report**.

2. Ascertain if there are any injuries and request ambulance, if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided, if unconscious and removed to hospital.
   b. When there is serious physical injury, determine if any operator involved committed a serious traffic violation, as defined in this procedure. If so, administer a Preliminary Breath Test (PBT) to all operators involved (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT.
      (1) If operator(s) refuses, they are in violation of VTL Section 1194(1)(b) and a summons may be issued.
      (2) If probable cause is established that an operator is under the influence of alcohol and/or drugs, effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
   c. If the injury is critical, serious and likely to die, or death, comply with *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
3. Divert traffic, if necessary.
   a. Use traffic cones, turret lights and danger signs, whenever available.
   b. Place first cone at least two hundred feet from the collision on high-speed highways, bridges, etc.
4. Obtain driver's license, vehicle registration, and insurance identification card from the drivers of all vehicles involved in collision.
   a. Record required information and return credentials to driver(s).

NOTE *The following vehicles do not require insurance identification cards:*

a. Taxis, buses and other rented vehicles,
b. Vehicles operating under the authority of the Public Service Commission and ICC,
c. Government owned vehicles, and
d. Certain farm vehicles.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Have vehicles removed from roadway as soon as practical.
6. Attempt to identify any uninvolved witnesses to the collision.
   a. Record any statements made by witnesses to the collision.
   b. Obtain name, address, home telephone number, and mobile number of as many witnesses to the collision as possible.
7. Determine the cause of the collision by inquiry and observation.

NOTE *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in P.G. 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

8. Survey the scene carefully and be alert for common insurance fraud indicators.
9. Take summary action, if necessary.
   a. If a moving violation summons is issued and the collision from which the violation arose resulted in the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.
   b. If it has been determined that a PBT should be administered due to the injury and traffic violations, the result of the PBT, or the refusal of the operator to submit to the PBT, is to be documented in the **Police Accident Report**.
10. Prepare **COLLISION INFORMATION EXCHANGE**, as appropriate, and give to operators.
    a. Advise operator, if incapacitated, that another participant in the collision, or the owner of vehicle, must complete bottom portion of **COLLISION INFORMATION EXCHANGE** form.
    b. Complete bottom portion of **COLLISION INFORMATION EXCHANGE**, if the owner of vehicle, or no other participant in the collision is available.
11. Use a Department mobile digital device (e.g., cellular telephone, tablet, etc.), if available, to prepare the **Police Accident Report** utilizing the Finest Online Records Management System (FORMS).
    a. A legible handwritten copy must be completed if a member of the service does not have the ability to complete a **Police Accident Report** electronically.

UNIFORMED MEMBER OF THE SERVICE (continued)

12. Complete all relevant captions, with particular attention to the following:
    a. Account for all passengers in the vehicle taking care to note their seating position, name and injury (if any).
        (1) Include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if injury is involved.
    b. Attempt to identify passengers through documentation (photo identification if possible). If unable to do so note on **Police Accident Report**.
    c. Enter passenger information in the "All Involved" section of the **Police Accident Report**, boxes "A" through "F."
    d. Draw a straight line through every unused box of this section and initial it, if handwritten form is completed.
    e. Repeat the same process as above on the reverse side of the **Police Accident Report**, in the "Persons Killed Or Injured In Accident" section, boxes "A" through "E."
    f. Enter information concerning operator of bicycle involved in section captioned "Vehicle 2," if applicable.
        (1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.
    g. Ensure "E-Bike (with pedals)," "E-Bike (without pedals)" or "E-Scooter (standing)" category is checked in "Vehicles" section of **Police Accident Report**, whenever an E-Bike/E-Scooter is involved.
        (1) If handwritten **Police Accident Report** is prepared, include E-Bike/E-Scooter involvement in "Details" section of **Police Accident Report**.
13. Obtain the vehicle identification numbers (VIN) from the dashboard and door of each vehicle involved in the collision.
    a. Ensure that they match.
14. Record VIN on **Police Accident Report** as follows:
    a. Enter VIN in the stand-alone caption provided, if entering **Police Accident Report** via FORMS, or
    b. List VIN in the caption labeled "Accident Description/Officer's Notes," if preparing a handwritten copy of **Police Accident Report**.
15. Inspect vehicles/bicycles involved in the collision and indicate the type of vehicle/bicycle in the "Vehicle Type" caption on the **Police Accident Report** (see *ADDITIONAL DATA*).
16. Obtain pedicab information, if involved in collision.
    a. Enter pedicab Department of Consumer Affairs License number in "Driver License ID Number" caption on **Police Accident Report**.
    b. Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**.

UNIFORMED MEMBER OF THE SERVICE (continued)

17. Prepare **Truck and Bus Supplemental Police Accident Report (MV104S)** in FORMS, if at least one vehicle involved is a qualifying vehicle and the collision resulted in one of the following "conditions of severity" for any person or any vehicle involved:
    a. At least one person sustained fatal injuries,
    b. At least one person was transported for immediate medical treatment, and/or
    c. At least one vehicle was towed/transported from the scene (other than for a flat tire).

NOTE *If a collision involved a qualifying vehicle and a "condition of severity," as described above, a **Truck and Bus Supplemental Police Accident Report** must be prepared for each qualifying vehicle and attached to the corresponding **Police Accident Report**.*

18. Check appropriate "Duplicate Copy Required For" captions on rear of **Police Accident Report** and, in addition, check box captioned "Other City Agency," if necessary, and enter:
    a. DEPARTMENT OF CONSUMER AFFAIRS - If tow truck or pedicab licensed by Department of Consumer Affairs is involved in collision.
    b. NEW YORK CITY DEPARTMENT OF TRANSPORTATION - if collision involved collision with a "crash cushion" or "highway impact attenuator."
    c. DEPARTMENT OF PARKS - Person killed or injured on roadway under jurisdiction of Department of Parks, or motor vehicle collision resulting in damage to a tree on park land, city street, or on any other public property owned by the City of New York.
    d. MISSING PERSON SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - Person killed in collision.
    e. HIGHWAY DISTRICT (COLLISION INVESTIGATION SQUAD) - Person killed in collision.

NOTE *Subdivisions "d" and "e" above will also be followed when a supplementary **Police Accident Report** is prepared indicating that a death has resulted at a later date after the original report has been forwarded.*

    f. NEW YORK CITY FIRE DEPARTMENT, ACTIONS AND CLAIMS UNIT - If collision involves any of the following:
        (1) Fire Department vehicles
        (2) Health and Hospitals Corporation ambulance (staffed by FDNY - Emergency Medical Service personnel)
        (3) Fire hydrants
        (4) Fire alarm boxes.
    g. DEPARTMENT OF EDUCATION, OFFICE OF PUPIL TRANSPORTATION - Vehicle collision involving a school bus.
    h. NYC TAXI AND LIMOUSINE COMMISSION - If taxi or for hire vehicle (livery/limousine) is licensed by the NYC Taxi and Limousine Commission.

UNIFORMED MEMBER OF THE SERVICE (continued)

i. NYC OFFICE OF THE COMPTROLLER - All collisions where New York City personnel or City property is involved.

19. Inform person(s) involved in collision that copy of **Police Accident Report** may be obtained as follows:
    a. Electronically, or by mail, via New York State Department of Motor Vehicles website,
    b. In person, at precinct of occurrence, within thirty days of collision. A current, valid form of photo identification (e.g., driver license, passport, etc.) is required,
    c. By mail request, at precinct of occurrence, when received within thirty days of collision, with a self-addressed stamped envelope,
        (1) Any mail request not accompanied by a photocopy of a current, valid form of photo identification (e.g., driver license, passport, etc.) will be returned.
    d. Electronically, via the Department's public internet website.
20. Sign and deliver handwritten copies of the **Police Accident Report** to the desk officer, precinct of occurrence, if prepared.
    a. Members assigned to outside commands will deliver any handwritten **Police Accident Reports** to the desk officer, precinct of occurrence.
21. Make complete digital **Activity Log** entry.

COMMAND CLERK

22. Make required entries in FORMS for **Police Accident Reports** prepared during the tour.

DESK OFFICER

23. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command, and ensure that required entries are made in FORMS on each tour.
    a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

NOTE *The desk officer WILL NOT accept **Police Accident Reports** for collisions occurring in another command.*

24. Forward handwritten copies of **Police Accident Reports** to precinct traffic safety officer/designee.

TRAFFIC SAFETY OFFICER/ DESIGNEE

25. Review all **Police Accident Reports** (both handwritten and entered directly into FORMS).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
26. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.

TRAFFIC SAFETY OFFICER/ DESIGNEE (continued)

27. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS, and
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.
28. Send copies of **Police Accident Reports** marked "Duplicate Copies For" to appropriate agency in an addressed white envelope and forward envelope via Mail and Distribution Unit.
29. Fax copy of all **Police Accident Reports** involving a "crossover" collision to the Corporation Counsel and the Highway District.

TRAFFIC SAFETY SERGEANT

30. Monitor and review all **Police Accident Reports**.

ADDITIONAL DATA

PROPERTY DAMAGE ONLY VEHICLE COLLISIONS

*The following circumstances disqualify a vehicle collision from being classified as property damage only, and will require the preparation of a **Police Accident Report**, as required:*

(a) Any person trapped, injured, incapacitated, or deceased,
(b) Any vehicle requiring a tow,
(c) Motorists unable, or unwilling, to exchange information/paperwork,
(d) Damage to property other than any vehicle involved, or the contents thereof,
(e) Disputes,
(f) Any act of suspected criminality,
(g) Any vehicle classified as a "Qualifying Vehicle,"
(h) Any City involved vehicle collision, and/or
(i) Any vehicle collision involving a deer and/or a domestic animal.

POLICY CONSIDERATIONS

*If collision involves an arrest for Driving While Intoxicated/Impaired, a copy of the **Police Accident Report** will be attached to court papers and delivered by the arresting officer to the assistant district attorney in the complaint room.*

*Prepare **Police Accident Report** in any vehicle collision case when the City is involved or an animal (horse, dog, domestic cattle, etc.) is killed or injured.*

*Personal injury bicycle, E-Bike and E-Scooter collisions, not involving a motor vehicle, are to be reported on a **Police Accident Report** as per P.G. 217-17, "Bicycle Collisions – General Procedure."*

*Members of the service will indicate the type of vehicle/bicycle involved in the collision and enter the appropriate information in the "Vehicle Type" caption on the **Police Accident Report**:*

(a) ATV – All terrain vehicle
(b) BIKE - Bicycle
(c) CAR/SUV – Passenger car/sport utility vehicle
(d) TRUCK/BUS – Large and small commercial vehicles
(e) MCY - Motorcycle
(f) E-BIKE (with pedals)
(g) E-BIKE (without pedals)
(h) E-SCOOTER (standing)
(i) OTHER (describe in details).

ADDITIONAL DATA (continued)

Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers their services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital ***Activity Log*** *and under "Details" in* ***Police Accident Report****. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

A ***REQUEST FOR COPY OF COLLISION RECORD (PD301-165)*** *will be given to involved party upon request at any precinct stationhouse.*

Members are reminded to be guided by P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury," as necessary.

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Mandatory Driver's License Checks (P.G. 209-24)
Aided Cases General Procedure (P.G. 216-01)
Unidentified Persons (P.G. 216-03)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Accidents and Collisions – City Involved (P.G. 217-04)
Department Vehicle Collisions (P.G. 217-06)
Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)
Bicycle Collisions – General Procedure (P.G. 217-17)
Vehicle Collision – Pedestrian/Bicyclist Right of Way Law (P.G. 217-18)

FORMS AND REPORTS

COLLISION INFORMATION EXCHANGE(PD301-157)
IDENTIFICATION TAG (PD317-091)
REQUEST FOR COPY OF COLLISION RECORD (PD301-165)
WHAT YOU SHOULD KNOW ABOUT VEHICLE COLLISIONS (PD571-111)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Truck and Bus Supplemental Police Accident Report (MV104S)

Section: Vehicle Collisions	Procedure No: 217-02

VEHICLE COLLISIONS WHICH RESULT IN DEATH, SERIOUS INJURY AND LIKELY TO DIE, OR CRITICAL INJURY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To investigate vehicle collisions in which death, serious injury and likely to die, or critical injury has occurred and to present facts to the District Attorney.

DEFINITION CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE After responding to a vehicular collision in which death, serious injury and likely to die, or a critical injury has occurred, follow normal vehicle collision procedures and, in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Detain drivers, occupants, vehicles involved, and witnesses.
2. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is immediately established that an operator is under the influence of alcohol and/or drugs.
3. Ensure operators of all vehicles involved in a motor vehicle collision resulting in death, serious injury and likely to die, or critical injury to a person, remain at the scene unless:
   a. A vehicle operator is removed from the scene for immediate medical attention or;
   b. Otherwise directed by a supervisor on the scene.
4. Ensure any other operator(s) remain at the scene pending the administration of a hand held Preliminary Breath Test (PBT) by a qualified member of the service assigned to the Highway District Collision Technician Group, Highway District Collision Investigation Squad, or authorized Highway Unit member.
   a. Observe operator(s) for any indication of impairment by alcohol and/or drugs.
   b. Effect arrest and comply with *P.G. 208-40, "Intoxicated or Impaired Driver Arrest,"* if probable cause is subsequently established that an operator is under the influence of alcohol and/or drugs.
   c. Transport prisoner directly to the designated testing location without undue delay so that the IDTU technician may commence testing within two hours from time of arrest in order to minimize the possibility of a reduced alcohol concentration level reading of a chemical test when administered.

NOTE *A certified Drug Recognition Expert will conduct intoxicated/impaired driver screening and testing of all motorists involved in arrests resulting from a collision investigation scene as follows:*

a. Conduct intoxicated/impaired driver screening on motorists arrested for a charge other than intoxicated or impaired driving when the arrest was made prior to the arrival of Highway District personnel (e.g., Vehicle and Traffic Law Section 511, Administrative Code Section 19-190 by precinct personnel, etc.)

NOTE (continued)

b. Conduct breath alcohol testing for all motorists <u>arrested</u> for intoxicated/impaired driving

c. Conduct blood testing for any motorist <u>arrested</u> for intoxicated/impaired driving and is hospitalized.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Obtain name, address, home and business telephone numbers of any person who must leave the scene.
6. Confer with on–scene emergency medical service personnel to ascertain if any person involved in collision has been classified as critically injured as per FDNY EMS guidelines.
7. Request patrol supervisor to respond to scene.
8. DO NOT disturb collision scene unnecessarily.
   a. Mark position of vehicle and/or injured person with chalk, if person/vehicle must be moved.
9. Make digital **Activity Log** entry.

PATROL SUPERVISOR

10. Respond to collision scene.
11. Upon arrival at the collision scene where a death, serious injury and likely to die, or critical injury has occurred, request the response of:
    a. Precinct Detective Squad
    b. Highway District Collision Technician Group
    c. Highway District Collision Investigation Squad.
12. Notify desk officer and commanding officer/duty captain regarding circumstances of incident.
13. Notify Operations Unit if an extended closure of a roadway(s) is required or if perishable merchandise or current newspapers are involved.
14. If member of the service is involved and suspected of operating a motor vehicle under the influence of alcohol and/or any other intoxicant, immediately notify the commanding officer/duty captain.

COMMANDING OFFICER/ DUTY CAPTAIN

15. Confer with patrol supervisor regarding incident.
    a. Ensure criteria for a critical injury have been met, <u>or</u> in circumstances where criteria for a critical injury have not been met, determine whether the extent of injuries and/or unique circumstances of a collision warrant an investigation under the parameters of this procedure.
    b. Ensure appropriate units have been notified and are responding.
16. If a member of the service tests positive on a hand held Preliminary Breath Test (PBT) as listed in step "4" above, ensure said member is transported directly to the designated testing location without undue delay and ensure that the IDTU technician commences testing within two hours from time of arrest.

PRECINCT DETECTIVE SQUAD MEMBER

17. Interview witnesses and secure the crime scene pending arrival of the Highway District Collision Technician Group and the Highway District Collision Investigation Squad.

HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER

18. Conduct Standardized Field Sobriety Testing – Test Battery.
19. Request Preliminary Oral Fluid Drug Screening Samples from all operators involved in collision.
20. Administer Preliminary Breath Test (PBT) to all operators involved in collision.

NOTE *A certified Drug Recognition Expert will be requested to respond through the Highway District to conduct intoxicated or impaired driver testing on all subjects arrested for any charge in connection with a collision investigation.*

21. Process collision scene.
22. Confer with Highway District Collision Investigation Squad member in regards to processing the collision scene.
23. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.

HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER

24. Notify and inform appropriate District Attorney's Office of preliminary facts of incident prior to the conclusion of the investigation.
25. Conduct on-scene collision investigation with Highway District Collision Technician Group member.
26. Prepare **WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)**.
27. Prepare **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
28. Prepare **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
    a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
29. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents**, and all other reports prepared to the Highway District Collision Investigation Squad concerned.
30. Notify relatives or friends of the deceased in a timely manner, if applicable.

DESK OFFICER, PRECINCT OF OCCURRENCE

31. Have a separate **COMPLAINT REPORT (PD313-152)** prepared for each person killed, or seriously injured and likely to die, or received a critical injury as a result of the collision.
    a. Classify **COMPLAINT REPORT** either "Case Open-Investigate Motor Vehicle Collision/Fatal," or "Case Open-Investigate Motor Vehicle Collision/Serious Injury and Likely to Die/Critical Injury," as appropriate.
32. Record as "Referred to Collision Investigation Squad" and forward copies of **COMPLAINT REPORT**, as appropriate.

DESK OFFICER, PRECINCT OF OCCURRENCE (continued)

33. Ensure that notifications to relatives or friends are made in a timely manner and document the time and date of the notification as well as the name of member making notification under caption "NOTIFICATIONS" on the **Police Accident Report (MV104AN)**.
    a. Ensure above notifications are made by the Highway District Collision Investigation Squad when a vehicle collision has resulted in a death.

HIGHWAY DISTRICT COLLISION TECHNICIAN GROUP MEMBER

34. Forward all reports, including any subsequent reports directly related to collision investigation, to the Highway District Collision Investigation Squad.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The Highway District Collision Technician Group and the Highway District Collision Investigation Squad investigators will maintain an open dialogue to ensure a proper and successful investigation is conducted.

A designated member of the Highway District Collision Investigation Squad will coordinate the investigation and presentation of facts to District Attorney concerned.

*When a precinct desk officer is notified that a person who sustained an apparent minor injury in a vehicle collision (**COMPLAINT REPORT** was NOT prepared) has died as a result of the collision, a **COMPLAINT REPORT** and a supplementary **Police Accident Report** will be prepared. The **COMPLAINT REPORT**, supplementary **Police Accident Report** and a copy of the original **Police Accident Report** will be forwarded to the Collision Investigation Squad concerned. Additionally, the Collision Investigation Squad concerned will also be notified by telephone.*

When making a determination as to when an extended roadway closure should be placed into effect in order to assist in a collision investigation (including the length of time a closure will remain in effect and whether or not to partially or fully close the roadway), the severity of injuries sustained by the individual(s) involved should be weighed versus other contributing factors (i.e., the time and day of occurrence, the specific type of roadway involved [e.g., arterial highway, major thoroughfare, etc.], the ability to effectively detour traffic and the need to preserve evidence at the scene). Operations Unit personnel will ensure that the Traffic Management Center is aware of any closures involving an arterial highway.

If a moving violation summons is issued and the violation resulted in a collision that caused the death or serious physical injury of someone other than the violator, the summonsing officer must write "D" for death or "SPI" for serious physical injury in the "Description/Narrative" section of the summons.

ADDITIONAL DATA (continued)

LEGAL CONSIDERATIONS

In accordance with Vehicle and Traffic Law, Section 1194.1 subsection (b), when requested to do so, all operators of vehicles involved in motor vehicle accidents are required to submit to a breath test for alcohol.

As there are no legal requirements to submit to a Preliminary Oral Fluid Screening Test, operators refusing to be screened may not be penalized, as would be the case if refusing a breathalyzer, and no paperwork should be forwarded to the Department of Motor Vehicles. Finally, oral fluid for the purpose of conducting the screening test may not be collected from unconscious individuals unable to consent, as this would constitute a warrantless search subjecting any evidence collected to suppression.

RELATED PROCEDURES

Aided Cases General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury – Mechanical Defect Involved (P.G. 217-03)
Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Chemical Test Warrant Application (P.G. 217-16)
Bicycle Collisions – General Procedure (P.G. 217-17)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)
WITNESS STATEMENT - VEHICLE COLLISION (PD301-061)
STANDARDIZED FIELD SOBRIETY TEST NOTES (PD383-141)
Police Accident Report (MV104AN)
Early Notification of Fatal Accident (MV-104EN)
Police Report for Fatal Motor Vehicle Accidents (MV-104D)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-03

VEHICLE COLLISIONS WHICH RESULT IN DEATH, SERIOUS INJURY AND LIKELY TO DIE, OR CRITICAL INJURY– MECHANICAL DEFECT INVOLVED

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/19/13	08/19/13		1 of 2

PURPOSE To examine a vehicle involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual to ascertain if the vehicle is mechanically defective.

DEFINITION CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE When a vehicle has been involved in a collision which has resulted in death, serious injury and likely to die, or critical injury to an individual, and either the operator indicates or Highway Unit personnel suspect that the vehicle has a mechanical defect:

HIGHWAY UNIT OFFICER

1. Prepare **MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)**.
   a. Prepare **WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)**, if appropriate.
2. Prepare the **Early Notification of Fatal Accident (MV-104EN)**, if appropriate, and fax to New York State Department of Motor Vehicles within twenty-four hours.
3. Prepare the **Police Report for Fatal Motor Vehicle Accidents (MV-104D)**, if appropriate.
   a. Complete a separate **Police Report for Fatal Motor Vehicle Accidents** when more than one person in a motor vehicle collision is deceased or if more than three vehicles are involved in a fatal collision.
4. Forward copies of completed **Early Notification of Fatal Accident** and **Police Report for Fatal Motor Vehicle Accidents** to the Collision Investigation Squad concerned.
5. Report facts to desk officer, precinct of occurrence, and to assigned member of Collision Investigation Squad.

UNIFORMED MEMBER OF THE SERVICE

6. Summon Department tow truck and have vehicle removed to Department facility.
7. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

DESK OFFICER, PRECINCT OF OCCURRENCE

8. Enter rank, name, and shield number of Highway Unit officer in the Command Log.
   a. Note in entry if mechanical defect is a possible factor in collision.
9. Make reference to Command Log entry on **Police Accident Report (MV104AN)**.
10. Have **PROPERTY CLERK INVOICE (PD521-141)** prepared from **WORKSHEET**, review and digitally sign.

DESK OFFICER/ SUPERVISOR AT DEPARTMENT FACILITY

11. Do not permit removal of vehicle if required as evidence or until the defect has been corrected.
12. Obtain signed statement from person correcting mechanical defect and file in Property Receipt Book.
13. Permit removal of vehicle only by properly equipped tow truck if defect is not corrected, provided vehicle is not required as evidence.

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

FORMS AND REPORTS

MOTOR VEHICLE COLLISION AND MECHANISM REPORT (PD301-151)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
WITNESS STATEMENT-VEHICLE COLLISION (PD301-061)
Police Accident Report (MV104AN)
Early Notification of Fatal Accident (MV-104EN)
Police Report for Fatal Motor Vehicle Accidents (MV-104D)

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-04	
ACCIDENTS AND COLLISIONS - CITY INVOLVED			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To assist the City in processing cases in which the City may be a plaintiff or defendant.

DEFINITION CITY INVOLVED - Any reported incident involving personal injury and/or property damage which may involve the City in a civil action.

PROCEDURE When it is determined that the City may be involved in a civil suit as a result of an accident or vehicle collision:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **Police Accident Report (MV104AN)** if collision and check appropriate boxes under caption "DUPLICATE COPY REQUIRED FOR," OR
   Prepare **AIDED REPORT WORKSHEET (PD304-152b)** in other cases in which personal injury resulted and the City may be involved, OR
   Prepare **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** (only) in all other cases in which the City may be involved and no personal injury resulted (property damage only).
2. Ensure that **AIDED REPORT WORKSHEET** contains an indication that City is involved and name of City agency involved.
3. Inform persons involved that a claim against the City arising from the incident must be filed with the Comptroller of the City of New York within ninety days.
4. Submit **REPORTS** to desk officer.

DESK OFFICER

5. Review and sign reports, as appropriate.
6. Direct command clerk to enter information from **AIDED REPORT WORKSHEET** into On-Line Aided System.
7. Forward:
   a. **Police Accident Report** in normal manner
   b. **ACCIDENT REPORT - CITY INVOLVED** as per instructions on form.
      (1) Dispose of buff agency copy if Police Department is the **ONLY** agency involved.
      (2) Determine City agency involved as indicated below:

CONDITION		**AGENCY**
➢ Traffic signs, stanchions, signal lights, etc.	➔	Department of Transportation.
➢ Property damage on roadway under jurisdiction of Department of Parks, or trees damaged on parkland, City streets, or on any other public property owned by the City of New York.	➔	Department of Parks.

CONDITION	AGENCY
➢ Damaged fire alarm box/post.	➔ New York City Fire Department, Actions and Claims Unit.
➢ Lampposts.	➔ Department of Transportation.
➢ Damage to parkway, through park road, highway, stone wall, curb, fence, guide rail, post, etc.	➔ Department of Transportation, Bureau of Highways, Legal Department.
➢ Accidents on or in immediate vicinity of a ferry, bridge, tunnel, dock, airport or seaplane base.	➔ Agency concerned.
➢ City hydrants	➔ Department of Environmental Protection and the New York City Fire Department, Actions and Claims Unit.
➢ School bus collision	➔ Department of Education, Office of Pupil Transportation.
➢ Property damage occurring on or emanating from transit facilities (e.g., falling debris from elevated MTA line)	➔ NYC Transit Law Department

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

It is not unusual for claims to arise in favor of the City in certain accidents and vehicle collisions. It is the policy of the City to pursue such claims. Members of the service at the scene of an incident involving the City will detail circumstances which may support claims by the City against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the City. Full cooperation with the involved City agency or the Law Department in pursuing these claims is mandatory.

FORMS AND REPORTS

ACCIDENT REPORT - CITY INVOLVED (PD301-155)
AIDED REPORT WORKSHEET (PD304-152b)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-05		
LEAVING THE SCENE OF A COLLISION			
DATE ISSUED: 08/13/19	DATE EFFECTIVE: 08/13/19	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To investigate reports of leaving the scene of vehicle collisions.

PROCEDURE Upon arrival at scene of a vehicle collision involving personal injury and/or property damage, and the operator of one of the vehicles has fled the scene without reporting, follow *P.G. 217-01 "Vehicle Collisions – General Procedure"* and:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **COMPLAINT REPORT WORKSHEET** (**PD313-152A**), unless the operator of a vehicle that left the scene of a collision (PROPERTY DAMAGE ONLY) is apprehended and issued a summons for the traffic offense of Leaving the Scene of a Collision Without Reporting, prior to preparation of a **COMPLAINT REPORT WORKSHEET**.

IF NEW YORK REGISTRATION NUMBER IS OBTAINED

UNIFORMED MEMBER OF THE SERVICE

2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen.
   a. DO NOT give complainant hard copy.
   b. Provide information utilizing **COLLISION INFORMATION EXCHANGE (PD301-157)**.
3. Obtain name and address of registered owner.
4. Give information to complainant.

IF VEHICLE REGISTERED IN ANOTHER STATE

UNIFORMED MEMBER OF THE SERVICE

5. Query NYSPIN through the FINEST System to determine identity of registered owner.
   a. Request information needed through an adjoining command, if the command FINEST System is inoperable.
6. Provide complainant with information, if identity of owner is obtained.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

In determining whether a case should be closed or referred to the detective squad, the following criteria should be considered:

a. Extent of damage
b. Whether the facts or degree of damage indicate operator intentionally left scene knowing he caused damage
c. Availability of witnesses to testify
d. Timeliness of complaint
e. Whether the report is being made for prosecution or insurance purposes
f. Other relevant factors which would have a bearing on this determination.

ADDITIONAL DATA (continued) *In PROPERTY DAMAGE ONLY cases, a summons returnable to the Traffic Violations Bureau may be served even though the member did not observe the offense (see Vehicle and Traffic Law, Section 602).*

RELATED PROCEDURES *Vehicle Collisions - General Procedure (P.G.217-01)*
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Conditions of Service (P.G. 209-01)

FORMS AND REPORTS ***COLLISION INFORMATION EXCHANGE (PD301-157)***
COMPLAINT REPORT WORKSHEET (PD313-152A)

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-06	
DEPARTMENT VEHICLE COLLISIONS			
DATE ISSUED: 05/07/21	DATE EFFECTIVE: 05/07/21	REVISION NUMBER:	PAGE: 1 of 11

PURPOSE To record and determine the causes of collisions involving Department vehicles, including vehicles leased or rented by the Department and/or issued to the Department by any Federal/State/City agency, and recommend corrective action.

DEFINITION INVESTIGATING SUPERVISOR – For the purpose of this procedure, the investigating supervisor will be as follows:

a. The precinct commanding officer/duty captain will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)**, if the collision involves death or serious injury to anyone

b. The patrol supervisor, precinct of occurrence or a supervisory officer from the involved member's command, if available, will respond and act as the investigating supervisor and complete part "A" of the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, if collision involves property damage only and/or a non-serious injury is sustained by either a member of the service or a civilian.

PROCEDURE When a Department vehicle is involved in a collision:

MEMBER OF THE SERVICE

1. Request ambulance, if necessary.
2. Request operator, occupants and witnesses to remain pending arrival of patrol supervisor.
   a. Obtain name, address, home and business telephone numbers of persons involved and witnesses.
3. Request patrol supervisor, precinct of occurrence, to respond.
   a. If not available, Communications Section will notify patrol supervisor, adjoining precinct to respond.

NOTE *If the operator of the Department vehicle is assigned to other than the precinct of occurrence, a supervisory officer from the involved member's command, if available, will perform the duties of the patrol supervisor.*

4. Prepare **Report of Motor Vehicle Accident (MV104)** utilizing the Finest Online Records Management System (FORMS), in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident**, in addition to other forms.

NOTE *The Police Department, the City Law Department, or their designee, will pursue claims against private entities that are at fault in Department vehicle collisions. Details concerning the cause of the collision including the names of witnesses favorable to the City will be carefully documented on Department forms. A summons will be issued to the operator of a private vehicle if the patrol supervisor determines it is appropriate. A SUMMONS WILL NOT BE ISSUED TO AN OPERATOR OF A DEPARTMENT VEHICLE.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

5. Respond to scene and ascertain details of collision.
6. Assume role as investigating supervisor or request the response of the appropriate investigating supervisor, as defined in the "DEFINITION."
7. Notify desk officer of details of collision.
8. Notify the Operations Unit promptly if a member of the service is injured and requires hospital treatment.
   a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

DESK OFFICER, PRECINCT OF OCCURRENCE

9. Notify commanding officer to respond to scene of collision, when applicable.
10. Notify patrol borough command of collision AND
    a. Request duty captain to respond, when applicable.
    b. Enter notification and borough collision number obtained in Telephone Record.

NOTE

If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.

MEMBER ON DUTY, PATROL BOROUGH OFFICE

11. Record in Borough Department Vehicle Collision Log:
    a. Date, time, precinct of occurrence, location, borough collision number, rank, name and command of supervisor preparing **Police Accident Report**.
12. Notify the duty captain to respond to scene of collision, when requested.
    a. If duty captain is unable to respond notify available captain (or above) performing duty in borough.
13. Fax consolidated daily Department Vehicle Collision reporting forms directly to the Personnel Safety Desk.
    a. Commanding officers will ensure that these reports are submitted no later than 0700 hours each day.

INVESTIGATING SUPERVISOR

14. Respond to scene of collision.
    a. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when:
       (1) A person in police custody is injured as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)

INVESTIGATING SUPERVISOR (continued)

(2) Any person is injured as the result of a Department vehicle pursuit

(3) Any person is injured as a result of a member of the service attempting to stop a vehicle or apprehend a suspect.

15. Conduct canvass for witnesses and for any video surveillance that may have captured the collision.
16. Interview all persons involved, including witnesses.
17. Secure copy of video surveillance, if available.
    a. Ensure copy of video surveillance is placed in Jewelry Security Envelope.
    b. Ensure copy of video surveillance is invoiced as property category "INVESTIGATORY EVIDENCE" utilizing the Property and Evidence Tracking System.
        (1) Select "MOS INVOLVED" caption.
        (2) Enter in "Remarks" section "Do not destroy without the authorization of the Commanding Officer, Legal Bureau."
18. Notify precinct detective squad for assistance, if video is available but not accessible due to technical difficulties.
    a. If precinct detective squad cannot retrieve video, notify Technical Assistance and Response Unit.
19. Prepare Part "A" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, personally.
    a. Record the issuing agency and vehicle information in the "Preliminary Statement of Investigating Supervisor" caption if the vehicle involved was issued by a Federal/State/City agency.
    b. Ensure captions regarding video surveillance are completed.
20. Make a preliminary determination as to the cause of the collision and record on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Consider the actions taken by both the operator and recorder in determining cause of collision.
    b. If preliminary investigation reveals that Department vehicle operator was at fault, a statement describing member's fault shall be included in the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**. Any action taken by the recorder or omitted actions will also be noted.
21. Ensure that cause(s) of collision is correctly identified and recorded on both the **Police Accident Report** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
22. Sign the completed **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
    a. Send a photocopy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** to the Commanding Officer, Risk Assessment Unit, if any video has been invoiced.
23. Deliver **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** along with copy of **PROPERTY CLERK INVOICE (PD521-141)** for video, if applicable, to desk officer, precinct of occurrence.

NOTE *If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless operator is removed from the scene for immediate medical attention.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

24. Prepare **Police Accident Report (MV104AN)** via FORMS in quadruplicate.
    a. Fill in each numbered box with the proper entry as determined from the corresponding code list on the cover sheet of **Police Accident Report**. If question does not apply, enter "dash" (-). If proper entry for any question is unknown, enter an "X" in the corresponding box.
    b. If injury is involved, include statement on **Police Accident Report** as to whether the airbag inflated and deployed, if applicable.
    c. Indicate if collision occurred when responding to an emergency. If so, state what warning devices were being used (e.g., siren, dome light, etc.).
    d. Enter member's command and address of that command under caption "Operator's Address."
    e. Print in large letters "POLICE INVOLVED" at top of form under caption "Police Accident Report."
    f. Have two sets of photographs taken of all Department vehicle collisions showing damage to all vehicles involved. If collision involves death or injury, photographs will be taken at scene, if possible.
        (1) Photographs will be secured in a Jewelry Security Envelope.

NOTE *If a uniformed member of the service was operating a police vehicle during an "emergency operation" as defined by Section 114-b of the Vehicle and Traffic Law, supervisors preparing the* ***Police Accident Report*** *should enter a capital letter "P" in a circle next to the name of the Department vehicle operator near the top of the report and use the following text in the "Accident Description/Officer's Notes" section of the* ***MV104AN****: "The collision occurred in a police vehicle owned/operated by the New York City Police Department while responding to an emergency situation." Emergency operation as defined by Section 114-b of the Vehicle and Traffic Law states "the operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service."*

25. Prepare and sign **Report of Motor Vehicle Accident, Police Line of Duty Accident (MV104L)** via FORMS.
    a. Ensure uniformed member of the service's driver license number is included on the **MV104L**.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE (continued)

b. Check box next to uniformed member of the service's name if collision occurred while in "emergency operation."

c. Attach completed form to **Police Accident Report**, prior to forwarding.

NOTE *Failure to report a collision to the Commissioner of Motor Vehicles by not forwarding a **MV104L** is a misdemeanor and shall constitute grounds for the suspension or revocation of the member of the service driver's license. The **MV104L** is for the New York State Department of Motor Vehicles' internal reporting only, and is not available to the public.*

PRECINCT COMMANDING OFFICER/ DUTY CAPTAIN

26. Review **Police Accident Report** prepared by the patrol supervisor.
    a. If collision involves death or serious injury, record under caption "Accident Description/Officer's Notes" reviewed by rank, name and command, and sign.
27. Determine justification of summons, if issued, when death or serious injury is involved.
    a. Comply with *P.G. 209-18, "Summons Served or Prepared in Error"* if summons is not justified.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

28. Deliver one completed copy of **Police Accident Report** to operator of Department vehicle involved in collision.

DESK OFFICER, PRECINCT OF OCCURRENCE

29. Notify patrol borough office of rank, name and command of supervisor who prepared the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
30. Notify Fleet Services Division and obtain Police Collision Serial Number.
31. Enter serial number assigned prefaced by caption "Police Collision Serial Number" at top of **Police Accident Report**.
    a. Enter serial number in designated box on **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.
32. Fax both sides of the **Police Accident Report**, **Report of Motor Vehicle Accident**, **Police Line of Duty Accident** and **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, immediately after serial numbers are obtained from the On Line Accident System, Fleet Services and borough offices, without the final agency determination captions completed, to the Personnel Safety Desk, twenty-four hours a day. No coversheet is necessary.
    a. During business hours (0700 x 1830 hours), confirm receipt by calling the Personnel Safety Desk. If the transmission of reports cannot be completed, a photocopy of the reports will be left for the relieving desk officer to fax on the next tour. Commands with inoperative fax machines will utilize a fax machine in the closest Department facility. It will be the desk officer's responsibility to ensure that this information is expeditiously faxed to the Personnel

DESK OFFICER, PRECINCT OF OCCURRENCE (continued)

Safety Desk on the same tour in which the collision occurred, if possible. Ensure, prior to faxing, that the aforementioned reports are completed in a legible and accurate manner.

33. Indicate on **Police Accident Report** under caption, "Duplicate Copy Required For," agencies that are to receive a copy of the Report.
    a. Enter command, if vehicle is permanently assigned to other than precinct of occurrence.
34. Send Department vehicle involved in collision (even if no apparent damage) to borough service station with copy of **Police Accident Report** and set of collision photos attached.
    a. Do not place vehicle in service until inspected at service station.
        (1) Have speedometer tested before vehicle is used to enforce speed regulations.
        (2) Notify speedometer-testing station if vehicle will be out of service for an extended period.
35. Attach copy of **Police Accident Report**, copy of **PROPERTY CLERK INVOICE**, if applicable, and photographs to **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** and forward to precinct executive officer for endorsement.
36. Forward original copy of **Police Accident Report** to traffic safety officer for review and processing.

PRECINCT EXECUTIVE OFFICER

37. Convene a Precinct Vehicle Collision Safety Review Board within twenty days of a vehicle collision and review **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, photographs, video (if available) and any related reports prepared.
    a. Have the Personnel Safety Desk contacted to ascertain the number of Department vehicle collisions in which the operator concerned has been involved.
    b. The Board will be composed of:
        Precinct executive officer (chairperson)
        Lieutenant platoon commander or special operations lieutenant
        Integrity control officer or assistant integrity control officer
        Precinct training sergeant
        Traffic safety officer or designee
        Peer member (rank of operator)
        Supervisor from operator's command (if other than precinct of occurrence).

NOTE *When the vehicle operator being reviewed is above the rank of captain, the patrol borough executive officer will be the chairperson of the board.*

38. Indicate Precinct Vehicle Collision Safety Review Board recommendation by completing part "B" of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**.

NOTE *If the precinct executive officer is unavailable, the precinct commanding officer shall be the chairperson of the board.*

Factors that led to determination and explanation of delays if board is not convened within twenty days of collision will be the subject of Traffic Safety Forum meetings.

PRECINCT COMMANDING OFFICER

39. Ensure that the Precinct Collision Safety Review Board process was conducted properly and in a timely fashion, and complete part "C" of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, indicating Approval/Disapproval of the precinct executive officer's recommendation.

NOTE *IN ALL CASES, THE FINAL AGENCY DETERMINATION WILL BE MADE BY THE COMMANDING OFFICER OF THE PRECINCT OF OCCURRENCE.*

40. Endorse all reports.
    a. Forward white copy of **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**, with photographs, copy of **Police Accident Report**, and any related reports, to Personnel Safety Desk within thirty days of the collision.
    b. Forward buff copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE**, copy of **Police Accident Report**, and any related reports, to patrol borough office for review of information only.
    c. File pink copy of **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** in operator's personal folder.

NOTE *The commanding officer of the member concerned must review the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** prior to having it filed in the operator's personal folder.*

    d. File copies of all reports prepared at precinct, in chronological order, under the heading "Department Vehicle Collisions."

NOTE *All Department vehicle collision cases, regardless of the command of the operator, will be heard at the precinct of occurrence by the Precinct Vehicle Collision Safety Review Board.*

In cases where the Department vehicle collision involved a member assigned to other than the precinct of occurrence, the precinct commanding officer will notify the command/bureau of the member of the service involved that the command/bureau concerned MUST have a supervisor attend the Precinct Vehicle Collision Safety Review Board.

Members of the service assigned to the Highway District will be exempt from going through the Precinct Vehicle Safety Review Board or attending retraining by the Driver Education and Training Unit. When a member of the Highway District is involved in a Department vehicle collision, the Highway District will convene a Highway Vehicle Safety Review Board, and if it is deemed that the member needs retraining, the Highway Driver Training School will conduct the retraining.

41. Implement disciplinary (or other) action, if warranted.
42. Develop a collision reduction program for the command and report progress to the patrol borough command concerned.

PATROL BOROUGH EXECUTIVE OFFICER

43. Be accountable for compliance with this procedure AND:
    a. Ensure timely convening of the Precinct Vehicle Collision Safety Review Board
    b. Chair the Precinct Vehicle Collision Safety Review Board when member being reviewed is above the rank of captain
    c. Ensure that final "at fault" determinations are accurately made and recorded on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE**
    d. Ensure that completed reports are forwarded to the Personnel Safety Desk within thirty days of the collision
    e. Ensure that members found "at fault" are scheduled for and attend re-training within ninety days (when appropriate). Names of members who require re-training should be forwarded to the bureau training coordinator so that training slots can be distributed appropriately.

NOTE *In those cases where the Precinct Vehicle Collision Safety Review Board was chaired by the borough executive officer, the patrol borough commanding officer will provide the review function outlined in step "43(c)" above.*

ASSIGNED MEMBER, LEGAL BUREAU

44. Comply with *P.G. 218-55, "Retention of Invoiced Property"* and submit a **REQUEST FOR RETENTION (PD521-169)**, utilizing the Property and Evidence Tracking System, if copy of video surveillance of Department collision is required to be held by the Property Clerk Division for more than one year.
    a. Perform a separate **REQUEST FOR RETENTION** for each associated **PROPERTY CLERK INVOICE**.
    b. Ensure retention request is updated on a yearly basis.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*Report vandalism to a Department vehicle on **Typed Letterhead** to Fleet Services Division and deliver report to borough service station with vehicle.*

The Personnel Safety Desk will forward a copy of reports received to Police Academy, Driver Education and Training Unit.

Operators of Department vehicles involved in a collision are advised to stop the vehicle immediately, extinguish any cigarettes, utilize four-way flashers, raise the vehicle's hood and utilize flares or any other warning devices. The vehicle should be moved only if its location is hazardous and likely to cause additional collisions.

*When deemed appropriate, if collision involves death or serious injury, the responding precinct commanding officer/duty captain may immediately direct that the operator and/or recorder not be assigned to duty in a Department vehicle, if such action is based upon their determination, after investigation at the scene. This immediate action, as well as any further action, will be subject to review by the members' precinct/unit commanding officer. All proposed disciplinary action will be indicated on the **COLLISION REPORT - POLICE DEPARTMENT VEHICLE** as a recommendation.*

ADDITIONAL DATA (continued)

If Department vehicle operator is NOT assigned to precinct of occurrence, duplicate copies of all reports prepared will be forwarded to operator's commanding officer.

If Department vehicle involved in collision is not permanently assigned to precinct of occurrence, send duplicate copies of ***Police Accident Report*** *and* ***COLLISION REPORT - POLICE DEPARTMENT VEHICLE*** *to commanding officer concerned.*

If a collision occurs with a Department vehicle outside the confines of New York City, the operator of vehicle is to notify the Operations Unit and provide particular details of accident (i.e., vehicle number, operator information, additional occupants, if any injuries, etc.). The operator of said vehicle is to request the response of the appropriate police agency of the jurisdiction concerned in order for the completion of all necessary paperwork as required by New York State. All other Department specific required paperwork is to be completed by a uniformed supervisor of member concerned and forwarded as outlined in this procedure. When possible, member concerned is to take photographs of damage to all vehicles involved, utilizing a Department cell phone or other Department device, or by any other means available.

All bureaus (e.g., Detective, Transit, Housing, etc.) should designate a supervisory member of the service to review reports involving members of their command.

All bureau executive officers should review the semi-annual Department Vehicle Collision Summary report prepared by the Personnel Bureau and, where needed, develop appropriate collision reduction programs specific to their bureaus.

If the need to interview a member of the service under the provisions of P.G. 206-13, "Interrogation of Members of the Service" becomes apparent and a serious violation is alleged or sufficient justification is present, although the violation is minor, a member will be permitted sufficient time to have a representative respond prior to start of interview.

Members of the service who were involved in Department vehicle collisions in which it has been determined that the member's driving ability was a contributory factor to the incident would benefit from the Driver Education and Training Unit's "Collision Retraining Course." However, depending upon the circumstances, other corrective measures such as disciplinary action may be more appropriate. Therefore, to ensure that only those members who would benefit are scheduled for retraining, the following guidelines are offered:

Driver retraining should be implemented only if the operator of a Department vehicle is determined to be at fault due to a driving deficiency based on factors such as:

a. weather conditions which affect the road surface
b. loss of control
c. backing
d. fender judgment
e. mirror usage (vans)
f. avoiding obstructions, debris, potholes
g. braking
h. turn negotiation

The precinct/unit commanding officer will be responsible for ensuring that appropriate individuals attend collision retraining within ***ninety days*** *of the collision. These provisions will be strictly adhered to absent exigent circumstances, i.e., extended sick leave or other valid reasons preventing timely retraining.*

ADDITIONAL DATA (continued)

Commanding officers are reminded that the Driver Education and Training Unit is a tool best utilized to improve a member's overall driving performance. It should not be viewed as disciplinary action. The Commanding Officer, Driver Education and Training Unit, is available to all commanding officers for conferral whether scheduling a specific member for retraining would be appropriate.

New York State Vehicle and Traffic Law section 1104(a) allows the driver of an authorized emergency vehicle, when involved in an emergency operation, to disregard regulations with certain conditions. These conditions include proceeding past a steady red signal, but only after slowing down as may be necessary for safe operation, or exceeding the maximum speed limits as long as life and property are not endangered. However, it should be noted that disciplinary action would be more appropriate than driver retraining for those members who are involved in vehicle collisions which occurred as a result of their unsafe disregard of such regulations, as opposed to the member merely having deficient driving skills.

*Amounts of property damage sustained are often unable to be determined in a timely fashion, and whether an injury has in fact occurred, or will be claimed at a future date, is often undetermined. Therefore, patrol supervisors of uniformed members of the service involved in a Department vehicle collision will prepare a **MV104L**. The **MV104L** will be prepared at the time of the collision and attached to the **Police Accident Report** prior to forwarding. Civilian members of the service involved in a Department vehicle collision will prepare **MV104**. The **MV104** will be prepared at the time of the collision and should the member of the service involved be incapacitated and unable to complete the form, the patrol supervisor will do so. (This is in addition to the **Police Accident Report** prepared by the patrol supervisor.) Failure to report a collision by a civilian member of the service to the Commissioner of Motor Vehicles by not forwarding a copy of a **MV104** is a misdemeanor and shall constitute grounds for the suspension or revocation of the member's driver's license.*

In accordance with New York State Department of Financial Services regulations, the operator of a Department vehicle may not be penalized (charged) by a private insurance company for a Department vehicle collision that occurred during the performance of duty. Likewise, insurance companies may not cancel a member of the service's personal automobile insurance policy on the basis of such collisions.

*In the event that a member of the service's private automobile insurance policy is surcharged, cancelled or not renewed unjustifiably as a result of a Department vehicle collision, such member should notify their commanding officer. The commanding officer concerned will prepare an **OFFICIAL LETTERHEAD (PD158-151)** to the insurance company concerned (see sample). The member concerned should also contact:*

New York State Department of Financial Services
One State Street
New York, New York 10004

ADDITIONAL DATA (continued)

Sample

(Date)

(Rank) (Name)
Commanding Officer (Pct.)
(Street Address)

(Insurance Company Name)
(Street Address)
(City, State)

Re: (RANK, NAME OF MEMBER OF THE SERVICE INVOLVED)
COLLISION (NUMBER)
(DATE OF COLLISION)

Dear Sir or Madam:

I am the commanding officer of (Rank, Name of member of the service involved). This letter is to inform (Name of Insurance Company) that (Name of member of the service involved) is a member of the New York City Police Department, and that the above referenced collision occurred during the performance of his/her duty with the Police Department. Therefore, pursuant to New York State Insurance Regulation section 169.1(d) (iv) of Title 11 of the NYCRR, no surcharge may be imposed for the above referenced collision.

Very truly yours,
(Rank) (Name)

RELATED PROCEDURES

Interrogation of Members of the Service (P.G. 206-13)
Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Summons Served or Prepared in Error (P.G. 209-18)
Vehicle Pursuits (P.G. 221-15)
Vehicle Collisions – General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Accidents and Collisions – City Involved (P.G. 217-04)
Collisions – Private Vehicles Authorized for Police Use (P.G. 217-07)
Retention of Invoiced Property (P.G. 218-55)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)

FORMS AND REPORTS

COLLISION REPORT - POLICE DEPARTMENT VEHICLE (PD301-153)
OFFICIAL LETTERHEAD (PD158-151)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR RETENTION (PD521-169)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Report of Motor Vehicle Accident, Police Line of Duty Accident (MV104L)
Typed Letterhead

PURPOSE To record and process vehicular collisions involving privately owned vehicles authorized for police use by members of the service (uniformed or civilian).

PROCEDURE When involved in a collision while operating an authorized private vehicle in the performance of police duty:

MEMBER OF THE SERVICE

1. Notify precinct of occurrence.
   a. Request response of patrol supervisor.
2. Prepare **Report of Motor Vehicle Accident (MV104)** in all cases.
   a. If incapacitated, the patrol supervisor will prepare the **Report of Motor Vehicle Accident (MV104)**, in addition to other forms.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

3. Respond to scene.
4. Prepare **Police Accident Report (MV104AN)**.
   a. Under caption "Operator's Address," enter member's command and address of that command.
   b. Under caption "Duplicate Copy Required For," check box marked "Office of Comptroller (City Involved)" and any other boxes that apply.
   c. If injury is involved, include statement on **Police Accident Report** as to whether the air bag inflated and deployed, if applicable.
   d. Have photographs taken of collision showing damages to all vehicles involved.
      (1) If collision involves death or injury, photographs will be taken at scene, if possible.

NOTE *If preliminary investigation discloses that the driver committed a moving violation or if a fatality occurs, and the driver is a civilian member of the service required to have a Commercial Driver's License (CDL), he/she will be required to submit to alcohol and drug testing. The desk officer concerned will contact the Medical Division, Monday through Friday, 0700 hours to 1600 hours, within one hour of the incident. All other times, contact the Medical Division Sick Desk. The desk officer will be informed as to the location where the member must be taken for drug and alcohol testing, and will comply with the instructions of the Medical Division supervisor. The member involved MUST remain available for drug and alcohol testing. Unless unavailability is the result of necessary emergency care, a member's failure to be available will be considered a refusal to submit to alcohol and drug testing and will result in disciplinary or other appropriate action.*

If preliminary investigation discloses that any operator committed a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and there is a person who sustained serious physical injury, the patrol supervisor is to administer a Preliminary Breath Test (PBT) to the member of the service operator (unless operator is removed from the scene for immediate medical attention), if qualified to do so. If not qualified, the patrol supervisor will request the response of a qualified Highway Unit supervisor to administer the PBT. If probable cause is established that the member of the service operator is under the influence of alcohol and/or drugs, effect arrest, immediately

NOTE (continued) *notify IAB, and comply with P.G. 208-40, "Intoxicated or Impaired Driver Arrest." Furthermore, the patrol supervisor will ensure civilian operators are requested to submit to a PBT, unless the operator is removed from the scene for immediate medical attention.*

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE (continued)

5. Furnish member involved in collision with two duplicated copies of **Police Accident Report** and set of collision photos for submission to Fleet Services Division and Deputy Commissioner - Management and Budget.
6. Direct member concerned to:
   a. Obtain Police Collision Serial Number from Fleet Services Division and
   b. Bring vehicle, with copy of **Police Accident Report** and set of collision photos, to Fleet Services Division for inspection and estimate of damage.
      (1) If vehicle is inoperable, notify Fleet Services Division to send a qualified person to estimate damage.

NOTE *If vehicle is inoperable, member is entitled to have vehicle removed by Department Tow to one location of choice, within New York City.*

7. Submit four copies of report, on **Typed Letterhead**, to precinct commander, summarizing collision and indicating any driving deficiency.

PRECINCT COMMANDER

8. Investigate, if a deficiency was determined, and take appropriate disciplinary action.
9. Endorse patrol supervisor's report:
   a. If in doubt regarding member's driving ability, request retesting and/or retraining by the Police Academy Driver Training Unit.
   b. Direct a record of collision be entered in the operator's personal folder.
   c. Forward report, as follows:
      (1) Original - Chief of Department
      (2) Duplicate - Personnel Safety Desk
      (3) Triplicate - Deputy Commissioner - Management and Budget
      (4) Quadruplicate - Precinct file.

NOTE *If member is not permanently assigned to precinct of occurrence, indicate on reverse side of **Police Accident Report** that a duplicated copy is required for member's permanent command. Send copy of patrol supervisor's report to commanding officer concerned.*

<u>WHEN CLAIMING REIMBURSEMENT FROM THE CITY FOR DAMAGE TO PRIVATELY OWNED VEHICLES INCURRED IN THE LINE OF DUTY</u>

MEMBER OF THE SERVICE

10. Prepare report, in duplicate, on **Typed Letterhead**, addressed to Deputy Commissioner - Management and Budget, including:
    a. Time and date of occurrence.
    b. Description of incident, including a full description of auto: year, make, model, number of cylinders and registration.

MEMBER OF THE SERVICE (continued)

c. A copy of any entry made in other Department record(s), regarding particulars of collision, as appropriate.
d. Statement that member is not claiming reimbursement for property damage from a private insurance carrier.
e. Statement that upon receipt of reimbursement from the city, the member will assign to the city any rights to reimbursement for property damage arising from the incident.

11. Obtain and attach to report:
    a. Damage estimates from two separate auto body collision repair shops
    b. Copy of **Police Accident Report**.

NOTE *If vehicle is inoperable only one outside estimate is required.*

12. Submit report, with attachments, to commanding officer.

COMMANDING OFFICER, MEMBER CONCERNED

13. Investigate and endorse request, to include:
    a. Facts as stated in request.
    b. Whether member had authorization to use vehicle at time of incident.
    c. Existence of any other official record(s) covering date and time of occurrence.
    d. Recommendation to APPROVE/DISAPPROVE request.
14. Forward report, with attachments, to commanding officer of next higher level of command.

COMMANDING OFFICER, NEXT HIGHER LEVEL OF COMMAND

15. Review request and attachments.
16. Indicate APPROVAL/DISAPPROVAL of request.
17. Forward, through channels, to Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

18. Review request and attachments.
    a. Endorse to the Director, Fleet Services Division.

FLEET SERVICES DIVISION

19. Examine private vehicle of member concerned.
    a. Prepare an estimate of repairs
    b. Forward estimate with recommendations of amount to be paid to Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

20. Review request and recommendation.
21. Determine reimbursement amount, if any.
22. Prepare affidavit and assignment.
    a. Forward to member concerned requesting notarized signature.

MEMBER OF THE SERVICE

23. Sign and have notarized the affidavit and assignment form.
24. Return to Deputy Commissioner - Management and Budget (DIRECT).

DEPUTY COMMISSIONER MANAGEMENT AND BUDGET

25. Indicate APPROVAL or DISAPPROVAL, upon receipt of affidavit and assignment form.
26. Return DISAPPROVED requests to requesting member by endorsement.
27. Forward APPROVED request with affidavit to Audits and Accounts Unit for payment processing.
    a. Forward two copies of approved payments eligible for subrogation to Deputy Commissioner - Legal Matters.

AUDITS AND ACCOUNTS UNIT

28. Process reimbursement payments approved by Deputy Commissioner - Management and Budget.

DEPUTY COMMISSIONER LEGAL MATTERS

29. Review reimbursement payments forwarded by Deputy Commissioner-Management and Budget.
30. Determine if cases should be forwarded to the appropriate city agency for the recovery of reimbursements paid by the Department (subrogation).

ADDITIONAL DATA

*Vandalism to vehicles will be reported to the Fleet Services Division, on **Typed Letterhead**, and delivered with the vehicle to that unit.*

The Police Department will not bear responsibility for any personal items stolen from the vehicle or damaged in the collision.

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Vehicle Collisions - General Procedure (P.G. 217-01)
Private Vehicles Authorization (A.G. 325-14)

FORMS AND REPORTS

Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Typed Letterhead

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-08	
AIRCRAFT ACCIDENTS			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To determine the cause of, and record data concerning aircraft accidents.

PROCEDURE On arrival at the scene of an aircraft accident follow *P.G. 216-01, "Aided Cases - General Procedure,"* and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond.
2. Notify the desk officer.
3. Detain pilot and aircraft.
4. Safeguard evidence until examined by authorized personnel.
5. Advise the owner or pilot of his responsibility to report the accident to the desk officer within ten hours and that failure to do so is a misdemeanor.

DESK OFFICER

6. Notify:
   a. Detective squad concerned
   b. Operations Unit
   c. Duty captain
   d. Borough office.

SUPERVISING OFFICER IN COMMAND

7. Prepare and forward report of unusual occurrence with two extra copies for Commanding Officer, Special Operations Division.

NOTE *An authorized investigator, FAA or Aviation Unit, determines the cause of the accident, supplies the necessary information to the detective concerned and recommends the release of the pilot and the plane when feasible.*

FORMS AND REPORTS ***UNUSUAL OCCURRENCE REPORT (PD370-152)***

PURPOSE To direct the response of designated tow trucks, through the Communications Section, to the scene of vehicular collisions, for vehicles which the reporting member deems unsafe to be driven, except that an operator of a vehicle with a gross vehicle weight of fifteen thousand pounds or more may choose their own company to respond.

SCOPE This procedure does not include collisions occurring in tunnels, on bridges, or arterial highways serviced by franchised towing companies under permits issued by Department of Transportation (see *P.G. 212-08, "Activity Logs"*). Additionally, Administrative Code Section 20-524, Subdivision "c," exempts any governmental agency from the operation of this law. Therefore, when a government vehicle is damaged in a collision, the operator of the vehicle may call his or her own tow service.

Pertinent provisions of the Administrative Code applicable to the Directed Accident Response Program state:

a. Section 20-518 (a) (3) - All participants in the program shall maintain a business premises that is under exclusive control of the participant, is not used by any other towing company and is the premises listed on such participant's license to engage in towing. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and towers dispatched, and where all records required by this subchapter or any rules promulgated thereunder are maintained.

b. Section 20-518 (b) - The vehicle removed from the collision scene at the direction of the Police Department shall be removed by a tow truck of a company participating in the Directed Accident Response Program. At all times the vehicle shall be stored within such storage facility as listed on the license of the towing company responding to the Police Department's direction to remove the vehicle. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company.

PROCEDURE Upon arrival at a collision scene:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with pertinent provisions of *P.G. 217-01, "Vehicle Collisions – General Procedure."*
2. Ascertain if vehicle(s) can be safely driven, or if towing is required using reasonableness as a standard.
   a. Operators of government vehicles or vehicles with a maximum gross vehicle weight of fifteen thousand pounds or more may use their own tow company.
   b. A uniformed member may authorize the removal of a vehicle which cannot be safely driven if the owner/operator is incapacitated, is not present, or refuses to authorize the tow.

NOTE *Once the uniformed member makes a determination that a tow truck is needed, the request may not be cancelled.*

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Notify Communications Section dispatcher when towing service is needed.
   a. The notification will include the color, body type and plate number(s) of the vehicle(s) requiring a tow.

NOTE *DO NOT TRANSMIT THE MAKE, MODEL OR YEAR OF THE DISABLED VEHICLE(S) INVOLVED IN A COLLISION.*

COMMUNI-CATIONS SECTION DISPATCHER

4. Inform uniformed member at the scene of the name of the towing company responding.
5. Dispatch patrol supervisor.

NOTE *The Directed Accident Response Program operator at the Communications Section will maintain a list of tow companies participating in each zone and will make notifications on a strict rotation basis. PRECINCT COMMANDS ARE NOT AUTHORIZED TO MAKE NOTIFICATIONS.*

UNIFORMED MEMBER OF THE SERVICE

6. Allow only the tow truck dispatched by the Communications Section to remove vehicle(s), except:
   a. Where motorist(s) indicates that a private towing company will be requested and the vehicle involved has a gross vehicle weight of fifteen thousand pounds or more.
   b. Arrest evidence vehicles
   c. Vehicles held as investigatory evidence
   d. Vehicles subject to the Rotation Tow Program as stolen or abandoned
   e. Government vehicles.
7. Remain on scene for thirty minutes after radio dispatcher advises which tow company is responding.

NOTE *If the assigned tow company is not on the scene within thirty minutes of being assigned by the Communications Section, the uniformed member will request the Communications Section to cancel the initially requested tow company and assign the next tow company in the rotation. The uniformed member will prepare a **REPORT OF VIOLATION (PD672-151)** for the tow company that was cancelled and advise the dispatcher when resuming patrol. The Communications Section Dispatcher will enter the appropriate final disposition code to indicate the unit has departed the collision scene prior to the arrival of the DARP tow operator (Code Signal 10-99T9).*

8. Inform motorist(s) involved of name of tow company responding.
   a. Supply the motorist(s) involved with the telephone number of the Directed Accident Response Program operator and instruct the motorist(s) to call after thirty minutes, if the tow truck has not arrived. Inform the motorist to be prepared to give the Directed Accident Response Program operator both the vehicle plate number and the location of the collision.

UNIFORMED MEMBER OF THE SERVICE (continued)

9. Enter tow company information on **Police Accident Report (MV104AN)** only when the vehicle is towed and the tow company is known.
10. Comply with the following, if an unsolicited tow truck arrives or is found at the scene:
    a. If there is probable cause to believe that a tow operator has traveled enroute to, or responded to the collision scene without having a specific request for service from a person in charge of either a government vehicle or a vehicle with a maximum gross vehicle weight of fifteen thousand pounds or more or from the Police Department, issue summons for violation of Administrative Code, Section 20-518(b)(2) (unsolicited response by tow operator).
        (1) Prepare a **REPORT OF VIOLATION**.
    b. In those cases where there is probable cause to believe that a tow operator has solicited any of the involved parties, issue an additional summons for violation of Administrative Code, Section 20-515, subdivision (b) (soliciting for towing at the scene of a vehicular collision). This also applies to persons soliciting at a collision scene from a private vehicle.
        (1) Include this additional information on the **REPORT OF VIOLATION**.
    c. Seize any unlicensed tow truck which is observed either, (1) responding to a collision scene, or (2) parked in the vicinity of the collision while the operator of the tow truck is observed offering to tow a vehicle with the tow truck, or (3) present at the collision scene (see *P.G. 209-29, "Seizure of Unlicensed Tow Trucks"*).

PATROL SUPERVISOR

11. Respond to location and supervise the removal of involved vehicles.
12. Supervise the issuance of summonses to tow truck operators when summonses are issued.
13. Insure the preparation of **REPORT OF VIOLATION** when warranted.
    a. If a witness advises that a tow company removed a vehicle from the scene prior to the officer's arrival have **REPORT OF VIOLATION** prepared. Include witness' name, address and telephone number, if obtained.

DESK OFFICER

14. Direct reporting officer to have information regarding a vehicle which is towed without the owner/operator's knowledge (e.g., operator unconscious and removed to hospital, no operator with vehicle, vehicle was parked and is now impeding traffic, etc.) entered into the FINEST system utilizing the "IMPOUND" screen.
    a. Ensure that notification is sent to registered owner of vehicle.

NOTE *If inquiry is made at stationhouse and information is not available through FINEST System "IMPOUND" screen, call DARP operator for vehicle's location.*

DESK OFFICER (continued)

15. Review and sign **REPORT OF VIOLATION**.
16. Assign precinct serial number to **REPORT OF VIOLATION**.
17. Have **REPORT OF VIOLATION** forwarded to Department of Consumer Affairs, Licensing Enforcement Section, 42 Broadway, New York, New York 10004.

ADDITIONAL DATA

The tow truck dispatched by the Directed Accident Response Program will possess, and must present for inspection, a "Tow Authorization" form that must include a Department of Consumer Affairs license number. The tow trucks and tow operators must be licensed by the Department of Consumer Affairs.

Uniformed members advising the radio dispatcher of a final disposition from the scene of a collision must utilize one of the following disposition codes as it pertains to that particular collision situation:

a. 10-99T4 Vehicle Collision (No tow required)
b. 10-99T5 Vehicle Collision (D.A.R.P. tow service)
c. 10-99T6 Vehicle Collision (Other tow service)
d. 10-99T7 Vehicle Collision (D.A.R.P. and other tow service)
e. 10-99T8 Vehicle Collision (Highway-authorized tow service)
f. 10-99T9 Vehicle Collision (D.A.R.P. requested, waited thirty minutes, made second request, resumed patrol)

*The following violations of Department of Consumer Affairs regulations will be entered under "Additional Information" on **REPORT OF VIOLATION**:*

a. UNJUSTIFIABLE REFUSAL to accept towing assignments
(1) Violation - Article XI, subdivision F (DARP)
b. REPEATED UNJUSTIFIABLE REFUSALS to accept towing assignments
(1) Violation - Article XI, subdivision L (DARP). (List times and dates of such refusals).

Uniformed members of the service will refrain from using any other final disposition code when a vehicle collision is involved EXCEPT if upon arrival, the vehicle(s) is not at the scene and there is no information available concerning how it was removed. In this instance, Code Signal 10-90Z [Gone on Arrival] will be utilized.

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)
Seizure of Unlicensed Tow Trucks (P.G. 209-29)

FORMS AND REPORTS

Police Accident Report (MV104AN)
REPORT OF VIOLATION (PD672-151)

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-10	
ACCIDENTS - DEPARTMENT PROPERTY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To report damage to Department property other than Department vehicles.

PROCEDURE Upon discovery of damaged property:

UNIFORMED MEMBER OF THE SERVICE

1. Report facts to desk officer and make digital **Activity Log** entry.

DESK OFFICER

2. Have patrol supervisor investigate facts and prepare report, including:
   a. Date and time of occurrence
   b. Details
   c. Department property involved
   d. Damage to other property
   e. Owner of that property
   f. Action
   g. Witnesses
   h. Brief description of injury.

PATROL SUPERVISOR

3. Submit report to command clerk.

COMMAND CLERK

4. Type report on **Typed Letterhead** (four copies).
   a. Submit to desk officer/counterpart.

DESK OFFICER

5. Have patrol supervisor sign report.
6. File one copy of report and forward three copies, direct, as follows:

PROPERTY	**TO**
Booths, buildings	Deputy Commissioner - Management & Budget, Facilities Management Division
Horses	Mounted Unit
Aircraft, launches	Office of the Chief of Special Operations

RELATED PROCEDURES *Department Vehicle Collisions (P.G. 217-06)*

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-11

ACCIDENTS - NEW YORK CITY HOUSING AUTHORITY INVOLVED

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
04/13/21	04/13/21		1 of 2

PURPOSE To assist the New York City Housing Authority in processing cases in which the New York City Housing Authority may be a plaintiff or defendant.

DEFINITION N.Y.C.H.A. INVOLVED - ALL accidents involving serious injury or death, or an aided case which may involve the Housing Authority in legal action.

PROCEDURE When it is determined that the New York City Housing Authority may be involved in legal action, comply with normal aided or accident procedures and in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **FIELD REPORT**, using the Finest Online Records Management System (FORMS).
   a. A legible handwritten copy must be completed if a uniformed member of the service does not have the ability to complete a **FIELD REPORT** electronically.
2. Ensure that **FIELD REPORT** contains:
   a. Contributory conditions of areas, i.e., no lights in stairwell, rubbish on stairs, broken sidewalk, icy condition, etc., OR
   b. Non-contributory conditions of area, i.e., stairwell well lighted, dry, no obstructions noted, sidewalk dry and clear of obstructions, etc.
3. Telephone PSA desk officer and report all pertinent details of the incident.

DESK OFFICER

4. Make determination as to the severity of the incident and in appropriate cases, make the following notifications:
   a. During business hours, Monday through Friday, notify the manager of the Housing Authority location concerned, when appropriate, AND forward copies of all reports prepared to the New York City Housing Authority, Law Department Tort Division, 75 Park Place, 11th Floor, New York, New York 10007.
   b. After business hours and on holidays and weekends, notifications will be made in accordance with subdivision "a" above, by the desk officer on the next business day following the incident.
5. Make appropriate Command Log entry of notification, including name of person notified.

ADDITIONAL DATA

Notifications with respect to serious injury or death incurred as a result of a criminal action shall be excluded from the provisions of this procedure.

*Copies of all reports, including **ACCIDENT REPORT - CITY INVOLVED (PD301-155)** if prepared, will be forwarded to the Housing Authority Insurance Division for informational purposes (see P.G. 217-04, "Accidents and Collisions - City Involved").*

It is not unusual for claims to arise in favor of the Housing Authority in certain accidents. It is the policy of the Housing Authority to pursue such claims. Members of the service at the scene of an accident involving the Housing Authority, will detail circumstances which may support claims by the Housing Authority against private entities. Additionally, members will obtain names and addresses of witnesses at the scene, including potential witnesses favorable to the Housing Authority. Full cooperation with the Housing Authority or the New York City Law Department in pursuing these claims is mandatory.

RELATED PROCEDURES *Accidents and Collisions - City Involved (P.G. 217-04)*

FORMS AND REPORTS ***ACCIDENT REPORT - CITY INVOLVED (PD301-155)***
FIELD REPORT (313-1511)

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-12	
NOTIFICATIONS - CERTAIN ACCIDENT CASES			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To notify concerned agencies in certain accident cases.

PROCEDURE Upon being informed of any of the following types of accidents:

DESK OFFICER

1. Notify Operations Unit direct if incident involves:
   a. Bridge, on, near or affecting dock, affecting structure
   b. Explosives, vehicle transporting
   c. Police signal box damaged (also notify Communications Section)
   d. Railroad, other than subway
   e. Sprinkler system inoperative
   f. Tunnel, in or affecting
   g. Construction site, serious injury or death
   h. Elevator, escalator or amusement ride, serious injury or death and there is an apparent or actual malfunction or defect in the equipment.
2. Notify the agency direct if incident involves:

• Building, affecting structure	➢ Department of Buildings (see ADD'L DATA)
• Bus, MTA	➢ N.Y.C. Transit
• Crane	➢ Department of Buildings (see ADD'L DATA)
• Elevator	➢ Department of Buildings (see ADD'L DATA)
• Fire alarm box or post damaged	➢ Fire Dept., Borough Fire Headquarters
• Housing, persons requiring shelter	➢ Dept. of Social Services
• Scaffold	➢ Department of Buildings (see ADD'L DATA)
• Subway	➢ N.Y.C. Transit

ADDITIONAL DATA *The New York City Department of Buildings can be notified twenty-four hours a day, seven days a week, through the Office of Emergency Management's (OEM) Watch Command.*

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-13

PREPARING, AMENDING, AND RELEASING POLICE ACCIDENT REPORTS (MV 104AN) TO INVOLVED PARTIES APPEARING IN PERSON AT A POLICE FACILITY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/26/14	09/26/14		1 of 3

PURPOSE To minimize the means by which any involved party, that has an interest in a motor vehicle collision which has occurred, can commit insurance fraud.

DEFINITION INVOLVED PARTY- Any person/party(s) having an interest in a motor vehicle collision which has occurred. This would include, but is not limited to, the following: motorists, passengers, property owners (whose property is damaged as a result of the collision), an executor or administrator of the estate, next of kin, or insurance beneficiary of person killed in the collision, the parent or guardian of a minor involved in the collision, spouses, insurance company representatives, dependents in a Worker's Compensation claim, and attorneys.

PROCEDURE When an involved party appears in person at a police facility and requests that a **Police Accident Report (MV104AN)** be prepared, amended or released for a collision which occurred within the last thirty days:

DESK OFFICER

1. Interview and verify identification of party requesting copy of **Police Accident Report**.
2. Direct involved party to traffic safety officer/assigned uniformed member of the service in order to proceed with request.

TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE

3. Ask involved party requesting copy of **Police Accident Report**:
   a. To prepare **REQUEST FOR COPY OF COLLISION RECORD (PD301-165)**
   b. When and where collision occurred, and
   c. To present a current, valid form of photo identification (i.e., driver's license, passport, etc.)
      (1) No request will be honored without a current, valid form of photo identification
   d. An attorney must also present a notarized letter signed by the party concerned, stating that he/she is being represented by the attorney.
4. Make:
   a. Two photocopies of **Police Accident Report**
   b. One photocopy of involved party's photo identification.
5. Ensure that copies of **Police Accident Report** are correct.
6. Indicate name of person receiving copy of **Police Accident Report** on **REQUEST FOR COPY OF COLLISION RECORD**.
7. Submit **REQUEST FOR COPY OF COLLISION RECORD** to the desk officer.

DESK OFFICER

8. Sign caption on **REQUEST FOR COPY OF COLLISION RECORD** verifying proper completion of form.

TRAFFIC SAFETY OFFICER/ ASSIGNED UNIFORMED MEMBER OF THE SERVICE

9. Give one copy of **Police Accident Report** along with a copy of **REQUEST FOR COPY OF COLLISION RECORD** to requestor.
10. Staple to the original **REQUEST FOR COPY OF COLLISION RECORD**:
    a. Photocopy of **Police Accident Report**
    b. Photocopy of photo identification with **Police Accident Report** number written on the top right hand corner.
11. File chronologically on a daily basis.

INTEGRITY CONTROL OFFICER

12. Check a minimum of fifteen file copies of **REQUEST FOR COPY OF COLLISION RECORD** on a quarterly basis to ensure completed forms were verified by a supervisor.
    a. These checks will become part of the command's self inspection system.

ADDITIONAL DATA

*PREPARATION OF **POLICE ACCIDENT REPORT** AT POLICE FACILITY*

*Uniformed members of the service are required by law to complete a **Police Accident Report** and investigate the facts whenever any person(s)/party appears at a police facility and reports the following:*

ANY COLLISION which:

a. Results in serious injury or death to a person which must be investigated in accordance with P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"

b. Results in injury to a person and the motor vehicle collision in question is being reported within five days after such collision

c. Involves a commercial vehicle where the damage incurred is disabling enough to result in a vehicle being towed from the collision scene and the motor vehicle collision in question is being reported within five days after such collision.

*Regarding the above circumstances, if the criteria as stated are met, the person/party requesting the completion of a **Police Accident Report** will be referred to the command where the collision took place. ONLY A UNIFORMED MEMBER OF THE SERVICE (UMOS) will prepare a **Police Accident Report**. The UMOS concerned will ask to view the vehicle in question (if available), and interview those claiming to be party to the collision (if present), before completing the **Police Accident Report**. In ALL cases, the UMOS must note in the "Accident Description/Officer's Notes" section of the **Police Accident Report** whether or not they had the opportunity to actually view the vehicle or interview the person(s) involved in the collision.*

*Any person(s)/party appearing in person at a police facility and requesting initial preparation of a **Police Accident Report** for a collision that does not meet the above criteria shall instead be given a copy of New York State Department of Motor Vehicles form, **Report of Motor Vehicle Accident (MV104)** to complete and submit on their own.*

*Any person(s)/party appearing in person at a police facility and requesting that a **Police Accident Report** be completed for them, where property damage to a vehicle or personal injury is involved, and the operator of one of the vehicles has fled the scene without*

ADDITIONAL DATA (continued)

reporting, will be referred to the command where the collision occurred (see P.G. 217-05, "Leaving the Scene of a Collision").

***REQUEST FOR COPY OF COLLISION RECORD** SUBMITTED BY MAIL*

*If involved party opts to file a **REQUEST FOR COPY OF COLLISION RECORD** by mail, instruct them on what valid form of identification must be included with their request in order to receive a copy of a **Police Accident Report**. Any mail request not accompanied by a photocopy of a current, valid form of photo identification, i.e., driver's license, passport, etc., and a self-addressed stamped envelope, will be returned. When the request is received along with a valid form of identification, place a copy of **Police Accident Report** in self-addressed stamped envelope and mail to requestor.*

*AMENDING A **POLICE ACCIDENT REPORT***

*A uniformed member of the service is not mandated to amend a previously completed **Police Accident Report** upon request by any person/party appearing in person at a police facility. The uniformed member may elect to do so if:*

a. In their discretion a change is warranted and

b. He/she is the officer of record.

*Absent these criteria the member can recommend that the requesting party complete **Report of Motor Vehicle Accident (MV104)** and submit to the Accident Records Bureau in Albany (address on rear of form). If a **Police Accident Report** is amended by the uniformed member of the service the caption at the top of the form, "AMENDED REPORT" must be checked.*

*REQUEST FOR **POLICE ACCIDENT REPORT** AFTER THIRTY DAYS*

*Requests for **Police Accident Reports** made after thirty days should be made directly to the New York State Department of Motor Vehicles, utilizing New York State Department of Motor Vehicles form, "**Request for Copy of Accident Report.**" Person making the request will be given all information necessary to complete this form.*

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Leaving the Scene of a Collision (P.G. 217-05)

FORMS AND REPORTS

REQUEST FOR COPY OF COLLISION RECORD (PD301-165)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-14

PREPARATION OF POLICE ACCIDENT REPORTS (MV 104 AN) FOR COLLISIONS OCCURRING ON HIGHWAYS, BRIDGES AND TUNNELS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/19/13	08/19/13		1 of 2

PURPOSE To ensure that the appropriate reference marker numerals/letters are utilized when preparing a **Police Accident Report (MV104AN)**.

PROCEDURE Upon notification or observation of a vehicle collision occurring on limited access highways, collector-distributor roadways (CDRs), entrance and exit ramps, and bridges and tunnels (Metropolitan Transportation Authority facilities, Brooklyn and Williamsburg Bridges, etc.):

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 217-01, "Vehicle Collisions - General Procedure."*
2. Locate the nearest reference marker to the collision site for collisions occurring on highways, CDRs, and ramps only.
3. Utilize and refer to the Limited Access Highway Reference Marker Listing book (maintained at each command) to determine the proper reference marker:
   a. For collisions occurring on bridges or in tunnels
      (1) The Limited Access Highway Reference Marker Listing (maintained at each command) must be used for reporting collisions occurring on bridges and in tunnels. Reference markers (if any) actually posted on bridges or in tunnels near a collision site will not be entered on **Police Accident Reports**.
   b. In instances where a reference marker is missing, cannot be seen due to inclement weather, etc.
4. Enter the numerals/letters taken from the reference marker near the collision site or the Limited Access Highway Reference Marker Listing book as appropriate, into the twelve box caption titled "Reference Marker" on the **Police Accident Report** (see "ADDITIONAL DATA").

COMMAND CLERICAL STAFF MEMBER

5. Record collision into the On-Line Accident Index.
6. Enter reference marker numerals/letters on the "ADD ACCIDENT" screen in the caption titled "IF HIGHWAY OR BRIDGE, ENTER REFERENCE MARKER".

TRAFFIC SAFETY OFFICER

7. Review all **Police Accident Reports** for completeness and accuracy.
8. Ensure "Reference Marker" caption is completed when required.
9. Update On-Line Accident Index.

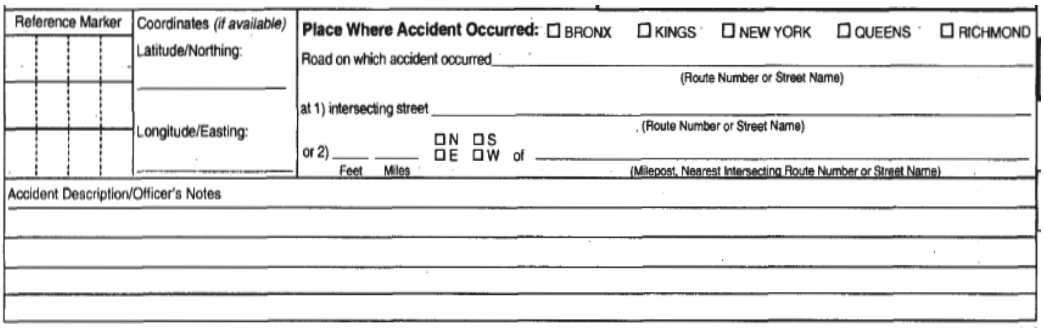
ADDITIONAL DATA

INCLUSION OF REFERENCE MARKER ON ***POLICE ACCIDENT REPORT***

The 9 inch x 8 inch green-colored Reference Marker depicted below is located every one-tenth of a mile on limited access highways, collector-distributor roadways, and entrance and exit ramps:

9	0	7	N
B	5	C	1
4	C	0	3

Twelve box "Reference Marker" caption as seen on ***Police Accident Report****:*



RELATED PROCEDURES

Traffic Safety Officer (P.G. 202-28)
Vehicle Collisions - General Procedure (P.G. 217-01)

FORMS AND REPORTS

Police Accident Report (MV104AN)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-15

COLLISION REPORT - POLICE DEPARTMENT VEHICLE DATA ENTRY SYSTEM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/03/21	03/03/21		1 of 2

PURPOSE To provide a means to more effectively and clearly document Department vehicle collisions and provide the Personnel Safety Desk and Traffic Safety Forum with data in an expeditious manner.

SCOPE Traffic Safety Officers will be able to enter data from any Intranet-capable terminal within their command. All of the information necessary to complete the data entry can be found on the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)** and the **Police Accident Report (MV-104AN)**.

PROCEDURE When a collision occurs involving a vehicle owned, leased, or rented by the Department, the Traffic Safety Officer in the precinct of occurrence will enter all pertinent information into the database as follows:

PRECINCT TRAFFIC SAFETY OFFICER

1. Obtain copies of reports relating to all Department vehicle collisions occurring within the geographical confines of the precinct.

NOTE *It is the responsibility of the Traffic Safety Officer to obtain copies of reports involving members of the service not assigned to the precinct of occurrence as well as all reports involving rented and leased vehicles as set forth in P.G. 217-06, "Department Vehicle Collisions."*

2. Login to the Department's Intranet "Department Vehicle Accident Database."
3. Enter all data from Parts "A" and "B" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** and data from the **Police Accident Report** within seventy-two hours of the collision, without waiting for final agency determination.
4. Coordinate efforts with Commanding Officer to obtain agency final determination within thirty days of the collision.
5. Enter data from Part "C" of the **COLLISION REPORT – POLICE DEPARTMENT VEHICLE** including agency final determination into database within thirty days of the collision.

DESK OFFICER PRECINCT OF OCCURRENCE

6. Fax all reports prepared regarding Department vehicle collisions to the Personnel Safety Desk, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

PRECINCT COMMANDER

7. Ensure that the endorsed copies of all reports are forwarded to the Personnel Safety Desk, Patrol Borough concerned and placed in the member's personal folder, as indicated in *P.G. 217-06, "Department Vehicle Collisions."*

NOTE *In addition to the steps outlined in this procedure, members of the service will continue to comply with the procedures required for Department Vehicle Collisions as set forth in P.G. 217-06, "Department Vehicle Collisions." All questions concerning the Police Department Vehicle Data Entry System may be directed to the Personnel Safety Desk, during normal business hours.*

ADDITIONAL DATA *All information captured on the* ***COLLISION REPORT – POLICE DEPARTMENT VEHICLE*** *will be entered into the Intranet Database, as well as the following data from the* ***Police Accident Report****.*

1. *Pedestrian/Bicyclist/Location*
2. *Pedestrian/Bicyclist/Action*
3. *Traffic Control*
4. *Light Conditions*
5. *Roadway Character*
6. *Weather*
7. *Apparent Contributing Factors*
8. *Direction of Vehicle*
9. *Pre-accident Vehicle Action*
10. *Location of First Event*
11. *Type of Accident-Collision with:*
12. *Collision Type:*

If a question DOES NOT APPLY, a dash (-) will be entered in the database.
If an answer is UNKNOWN, an (X) will be entered in the database.

RELATED PROCEDURES *Department Vehicle Collisions (P.G. 217-06)*

FORMS AND REPORTS ***Police Accident Report (MV-104AN)***
COLLISION REPORT – POLICE DEPARTMENT VEHICLE (PD301-153)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-16

CHEMICAL TEST WARRANT APPLICATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
02/04/15	02/04/15		1 of 5

PURPOSE To apply for a chemical test warrant.

DEFINITION CHEMICAL TEST WARRANT – A Court Order and process directing medical personnel to draw blood from a person suspected of driving while under the influence of alcohol or drugs while causing serious physical injury or death to another individual, in order to determine the alcoholic or drug content of the person's blood. A chemical test warrant will be applied for if a prisoner, arrested for Driving While Intoxicated involving a vehicle collision resulting in serious physical injury or death to another individual, has refused to submit to a chemical test or is unconscious and has been under arrest for more than two hours without being subjected to a chemical test.

PROCEDURE When a uniformed member of the service has reasonable cause to believe that a person, suspected of operating a vehicle while under the influence of alcohol or drugs, is involved in a collision resulting in serious physical injury or death to another individual, and has refused to submit to a chemical test, or is unconscious and has been under arrest for more than two hours without having been subjected to a chemical test:

PATROL SUPERVISOR

1. Request Communications Section dispatcher to dispatch Highway District personnel to designated testing location or hospital, as appropriate.

DESK OFFICER, PRECINCT OF ARREST

2. Contact Operations Unit and request a notification be made to District Attorney's Office.
3. Provide Operations Unit member with the following:
   a. Arresting officer's name, tax registry number, shield number and command
   b. Prisoner's pedigree information
   c. Desk telephone number of designated testing location.
4. Make Telephone Record entry regarding notification.

OPERATIONS UNIT MEMBER

5. Notify appropriate District Attorney's Office.
6. Provide assistant district attorney with the following:
   a. Arresting officer's name, tax registry number, shield number, and command
   b. Desk telephone number of designated testing location
   c. Prisoner's pedigree information.
7. Notify desk officer, precinct of arrest and provide assistant district attorney's name and telephone number.

ARRESTING OFFICER

8. Notify desk officer, precinct of arrest, if one hour has passed and assistant district attorney has not initiated contact at designated testing location.

DESK OFFICER, PRECINCT OF ARREST

9. Contact assistant district attorney supervisor and Operations Unit, if one hour has passed and assistant district attorney has not conferred with arresting officer.
   a. Record phone call attempt(s) in Telephone Record
   b. Contact assistant district attorney supervisor every thirty minutes thereafter until assistant district attorney has been contacted.

ARRESTING OFFICER

10. Inform assistant district attorney of details of arrest.
11. Comply with instructions of assistant district attorney regarding arrest process.
12. Complete all necessary arrest paperwork, as per *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury"* and *P.G. 208-40, "Intoxicated or Impaired Driver Arrest."*
13. Complete **CHEMICAL TEST WARRANT APPLICATION (PD374-041)**.

NOTE *To apply for a chemical test warrant, the member of the service concerned must be able to articulate to the assistant district attorney and to the judge that he/she has reasonable cause to believe the defendant:*

a. Operated a vehicle and during said operation,
b. Killed or caused a serious physical injury to another individual,
c. Was intoxicated or impaired by alcohol or drugs,
d. Is under arrest, and
e. Has refused a chemical test, or is unconscious and has been under arrest for <u>more</u> than two hours without having been subjected to a chemical test.

Members of the service are reminded that if an operator suffers a serious physical injury and <u>no other person</u> suffers a serious physical injury or death, a chemical test warrant can not be applied for that operator.

I.D.T.U. TECHNICIAN

14. Respond to designated testing location or hospital, as appropriate.
15. Prepare and sign **Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)**, when applicable.
    a. Have arresting officer sign **Report of Refusal to Submit to Chemical Test**.
16. Distribute copies of **Report of Refusal to Submit to Chemical Test** as indicated on form.
    a. Arresting officer must bring two copies for the assistant district attorney when the complaint is drawn.

NOTE *If prisoner refuses to submit to chemical test or any portion thereof, maintain the initial charge for which the prisoner was arrested unless new evidence warrants a change in charge. The arresting officer must be able to articulate circumstances which led to original charge of Intoxicated or Impaired Driving (e.g., witnessed prisoner operating vehicle, slurred speech, odor of alcohol on breath, etc.). After arraignment, the court will forward to the arresting officer a **NOTICE OF SUSPENSION** and/or **NOTICE OF HEARING** form with instructions to appear at a designated date, time and place for a hearing, which will be within fifteen days of the arraignment. Roll call personnel will schedule the arresting officer accordingly.*

17. Supply arresting officer with <u>chemical test evidence kit</u>.

UPON APPROVAL OF CHEMICAL TEST WARRANT APPLICATION

DESK OFFICER, TESTING LOCATION

18. Provide transportation for arresting officer and prisoner to designated hospital for administration of chemical test.
19. Make Command Log entry consisting of the following:
    a. Arresting officer name and shield
    b. Prisoner's pedigree information
    c. Department auto number of the vehicle used for transport
    d. Time of transport.

ARRESTING OFFICER

20. Upon arrival, inform and submit chemical test warrant and chemical test evidence kit to hospital personnel.
21. Notify assistant district attorney and Operations Unit, if hospital personnel do not comply with chemical test warrant.
22. Comply with instructions of assistant district attorney.
23. Comply with *P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME),"* upon receiving chemical test evidence kit.

DESK OFFICER, TESTING LOCATION

24. Ensure prisoner is transported to borough court section facility or designated testing location to complete arrest processing, as appropriate.

IF CHEMICAL TEST WARRANT APPLICATION IS DENIED

ARRESTING OFFICER

25. Inform desk officer of testing location of **CHEMICAL TEST WARRANT APPLICATION** denial.
26. Comply with assistant district attorney instructions regarding continuation of arrest processing.

DESK OFFICER, TESTING LOCATION

27. Make Command Log entry regarding chemical test warrant application denial.
28. Ensure prisoner is transported to borough court section facility.

ADDITIONAL DATA

If prisoner has been removed from the scene of incident to the hospital and is unconscious, the arresting officer will request the Communications Section dispatcher to dispatch Highway District personnel to respond to the hospital and deliver the chemical test evidence kit. Any chemical samples taken by hospital personnel will be witnessed, sealed, and marked by Highway District personnel and delivered to the Police Laboratory by the arresting officer to ensure chain of custody. Members are reminded that if more than two hours have elapsed since arrest, and the unconscious prisoner has not been subjected to a chemical test, a chemical test warrant must be obtained.

Members of the service are reminded that the Legal Bureau is available for assistance and guidance regarding the application for a chemical test warrant, Monday through Friday, 0700 to 2300 hours. After hours, members may contact the Operations Unit for a notification to a Department Attorney.

RELATED PROCEDURES

Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (OCME) (P.G. 218-49)

FORMS AND REPORTS

CHEMICAL TEST WARRANT APPLICATION (PD374-041)
Report of Refusal to Submit to Chemical Test (NYSDMV AA-134)

APPENDIX "A"

(SAMPLE COURT ORDERED CHEMICAL TEST WARRANT)

[CRIMINAL OR SUPREME] COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK
TO ANY POLICE OFFICER IN THE CITY OF NEW YORK

Proof by affidavit having been made this day before me by Officer [NAME], Shield # [NUMBER], of [COMMAND and DEPARTMENT] (i) that there is reasonable cause to believe that [NAME OF DEFENDANT] blood contains evidence of drug or alcohol use, in violation of Vehicle and Traffic Law 1192

YOU ARE THEREFORE COMMANDED, at any hour of the day or night, to compel the defendant to submit to a chemical test pursuant to Vehicle and Traffic Law Section 1194(3); and that it is further

ORDERED that a person authorized, pursuant to § 1194 of the V.T.L. withdraw a sufficient amount of blood from the defendant, for the purpose of conducting a chemical test of the alcohol or drug content of that blood; and it is further

ORDERED that the testing be conducted on the defendant's blood sample for the purpose of determining the presence of drugs or alcohol; and it is further

ORDERED that the defendant shall submit to the withdrawal of blood sufficient for a chemical test of the alcohol or drug content of his/her blood and that any reasonable degree of force necessary to effect this order may be used; and it is further

ORDERED that the property seized may be maintained in the care and custody of the New York City Police Department and or its agents, including the Office of the Chief Medical Examiner.

_____
Judge of the Criminal/Supreme Court

Dated: _____

PATROL GUIDE

Section: Vehicle Collisions		Procedure No: 217-17
BICYCLE COLLISIONS – GENERAL PROCEDURE		
DATE EFFECTIVE: 06/09/21	LAST REVISION: I.O.40	PAGE: 1 of 4

PURPOSE To record bicycle only and bicycle/pedestrian collisions not involving a motor vehicle.

DEFINITIONS BICYCLE – Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children.

E-BIKE (ELECTRIC ASSIST BICYCLE) – A bicycle which is not more than 36 inches wide and has an electric motor of less than 750 watts, equipped with or without operable pedals. There are three classes of E-Bikes:

a. CLASS 1 – E-Bike that has a maximum speed of 20 mph and will only provide assistance while the person is pedaling.
b. CLASS 2 – E-Bike that has a maximum speed of 20 mph and may propel the bicycle without assistance from the operator.
c. CLASS 3 – E-Bike that has a maximum speed of 25 mph and may propel the bicycle without assistance from the operator. This class is only applicable in New York City.

E-SCOOTER (ELECTRIC SCOOTER) – Every device weighing less than one hundred pounds that may have handlebars, has a floorboard that can be stood upon by the operator, and an electric motor; can be powered by the electric motor and/or human power; and has a maximum speed of no more than 20 mph on a paved level surface when powered solely by the electric motor.

NOTE *For the purposes of this procedure "E-Bike" and "E-Scooter" collisions are to be treated in the same manner as bicycle collisions, in accordance with the provisions contained in this procedure.*

MOTORIZED SCOOTER – For the purposes of this procedure, is any wheeled device that has handlebars and is designed to be stood or sat upon by the operator, is powered by a gasoline motor and is capable of propelling the device without human power (i.e., it has a throttle), and cannot be registered with the New York State Department of Motor Vehicles (DMV). The term does not include scooters that can be registered by the DMV, wheelchairs, or other mobility aids designed for use by persons with disabilities; or an electric scooter or an electric assist bicycle as defined above.

NOTE *For the purposes of this procedure, "Motorized Scooter" collisions are to be treated in the same manner as vehicle collisions, and the provisions of P.G. 217-01, "Vehicle Collisions – General Procedure," are to be complied with.*

CRITICAL INJURY – A critical injury will be determined based upon the on-scene assessment of Emergency Medical Services (EMS) personnel.

PROCEDURE When a collision involving a bicycle only or a bicycle and pedestrian occurs:

UNIFORMED MEMBER OF THE SERVICE

1. Render reasonable aid to injured person.
   a. Request an ambulance, if necessary.
2. Request patrol supervisor to respond if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

NOTE *When responding to a collision between a pedestrian or bicyclist and a motor vehicle where the pedestrian or bicyclist was attempting to lawfully cross a street and the motor vehicle operator failed to exercise due care, the member of the service concerned should contemplate taking enforcement action under New York City Administrative Code Section 19-190 as described in Patrol Guide 217-18, "Vehicle Collision – Pedestrian/Bicyclist Right of Way Law."*

PATROL SUPERVISOR

3. Ensure compliance with *Patrol Guide 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if collision resulted in death, serious injury and likely to die, or critical injury to an individual.

UNIFORMED MEMBER OF THE SERVICE

4. Prepare **Police Accident Report (MV104AN)** utilizing the Finest Online Records Management System (FORMS), or if unavailable, a handwritten copy.
   a. Write "NO VEHICLE" on the top of **Police Accident Report**, if handwritten copy is prepared.
   b. Enter information concerning operator of bicycle in section captioned "Vehicle 1."
      (1) Enter the name and address of the bicycle rental company in the applicable registration information captions, if a rental bicycle is involved.
   c. Enter "BIKE" for bicycle or "PCAB" for pedicabs, in "Vehicle Type" caption.
      (1) If handwritten **Police Accident Report** is prepared, include pedicab involvement in "Details" section of **Police Accident Report**.
   d. Ensure "E-Bike (with pedals)," "E-Bike (without pedals)," or "E-Scooter (standing)" category is checked in "Vehicles" section of **Police Accident Report**, whenever an E-Bike/E-Scooter is involved.
      (1) If handwritten **Police Accident Report** is prepared, include E-Bike/E-Scooter involvement in "Details" section of **Police Accident Report**.
   e. Enter information of additional party involved (e.g., bicyclist, pedestrian, pedicab, etc.).
      (1) Enter pedicab Department of Consumer Affairs License number in "Driver License ID Number" caption on **Police Accident Report**, if applicable.

UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Enter pedicab registration number in "Plate Number" caption on **Police Accident Report**, if applicable.

f. Enter injured person(s) information (e.g., bicyclist[s], pedestrian[s], pedicab[s], etc.) in the "ALL INVOLVED" section of the **Police Accident Report**, boxes "A through F."

g. Draw a straight line through every unused box in the "ALL INVOLVED" section and initial it, if handwritten copy is prepared.

h. Enter name and address of injured person(s) in Section "A" on reverse side of **Police Accident Report** under caption "Persons Killed or Injured in Accident."

5. Comply with *Patrol Guide 216-03, "Unidentified Persons,"* if person injured is unidentified.

6. Check box captioned "Other City Agency," under section entitled, "Duplicate Copy Required For" on rear of **Police Accident Report**, if necessary, and enter:

a. MISSING PERSONS SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - If person killed as a result of a bicycle collision NOT involving a motor vehicle.

b. HIGHWAY DISTRICT COLLISION INVESTIGATION SQUAD - If person killed, seriously injured and likely to die, or critically injured as a result of a bicycle collision NOT involving a motor vehicle.

c. DEPARTMENT OF CONSUMER AFFAIRS - If pedicab licensed by Department of Consumer Affairs is involved in a collision.

7. Sign completed **Police Accident Report** and deliver to desk officer, if handwritten copy is prepared.

C.O./DUTY CAPTAIN/PDS/ HIGHWAY DISTRICT MEMBERS CONCERNED

8. Comply with *Patrol Guide 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* as applicable, if notified to respond by patrol supervisor pursuant to a bicycle collision resulting in death, a serious injury and likely to die, or critical injury to an individual.

COMMAND CLERK

9. Notify relatives/friends if person injured is admitted to hospital.

10. Make required entries in FORMS for **Police Accident Reports** prepared during the tour.

a. The Accident Number will include the prefix "NV" indicating no vehicle was involved.

DESK OFFICER

11. Review and sign all handwritten copies and electronically sign-off on all digital copies of **Police Accident Reports** for collisions occurring in the command, and ensure required entries are made in FORMS on each tour.

a. Ensure any deficiencies on **Police Accident Reports** are amended by the reporting officer during the tour.

12. Comply with *Patrol Guide 216-03, "Unidentified Persons,"* if person injured is unidentified.

TRAFFIC SAFETY OFFICER/ DESIGNEE

13. Review all **Police Accident Reports** (both handwritten and entered directly into FORMS).
    a. In absence of traffic safety officer, a uniformed member of the service authorized by the commanding officer, will review **Police Accident Reports**.
14. Inform training sergeant of any deficiencies found in either handwritten or electronically submitted **Police Accident Reports**.
15. After reviewing handwritten copies of **Police Accident Reports**:
    a. Ensure barcode coversheet is generated via FORMS, and
    b. Ensure completed handwritten forms are scanned and electronically attached to digital entry by command clerk.

TRAFFIC SAFETY SERGEANT

16. Monitor and review all **Police Accident Reports**.

TRAFFIC SAFETY OFFICER

17. Forward copies marked "Duplicate Copies For" to appropriate unit/agency.

ADDITIONAL DATA

*Uniformed members of the service will utilize an additional **Police Accident Report**, if necessary, to document further information (e.g., multiple injured persons/bicyclists, collision description/officer notes, etc.). Members will ensure that the caption "Page _ of _ Pages" located in the upper left corner of the **Police Accident Report** is properly completed.*

*Pending arrival of an ambulance, the uniformed member should allow a sick/injured person to be treated by a doctor, emergency medical technician or paramedic, if person volunteers his/her services, AND the uniformed member reasonably believes the volunteer is a professional. The medical attention should take place, if possible, under the observation of the member concerned. When the emergency situation is under control, request identification from volunteer, including name and address, and record information in digital **Activity Log** and under "Details" in **Police Accident Report**. The volunteer's role is limited to providing medical assistance ONLY. Determination regarding removal procedures via ambulance, Medevac, etc., will be determined by Emergency Medical Service personnel.*

RELATED PROCEDURES

Vehicle Collisions – General Procedure (P.G. 217-01)
Unidentified Persons (P.G. 216-03)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

FORMS AND REPORTS

Police Accident Report (MV104AN)

PATROL GUIDE

Section: Vehicle Collisions	Procedure No: 217-18

VEHICLE COLLISION - PEDESTRIAN/BICYCLIST RIGHT OF WAY LAW

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 5

PURPOSE To record and investigate vehicular collisions involving pedestrians/bicyclists to determine if a motorist violated New York City Administrative Code Section 19-190(b), by failing to yield to a pedestrian/bicyclist who has the right of way and causing physical injury to said person, or to issue a summons when a motorist fails to yield the right of way to a pedestrian/bicyclist who has the right of way but no collision occurred.

PROCEDURE Upon notification or observation of a collision between a motor vehicle and pedestrian/bicyclist, or a motorist fails to yield the right of way to a pedestrian /bicyclist who has the right of way but no collision occurred:

MOTORIST FAILED TO YIELD RIGHT OF WAY TO PEDESTRIAN /BICYCLIST NO PHYSICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

1. Issue a Traffic Violations Bureau (TVB) summons returnable to TVB for a violation of the appropriate New York City Traffic Rule or New York State Vehicle and Traffic Law, when:
   a. Probable cause is established that the motorist failed to yield the right of way to pedestrian/bicyclist; AND
   b. No physical injury occurred; AND
   c. Offense occurred in officer's presence.

NOTE *If a situation exists as described in step "1(a)" and "1(b)" BUT the responding officer did not personally observe the incident, the officer may still issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) if he/she has been informed of the violation by a reliable complainant or witness. The issuing officer must then be guided by "LEGAL CONSIDERATIONS" under the "ADDITIONAL DATA" statement in this procedure.*

2. See examples of New York City Traffic Rules 4-03(a)(1)(i) and 4-04(b)(1) which may apply under "LEGAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
3. Describe details of the offense in the space provided on the front page of the Traffic Violations Bureau summons in the caption entitled "Description/Narrative," for example: "A/O observed respondent drive in crosswalk forcing pedestrian to stop to avoid vehicle."

NOTE *In cases where a responding officer did not personally observe an incident wherein a motorist failed to yield the right of way but NO collision resulted, probable cause to issue a Civil Summons Returnable to OATH, for a violation of Administrative Code Section 19-190(a), may be established based on the statement of a witness. Be guided by Patrol Guide 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST PHYSICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

4. Park radio motor patrol car behind vehicle involved so that traffic will not be impeded.
5. Ascertain if there are any injuries and request ambulance if needed.
   a. Place **IDENTIFICATION TAG (PD317-091)** on aided if unconscious and removed to hospital.
6. Divert traffic, if necessary.
   a. Use traffic cones and turret lights whenever available.
7. Obtain motorist driver's license, vehicle registration, and insurance identification card.
   a. Record required information and return credentials to motorist.
8. Determine if the pedestrian/bicyclist had the right of way at time of collision.
   a. Be guided by "OPERATIONAL CONSIDERATIONS" opposite the "ADDITIONAL DATA" statement below.
9. Determine if a violation of Administrative Code Section 19-190(b) has occurred through interview, inquiry, observation, and review of:
   a. Motorist
   b. Pedestrian/bicyclist
   c. Witnesses
   d. Condition of vehicle and pedestrian/bicyclist
   e. Particulars of collision scene
   f. Any other related evidence and document in the Details section of the **Police Accident Report (MV104AN)**.
10. Issue a Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) to the motorist when probable cause is established that the motorist violated Administrative Code Section 19-190(b).
    a. Note: No violation has occurred if the collision/injury is not the result of the driver's failure to exercise due care. Due care is that which is exercised by reasonably prudent drivers.
    b. If the violation was not personally observed, be guided by "LEGAL CONSIDERATIONS" under "ADDITIONAL DATA" statement.
11. Follow the instructions provided in *P.G. 209-12, "Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses"* and complete OATH Code and penalties in accordance with **COMMON OFFENSES RETURNABLE TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH) (PD160-013)**.

NOTE *When there is a collision between a vehicle and a pedestrian/bicyclist due to a serious traffic violation, as defined in P.G. 217-01, "Vehicle Collisions - General Procedure," and serious physical injury has occurred, administer a Preliminary Breath Test (PBT) (unless operator is removed from the scene for immediate medical*

NOTE (continued) *attention), if qualified to do so. If not qualified, request assistance from another uniformed member of the service qualified to administer the PBT, and be guided by P.G. 217-01, "Vehicle Collisions – General Procedure."*

COLLISION BETWEEN PEDESTRIAN/BICYCLIST DEATH, SERIOUS INJURY AND LIKELY TO DIE OR CRITICAL INJURY HAS OCCURRED

UNIFORMED MEMBER OF THE SERVICE

12. Request patrol supervisor to respond to scene, if death, serious injury and likely to die, or critical injury has occurred.

PATROL SUPERVISOR

13. Respond to collision scene and be guided by *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury,"* if required.

HIGHWAY DISTRICT, COLLISION INVESTIGATION SQUAD MEMBER

14. Process vehicle collisions involving a pedestrian/bicyclist which result in death, serious injury and likely to die, or critical injury as described in *P.G. 217-02, "Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury."*
15. Upon conferral with and authorization by Collision Investigation Squad supervisor, an arrest may be effected for Administrative Code Section 19-190(b), if investigation reveals circumstances warrant such action.
    a. A **DESK APPEARANCE TICKET** may be issued, if the motorist qualifies.

IN ALL CASES

UNIFORMED MEMBER OF THE SERVICE

16. Request patrol supervisor to respond to scene, if a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).

PATROL SUPERVISOR

17. Immediately notify the Internal Affairs Bureau Command Center at (212)-741-8401, upon determining that a member of the service, on or off duty, within the five boroughs of New York City, in a Department or personal vehicle, struck a pedestrian/bicyclist causing any physical injury and is in violation of Administrative Code Section 19-190(b).
    a. Enter Internal Affairs Bureau log number in digital **Activity Log** and Command Log.

DESK OFFICER

18. Make notifications to Operations Unit, appropriate Department units and/or other agencies as described in *P.G. 208-69, "Notifications in Certain Arrest Situations,"* if applicable.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

There may be circumstances where a uniformed member of the service does NOT personally observe a collision involving a motorist and a pedestrian/bicyclist which results in a physical injury. In such circumstances, uniformed members may develop probable cause by interviewing witnesses.

In cases where a responding officer did not personally observe an incident, probable cause to issue a Civil Summons Returnable to OATH may be established based on the statement of a witness. In the "Details of Charge(s)" section of the summons, the issuing officer should indicate, for example, that he/she was "informed by John Smith, whose contact information is known to the NYPD, that he observed..." The officer must also complete the "Statement of Witness" section on the reverse side of the white (OATH) copy of the summons by requesting that the witness sign his/her name to indicate that he/she witnessed the commission of the offense and that the details entered on the summons accurately reflect that observation. If the witness refuses to provide identifying information and/or to sign the "Statement of Witness," the issuing officer must write "REFUSED" in the caption provided for the witness signature. All information regarding the summons, including the witness's contact information, if provided, must be documented in the officer's digital ***Activity Log****.*

Uniformed members of the service are reminded that even though personal observation is not required to establish probable cause for a Civil Summons Returnable to OATH, personal observation is required to establish probable cause for a Criminal Court summons and other summonses. A Civil Summons Returnable to OATH is returnable to an administrative court that may only impose civil fines. Generally, hearsay is not precluded in administrative courts.

New York City Traffic Rule 4-03(a)(1)(i) – When a motorist at an intersection has a green light and a pedestrian crosses directly in front of the motorist, Traffic Rule 4-03(a)(1)(i) does not apply because the pedestrian was not lawfully in the cross walk. However, if the motorist were to turn left or right while the pedestrian crossing signal indicates crossing is permitted, a motorist who does not yield to a pedestrian crossing in the crosswalk will have violated Traffic Rule 4-03(a)(1)(i).

New York City Traffic Rule 4-04(b)(1) – When traffic control signals or pedestrian control signals are not in place or not in operation, a motorist who does not yield the right of way to a pedestrian crossing a roadway within a crosswalk when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger will have violated Traffic Rule 4-04(b)(1). However, if a pedestrian suddenly leaves the curb or other place of safety and walks or runs into the path of a vehicle which is so close that it is impossible for the motorist to yield Traffic Rule 4-04(b)(1) does not apply.

OPERATIONAL CONSIDERATIONS

Determine if the pedestrian/bicyclist had the right of way at the time of the incident. When pedestrian signals are present, pedestrians must adhere to the following guidelines, according to Administrative Code Section 19-195:

a. "Steady walking person": Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and other traffic shall yield the right of way to crossing pedestrians.

ADDITIONAL DATA (continued)

b. "Flashing upraised hand or flashing upraised hand with pedestrian countdown display": Pedestrians facing either of these signals are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway shall proceed to the nearest sidewalk or safety island in the direction of the signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk toward the signal while the signal remains flashing.

c. *"Steady upraised hand": No pedestrians shall start to cross the roadway in the direction of this signal; however any pedestrians who are already crossing the roadway while this signal is displayed shall proceed to the nearest sidewalk or safety island in the direction of the signal while the steady upraised hand signal is showing.*

When there are <u>no</u> pedestrian traffic signals present, pedestrians and drivers must adhere to the following:

a. Operators to yield to pedestrians in crosswalk. When traffic control signals or pedestrian control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way to a pedestrian crossing a roadway within a crosswalk when the pedestrian is in the path of the vehicle or is approaching so closely thereto as to be in danger.

When determining if a violation of Administrative Code 19-190(b) has occurred, uniformed members of the service should take all contributing factors into consideration, including:

a. Location where the pedestrian was crossing (at the corner or midblock)
b. Whether the bicyclist was in a marked bicycle lane, if available
c. The speed of the vehicle
d. The presence of traffic control devices
e. Whether the motorist was using a cellular phone or other electronic device
f. Obstructions blocking the motorist's view (a motorist who has an obstructed view must use greater care to avoid pedestrians/bicyclists).

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)
Department Vehicle Collisions (P.G. 217-06)
Notifications in Certain Arrest Situations (P.G. 208-69)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)

FORMS AND REPORTS

IDENTIFICATION TAG (PD317-091)
COMPLAINT REPORT WORKSHEET (PD313-152A)
DESK APPEARANCE TICKET
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Property - General	Procedure No: 218-01

INVOICING PROPERTY – GENERAL PROCEDURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
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PURPOSE To record and process property coming into police custody.

DEFINITIONS PROPERTY CATEGORIES - Arrest Evidence, DNA Arrest Evidence, Investigatory, DNA Investigatory, Forfeiture, Decedent's Property, Found Property, Safekeeping, Peddler Property, Determine True Owner, Parking Enforcement, Photo Release, Rotation Tow, Other.

PROPERTY TYPE - Firearms, Controlled Substances, Currency, Jewelry, Vehicles/Boats, General Property, Evidence Collection Kits/Swabs, Explosives.

PROCEDURE Upon taking property into custody, in addition to any other special procedures:

UNIFORMED MEMBER OF THE SERVICE

1. Enter circumstances and description of property in digital **Activity Log**.
2. Notify desk officer.
   a. If property is a vehicle unable to be driven, inform desk officer to request authorized tow/rotation tow, as appropriate.
   b. If property is any type of bicycle, moped, scooter, etc., with an electric drive motor component, inform desk officer and request Emergency Service Unit to respond to disconnect battery prior to storage in a Department facility.
3. Prepare a **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
   a. Comply with instructions in the Property and Evidence Tracking System.
4. Notify Stolen Property Inquiry Section to cancel or transmit an alarm, as necessary.
5. Notify owner, if known.
6. Cancel alarm for stolen vehicle only after owner takes possession or vehicle has been removed to Property Clerk facility or rotation tow storage facility.
7. Enter notifications and results of inquiries on **WORKSHEET**.
8. Deliver property and completed **WORKSHEET** to desk officer of command of record.

DESK OFFICER

9. Review **WORKSHEET** for accuracy.
10. Submit approved **WORKSHEET** to command clerk for entry into the Property and Evidence Tracking System.

COMMAND CLERK

11. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
12. Record time and name of FINEST operator who transmitted alarm cancellation on appropriate **INVOICE**, if applicable.

UNIFORMED MEMBER OF THE SERVICE

13. Ensure all property is properly tagged, packaged or sealed, and clearly identified by **INVOICE** number and barcode.
14. Ensure that every bag/security envelope or item that can not fit in a bag/security envelope, has a Property and Evidence Tracking System bar-coded label affixed to the upper right hand corner or a Property Clerk Division seal attached to the bag/property.
    a. Affix the Property and Evidence Tracking System bar-coded label to the upper right hand corner of windshield of all automobiles/boats.
15. Digitally sign **INVOICE** verifying accuracy and completeness.

DESK OFFICER

16. Review and digitally sign **INVOICE** verifying accuracy and completeness.
17. Photocopy **INVOICE** and forward, direct, to the Commanding Officer, Firearms and Tactics Section, if item being invoiced is a bullet resistant garment.
18. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System utilizing the Property and Evidence Tracking System barcode scanner when available.
    a. Manually enter storage location if barcode scanner is unavailable.
19. Safeguard property until properly disposed of.
20. Telephone New York State Tax Office for pickup of property owned by Division of Lottery. DO NOT send to Property Clerk.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*A separate **PROPERTY CLERK INVOICE** will be prepared for each of the following:*

a. Different property types
b. Different property categories
c. Different owners
d. Property that will be delivered to different locations (e.g., Police Laboratory, Property Clerk, Bomb Squad, OCME, etc.).

*When preparing a **PROPERTY CLERK INVOICE** where the items invoiced will be sent or have the potential to be sent to the Police Laboratory for laboratory analysis, the **INVOICE** will not exceed twenty line items.*

*Uniformed members of the service who do not have a username and/or password and members of other police agencies will sign **PROPERTY CLERK INVOICE** utilizing the digital signature device.*

*When a vehicle removed by the Sanitation Department or invoiced by this Department has obvious fire damage, the invoicing member will notify Fire Department borough dispatcher; however no **COMPLAINT REPORT (PD313-152)** will be prepared. A Fire Marshal will determine if arson occurred and prepare a **COMPLAINT REPORT**, if necessary.*

*To avoid confusion, do not use the terms "pairs" or "sets" when invoicing property (e.g., a "pair" of trousers, scissors, etc., refers to one item while a "pair" of shoes, gloves, etc., refers to two items). The term "set" (e.g., chess set, golf set, etc.) does not specifically indicate how many items within the "set." Therefore, when invoicing property, the actual number of items will be entered in the box captioned "quantity" on the **INVOICE** and no reference will be made to "pairs" or "sets."*

ADDITIONAL DATA (continued)

When members of the service are invoicing items due to a large scale/bulk seizure (arrest related) or investigatory/operational purchases (UC or CI) and there are two or more cases/boxes which contain several items, the invoicing member will ensure a Property and Evidence Tracking System bar-coded label is affixed to the upper right corner of each case/box as well as the ***INVOICE*** *number related to the bar-coded label. The invoicing member will ensure that the actual number of items contained in each case/box is properly entered on the* ***INVOICE****.*

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General	Procedure No: 218-02

RETURN OF PROPERTY/VEHICLES AT COMMAND AND PROCESSING VOIDED PROPERTY INVOICES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/01/20	01/01/20		1 of 2

PURPOSE To return all property listed on an invoice to legal claimant at a command and process voided **PROPERTY CLERK INVOICES (PD521-141)**.

PROCEDURE When all property listed on an invoice is returned to legal claimant at the command or when processing voided **PROPERTY CLERK INVOICES**:

DESK OFFICER

1. Require the claimant to produce valid identification, preferably photo identification (see *P.G. 208-28, "Desk Appearance Ticket - Identification Standards,"* step "1," for examples of satisfactory forms of valid identification).
2. Check property/vehicle against **PROPERTY CLERK INVOICE**.
3. Request claimant examine security lead seal and/or plastic security envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
4. Complete the "Release/Disposition – Return To Owner" function utilizing the Property and Evidence Tracking System.
   a. Have claimant sign for item(s) utilizing the digital signature capture device.
5. Ensure alarm has been canceled and a notation has been made on **INVOICE** utilizing the Property and Evidence Tracking System.
6. Approve delivery of property/vehicle utilizing username and password.
7. Release property/vehicle to claimant.

VOIDING PROPERTY CLERK INVOICES:

DESK OFFICER/ INVOICING COMMAND SUPERVISOR

8. Utilize the "Void Invoice" function, if **PROPERTY CLERK INVOICE** has not been approved by a supervisor and can not be corrected using the "Update Invoice" function (i.e., **INVOICE** should not have been prepared in the first place).

NOTE *Most mistakes or errors on **INVOICES** (i.e., error in entering property description, etc.) can be corrected utilizing the "Update Invoice" function instead of the "Void Invoice" function in the Property and Evidence Tracking System.*

9. Create a new **PROPERTY CLERK INVOICE**, if **INVOICE** has been approved by a supervisor.
   a. Enter in the "Remarks" section, the **INVOICE** number to be voided.
10. Utilize the "Void Invoice" function to void appropriate **INVOICE**.
    a. Enter in the "Remarks" section the reason for voiding **INVOICE** and cross-reference the new **PROPERTY CLERK INVOICE** number.

NOTE *Once an **INVOICE** has been approved by a supervisor, the **INVOICE** can only be voided by a supervisor assigned to the command where the property is physically located.*

DESK OFFICER/ INVOICING COMMAND SUPERVISOR (continued)

11. Print an updated version of voided **INVOICES** and **INVOICES** that have been returned to owner (R.T.O.) at the command and file in precinct of record, as follows:
    a. **PROPERTY CLERK INVOICES** will be maintained in designated files in **INVOICE** number order with photocopy of claimant's identification, and/or related documents (i.e., District Attorney's Release, etc.) if any, attached
    b. All other copies may be discarded.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*If a pre-printed serial numbered **PROPERTY CLERK INVOICE** or **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)**, prepared prior to the implementation of the Property and Evidence Tracking System, is to be voided, mark the **INVOICE** "VOIDED" and file the **INVOICE** at the command. The property listed on the "VOIDED" pre-printed serial numbered **INVOICE** will then be invoiced utilizing the Property and Evidence Tracking System.*

*Commanding officer concerned will investigate circumstances of missing **INVOICES** and take appropriate action.*

When an investigation is being conducted, property invoiced pertaining to the case will not be released to a claimant without authorization of investigating officer.

Stamped or perforated currency will never be returned to a claimant or deposited in the Property Clerk's account in any bank under any circumstances. This currency will be forwarded to the Property Clerk who will arrange for reimbursement of the claimant.

*Each July, the operations coordinator will ensure that the previous calendar year's filed **INVOICES** are placed in a box, labeled to identify contents, and forwarded to the Property Clerk's warehouse where they will be maintained for the remainder of the retention period (six years).*

RELATED PROCEDURES

Desk Appearance Ticket - Identification Standards (P.G. 208-28)
Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General	Procedure No: 218-03

DELIVERY OF PROPERTY OTHER THAN VEHICLE/BOAT TO PROPERTY CLERK

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To forward invoiced property to Property Clerk.

PROCEDURE When property is to be delivered to Property Clerk.

PROPERTY DELIVERED TO PROPERTY CLERK BY COMMAND MESSENGER:

DESK OFFICER

1. Utilize the Property and Evidence Tracking System to create a **PROPERTY TRANSFER REPORT (PD521-1412)**.
   a. Assign a member of the service to be the command messenger.

COMMAND MESSENGER

2. Compare **PROPERTY CLERK INVOICES (PD521-141)** against property for completeness and accuracy.
3. Digitally sign **PROPERTY TRANSFER REPORT** if no discrepancies.

IF DISCREPANCIES EXIST:

COMMAND MESSENGER

4. Notify desk officer if any item listed on the **PROPERTY CLERK INVOICES** is missing.

DESK OFFICER

5. Conduct immediate investigation and notify commanding officer/duty captain and Internal Affairs Bureau (IAB) Command Center when any item listed on **PROPERTY CLERK INVOICE** is missing.
6. Ensure IAB Log Number is entered in the "Remarks" section of the **PROPERTY CLERK INVOICE**.

IF DISCREPANCIES NO LONGER EXIST OR HAVE BEEN CORRECTED:

COMMAND MESSENGER

7. Deliver property to appropriate Property Clerk storage facility.

MEMBER OF THE SERVICE, PROPERTY CLERK DIVISION

8. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate, confirm acceptance of property in the Property and Evidence Tracking System.
9. Notify immediate supervisor, Property Clerk Division integrity control officer and Internal Affairs Bureau, if any item listed on **PROPERTY CLERK INVOICES** or **PROPERTY TRANSFER REPORT** is missing.
10. Ensure IAB Log Number is entered in the "Remarks" section of the **PROPERTY CLERK INVOICE** utilizing the Property and Evidence Tracking System, when IAB has been notified of any discrepancy.
11. Select appropriate rejection reason in the Property and Evidence Tracking System and return property to forwarding command with command messenger, if applicable.
12. Approve receipt of delivery utilizing username and password under **PROPERTY TRANSFER REPORT**, if property is accepted.

COMMAND MESSENGER

13. Return property to desk officer, if applicable.

DESK OFFICER

14. Accept transfer of rejected property utilizing the Property and Evidence System.
15. Have necessary corrections made for any returned property.
    a. Have investigation conducted, if appropriate.

INTEGRITY CONTROL OFFICER

16. Verify that all property not forwarded to the Property Clerk or Police Laboratory is accounted for and adequately secured at command.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*If there are additional items which were not originally listed on a **PROPERTY CLERK INVOICE**, the additional items will be invoiced separately and cross-referenced to the original related **INVOICE** utilizing the related invoice function in the Property and Evidence Tracking System.*

*It is important to note that the member of the service assigned and listed on a **PROPERTY TRANSFER REPORT** as the command messenger within the Property and Evidence Tracking System, must be the member of the service who transfers and delivers the property to the Property Clerk Division.*

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)
Return of Property/Vehicles at Command And Processing Voided Property Invoices (P.G.218-02)

FORMS AND REPORTS

PROPERTY TRANSFER REPORT (PD521-1412)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General		Procedure No: 218-04	
DELIVERY OF EVIDENCE TO THE POLICE LABORATORY			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 11

PURPOSE To provide a standard procedure for the delivery of evidence from a precinct, PSA and transit district command to the Police Laboratory.

DEFINITIONS CRIMINALISTICS EVIDENCE - Trace evidence (e.g., hair, fiber, paint, gun shot residue), questioned document evidence, footwear evidence, tire tread evidence, toolmark evidence, fingerprint evidence and any other forensic evidence that is not Firearms/Firearms related evidence, Controlled Substances/Marijuana evidence or DNA evidence.

PROCEDURE When Firearms/Firearms related evidence and/or Controlled Substances/Marijuana evidence and/or DNA evidence and/or Criminalistics evidence is present at a precinct, PSA and transit district command:

DESK OFFICER

1. Notify the patrol borough prior to 0030 hours that Firearms/Firearms related evidence, and/or Controlled Substances/Marijuana evidence, and/or DNA evidence, and/or Criminalistics evidence is being delivered to the patrol borough.
2. Designate a uniformed member of the service to be the Command Messenger; and, to deliver Firearms/Firearms related evidence, and Controlled Substances/Marijuana evidence, and DNA evidence, and Criminalistics evidence from the precinct, PSA and transit district command to the patrol borough.

FIREARMS AND FIREARMS RELATED EVIDENCE

DESK OFFICER

3. Remove **ALL** Firearms/Firearms related evidence from the property locker/room.
4. Ensure the following are attached to **each** Firearms/Firearms related evidence container/package:
   a. Copy of the OMNIFORM computer generated **COMPLAINT REPORT (PD313-152)** or, if unavailable, a copy of the **COMPLAINT REPORT WORKSHEET (PD313-152a)**
   b. **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**
   c. Appropriate copies of **PROPERTY CLERK INVOICE (PD521-141)**
   d. FINEST printout for each firearm.
5. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System to ensure all Firearms/ Firearms related evidence is appropriately entered in compliance with Department procedures.

DESK OFFICER (continued)

6. Compare each Firearms/Firearms related evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
   a. Ensure all Firearms/Firearms related evidence is properly accounted for.
7. Ensure **ALL** Firearms/Firearms related evidence was removed from the property locker/room.
8. Place all Firearms/Firearms related evidence in a **SEPARATE** transparent bag together with all associated/related forms, reports, records, etc.
9. Seal **each** transparent bag containing Firearms/Firearms related evidence with a plastic Property Clerk Division Seal.
   a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
10. Safeguard **each** transparent bag containing Firearms/Firearms related evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

CONTROLLED SUBSTANCES/MARIJUANA EVIDENCE

DESK OFFICER

11. Remove the security lead seal from the Controlled Substances/Marijuana locker/safe.
12. Enter in the Command Log the serial number of the security lead seal removed from the Controlled Substances/Marijuana locker/safe.
13. Remove **ALL** narcotic security envelopes and **ALL** other Controlled Substances/Marijuana evidence containers/packages from the Controlled Substances/Marijuana locker/safe.
14. Lock Controlled Substances/Marijuana locker/safe and affix a new security lead seal.
15. Enter in the Command Log the serial number of the new security lead seal affixed to the Controlled Substances/Marijuana locker/safe.
16. Ensure the following are attached to **each** Controlled Substances/Marijuana evidence container/package:
    a. Appropriate copies of **PROPERTY CLERK INVOICE**
    b. If applicable, a copy of **all** associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
17. Ensure appropriate copies of **PROPERTY CLERK INVOICE** are attached to **each** Controlled Substances/Marijuana evidence container/package.
18. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all Controlled Substances/Marijuana evidence is appropriately entered in compliance with Department procedures.
    a. Contact the Police Laboratory's Evidence Control Supervisor prior to the delivery of hypodermic needles, large seizures of marijuana, large containers containing liquids, etc.
19. Compare each Controlled Substances/Marijuana evidence container/package to each associated/related **PROPERTY CLERK**

DESK OFFICER (continued)

INVOICE and to each associated/related **PROPERTY TRANSFER REPORT**.

a. Ensure all Controlled Substances/Marijuana evidence is properly accounted for.

20. Place all Controlled Substances/Marijuana evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
21. Seal **each** transparent bag containing Controlled Substances/Marijuana evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
22. Safeguard **each** transparent bag containing Controlled Substances/Marijuana evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

DNA EVIDENCE

DESK OFFICER

23. Remove **ALL** DNA evidence including Sexual Offense Evidence Collection Kits from the property locker/room.
24. Ensure the following are prepared and attached to **each** DNA evidence container/package:
    a. Copy of the **COMPLAINT REPORT WORKSHEET** or, if available, a copy of the OMNIFORM computer generated **COMPLAINT REPORT**
    b. **REQUEST FOR LABORATORY EXAMINATION REPORT**
    c. Appropriate copies of **PROPERTY CLERK INVOICE**
    d. If applicable, a copy of **all** associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
25. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all DNA evidence is appropriately entered in compliance with Department procedures.
26. Compare each DNA evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
    a. Ensure all DNA evidence is properly accounted for.
27. Ensure **ALL** DNA evidence was removed from the property locker/room.
28. Place all DNA evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
29. Seal **each** transparent bag containing DNA evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
30. Affix an orange bio-hazard sticker on **each** transparent bag containing DNA evidence.
31. Safeguard **each** transparent bag containing DNA evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

CRIMINALISTICS EVIDENCE

DESK OFFICER

32. Remove **ALL** Criminalistics evidence from the property locker/room.
33. Ensure the following are prepared and attached to **each** Criminalistics evidence container / package:
    a. Copy of the **COMPLAINT REPORT WORKSHEET** or, if available, a copy of the OMNIFORM computer generated **COMPLAINT REPORT**
    b. **REQUEST FOR LABORATORY EXAMINATION REPORT**
    c. Appropriate copies of **PROPERTY CLERK INVOICE**
    d. If applicable, a copy of all associated/related **ON LINE BOOKING SYSTEM ARREST WORKSHEETS**.
34. Create a **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System to ensure all Criminalistics evidence is appropriately entered in compliance with Department procedures.
35. Compare each Criminalistics evidence container/package to each associated/related **PROPERTY CLERK INVOICE** and to each associated/related **PROPERTY TRANSFER REPORT**.
    a. Ensure all Criminalistics evidence is properly accounted for.
36. Ensure **ALL** Criminalistics evidence was removed from the property locker/room.
37. Place all Criminalistics evidence in a **SEPARATE** transparent bag along with all associated/related forms, reports, records, etc.
38. Seal **each** transparent bag containing Criminalistics evidence with a plastic Property Clerk Division Seal.
    a. Enter **each** Property Clerk Division seal number in Command Log to account for each seal used.
39. Safeguard **each** transparent bag containing Criminalistics evidence at the precinct, PSA and transit district desk until transported to the patrol borough by the command messenger.

IN ALL CASES

DESK OFFICER

40. Make an entry in Command Log including
    a. All **PROPERTY CLERK INVOICE** numbers
    b. Rank, name and tax # of the command messenger
    c. Department vehicle # of the assigned vehicle
    d. The total number of transparent bags being delivered to the designated patrol borough delivery location
    e. Plastic Property Clerk Division Seal Number on **each** transparent bag.

COMMAND MESSENGER

41. Compare all **PROPERTY TRANSFER REPORTS** against Property Clerk Division seals.
42. Digitally sign **PROPERTY TRANSFER REPORTS**.

DESK OFFICER

43. Digitally sign **PROPERTY TRANSFER REPORTS**.

COMMAND MESSENGER

44. **Immediately** deliver all of the transparent bags **direct** to the designated patrol borough delivery location.

PATROL BOROUGH MEMBER

45. Inspect **EACH** transparent bag, and ensure:
    a. Each transparent bag delivered to the patrol borough by each command is properly listed on the appropriate **PROPERTY TRANSFER REPORT**
    b. Each transparent bag that is listed on **each PROPERTY TRANSFER REPORT** was delivered to the patrol borough
    c. If accurate, confirm acceptance of **PROPERTY TRANSFER REPORTS** in Property and Evidence Tracking System.
46. Print completed **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** for each **PROPERTY TRANSFER REPORT** accepted, and provide to command messenger.
47. Select appropriate rejection reason in the Property and Evidence Tracking System, if property is not accepted.
    a. Create a **PROPERTY TRANSFER REPORT** from the patrol borough to the appropriate precinct, PSA or transit district and forward to command with command messenger.

COMMAND MESSENGER

48. Deliver **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** to the desk officer.

DESK OFFICER

49. File each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT**.

TRANSFERS FROM PATROL BOROUGH TO POLICE LABORATORY

PATROL BOROUGH MESSENGER

50. Create separate **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System for all Firearms/Firearms related evidence, Controlled Substances/Marijuana evidence, DNA evidence, and Criminalistics evidence and digitally sign **PROPERTY TRANSFER REPORT**.
    a. Ensure that each **PROPERTY TRANSFER REPORT** does not contain more than three commands in order to expedite the intake process at the Police Laboratory.
    b. Utilize the reusable nylon mesh bags provided by the Property Clerk Division to bundle several transparent bags, if necessary.
        (1) Upon completion of delivery, return nylon mesh bags to patrol borough.

PATROL BOROUGH MEMBER (Wheel Officer)

51. Review and digitally sign **PROPERTY TRANSFER REPORT**.

PATROL BOROUGH MESSENGER

52. **Immediately** deliver **ALL** of the transparent bags **direct** to the Police Laboratory, **and ensure the evidence arrives at the Police Laboratory before 0200 hours**.
    a. The Police Laboratory will be responsible for delivering all DNA evidence to the OCME laboratory.
53. Transfer all transparent bags to the appropriate Police Laboratory Evidence Control Officers.
    a. Firearms / Firearms related evidence - Firearms Analysis Section, Evidence Control Officers.
    b. Controlled Substances / Marijuana evidence - Controlled Substance Analysis Section, Evidence Control Officers.
    c. DNA evidence - DNA Evidence Intake, Evidence Control Officers.
    d. Criminalistics evidence - Criminalistics Section, Evidence Control Officers.

POLICE LABORATORY EVIDENCE CONTROL OFFICERS

54. Inspect **EACH** transparent bag delivered by each Patrol Borough Messenger; and, ensure:
    a. Each transparent bag delivered to the Police Laboratory by each Patrol Borough Messenger is properly listed on the appropriate **PROPERTY TRANSFER REPORT**
    b. Each transparent bag listed on each **PROPERTY TRANSFER REPORT** was delivered to the Police Laboratory.
55. Notify an appropriate Evidence Control Supervisor if there is a discrepancy.

POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR

56. If there is a discrepancy involving the results of the inspection:
    a. Notify the appropriate/involved:
        (1) Patrol borough duty captain
        (2) Patrol borough member of the service ("Wheel Officer")
        (3) Desk officer.
    b. Conduct an investigation
    c. Prepare a report on **Typed Letterhead** to the Commanding Officer, Forensic Investigations Unit regarding the results of the investigation involving the evidence delivery discrepancy.

PATROL BOROUGH DUTY CAPTAIN

57. Notify Internal Affairs Bureau regarding discrepancy.

POLICE LABORATORY EVIDENCE CONTROL OFFICERS

58. Inspect all of the contents of **each** transparent bag in the presence of the appropriate Patrol Borough Messenger, **and** verify the following:
    a. Each evidence container/package present in each transparent bag is listed on a **PROPERTY CLERK INVOICE** that is attached thereto

POLICE LABORATORY EVIDENCE CONTROL OFFICERS (continued)

b. Each evidence container/package listed on each **INVOICE** is present in each transparent bag
c. Each **INVOICE** present in each transparent bag is listed on a **PROPERTY TRANSFER REPORT**
d. Each **INVOICE** listed on each **PROPERTY TRANSFER REPORT** is present in each transparent bag
e. If accurate, confirm acceptance of **PROPERTY TRANSFER REPORT** in the Property and Evidence Tracking System.

59. Confer with Patrol Borough Messenger regarding the results of the inspection of the contents of each transparent bag.

60. Notify an appropriate Evidence Control Supervisor if there is a discrepancy.

POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR

61. If there is a discrepancy involving the results of the inspection:
    a. Notify the appropriate/involved:
        (1) Patrol borough duty captain
        (2) Patrol borough member of the service ("Wheel Officer")
        (3) Desk officer.
    b. Conduct an investigation
    c. Prepare a report on **Typed Letterhead** to the Commanding Officer, Forensic Investigations Unit regarding the results of the investigation involving the evidence delivery discrepancy
    d. Make the necessary entries in "Remarks" section in on one or more appropriate **INVOICE(S)/PROPERTY TRANSFER REPORT(S)**.

PATROL BOROUGH DUTY CAPTAIN

62. Notify Internal Affairs Bureau regarding discrepancy.

POLICE LABORATORY EVIDENCE CONTROL OFFICERS

63. Assign an appropriate Police Laboratory "Laboratory Number" to **each** **INVOICE** listed on **each** **PROPERTY TRANSFER REPORT** present in **each** transparent bag.

64. Print four copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for each **PROPERTY TRANSFER REPORT** accepted.
    a. Provide three copies to Patrol Borough Messenger.
    b. Retain one copy for Police Laboratory use.

PATROL BOROUGH MESSENGER

65. Obtain three copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for **each** **PROPERTY TRANSFER REPORT** that lists:
    a. Firearms / Firearms related evidence
    b. DNA evidence
    c. Criminalistics evidence.

PATROL BOROUGH MESSENGER (continued)

66. If extraordinary circumstances exist, obtain three copies of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that list Controlled Substances/Marijuana evidence.
67. Deliver all of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENTS** to the patrol borough.

PATROL BOROUGH SUPERVISOR

68. File one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** at the patrol borough.
69. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** is delivered to the appropriate precinct, PSA and transit district.
70. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists Firearms/Firearms related evidence, and/or DNA evidence, and/or Criminalistics evidence, and/or if applicable, Controlled Substances/Marijuana evidence is hand delivered by 0900 hours each day to the Detective Borough.

DETECTIVE BOROUGH SUPERVISOR

71. Ensure daily that one copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists Firearms/Firearms related evidence, and/or DNA evidence, and/or Criminalistics evidence, and/or if applicable, Controlled Substances/Marijuana evidence is:
    a. Received from the involved patrol borough; **and**,
    b. Delivered to the appropriate detective squad.

DETECTIVE SQUAD SUPERVISOR

72. Ensure **all** DNA evidence and **all** Firearms/Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and **all** other forensic evidence is delivered to and actually received by the correct laboratory or laboratories in a timely manner in compliance with the applicable Department procedures.
73. Ensure one copy of each **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** is immediately placed in the appropriate case file.
74. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** is generated and placed in the appropriate case file indicating the:
    a. Date and time of delivery of **all** DNA evidence and **all** Firearms/Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and **all** other forensic evidence delivered to the Police Laboratory and/or the OCME DNA Laboratory and / or any other Laboratory/Unit; and,
    b. Police Laboratory and/or OCME DNA Laboratory and/or other Laboratory/Unit "Evidence Control Number" for **all** DNA evidence and **all** Firearms / Firearms related evidence and **all** Criminalistics evidence and, if applicable, **all** Controlled Substances/Marijuana evidence and all other forensic evidence delivered to the Police Laboratory and/or the OCME DNA Laboratory and/or any other Laboratory/Unit.

ITEMS REJECTED AT POLICE LABORATORY

POLICE LABORATORY EVIDENCE CONTROL OFFICERS	75.	Select the appropriate rejection reason.
PATROL BOROUGH MESSENGER	76.	Review and digitally sign **PROPERTY TRANSFER REPORT** returning items to Patrol Borough.
POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR	77.	Digitally sign **PROPERTY TRANSFER REPORT** returning items to Patrol Borough.
PATROL BOROUGH MESSENGER	78.	Deliver rejected items and **PROPERTY TRANSFER REPORT** to Patrol Borough.
PATROL BOROUGH MEMBER (Wheel Officer)	79.	Confirm acceptance of **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System.
	80.	Notify desk officer command concerned of rejected items.
DESK OFFICER COMMAND CONCERNED	81.	Instruct command messenger to retrieve reject items from Patrol Borough.
PATROL BOROUGH MEMBER (Wheel Officer)	82.	Create separate **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System for each command for all rejected items and electronically sign **PROPERTY TRANSFER REPORT**.
COMMAND MESSENGER	83.	Review and digitally sign **PROPERTY TRANSFER REPORT**.
	84.	Deliver rejected items and **PROPERTY TRANSFER REPORT** to desk officer.
DESK OFFICER	85.	Confirm acceptance of **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System.
	86.	Ensure that all corrections are completed for rejected items.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Due to the danger in handling and analyzing hypodermic needles, they will be delivered directly to a Property Clerk facility and not delivered to the Police Laboratory for analysis unless there is a serious felony charge associated with such evidence other than Criminal Sale or Possession of a Controlled Substance. The Police Laboratory's Evidence Control Supervisor is available twenty-four hours a day, seven days a week to provide guidance to members of the service regarding this matter.

Due to a limited amount of storage space at the Police Laboratory and to ensure the safety of all members concerned, cases involving large seizures of Marijuana or any other unusual or potential harmful material, such as large containers of liquids (e.g., PCP, acids, etc.), a Police Laboratory Evidence Control Supervisor must be conferred with for direction prior to the evidence being delivered to the Police Laboratory.

Unless there are exigent circumstances, desk officers must ensure that Controlled Substances/Marijuana evidence and Firearms/Firearms related evidence and DNA evidence and Criminalistics evidence are delivered to the patrol borough each day on the first platoon prior to 0100 hours. If exigent circumstances exist, the desk officer must obtain the approval from the commanding officer / duty captain to not comply with this procedure.

Each day, at 0100 hours the patrol borough "Wheel Officer" will call ***ALL*** *of the desk officers who failed to notify them regarding the delivery of Controlled Substances / Marijuana evidence, Firearms / Firearms related evidence, Criminalistics evidence or DNA evidence from their commands to the patrol borough, and will determine if there will be a delivery to the patrol borough. If the desk officer informs the patrol borough clerical officer that there are exigent circumstances and there will be no delivery of Controlled Substances / Marijuana evidence, Firearms / Firearms related evidence, Criminalistics evidence or DNA evidence to the patrol borough, then the borough clerical officer will immediately notify the commanding officer / duty captain. The commanding officer / duty captain will contact the involved desk officers and determine whether there are exigent circumstances to justify non compliance with this procedure, and will confer with the patrol borough clerical officer. If there are exigent circumstances to justify non compliance with this procedure, the commanding officer / duty captain will prepare a report on* ***Typed Letterhead*** *to the Chief of Patrol through channels describing the facts regarding the exigent circumstances and explaining why the forensic evidence could not be delivered to the patrol borough in compliance with this procedure.*

If an evidence delivery to the Police Laboratory is missed by a command, that command MUST deliver all controlled substances and firearms/firearms related evidence for Criminal Procedure Law 180.80 and 170.70 cases on the second platoon.

It is important to note that the messenger listed on the ***PROPERTY TRANSFER REPORT*** *must be the same member that delivers the evidence to the Police Laboratory. Any discrepancy between the member listed and the member who delivers the property will result in a rejection of evidence at the Police Laboratory.*

ADDITIONAL DATA (continued)

The Police Laboratory may reject evidence for several reasons. Reasons for valid rejections include the following:

a. Unsigned voucher by officer and/or supervisor

*b. **COMPLAINT REPORT** not prepared or missing*

*c. **PROPERTY TRANSFER REPORT** not prepared or missing*

*d. **REQUEST FOR LABORATORY EXAMINATION REPORT** missing/incomplete*

e. Evidence not rendered safe (e.g., radiological, biological, bomb material not "rendered safe" by bomb squad personnel, etc., after reasonable determination by a Police Laboratory Evidence Control Section Supervisor)

f. Hypodermic needle invoiced for Criminal Possession of Controlled Substance/Criminal Sale of Controlled Substance, due to the danger involved in handling

(1) Hypodermic needles submitted for homicides, assaults or other major crimes will be accepted if packaged properly.

g. Any evidence improperly invoiced as per Department guidelines (e.g., narcotics invoiced with Criminalistics evidence, firearm evidence invoiced with holster/silencer, items not analyzed, etc.)

h. Any other evidence at the direction of the Police Laboratory Director/Deputy Director.

RELATED PROCEDURES

Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of the Chief Medical Examiner (P.G. 218-49)

Processing Controlled Substances/Marijuana Contraband Stored at Stationhouse (P.G. 218-24)

FORMS AND REPORTS

COMPLAINT REPORT
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY TRANSFER REPORT (PD521-1412)
PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)
COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)
Typed Letterhead

PATROL GUIDE

Section: Property - General		Procedure No: 218-05	
RECORDING OF ARREST AND PROPERTY CLERK INVOICE NUMBERS ON ARREST RELATED REPORTS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To determine the disposition of prisoners (i.e., pled guilty at arraignment, case dismissed at arraignment, District Attorney's Office declined to prosecute case, etc.) and to allow for the processing and/or disposing of property invoiced as arrest evidence.

SCOPE This procedure applies to all uniformed members who invoiced evidence that is related to or seized in connection with an arrest.

PROCEDURE Whenever evidence is to be invoiced in connection with an arrest:

INVOICING MEMBER OF THE SERVICE

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System with particular attention being given to the following captions:
   a. Age of prisoner
   b. Prisoner's date of birth
   c. **COMPLAINT REPORT (PD313-152)** number(s)
   d. Charge/offense under investigation
   e. Prisoner's arrest number
   f. Arrest number for additional prisoner(s).
2. Enter **PROPERTY CLERK INVOICE (PD521-141)** number in appropriate caption on the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
3. Ensure that ALL related **INVOICES** are properly documented on the **PROPERTY CLERK INVOICE**.
4. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, utilizing the Property and Evidence Tracking System, if necessary.
   a. Enter the names, precinct of arrest, and ages of ALL prisoners whose arrest is based upon the seizure of property invoiced on the **PROPERTY CLERK INVOICE**.

DESK OFFICER

5. Verify and ensure that ALL captions on the **PROPERTY CLERK INVOICE**, **REQUEST FOR LABORATORY EXAMINATION REPORT** and **ON-LINE BOOKING SYSTEM ARREST WORKSHEET** have been accurately completed, including arrest and **INVOICE** numbers, where appropriate.
6. Ensure that ALL related **PROPERTY CLERK INVOICES**, with arrest numbers entered, are delivered to the Police Laboratory, Firearms Analysis Section or Property Clerk Division at the same time.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*Members of the service should be aware that it is extremely important that all defendant information be listed on the **REQUEST FOR LABORATORY EXAMINATION REPORT**. If all defendants are not identified, it could be possible that the invoiced arrest evidence, (i.e., firearms, controlled substances, etc.) could be destroyed before the accomplices/facilitators and other co-defendants are tried. This will result in the accomplices/facilitators criminal charges being dismissed.*

RELATED PROCEDURE

Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Property - General	Procedure No: 218-06		
TEMPORARY REMOVAL OF INVOICED PROPERTY FROM THE COMMAND			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To account for invoiced property which is temporarily removed from the command by a uniformed member of the service.

PROCEDURE When it is necessary for a uniformed member of the service to temporarily remove invoiced property from the command to court or other authorized agency:

UNIFORMED MEMBER OF THE SERVICE

1. Request property from the desk officer.
   a. Give reason for removal.

DESK OFFICER

2. Verify identity of uniformed member of the service by inspecting **IDENTIFICATION CARD (PD416-091)**, if assigned to another command.
3. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.
4. Have the requesting officer digitally sign **PROPERTY TRANSFER REPORT** and capture fingerprint utilizing the digital signature device.
5. Digitally sign **PROPERTY TRANSFER REPORT**.
6. Print **PROPERTY TRANSFER REPORT** and deliver it along with the property to uniformed member of the service.

UNIFORMED MEMBER OF THE SERVICE

7. Obtain receipt if property is retained by court or other authorized agency.
   a. Make digital **Activity Log** entry.
8. Deliver property or receipt to desk officer.

DESK OFFICER

9. Make entry in Command Log listing identity of member of the service delivering property or receipt and **INVOICE** number.
10. Forward receipt to the Property Clerk Borough Office for entry into the Property and Evidence Tracking System.

WHEN PROPERTY IS RETURNED TO COMMAND:

DESK OFFICER

11. Check property against **INVOICE** utilizing the Property and Evidence Tracking System.
12. Perform "Intake" function in the Property and Evidence Tracking System.
13. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

All official requests for property should be accompanied by a subpoena from the requesting agency, if other than the New York City Police Department, assistant district attorneys and assistant corporation counsels. (See P.G. 211-15, "Processing Subpoenas for Police Department Records and for Testimony by Members of the Service.")

RELATED PROCEDURE *Processing Subpoenas for Police Department Records and for Testimony by Members of the Service (P.G. 211-15)*

FORMS AND REPORTS ***IDENTIFICATION CARD (PD416-091)***
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY TRANSFER REPORT (PD521-1412)

PATROL GUIDE

Section: Property - General		Procedure No: 218-07	
REMOVAL AND RETURN OF EVIDENCE TO PROPERTY CLERK DIVISION			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To control removal and return of evidence from Property Clerk facility for presentation in court.

PROCEDURE When evidence in custody of the Property Clerk is required in court or other authorized agency:

UNIFORMED MEMBER OF THE SERVICE

1. Request evidence from member assigned to Property Clerk facility and:
   a. Give **PROPERTY CLERK INVOICE (PD521-141)** number
   b. Present written authorization from commanding officer to remove evidence if not listed as "INVOICING" officer on **INVOICE**
   c. Present shield and **IDENTIFICATION CARD (PD416-091)**
   d. Receipt for evidence as required.
2. Take **POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)** to court with controlled substances/ marijuana evidence.

WHEN COURT IS ADJOURNED FOR THE DAY:

UNIFORMED MEMBER OF THE SERVICE

3. Obtain receipt for evidence, if held by court, District Attorney or other authorized agency.
4. Obtain copy of court order from court clerk and receipt from claimant if court directs release of property.
5. Deliver packages of controlled substances/marijuana, which have been opened in court to Police Laboratory for repackaging and sealing.
6. Telephone appropriate Property Clerk facility in advance and prior to closing for instructions regarding return of property and/or receipt if delayed in court and unable to return property as required.
7. Inform member at Property Clerk facility of estimated time of dismissal from court or arrival at Property Clerk facility.
8. Deliver property or receipt to designated precinct desk officer if instructed to do so by member of the Property Clerk.

DESK OFFICER

9. Make entry in Command Log listing identity of member of the service delivering property or receipt and **INVOICE** number.

PROPERTY CLERK DIVISION

10. Notify member's command if member of service fails to return property or receipt for property at end of day.

COMMANDING OFFICER/ MEMBER CONCERNED

11. Direct member concerned to return property or receipt immediately.
12. Institute corrective action.
13. Prepare report on **Typed Letterhead** for information of commanding officer of next higher command indicating reason member did not return property/receipt and any corrective action taken.

WHEN PROPERTY IS RETURNED TO PRECINCT STATION HOUSE:

DESK OFFICER

14. Check property against **INVOICE** utilizing the Property and Evidence Tracking System.
15. Perform intake utilizing the "Intake from an External Agency" function in the Property and Evidence Tracking System.
16. Ensure property is properly stored and location is entered into the Property and Evidence Tracking System.
17. Safeguard property pending pick up by representative of Property Clerk Division.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*If property or receipt for property is not returned to Property Clerk Division, a FINEST Message will be transmitted to all commands including the **INVOICE** number, name, shield number and command of member of the service who failed to return property.*

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)
PROPERTY CLERK INVOICE (PD521-141)
Typed Letterhead

Section: Property - General		Procedure No: 218-08	
FIELD TESTING OF MARIJUANA BY AUTHORIZED UNIFORMED MEMBERS OF THE SERVICE			
DATE ISSUED: 08/31/18	DATE EFFECTIVE: 09/01/18	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To allow for field testing of marijuana by authorized uniformed members of the service.

SCOPE Authorized uniformed members of the service, who have been trained in marijuana field testing, will conduct marijuana field tests in the command when enforcement action is taken for a misdemeanor or violation involving marijuana.

PROCEDURE When enforcement action is taken for a misdemeanor or violation involving marijuana sale or possession, follow applicable arrest or summons procedures and:

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE

1. Obtain field test kit and make appropriate entries.
2. Conduct a field test on a small sample of the alleged marijuana using the field test kit with its provided loading device.
   a. Conduct test in a semi-private location specifically designated for field testing.
   b. Wear protective gloves, if possible.
   c. Thoroughly clean table surface before and after conducting the field test.
   d. Only use the loading device that is provided with the field test to load a small sample of marijuana into the field test kit.
3. Perform the field test, sign and seal procedure in the presence of a supervisor.
4. Perform a separate field test on marijuana seized from each prisoner.
   a. If four persons are arrested and marijuana is seized from three of these persons, then ALL three marijuana seizures will be field tested.
5. Follow the procedures listed below when conducting the field test on a container of marijuana or a marijuana cigarette, in the presence of a supervisor:
   a. For each prisoner, open one container/cigarette of seized marijuana and using the loading device conduct a field test on a small portion of the substance contained therein.
   b. A field test will be conducted even if only one container/cigarette is seized, provided that there is a sufficient amount of marijuana remaining in the container/cigarette after the field test has been conducted to permit the remaining marijuana to be analyzed by the Police Laboratory.
   c. If more than one container/cigarette of marijuana is seized from a specific person and the first container/cigarette is field tested with negative results, then field test subsequent container(s)/cigarette(s) until a positive result is obtained OR five container(s)/cigarette(s) have field tested negative.
      (1) Once a positive result has been obtained, DO NOT open or field test any additional container(s)/cigarette(s) of marijuana seized from one specific person.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

(2) Never field test more than five containers/cigarettes of marijuana seized from one specific person.

d. After a container/cigarette of marijuana is opened and has field tested positive, the container/cigarette will be resealed and the container/cigarette will be placed in a SEPARATE zip-lock bag. This will allow the Police Laboratory criminalists to identify and analyze the field tested container/cigarette when laboratory analysis is required by the District Attorney's Office.

e. Containers/cigarettes that are not field tested will NOT be placed in a zip-lock bag.

f. The field tested container/cigarette in the zip-lock bag that tested positive will be listed on the **PROPERTY CLERK INVOICE (PD521-141)** as Item #1.

g. If several container(s)/cigarette(s) are field tested:

(1) The container/cigarette which tested positive will be placed in a SEPARATE zip-lock bag. The container/ cigarette that was field tested with positive results will be identified as such by marking the outside of the zip-lock bag, "POS." This bag will be listed as "Item #1" on the **PROPERTY CLERK INVOICE**.

(2) The remaining container(s)/cigarette(s) that are field tested with negative results will ALL be placed into a SEPARATE zip-lock bag. The zip-lock bag holding container(s)/cigarette(s) of marijuana, which were field tested with negative results, will be identified as such by marking the outside of the zip-lock bag "NEG." Container(s)/cigarette(s) which field tested NEGATIVE will be listed as "Item #2" on the **PROPERTY CLERK INVOICE**.

(3) The non-field tested container(s)/cigarette(s) will not be placed into a zip-lock bag and will be listed as "Item #3" on the **PROPERTY CLERK INVOICE**.

h. The container/cigarette in the zip-lock bag marked "POS" and the container(s)/cigarette(s) in the zip-lock bag marked "NEG" and the container(s)/cigarette(s) that were not field tested, will ALL be placed into the Narcotics Evidence Envelope (Misc.1-71).

(1) Place sealed and signed Narcotics Evidence Envelope inside of a Plastic Security Envelope.

(2) Ensure that the captions on the Narcotics Evidence Envelope are visible through the rear of the Plastic Security Envelope.

(3) Seal Plastic Security Envelope by removing paper strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

(4) The serial numbers of both envelopes are recorded on the **PROPERTY CLERK INVOICE** utilizing the "Packaging Function" in the Property and Evidence Tracking System.

i. When an officer conducts a field test and is uncertain whether the results are Positive or Negative then:
   (1) Consult with a supervisor and obtain clarification.
   (2) If the field testing officer is still uncertain after consulting with the supervisor, record the field test result as NEGATIVE.

j. DO NOT reseal opened container/cigarettes of marijuana with tape unless it is absolutely necessary. If tape must be used to reseal an opened container/cigarette, use as little as possible.

k. DO NOT tape separate individual marijuana container(s)/cigarette(s) together. Always try to avoid using tape when invoicing container(s)/cigarette(s) of marijuana.

6. Prepare a separate **MARIJUANA FIELD TEST REPORT** for each prisoner whose marijuana was field tested.
   a. Utilize the **FIELD TEST REPORT** appropriate to the borough of arrest.
7. Attach the triplicate copy (pink) of the completed **MARIJUANA FIELD TEST REPORT(S)** to the **PROPERTY CLERK INVOICES** and the invoiced marijuana and forward to the Police Laboratory in the normal manner.
   a. If marijuana from two or more prisoners is invoiced on one **PROPERTY CLERK INVOICE**, attach one copy of EACH related **FIELD TEST REPORT** to the one **PROPERTY CLERK INVOICE**.
   b. If marijuana from two or more prisoners is invoiced on one **PROPERTY CLERK INVOICE**, in the "Remarks" column of the **PROPERTY CLERK INVOICE**, list EACH prisoner's name and next to their name print in bold letters, "FIELD TESTED POSITIVE," **or** "FIELD TESTED NEGATIVE."
8. Deliver original (white) copy and duplicate (blue) copy of **FIELD TEST REPORT** with arrest package to the Assistant District Attorney at the Complaint Room.
   a. Include in the arrest package a completed Supporting Deposition with the caption "Buyer" and/or "Seller" as appropriate.
9. Dispose of used field test kit(s) and loading devices in the precinct plastic glove disposal receptacle.

SUPERVISOR CONCERNED

10. Witness field test, sign and seal.
11. Ensure that used field test kit is properly disposed of.
12. Ensure all forms prepared by authorized member of the service are complete and accurate.
    a. Ensure that the various reports that are prepared in connection with the same arrest(s) or seizure(s) accurately and consistently reflect the circumstances of the incident.
13. Follow *P.G. 210-13, "Release of Prisoners"* for a negative field test(s).

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The Police Laboratory will notify the Chief of Patrol, Chief of Housing, Chief of Transit, or the Chief of Detectives, as appropriate, whenever the field test results are different from the results obtained by a Police Laboratory criminalist. This is referred to as a field test "discrepancy." The Police Laboratory will also notify the Chief of Patrol, Chief of Housing, Chief of Transit, or the Chief of Detectives, as appropriate of all procedural, clerical and/or administrative errors made with regard to conducting field tests (e.g. incomplete/incorrect preparation of ***FIELD TEST REPORTS****, failing to conduct field tests when required, improperly packaging field tested container(s)/cigarette(s), etc.).*

Zip-lock bags and field testing kits can be obtained from the Quartermaster Section.

DEPARTMENT POLICY

Only uniformed members of the service who have received field testing training are authorized to conduct this testing procedure. Twenty field tests are conducted in the classroom when uniformed members of the service receive their initial training and certification. Personnel will be considered expert after receiving this initial training. Uniformed members assigned to patrol will only field test marijuana and no other controlled substance.

If a field test qualified uniformed member of the service is not available within the command of occurrence, the desk officer will request another field test qualified officer from another command (i.e., an adjoining command, Strategic Response Group, appropriate narcotics borough, etc.) to perform the test."

FORMS AND REPORTS

MARIJUANA FIELD TEST REPORT – MANHATTAN/QUEENS/STATEN ISLAND (PD321-143)
MARIJUANA FIELD TEST REPORT – BRONX (PD321-144)
MARIJUANA FIELD TEST REPORT – BROOKLYN (PD321-145)
PROPERTY CLERK INVOICE (PD521-141)

Section: Property - General	Procedure No: 218-09

EVIDENCE OTHER THAN CONTROLLED SUBSTANCES/ MARIJUANA AND FIREARMS/BALLISTICS EVIDENCE REQUIRING POLICE LABORATORY ANALYSIS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 5

PURPOSE To ensure that evidence, other than controlled substances/marijuana and firearms/ballistics evidence, which comes into the custody of the Department and requires laboratory analysis, is properly handled, packaged and submitted to the Police Laboratory.

PROCEDURE Upon taking property described above into custody that requires analysis at the Police Laboratory:

UNIFORMED MEMBER OF THE SERVICE

1. Follow invoicing procedures as contained in the Department Manual.
2. Invoice evidence requiring analysis by the Police Laboratory, as follows:
   a. Prepare a separate **PROPERTY CLERK INVOICE (PD521-141)** as appropriate, utilizing the Property and Evidence Tracking System, for each of the following:
      (1) Different property type
      (2) Different property categories
      (3) Different owners
      (4) Property that will be delivered and/or stored at different locations
      (5) Bloodstain, DNA, serology, or other biological evidence
      (6) Other types of evidence.
3. List each piece of evidence, requiring laboratory analysis, as a separate item on a separate line on the **PROPERTY CLERK INVOICE**.
   a. Each item will be given a separate "Item #" on the **PROPERTY CLERK INVOICE**.
   b. Each item of evidence will be specifically described by the invoicing member (e.g., blue long sleeve shirt, bloodied short sleeve undershirt, etc.)
   c. Ensure **INVOICE** does not exceed twenty line items.
4. Package evidence in accordance with Department procedures.
   a. See "*ADDITIONAL DATA*" for additional packaging instructions.
5. Write the corresponding **PROPERTY CLERK INVOICE** number, as well as the "Item #", on the outside of each package/container submitted to the laboratory.
   a. If the evidence being submitted for analysis is secured in multiple packages/containers, mark each package/container as "Bag 1 of ___", Bag 2 of ___".
6. Prepare a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)**, as appropriate, utilizing the Property and Evidence Tracking System.
7. Submit evidence with **PROPERTY CLERK INVOICE** and **REQUEST FOR LABORATORY EXAMINATION REPORT**, and the handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT** if prepared by the Crime Scene Unit member, to desk officer for review.

DESK OFFICER

8. Review **PROPERTY CLERK INVOICE** and **REQUEST FOR LABORATORY EXAMINATION REPORT** to ensure that:
   a. Different types of evidence as described, in step "2" are listed on separate **PROPERTY CLERK INVOICES.**
   b. Each item of evidence is listed as a separate "Item," on a separate line, and given a separate "Item #."
   c. Each separate item is specifically described, in detail.
   d. **INVOICE** does not exceed twenty line items, if requiring laboratory analysis.
9. Check each package/container to ensure that it is:
   a. Packaged properly.
   b. Marked with both the corresponding **PROPERTY CLERK INVOICE** number and corresponding "Item #."
10. Ensure that each package/container is properly sealed in a manner to prevent loss of evidence and to prevent contamination.
   a. Secure Plastic Security Envelope appropriately.
   b. Paper envelopes, paper bags, boxes should be securely sealed with evidence tape. (Do not use scotch tape).
11. Direct invoicing member to sign name across each seal of each package/container to maintain the chain of custody.
12. Securely attach the **PROPERTY CLERK INVOICE, REQUEST FOR LABORATORY EXAMINATION REPORT** and the handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT** if prepared by the Crime Scene Unit member, to the package/container.
13. Prepare **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.
14. Direct that the evidence be IMMEDIATELY delivered to the Police Laboratory.
   a. Evidence being submitted to the Police Laboratory for analysis degrades over time. If evidence that was not immediately delivered to the Police Laboratory is found to have degraded due to a delay in delivery, a notification will be sent through channels to the Office of the Chief of Department.

DELIVERING MEMBER

15. Deliver **PROPERTY CLERK INVOICE**, **REQUEST FOR LABORATORY EXAMINATION REPORT**, handwritten copy of the **REQUEST FOR LABORATORY EXAMINATION REPORT,** if prepared by Crime Scene Unit member, **PROPERTY TRANSFER REPORT** and property to the Police Laboratory.
16. Follow instructions of the Evidence Desk Intake personnel.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

When evidence is collected by a member of the Crime Scene Unit, the evidence will be packaged, sealed and labeled by the Crime Scene Unit member. These packages/containers will not be opened by the member assigned to invoice the evidence. Where appropriate, the

ADDITIONAL DATA (continued)

contents of the package/container will be specifically described by the Crime Scene Unit member on the outside of the package/container. The Crime Scene Unit member will prepare a handwritten copy of a ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *that will list and describe the items in the sealed packages/containers that are to be invoiced by the invoicing officer. The handwritten* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *will also describe the specific manner in which the items are to be invoiced and listed on the* ***PROPERTY CLERK INVOICE(S)*** *and the type of forensic examination required. The handwritten copy of the* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *prepared by the Crime Scene Unit member and the packages/containers to be invoiced will be delivered to the invoicing member for preparation of the* ***PROPERTY CLERK INVOICE****. The handwritten copy of the* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *must be attached to the packages/container by the invoicing member prior to delivery of the evidence and* ***PROPERTY CLERK INVOICE*** *to the Police Laboratory.*

The Police Laboratory will not accept ***PROPERTY CLERK INVOICES*** *that do not contain detailed and specifically itemized descriptions of the property submitted. Vague, non-detailed descriptions are unacceptable, (e.g., "one sealed bag containing miscellaneous items.") Improperly prepared* ***INVOICES*** *will be returned to the invoicing command. The invoicing command will be required to correctly prepare the* ***INVOICE*** *and re-deliver the evidence to the Police Laboratory IMMEDIATELY.*

All non-contraband property that is delivered to the Police Laboratory MUST have a photocopy of the ***PROPERTY CLERK INVOICE*** *attached.*

PROPERTY CLERK INVOICES *that are sent or have the potential to be sent to the Police Laboratory for laboratory analysis will not exceed twenty line items.*

EVIDENCE HANDLING AND PACKAGING GUIDELINES

ALCOHOL

Alcohol will only be submitted to the Police Laboratory in relation to an arrest for violation of Section 1192 of the Vehicle & Traffic Law and an open container of alcohol is seized.

The container will be corked closed and secured around the opening with tape. The container can be placed in a plastic security envelope. The container should be stored in an upright position until delivery to the Laboratory.

Patrol Guide 218-32, "Processing Alcohol Seized In ABC Law Violations," should be complied with in connection with alcohol seized as a result of violations of the ABC Laws.

ARSON

Accelerants or other flammable material that comes into the custody of the Police Department, should be placed in a clean, airtight, metal or glass container, sealed with masking tape, and immediately delivered to the Police Laboratory. CAUTION: Accelerants or other flammable materials should be handled in a well ventilated area.

ADDITIONAL DATA (continued)

BLOODSTAINS/SEROLOGY//DNA/OTHER BIOLOGICAL EVIDENCE

Bloodstains, DNA, serology, or other biological evidence, ***EXCEPT FIREARMS*** *(e.g., blood, semen, saliva, tissue etc.) should be delivered to the Police Laboratory for examination.*

Firearms evidence that requires bloodstain, DNA, serology, or other biological evidence analysis should be processed in accordance with the guidelines contained in Patrol Guide 218-23,"Processing Firearms and Firearm-Related Evidence."

BLOODSTAIN, DNA, SEROLOGY, OR OTHER BIOLOGICAL EVIDENCE AND ANY OTHER BODY FLUID/BIOLOGICAL EVIDENCE SHOULD BE PACKAGED IN PAPER BAGS OR BOXES. Do not seal in a plastic security envelope. Additionally, an orange bio-hazard sticker must be affixed to the package.

Bloodstain, DNA, serology, or other biological evidence must be refrigerated, therefore, it must be delivered to the Police Laboratory IMMEDIATELY.

QUESTIONED DOCUMENTS

Any piece of paper, where the authenticity of the writing or the source of the writing must be determined, will be submitted to the Document Fraud Squad. These items include, but are not limited to, checks, bank robbery notes, and harassing letters.

The evidence may be secured in a PLASTIC SECURITY ENVELOPE. ***DO NOT write on the security envelope when the evidence is inside****. Cardboard inserts should be used in the security envelope to prevent the evidence from bending or folding.*

HAIR AND FIBER

Evidence that contains possible hair and/or fiber evidence should be handled carefully to prevent the loss of any evidence. If the evidence is wet or bloodstained, or has other serological or biological evidence thereon, it should not be packaged in plastic; instead it should be placed in a sealed paper bag. If the evidence is dry, and it does not have bloodstain, serological, DNA or other biological evidence thereon, it should be packaged in a plastic security envelope or any bag/container that will prevent the hair or fiber evidence from being lost.

LATENT FINGERPRINTS

Items that must be processed for latent prints should be handled carefully. Latex gloves should be worn when handling. Members of the service handling such evidence should prevent the item(s) from being crushed, bent, folded, etc.

Items being delivered to the Police Laboratory for fingerprint analysis should be placed in a plastic bag, not a paper bag. However, if an item must be analyzed for BOTH fingerprint and bloodstain/serological/DNA/other biological evidence, then it should NOT be placed in a plastic bag; it should be placed in a paper bag.

LOCKS

If a lock is submitted to the Police Laboratory for analysis, then the key to that lock must also be invoiced and submitted to the Laboratory. If no key is available, do not submit the lock for analysis.

ADDITIONAL DATA (continued) *Any questions regarding the proper handling, packaging, or invoicing of evidence should be referred to a supervisor at the Police Laboratory, 24 hours a day, 7 days a week.*

RELATED PROCEDURES *Processing Alcohol Seized in ABC Law Violations (P.G.218-32)*
Processing Firearms and Firearm-Related Evidence (P.G.218-23)

FORMS AND REPORTS ***PROPERTY CLERK INVOICE (PD521-141)***
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
PROPERTY TRANSFER REPORT (PD521-1412)

PATROL GUIDE

Section: Property - General	Procedure No: 218-10

USING SECURITY LEAD SEALS OR PLASTIC SECURITY ENVELOPES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To provide a method of identifying property which does not have serial numbers, identifying marks, is difficult to describe, or to increase the control, security and accountability of small property items coming into police custody.

PROCEDURE When required to invoice property without serial numbers, identifying marks, or is difficult to describe, follow normal invoicing procedures:

USING SECURITY LEAD SEALS

UNIFORMED MEMBER OF THE SERVICE

1. Request lead seals from desk officer.

DESK OFFICER

2. Check Command Log and obtain serial number of last lead seal used.
3. Give next serially numbered lead seal to member concerned and make entry in Command Log accounting for number.

UNIFORMED MEMBER OF THE SERVICE

4. Place lead seal on property as required:
   a. Use one lead seal for different items in same case, where possible
   b. Leave room on wire for inspection of items
   c. Attach seals in presence of desk officer and other interested persons.
5. Record serial numbers of lead seals used on **PROPERTY CLERK INVOICE** and in digital **Activity Log**.

USING PRE-NUMBERED/BARCODED SECURITY ENVELOPES

UNIFORMED MEMBER OF THE SERVICE

6. Request Plastic Security Envelope or Jewelry Security Envelope, as appropriate, from desk officer.
7. Perform the following under the supervision of the desk officer:
   a. Complete captions on envelope and attach security lead seals, where necessary
   b. Place items in envelope and seal in accordance with instructions on the envelope
   c. Enter or scan barcode of Plastic Security Envelope or Jewelry Security Envelope during packaging when creating **PROPERTY CLERK INVOICES** utilizing the Property and Evidence Tracking System.
8. Present sealed envelope to desk officer.

DESK OFFICER

9. Examine envelope to ensure that:
   a. It is properly sealed
   b. Contents match description of **PROPERTY CLERK INVOICE**.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Plastic Security Envelopes may be used for all small property items except evidence requiring serological examination, (e.g., blood, semen, and other body fluids). Controlled substances/marijuana are to be placed into a Narcotics Evidence Envelope (Misc.1-71) and sealed. The sealed envelope will then be placed into a Plastic Security Envelope and sealed for added protection. Controlled substances that contain phencyclidine (Angel Dust) will be put in a Plastic Security Envelope, and sealed, prior to being placed in the Narcotics Evidence Envelope. Jewelry items must be placed in a separate Jewelry Security Envelope. This does not apply to members of the Police Laboratory.

If it becomes necessary to open a sealed Plastic Security or Jewelry Security Envelope, a new envelope will be prepared in the command which the envelope is opened OR the Property Clerk's borough office, as appropriate. In all such instances, the opened envelope(s) will be placed into the new envelope(s) and entered into the Property and Evidence Tracking System, utilizing the "Update invoice" and "Packaging" functions. Plastic Security or Jewelry Security Envelopes will not be used for items which can readily puncture or tear the envelope, (e.g., screwdrivers, knives with exposed blades, etc.). Items which cannot be placed in Security Envelopes will be tagged for identification and safeguarded in other than a Plastic Security Envelope.

Cash and jewelry will continue to be placed in individual Security Envelopes and will not be placed in the same envelope with other small items.

When it becomes necessary to invoice hypodermic needles, syringes, and other sharp narcotics paraphernalia:

a. Utilize hypo container which comes in a plastic bag containing full instructions

*b. Voucher hypo container on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence*

c. Place hypo container in a serialized Plastic Security Envelope

(1) Multiple hypo containers will be placed in same Plastic Security Envelope, if involved in the same occurrence.

(No other evidence [e.g., glassine envelopes, etc.] will be placed in same Plastic Security Envelope.)

*d. Store **INVOICE** and Plastic Security Envelope containing hypo container in property locker to be forwarded to appropriate Property Clerk facility.*

The operations coordinator will request additional lead seals and prenumbered/barcoded security envelopes from the Property Clerk Division.

RELATED PROCEDURE

Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General		Procedure No: 218-11	
USE OF BIOHAZARD LABELS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide methods of identifying regulated waste coming into police custody.

DEFINITION REGULATED WASTE - means liquid or semi-liquid blood or other potentially infectious materials: contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

PROCEDURE When required to transport or store property or evidence that has the potential to be an infectious material (e.g., regulated waste).

UNIFORMED MEMBER OF THE SERVICE

1. Follow normal invoicing procedures.
2. Request Biohazard Label(s) from desk officer.
   a. Biohazard Labels are a fluorescent orange in color with the word "Biohazard" written on the label's face.
3. Affix label as close as feasible to the item or container by using string, wire, adhesive or other method that prevents loss or unintentional removal.
4. Use one label for each item or container in same case.

DESK OFFICER

5. Request additional Biohazard Labels from Quartermaster Section when needed.

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)
Using Security Lead Seals or Plastic Security Envelopes (P.G. 218-10)
Hazardous Materials (P.G. 212-37)

PATROL GUIDE

Section: Property - General		Procedure No: 218-12	
SAFEGUARDING VEHICLES IN POLICE CUSTODY			
DATE ISSUED: 11/25/14	DATE EFFECTIVE: 11/25/14	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To safeguard vehicles in police custody at the stationhouse.

PROCEDURE When necessary to store a vehicle in police custody at the command:

COMMAND CLERK

1. Create **PROPERTY CLERK INVOICE (PD521-141)**, utilizing the Property and Evidence Tracking System, from recovering member's **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

RECOVERING MEMBER

2. Remove rotor or coil wire and attach to **WORKSHEET**.
   a. If unable to remove rotor or coil wire, ensure vehicle is immobilized in another way without causing damage to vehicle.
3. Prepare form **WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211)** and attach to <u>outside</u> of windshield, only after fingerprint processing is completed, if applicable.
4. Lock and park vehicle in secure location near command.

DESK OFFICER

5. Digitally sign **PROPERTY CLERK INVOICE**, verifying accuracy and completeness.
6. Inform relieving desk officer of location of vehicle.

ADDITIONAL DATA

<u>OPERATIONAL CONSIDERATIONS</u>

A vehicle may be safeguarded at the command for forty-eight hours when not required as evidence or not the subject of forfeiture proceedings. A vehicle not released to the owner or his/her representative within forty-eight hours will be removed to the appropriate Property Clerk storage facility.

RELATED PROCEDURES

Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211)

PATROL GUIDE

Section: Property - General		Procedure No: 218-13	
INVENTORY SEARCHES OF AUTOMOBILES AND OTHER PROPERTY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To protect property, ensure against unwarranted claims of theft, and protect uniformed members of the service and others against dangerous instrumentalities.

PROCEDURE Whenever any property comes into the custody of this Department an inventory search will be conducted as follows:

IF THE CONTENTS TO BE INVENTORIED ARE IN AN AUTOMOBILE

UNIFORMED MEMBER OF THE SERVICE

1. Search the interior of the vehicle thoroughly.
   a. This search should include any area that may contain valuables including, but not limited to:
      (1) Glove compartment
      (2) Console
      (3) Map pockets in or on doors and rear or side of seats
      (4) Areas under the seats and in and around the seat stuffing and springs
      (5) Under the floor mats
      (6) Under and behind the dashboard
      (7) Inside the ashtrays
      (8) In the air vents where accessible
      (9) Under the hood
      (10) Trunk.
2. Force open trunk, glove compartment, etc. only if it can be done with minimal damage, unless:
   a. Reasonably suspect that the item contains weapons, explosives, hazardous materials or contraband
   b. The contents are in plain view
   c. The contents can be inferred from the outward appearance of the container (e.g., gun cases, toolboxes [which may contain burglar's tools] etc.)
   d. Consent of the owner to break open the locked item.
      (1) Ask for consent in a manner that elicits a clear "yes" or "no" response.
      (2) Follow up by explicitly saying, *I can only conduct this inventory, if you consent.*
      (3) Inform owner that significant damage may occur.
      (4) Specifically ask the person, *Do you understand?*
      (5) If inventory is conducted, offer the person a **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**, as appropriate.
      (6) If owner does not consent to inventory, you cannot inventory unless a search warrant is obtained.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Remove all valuables from the vehicle and invoice on a separate **PROPERTY CLERK INVOICE (PD521-141)**.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Any closed container may be opened and its contents inventoried. If any of the above items listed in step "1" are locked, the uniformed member of the service concerned should make every attempt to obtain the keys from the driver, owner, or passenger.

Property of little value that is left inside the vehicle (e.g., old clothes, cassette tapes, and vehicle parts, etc.) should within reason, be listed in the uniformed member's digital ***Activity Log*** *and cross referenced to the invoice number covering any valuables removed.*

Property that is not inventoried from an automobile but is possessed or under the control of an arrested individual, may be inventoried and all items found therein may be invoiced as prisoner's property. If a locked container such as a brief case or safe is inventoried, it should not be forced open if to do so would cause more than minimal damage, unless the circumstances described in step "2", subdivisions "a", "b", "c", or "d" are present.

FORMS AND REPORTS

RIGHT TO KNOW BUSINESS CARD (PD142-012)
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General		Procedure No: 218-14	
VEHICLE STOLEN AND RECOVERED WITHIN NEW YORK CITY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To process and dispose of vehicles stolen and recovered within New York City.

PROCEDURE Upon recovery of stolen vehicle wanted on New York City alarm:

RECOVERING MEMBER OF THE SERVICE

1. Obtain all relevant information from NYSPIN System.
2. Enter information in digital **Activity Log**.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
4. Request patrol supervisor to respond to scene.

PATROL SUPERVISOR

5. Verify accuracy and completeness of **WORKSHEET**.

COMMAND CLERK

6. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

RECOVERING MEMBER OF THE SERVICE

7. Digitally sign **INVOICE** verifying accuracy and completeness.

PATROL SUPERVISOR

8. Digitally sign **INVOICE** verifying accuracy and completeness.

RECOVERING MEMBER OF THE SERVICE

9. Notify registered owner of vehicle as soon as possible after the vehicle is recovered.
   a. If telephone number of registered owner is available make at least one attempt at a telephone notification.
   b. Enter in the Telephone Record:
      (1) The date and time of such an attempt
      (2) The invoice number from the **PROPERTY CLERK INVOICE** that the recovered vehicle is listed on
      (3) Name of person contacted if notification attempt is successful.
   c. If final insurance settlement was received:
      (1) Enter name of insurance company on **INVOICE**, in box captioned, "Lien Holder or True Owner"
      (2) Notify insurance company if claim settled.
   d. Advise insurance carrier or registered owner (if claim not settled):
      (1) Recovered vehicle may be reclaimed at the tow operator's storage facility or the Property Clerk's Auto Pound upon proof of ownership and payment of authorized fees
      (2) Address and telephone number of storage facility or Pound.

RECOVERING MEMBER OF THE SERVICE (continued)

10. Prepare **ROTATION TOW-OWNER NOTIFICATION (PD571-1210)** when the register owner or insurance carrier did not recover the vehicle regardless if a telephone notification has already been made.
11. Notify Precinct Detective Unit/Detective Squad concerned if arrest involved or vehicle was used in commission of a crime.
12. Prepare **Omniform Complaint Revision** and enter the following in "Details" section:
    a. Parts and accessories removed from vehicle
    b. Condition of vehicle and ignition at time of recovery
    c. If vehicle keys were recovered
    d. If vehicle was damaged by fire
    e. Name of detective squad member notified, if vehicle used in commission of crime or further investigation is necessary
    f. Other information pertinent to the vehicle theft.
13. Have alarm cancelled via FINEST System once owner takes possession of vehicle or after vehicle has been removed to Property Clerk facility or Rotation Tow storage facility.
14. Attach copy of NYSPIN acknowledgement of cancelled alarm to:
    a. **PROPERTY CLERK INVOICE**
    b. **Omniform Complaint Revision**.

DETECTIVE SQUAD MEMBER

15. Prepare additional **COMPLAINT FOLLOW-UP INFORMATIONALS (pink) (PD313-081A)**, indicating further developments.

DESK OFFICER

16. Review **Omniform Complaint Revision**.
    a. Sign name.
17. Verify that alarm is cancelled and owner notified.
    a. If cancellation does not appear in NYSPIN System or transmitted cancellation contains a discrepancy, have cancellation corrected utilizing FINEST System.
18. Release vehicle to owner AFTER cancellation of alarm.
    a. Have vehicle removed to Property Clerk's facility when owner unable to remove vehicle or cannot be immediately contacted.
19. Forward finalized copy of **Omniform Complaint Revision** to commanding officer concerned, if recovering member is assigned to a specialized unit.

COMMANDING OFFICER, SPECIALIZED UNIT

20. Review **Omniform Complaint Revision** to ensure alarm has been cancelled and owner notified.

DESK OFFICER

21. Verify owners have been notified while conducting physical inventory of vehicles.

DESK OFFICER (continued)

22. Ensure that owner of vehicle is notified, if such notification was not previously made.
23. Determine if patterns of theft and/or dumping exist:
    a. Initiate appropriate action if such trends are apparent.

RELATED PROCEDURES

Vehicle Stolen Outside New York City and Recovered Within New York City (P.G. 218-15)
Vehicle Stolen Within New York City and Recovered Outside New York City or by the Port Authority Police (P.G. 218-16)
Rotation Tow (P.G. 218-21)
Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
ROTATION TOW-OWNER NOTIFICATION (PD571-1210)
Omniform Complaint Revision

PATROL GUIDE

Section: Property - General	Procedure No: 218-15

VEHICLE STOLEN OUTSIDE NEW YORK CITY AND RECOVERED WITHIN NEW YORK CITY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/31/15	12/31/15		1 of 1

PURPOSE To record and notify agencies concerned of the recovery of a vehicle in New York City reported stolen outside New York City.

PROCEDURE Upon recovery within New York City of any vehicle stolen outside the City:

RECOVERING MEMBER OF THE SERVICE

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)**.
2. Notify Inter-City Correspondence Unit for notification to originating police agency to cancel alarm and inform owner of recovery.
   a. Advise of arrest in connection with recovery, if applicable.
   b. Make entry in "Remarks" section of the **INVOICE** in the Property and Evidence Tracking System.
3. Notify detective squad concerned, if arrest involved or vehicle was used in commission of a crime.

DESK OFFICER

4. Release vehicle to owner or ensure that vehicle is delivered to Property Clerk storage facility.
5. Ensure photocopy of **PROPERTY CLERK INVOICE** is forwarded to Patrol Borough Pattern Identification Module by next business day.
6. Determine if patterns of theft and/or dumping exits.
   a. Initiate appropriate action if such trends are apparent.

EVIDENCE/ PROPERTY CONTROL SPECIALIST

7. Photocopy and forward **PROPERTY CLERK INVOICE** prepared for recovered stolen vehicles to Patrol Borough Pattern Identification Module by next business day.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*An **Omniform Complaint Revision** will not be generated for the recovery of a vehicle stolen outside of New York City.*

RELATED PROCEDURES

Vehicle Stolen and Recovered Within New York City (P.G. 218-14)
Vehicle Stolen Within New York City and Recovered Outside New York City or by the Port Authority Police (P.G. 218-16)
Rotation Tow (P.G. 218-21)
Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
Omniform Complaint Revision

PATROL GUIDE

Section: Property - General	Procedure No: 218-16

VEHICLE STOLEN WITHIN NEW YORK CITY AND RECOVERED OUTSIDE NEW YORK CITY OR BY PORT AUTHORITY POLICE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/31/15	12/31/15		1 of 2

PURPOSE To notify the registered owner and provide for cancellation of an alarm on a vehicle recorded as stolen within New York City and recovered outside the City or by the Port Authority Police on Port Authority property.

PROCEDURE When notified that a vehicle stolen within New York City has been recovered outside the City or on a Port Authority facility:

STOLEN PROPERTY INQUIRY SECTION

1. Transmit message through FINEST System to the precinct of record where alarm originated upon notification from outside agency that a vehicle stolen within New York City was recovered.

DESK OFFICER, PRECINCT OF RECORD

2. Ensure that alarm for vehicle is cancelled.
3. Ensure a copy of NYSPIN acknowledgement is attached to **Omniform Complaint Revision**, when prepared.
4. Notify registered owner of vehicle's recovery and location as soon as possible.
   a. If telephone number of registered owner is available make at least one attempt at a telephone notification.
   b. Enter in the Telephone Record:
      (1) The date and time of such an attempt
      (2) Name of person contacted if notification attempt is successful.
5. Comply with step "4" if vehicle is stolen within New York City and is recovered by the Port Authority, and in addition:
   a. Enter the invoice number from the **PROPERTY CLERK INVOICE (PD521-141)** that the recovered vehicle is listed on in the Telephone Record
   b. If final insurance settlement was received:
      (1) Enter name of insurance company on **INVOICE**, in box captioned, "Lien Holder or True Owner."
      (2) Notify insurance company if claim settled.
   c. Advise insurance carrier or registered owner (if claim not settled):
      (1) Of the address and telephone number of the Port Authority storage facility or Pound.
6. Notify the Stolen Property Inquiry Section that the FINEST Message has been received concerning recovery of vehicle.
   a. Provide identity of member making notification to registered owner.

STOLEN PROPERTY INQUIRY SECTION

7. Make record of acknowledgement of FINEST Message by precinct of record and identity of member of the service making notification to owner.

COMMAND CLERK, PRECINCT OF RECORD

8. Prepare **Omniform Complaint Revision** and under "Details" enter:
   a. Name of detective notified, if arrest was made, or if vehicle was used in the commission of a crime, AND
   b. Identity of member of the service who notified registered owner.

DESK OFFICER, PRECINCT OF RECORD

9. Review **Omniform Complaint Revision** to ensure that alarm had been cancelled and owner has been notified.
10. Sign off on the electronically generated **Omniform Complaint Revision** as per Department guidelines.

STOLEN PROPERTY INQUIRY SECTION

11. Forward an acknowledgement of cancellation of alarm to the recovering agency and to the precinct of record.

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
Omniform Complaint Revision

PATROL GUIDE

Section: Property - General	Procedure No: 218-18

PHOTOGRAPHING STOLEN EVIDENCE VEHICLES WHEN AN ARREST IS MADE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 2

PURPOSE To expeditiously release stolen recovered vehicles where an arrest is made and the vehicle was not used in conjunction with any other crime.

SCOPE Whenever an arrest is made for Grand Larceny Auto, Criminal Possession of Stolen Vehicle or Unauthorized Use of a Motor Vehicle and the stolen vehicle was not used in conjunction with any crime or criminal transaction, other than the theft or unauthorized use of the motor vehicle, the arresting officer will take a set of evidence photographs of the motor vehicle for the District Attorney/ Corporation Counsel and every defendant arrested. THE VEHICLE MAY THEN BE RELEASED TO THE OWNER/REPRESENTATIVE AT THE STATIONHOUSE WITHOUT A RELEASE FROM THE DISTRICT ATTORNEY/CORPORATION COUNSEL. All photographs will be delivered to the District Attorney/Corporation Counsel and maintained by that office.

PROCEDURE Where an arrest is made for a recovered stolen vehicle and the vehicle qualifies:

ARRESTING OFFICER

1. Comply with *Patrol Guide 208-03, "Arrest - General."*
2. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
3. Take one set of evidence digital photographs.
   a. The set of evidence digital photographs must include:
      (1) Vehicle identification number (VIN)
      (2) Registration sticker on windshield
      (3) License plates
      (4) Each side of vehicle, including vent windows, door locks and handles
      (5) Front and back of vehicle
      (6) Interior of vehicle, including ignition lock, seat to floor clearance, center console, radio receptacle and dashboard area
      (7) Motor
      (8) Any other interior or exterior surfaces showing any and all damage to the vehicle.
4. Upload all photographs to **PROPERTY CLERK INVOICE (PD521-141)** while completing the "Vehicle Inspection" in the Property and Evidence Tracking System.
5. Print and deliver the **PHOTO RELEASE DOCUMENT (PD582-171)**, along with required paperwork, to District Attorney/Corporation Counsel.
   a. Include a notation of delivery of photographs on **ARREST CHECKLIST (PD244-041)**.
   b. Have District Attorney receipt for delivery of **PHOTO RELEASE DOCUMENT** by signing digital **Activity Log**.
   c. In juvenile arrests, **PHOTO RELEASE DOCUMENT** will be included with the arrest paper work forwarded to the Corporation Counsel.

ARRESTING OFFICER (continued)

6. Notify owner/representative that vehicle can be released at the stationhouse.
   a. A release from the District Attorney/Corporation Counsel is no longer required in these cases.
7. Cancel alarm and release vehicle, when owner/representative arrives at stationhouse.

PRIOR TO RELEASE OF VEHICLE

DESK OFFICER

8. Review all necessary paperwork for accuracy and completeness.
9. Ascertain that alarm has been cancelled.
10. Ensure that all required photographs have been taken and that notation has been made on **ARREST CHECKLIST** that **PHOTO RELEASE DOCUMENT** is part of the arrest package being delivered to the District Attorney or is included in the arrest package forwarded to the Corporation Counsel.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The member of the service taking the photographs of the vehicle will take the minimum number of photographs necessary to show all items listed in step "3". In those cases where an arrest involves an adult and a juvenile, a set of photographs must be taken for the District Attorney and the Corporation Counsel.

Vehicles unable to be driven to the command will be placed in the Rotation Tow Program. Photographs must be taken either at the scene or the arresting officer will direct the tow driver to remove the vehicle to the command for photographs prior to its removal to the tow facility. Operable vehicles will remain at the command for forty-eight hours pending the arrival of the owner/representative. If the vehicle remains unclaimed, it will then be placed in the Rotation Tow Program and kept at the tow facility for thirty days prior to its removal to the pound.

In the event any questions arise regarding the release of the stolen vehicle, direct that photographs be taken and do not release the stolen vehicle until determination is made by the Legal Bureau.

RELATED PROCEDURES

Personal Recognizance-Juvenile Delinquent (P.G. 215-12)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

ARREST CHECKLIST (PD244-041)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE WORKSHEET (PD 521-141A)
PROPERTY CLERK INVOICE (PD521-141)
PHOTO RELEASE DOCUMENT (PD582-171)

PATROL GUIDE

Section: Property - General	Procedure No: 218-19

INVOICING VEHICLES/PROPERTY AS ARREST/INVESTIGATORY EVIDENCE OR FOR FORFEITURE PROCEEDINGS OR TO DETERMINE TRUE OWNER

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/01/20	01/01/20		1 of 4

PURPOSE To invoice and properly classify vehicles/property coming into police custody as arrest evidence, investigatory evidence, for forfeiture proceedings or to determine true owner.

PROCEDURE When property/vehicles are taken into police custody:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** as appropriate, utilizing the Property and Evidence Tracking System.
2. Select the correct property category on the **PROPERTY CLERK INVOICE**:
   a. ARREST EVIDENCE
   b. INVESTIGATORY EVIDENCE
   c. DNA ARREST EVIDENCE
   d. DNA INVESTIGATORY EVIDENCE
   e. FORFEITURE
   f. DECEDENT'S PROPERTY
   g. FOUND PROPERTY
   h. SAFEKEEPING
   i. PEDDLER PROPERTY
   j. OTHER
3. Select the correct property category on the **PROPERTY CLERK INVOICE** if vehicle/boat:
   a. ROTATION TOW
   b. ARREST EVIDENCE
   c. INVESTIGATION
   d. FORFEITURE
   e. PHOTO RELEASE
   f. SAFEKEEPING
   g. DETERMINE TRUE OWNER
4. Have alarm cancelled via FINEST System, where necessary.
   a. Attach copy of NYSPIN acknowledgement to **PROPERTY CLERK INVOICE** and/or **Omniform Complaint Revision**, as appropriate.
5. Prepare a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-172)**, utilizing the Property and Evidence Tracking System, if required.
6. Include **PROPERTY CLERK INVOICE**, if prepared in arrest cases, to arrest package.

VEHICLES/PROPERTY HELD AS INVESTIGATORY EVIDENCE

DESK OFFICER /DETECTIVE BUREAU SUPERVISOR

7. Direct that property be seized and invoiced as investigatory evidence when a criminal investigation is required and no arrest has been made.
8. Direct that vehicles may also be seized and invoiced as investigatory evidence when:

DESK OFFICER /DETECTIVE BUREAU SUPERVISOR (continued)

a. Crime Scene Unit examination of vehicle is requested
b. Collision Investigation Squad must conduct an investigation at scene of a vehicle collision
c. Investigation of vehicle by any unit other than the Property Clerk is required.

9. Ensure investigations as outlined above are conducted and concluded at command concerned.
   a. Ensure vehicle is removed to appropriate Property Clerk Auto Pound if further investigation is required.

VEHICLES SEIZED AS ARREST EVIDENCE

DESK OFFICER /DETECTIVE BUREAU SUPERVISOR

10. Direct that vehicles must be seized and invoiced as arrest evidence when arrests are made for:
    a. Larceny of vehicle
       (1) Charge will be Grand Larceny Auto unless owner/complainant or other evidence indicates auto (as defined in Section 125 VTL) is valued at $100 or less, or if motorcycle (as defined in Section 123 VTL) is valued at $1,000 or less.
    b. Unauthorized use of a vehicle
    c. Criminal possession of stolen property (vehicle involved)
    d. Possession of vehicle with an altered V.I.N.
    e. Leaving scene of collision - serious injury and likely or critical injury
    f. Assault or homicide - vehicle used as weapon
    g. Illegal Registration - Motorist arrested for Operating an Unregistered Vehicle, Vehicle and Traffic Law Section 401 (1)(a).

ARRESTING OFFICER

11. Notify desk officer immediately when arrest number is obtained and include arrest number on the **PROPERTY CLERK INVOICE**.

VEHICLES SEIZED FOR FORFEITURE

DESK OFFICER /DETECTIVE BUREAU SUPERVISOR

12. Direct that vehicles may be seized and invoiced to determine if forfeiture proceedings will be commenced when vehicle is used to transport:
    a. Controlled Substances - Felony, Article 220, Penal Law
    b. Gambling Records - Sections 225.20 and 415, Penal Law
    c. Untaxed Cigarettes - Felony, Section 481, subdivision 2, State Tax Law and Section 11-1317, Administrative Code
    d. Equipment used in promoting pornography - Article 410, Penal Law
    e. Equipment used in unauthorized recording of sound – Section 420.05, Penal Law
    f. Illegally possessed firearms/rifles/shotguns - Section 265, Penal Law.

NOTE *In all cases, whether a vehicle is seized as arrest evidence or for forfeiture, a **VEHICLE SEIZURE FORM (PD571-1218)** must be completed and served on the arrestee at the command of arrest processing.*

DESK OFFICER /DETECTIVE BUREAU SUPERVISOR

13. Direct an occupied vehicle be taken into custody if true owner cannot be determined and immediate arrest is not warranted.
14. Have **PROPERTY CLERK INVOICE** prepared and ensure property category "Determine True Owner" is selected.
    a. A **COMPLAINT REPORT (PD313-152)** is not necessary when invoicing a vehicle to "Determine True Owner." The investigation will be conducted by Property Clerk personnel.
15. Have vehicle delivered to appropriate Property Clerk Auto Pound for processing by Property Clerk personnel.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

When a member of the service conducts a computer check of an occupied vehicle and the response reads ILLEGAL REGISTRATION, the New York State Department of Motor Vehicles has determined that the vehicle was improperly registered to someone who was the victim of a fraud and the victim never owned the vehicle nor gave anyone permission to register the vehicle in the victim's name. Accordingly, when a uniformed member of the service encounters a motorist during a vehicle stop whose registration comes up on the computer as ILLEGAL REGISTRATION, then this motorist will be arrested and charged with Vehicle and Traffic Law Section 401(1)(a), Operating an Unregistered Vehicle. An immediate investigation should simultaneously be undertaken to determine if probable cause exists that the motorist or any other person has committed the crimes of Criminal Impersonation 2nd degree P.L. 190.25(1), Forgery 2nd degree, P.L. 170.10(2), Offering a False Instrument for Filing 2nd degree P.L. 175.30, or any robbery or larceny charge, if appropriate. If Penal Law arrests are to be made, the vehicle will be taken into custody as arrest evidence; if only a Vehicle and Traffic Law arrest is to be made, the vehicle will be taken into custody to determine its true owner.

*Whenever an arrest is effected involving a vehicle for a charge OTHER THAN those enumerated in step "10" above, the arresting officer will consult with his supervisor to determine whether the vehicle should be seized. The supervisor will communicate with an Assistant District Attorney and request an opinion to determine if the vehicle should be seized as arrest evidence. If an Assistant District Attorney is not available, the vehicle will be invoiced and secured at the stationhouse. However, no category of property will be checked, pending a determination by the Assistant District Attorney. If the Assistant District Attorney advises that the vehicle is not required as evidence, it will be released to the registered owner or his representative. If the owner cannot be located, the vehicle will be sent to the Property Clerk Auto Pound for safekeeping. If it is determined that the vehicle is to be held as evidence, the name and telephone number of the Assistant District Attorney who made the recommendation MUST be entered in the appropriate captions listed immediately above the "Remarks" section on the **PROPERTY CLERK INVOICE**.*

If a vehicle is to be safeguarded at the Property Clerk Auto Pound, the following documents will be forwarded with the vehicle:

a. ***PROPERTY CLERK INVOICE***
b. FINEST Printout - NYSPIN acknowledgement
c. VIN Printout (including registered owner's zip code)

ADDITIONAL DATA (continued)

*d. Copy of **COMPLAINT REPORT**, if prepared, or notation on invoice of previously prepared **COMPLAINT REPORT** number and precinct of record, when vehicle is categorized as Investigatory Evidence, DNA Investigatory Evidence, Arrest Evidence, DNA Arrest Evidence or Forfeiture.*

INVOICING COIN/BILL OPERATED MACHINES OR DEVICES

*Whenever coin/bill operated machines, including slot machines, are invoiced as evidence in arrest or investigation cases, the invoicing officer will remove all currency under the supervision of a ranking officer. Separate invoices will be prepared for currency and machines. Each will be cross-referenced. Under the caption "Remarks" on the **INVOICE**, enter a statement indicating the machine was opened and the amount of currency removed. Every effort will be made to locate a key or other device used to open the machines prior to their delivery to the Property Clerk. When force must be used to gain access to cash boxes, Emergency Service Unit may be requested. Emergency Service Unit personnel will break locks to obtain currency contained within the machines while taking care to avoid destroying their mechanisms.*

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
VEHICLE SEIZURE FORM (PD571-1218)
Omniform Complaint Revision

PATROL GUIDE

Section: Property - General		Procedure No: 218-20	
DELIVERY OF VEHICLE TO PROPERTY CLERK			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To remove a vehicle in police custody to a Property Clerk storage facility.

PROCEDURE When necessary to remove a vehicle to a Property Clerk storage facility:

DESK OFFICER

1. Ensure **PROPERTY TRANSFER REPORT (PD521-1412)** is prepared utilizing the Property and Evidence Tracking System.

VEHICLE ABLE TO BE DRIVEN:

DESK OFFICER

2. Assign uniformed member of the service to deliver vehicle and "Property Clerk" copy of **PROPERTY CLERK INVOICE (PD521-141)** to Property Clerk's storage facility.

ASSIGNED MEMBER

3. Check entries on **PROPERTY CLERK INVOICE** against current condition and equipment of vehicle.
4. Conduct a vehicle inspection, utilizing the "Vehicle Inspection" function in the Property and Evidence Tracking System, to record all discrepancies.
5. Report discrepancies to desk officer.
6. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** for missing equipment not originally noted on **PROPERTY CLERK INVOICE** and deliver to desk officer.
7. Digitally sign **PROPERTY TRANSFER REPORT**.

DESK OFFICER

8. Digitally sign **PROPERTY TRANSFER REPORT**.

ASSIGNED MEMBER

9. Deliver vehicle to storage facility.

VEHICLE UNABLE TO BE DRIVEN:

DESK OFFICER

10. Notify Fleet Services Division, Department Tow.

DEPARTMENT TOW TRUCK OPERATOR

11. Pick up vehicle and proceed to command to obtain related **PROPERTY CLERK INVOICE**.

DESK OFFICER

12. Assign member of service to check entries on **PROPERTY CLERK INVOICE** against condition and equipment of vehicle and prepare **PROPERTY TRANSFER REPORT**.

ASSIGNED MEMBER

13. Conduct a vehicle inspection utilizing the "Vehicle Inspection" function in the Property and Evidence Tracking System to record all discrepancies.
14. Report discrepancies to desk officer.
15. Prepare **COMPLAINT REPORT WORKSHEET** for missing equipment not originally on **PROPERTY CLERK INVOICE** and deliver to desk officer.
16. Enter identity of tow truck operator on **PROPERTY TRANSFER REPORT**.

DEPARTMENT TOW TRUCK OPERATOR

17. Digitally sign **PROPERTY TRANSFER REPORT**.

DESK OFFICER

18. Digitally sign **PROPERTY TRANSFER REPORT**.

DEPARTMENT TOW TRUCK OPERATOR

19. Deliver vehicle and corresponding **PROPERTY CLERK INVOICE** set to Property Clerk storage facility.

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY TRANSFER REPORT (PD521-1412)

PURPOSE To process non-evidence stolen or apparently abandoned vehicles, including motorcycles, recovered within New York City.

DEFINITIONS APPARENTLY ABANDONED VEHICLE - An unoccupied vehicle abandoned as defined in Section 1224, Vehicle and Traffic Law OR an unoccupied vehicle observed under circumstances indicating it may have been stolen, but for which no alarm has been transmitted.

DOUBLE TOW - Situation requiring use of additional tow truck to assist in an UNUSUAL recovery (e.g., vehicle on an embankment, overturned, wedged in a building, etc.). The uniformed member must select either "yes" or "no" under caption, "Double Towing Involved" when generating a **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System. When "Double Tow" is authorized, the uniformed member must enter his/her tax number in the appropriate field. A "Double Tow" is NOT AUTHORIZED solely because a recovered vehicle has no wheels. (Tow operators are required to possess equipment for towing vehicles with damaged/missing wheels.)

PROCEDURE When a uniformed member of the service recovers an unoccupied stolen or apparently abandoned vehicle.

UNIFORMED MEMBER OF THE SERVICE

1. Determine if vehicle qualifies for Rotation Tow.
   a. A vehicle IS NOT qualified for removal under Rotation Tow if:
      (1) An arrest is made in conjunction with the recovery EXCEPT where an arrest is made and the vehicle qualifies for release after photographs are taken
      (2) Required as evidence OR being held for investigation
      (3) Used in commission of a crime
      (4) Vehicle may be the subject of forfeiture proceedings
      (5) Derelict guidelines are listed on inside back cover of **ROTATION TOWING LOG (PD571-1412)**
      (6) Vehicle is a large truck or limited-use motorcycle (moped)
      (7) Owner is on scene and recovers own vehicle prior to discovery by this Department
      (8) Vehicle must be safeguarded due to the inability of the owner/driver to remove to a safe place (e.g., prisoner, aided, collision, etc.)
2. Ascertain V.I.N. of vehicle.
   a. If missing or illegible, attempt to locate alternate V.I.N.
      (1) Request assistance of another member of command trained in vehicle identification or services of Auto Crime Unit, if necessary.
3. Obtain relevant information from New York State Police Information System Network (NYSPIN) via FINEST System.

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Prepare **ROTATION TOW IDENTIFICATION STICKER (PD571-090)**.
   a. Affix **STICKER** to glass (window or windshield) facing street side.
5. Enter vehicle information in digital **Activity Log**.
6. Provide desk officer with all relevant information on recovered vehicle for notification to participating tow operator.
7. Prepare the following documents:
   a. **PROPERTY CLERK INVOICE**
      (1) Select "Rotation Tow" as the Property Category
      (2) Select either "yes" or "no" under captioned "Double Towing Involved", and if "Double Tow" is authorized, enter tax number of authorizing officer in appropriate field. (Tax number must be entered if "Double Tow" is authorized)
      (3) Enter under REMARKS "Deliver to Property Clerk Auto Pound WITHIN 48 HOURS for confidential V.I.N. check," if V.I.N. is not obtained or ownership cannot be determined from a legible V.I.N. (A vehicle in this category WILL NOT BE RETURNED TO OWNER by the tow operator; it MUST BE DELIVERED to the Property Clerk Auto Pound.)
   b. **Omniform Complaint Revision**, ONLY if previously reported stolen WITHIN NEW YORK CITY
   c. **COMPLAINT REPORT (PD313-152)**, if investigation reveals that vehicle has been stolen WITHIN NEW YORK CITY, BUT THE THEFT HAS NOT BEEN REPORTED.
8. Obtain a FINEST printout for vehicles with legible V.I.N. numbers and attach it to the "Property Clerk Copy" of **PROPERTY CLERK INVOICE** indicating:
   a. Check of registration plate and V.I.N.
   b. Listing of registered owner and insurance code
   c. NYSPIN and NCIC checks.

DESK OFFICER

9. Notify next participating tow operator in rotation sequence IMMEDIATELY after receiving all pertinent information from member who recovered vehicle.
   a. If vehicle is recovered on a limited access highway, ONLY THE TOW OPERATOR HAVING EXCLUSIVE FRANCHISE FOR SERVICE ON SUCH HIGHWAY MAY TOW THE VEHICLE. (A franchise tow operator who is also an authorized rotation tow operator will not be charged a turn in the rotation sequence for a limited access highway removal.)
10. Determine if tow operator is available for assignment PRIOR TO furnishing information concerning the recovered vehicle.
    a. Tow operators DO NOT have the option of deciding whether they are available AFTER being informed of the type and condition of the vehicle to be towed.
11. Prepare **REPORT OF VIOLATION (PD672-151)** and forward to Department of Consumer Affairs whenever a tow operator refuses assignment AFTER BEING INFORMED of type and condition of vehicle to be towed.

DESK OFFICER (continued)

12. Notify next tow operator in the rotation sequence whenever a tow operator is NOT AVAILABLE FOR ANY REASON.
13. Enter each completed or attempted notification to tow operator in **ROTATION TOWING LOG**.
    a. Busy signal, no answer, refusal and reason therefore, entered in "Remarks" column.
14. Notify next tow operator in rotation sequence when assigned tow operator fails to tow the vehicle within a reasonable period of time (e.g., half an hour, but may be longer depending on conditions).
    a. Advise tow operator to notify the desk officer immediately when vehicle has arrived at storage facility.
    b. Prepare and forward **REPORT OF VIOLATION** to Department of Consumer Affairs indicating assigned tow operator's failure to meet performance standards.
15. Make entry under Remarks in **ROTATION TOWING LOG** when two or more vehicles are recovered at one incident by the SAME tow operator. (Such removal counts as one turn in the rotation sequence).
16. Select the name of authorized rotation tow company when preparing the **PROPERTY CLERK INVOICE**.

UPON NOTIFICATION FROM TOW OPERATOR THAT VEHICLE HAS BEEN DELIVERED TO TOW OPERATOR'S STORAGE FACILITY

DESK OFFICER

17. Advise tow operator:
    a. To immediately deliver **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (PD571-154)** to precinct of record for each vehicle towed
    b. Vehicle may be delivered to the Property Clerk Auto Pound on any weekday commencing on the eighth day and ending on the thirtieth day
    c. Vehicles remaining unclaimed commencing on the eighth day MUST BE DELIVERED to the Auto Pound any weekday, by the tow operator, by the thirtieth day
    d. Insurance carrier representatives seeking release of vehicles must present a signed, notarized "Receipt for Release of Vehicle" on insurance company letterhead when picking up vehicles.
18. Have alarm canceled, if required.
    a. Enter cancellation on **PROPERTY CLERK INVOICE** and **Omniform Complaint Revision**, if prepared.
19. Confirm cancellation of alarm by ensuring a standard inquiry is made to NYSPIN via FINEST System by plate or V.I.N. number, at least one to two hours AFTER the original request was transmitted.
    a. Correct any discrepancies immediately by modifying alarm transmission or cancellation via FINEST System.
20. Notify registered owner of vehicle as soon as possible after the recovered vehicle has been delivered to tow operator.

DESK OFFICER (continued)

a. If telephone number of registered owner is available make at least one attempt at a telephone notification.
b. Enter in the Telephone Record:
   (1) The date and time of such an attempt
   (2) The invoice number from the **PROPERTY CLERK INVOICE** that the recovered vehicle is listed on
   (3) Name of person contacted if notification attempt is successful.
c. If final insurance settlement was received:
   (1) Enter name of insurance company on **INVOICE**, in the field captioned, "Lien Holder"
   (2) Notify insurance company if claim settled.
d. Advise insurance carrier or registered owner (if claim not settled):
   (1) That recovered vehicle may be reclaimed at the tow operator's storage facility or the Property Clerk Auto Pound upon proof of ownership and payment of authorized fees
   (2) Of the address and telephone number of storage facility or Pound.

21. Have **ROTATION TOW-OWNER NOTIFICATION** prepared.
    a. Ensure that in all cases where the registered owner or insurance carrier did not recover the vehicle, that they are notified in writing utilizing the **ROTATION TOW-OWNER NOTIFICATION**, even if a telephone notification was already made.
    b. Print "Prisoner/Finder/Owner Copy" of **PROPERTY CLERK INVOICE**.
22. Make appropriate entries in **ROTATION TOWING LOG**.
23. Distribute **ROTATION TOW - OWNER NOTIFICATION** as follows:
    a. Original copy of the **ROTATION TOW - OWNER NOTIFICATION** and an "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE** to owner via U.S. mail
       (1) Envelope addressed to owner will include precinct return address on upper left corner and **PROPERTY CLERK INVOICE** number on lower left corner.
    b. Attach duplicate copy to the **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** (when received) and place in the Rotation Towing thirty-day file maintained at the precinct.

UPON RECEIPT OF THE **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** FROM THE TOW OPERATOR:

DESK OFFICER

24. Verify accuracy of information entered on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** with information on **PROPERTY CLERK INVOICE**.
    a. Enter data from inspection on **PROPERTY CLERK INVOICE** to "Pct. Qty." captions on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** (shaded areas)
    b. Indicate discrepancies, if any in the "Remarks" section of the **PROPERTY CLERK INVOICE**, utilizing the update invoice function of the Property and Evidence Tracking System

DESK OFFICER (continued)

c. Prepare **COMPLAINT REPORT**, if appropriate, and indicate serial number in the "Remarks" section of the **PROPERTY CLERK INVOICE**, utilizing the update invoice function of the Property and Evidence Tracking System.

25. Verify that alarm, if any, was cancelled, that owner was notified, and **ROTATION TOW-OWNER NOTIFICATION** was sent.
    a. If cancellation does not appear in NYSPIN System or transmitted cancellation contains a discrepancy, have cancellation corrected utilizing FINEST System.
26. Distribute **PROPERTY CLERK INVOICE** when V.I.N. has been obtained and ownership of vehicle has been determined, as follows:
    a. One copy of "Property Clerk Copy" to Rotation Towing 30-Day File, with **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** and copy of **ROTATION TOW-OWNER NOTIFICATION** attached thereto.
    b. "Invoicing Officer" copy to recovering officer.
    c. One copy of each "Rotation Tow", "Prisoner/Finder/Owner" to tow operator.
27. Ensure the following is done if V.I.N. has NOT been obtained or ownership has NOT been determined:
    a. Ensure that statement "Deliver to Auto Pound WITHIN FORTY-EIGHT HOURS for confidential V.I.N. check" has been entered in the "Remarks" section of the **PROPERTY CLERK INVOICE**
    b. Direct tow operator to deliver vehicle and ALL copies of **PROPERTY CLERK INVOICE** to Property Clerk Auto Pound within forty-eight hours of completion of towing assignment
    c. Retain **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in Rotation Towing thirty-day file for entry of vehicle storage number pending receipt of **NOTICE OF VEHICLE DELIVERY (PD571-128)** from Auto Pound.
28. Advise tow operator to distribute copies of **PROPERTY CLERK INVOICE** upon release of vehicle to registered owner/authorized representative/insurance carrier as follows:
    a. "Prisoner/Finder/Owner" - to owner/authorized representative/ insurance carrier
    b. "Rotation Tow" - deliver to precinct of recovery.

UPON RECEIPT OF ROTATION TOW COPY OF **PROPERTY CLERK INVOICE** AT PRECINCT, INDICATING RELEASE OF VEHICLE BY TOW OPERATOR TO OWNER/AUTHORIZED REPRESENTATIVE/INSURANCE CARRIER.

DESK OFFICER

29. Ensure that **PROPERTY CLERK INVOICE** ("Rotation Tow" copy) is properly receipted and storage fees are indicated.

DESK OFFICER (continued)

a. A written authorization from the registered owner of the vehicle or copy of the insurance carrier's notarized "Receipt for Release of Vehicle" attached to "Rotation Tow" copy of **PROPERTY CLERK INVOICE** will suffice as receipt for release of vehicle.

30. Attach "Rotation Tow" copy of **PROPERTY CLERK INVOICE** to "Property Clerk" copy of **PROPERTY CLERK INVOICE** from Rotation Towing thirty-day file and maintain in separate designated file in **PROPERTY CLERK INVOICE** number order with related documents, i.e., District Attorney's Release, etc., if any, attached.

31. File **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in command.

EVIDENCE/ PROPERTY CONTROL SPECIALIST

32. Retrieve "Rotation Tow" copy of **PROPERTY CLERK INVOICE** and perform the "Return to Owner from Rotation Tow (RTO From RoTow)" function utilizing the Property and Evidence Tracking System.

UPON NOTIFICATION FROM TOW OPERATOR THAT VEHICLE IS BEING REMOVED TO PROPERTY CLERK'S AUTO POUND.

DESK OFFICER

33. Inform the tow operator that in no event shall any towing company charge the Police Department for storage charges incurred after the tenth day of storage.
    a. Retain **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE**, pending receipt of **NOTICE OF VEHICLE DELIVERY** from the Property Clerk's Auto Pound.
34. Direct tow operator to deliver all copies of **PROPERTY CLERK INVOICE**, with vehicle, to Property Clerk's Auto Pound.
    a. Enter vehicle disposition, by documenting the name of the Department auto pound the motor vehicle/motorcycle was delivered to, in the "Remarks" column of the **ROTATION TOWING LOG**.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO AUTO POUND

35. Perform intake utilizing the Property and Evidence Tracking System.
    a. Print **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** and issue to tow operator as receipt.
36. Prepare **NOTICE OF VEHICLE DELIVERY** and forward IMMEDIATELY to the desk officer, precinct of recovery.

DESK OFFICER

37. Enter vehicle storage number on **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** upon receipt of **NOTICE OF VEHICLE DELIVERY**.
38. File **ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE** in command.

COMMANDING OFFICER/ DESIGNEE

39. Inspect daily:
    a. **ROTATION TOWING LOG** entries for previous twenty-four hours to ensure completeness and accuracy.
    b. Rotation Towing thirty-day file to:
        (1) Determine status of all **INVOICES**.
        (2) Ensure no vehicle is being held more than thirty days.
40. Enter date, time of inspection and signature in "Remarks" column of **ROTATION TOWING LOG** and include remedial action taken, if any.
41. Ensure compliance with the following:
    a. Complaints concerning license violations and administrative matters, including overcharges by tow operators, are reported to the Department of Consumer Affairs on **REPORT OF VIOLATION**.
    b. Complaints alleging thefts or other unlawful acts by towing company personnel are recorded on **COMPLAINT REPORT** and investigated.
        (1) Duplicated copies of **COMPLAINT REPORT** must by forwarded to the Department of Consumer Affairs for informational purposes only.
    c. Participating tow operators are permitted to view the **ROTATION TOWING LOGS** of precincts within their assigned zone(s) to verify rotational sequence.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

An OWNER WILL NOT BE NOTIFIED NOR WILL AN ALARM BE CANCELLED on the recovered vehicle until the tow operator has advised that the vehicle has been removed to storage facility.

*If the envelope with the **ROTATION TOW - OWNER NOTIFICATION** and attached copy of the **PROPERTY CLERK INVOICE** is returned by the Postal Service as non-deliverable, attach the unopened envelope to the "Property Clerk Copy" of the **PROPERTY CLERK INVOICE**. A notation will then be made on the duplicate **ROTATION TOW-OWNER NOTIFICATION** that the original was returned undelivered.*

Rotation tow operators will deliver motor vehicles and motorcycles to a designated Department auto pound. Motorcycles are stored and can be reclaimed at a designated Department auto pound. When motor vehicles are delivered to a Department auto pound, the auto pound will immediately notify an authorized third party storage facility to remove and store the motor vehicles. Claimants must initially pay, at the auto pound concerned, the NYPD Rotation Tow and storage fees, in addition to third party transfer and storage fees, to reclaim a motor vehicle/motorcycle, or to obtain a release authorization pass, PRIOR to reclaiming a motor vehicle from the third party storage facility. If a vehicle/motorcycle remains unclaimed after fifteen days, from its delivery date to a Department auto pound, the vehicle/motorcycle will be disposed of according to law.

Department of Sanitation personnel affix a numbered sticker with red lettering and red border to the outside rear of vehicles deemed eligible for Rotation Towing. Therefore, upon notification from the Department of Sanitation of the location of a vehicle eligible for Rotation Towing, the member of the service receiving the notification will immediately notify the desk officer of the following:

ADDITIONAL DATA (continued)

a. Time and date of notification
b. Identity of Sanitation Department member making notification
c. Location and description of vehicle (year and make)
d. Sanitation Department sticker number.

*The above information will be entered in the appropriate columns of the **ROTATION TOWING LOG**.*

*The desk officer will direct a uniformed member of the service to respond to the vehicle location and make a visual inspection of the vehicle to ensure it qualifies for Rotation Towing in accordance with established criteria set forth on the rear inside cover of the **ROTATION TOWING LOG**. Neither the Department of Sanitation notification nor the affixing of a Department of Sanitation numbered sticker on a vehicle confers automatic Rotation Towing eligibility. FINAL DETERMINATION must be made by a uniformed member based upon visual inspection of the vehicle concerned.*

Uniformed members conducting visual inspections of vehicles reported by the Department of Sanitation as eligible for inclusion in Rotation Towing will be guided by the following:

CATEGORY	***CLASSIFICATION***	***PROCEDURE***
Stolen/abandoned (with or without registration plates)	***Other than derelict***	***Include in Rotation Towing and affix ROTATION TOW IDENTIFICATION STICKER***
Stolen/abandoned (with or without registration plates)	***Derelict***	***Notify Department of Sanitation that vehicle does not qualify for Rotation Towing and must be removed under the Derelict Auto Program; a notation concerning this notification will be made in "Remarks" column of the Rotation Towing Log. Remove plates from vehicle, if appropriate, prior to notification and comply with applicable provisions of P.G. 214-29, "Derelict Vehicles Bearing Registration Plates."***

Enforcement officers from the following agencies may utilize this Department's Rotation Towing Program and perform steps "1" through "9" of the foregoing procedure whenever they recover stolen and/or apparently abandoned vehicles in areas under their respective jurisdictions within the confines of New York City:

- *New York City Parks Department*
- *Seagate PD (60th Precinct)*

Administrative Code Section 20-519 (a) (3) states that all participants in the "Rotation Tow" program shall maintain a business premises that is under the exclusive control of the participant, is not used by any other towing company and is the premises listed on such

ADDITIONAL DATA (continued)

participant's license to engage in towing. Such premises shall consist of a location that is open to the public, where towing company personnel are employed, calls requesting towing service are received and tow operators are dispatched, and where all records required by this subchapter or any rules promulgated hereunder are maintained.

The following violations of Department of Consumer Affairs regulations will be entered under "Additional Information" on ***REPORT OF VIOLATION****:*

a. UNJUSTIFIABLE REFUSAL to accept a towing assignment:
(1) Violation - Article XII subdivision F (ROTOW)

b. REPEATED UNJUSTIFIABLE REFUSALS to accept towing assignments:
(1) Violation - Article XII subdivision L (ROTOW)
(List times and dates of such refusals)

RELATED PROCEDURES

Driveway Tow Program (P.G. 214-14)
Derelict Vehicles Bearing Registration Plates (P.G. 214-29)
Requesting U.S. Postage Stamps (A.G. 325-26)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
NOTICE OF VEHICLE DELIVERY (PD571-128)
PROPERTY CLERK INVOICE (PD521-141)
REPORT OF VIOLATION (PD672-151)
ROTATION TOW IDENTIFICATION STICKER (PD571-090)
ROTATION TOWING LOG (PD571-1412)
ROTATION TOW-OWNER NOTIFICATION (PD571-1210)
PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT(PD521-172)
ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (PD571-154)
Omniform Complaint Revision

PATROL GUIDE

Section: Property - General		Procedure No: 218-22	
PROCESSING BOATS IN POLICE CUSTODY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To safeguard boats coming into police custody.

PROCEDURE Upon taking a boat into police custody:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain if stolen by utilizing mobile digital computer or FINEST System.
   a. Obtain relevant information.
2. Notify desk officer, precinct of occurrence of:
   a. Description of boat
   b. Circumstances leading to custody
   c. Other pertinent information.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for boat.
4. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET** for evidence or other property that is <u>not</u> part of boat equipment and deliver items to precinct of record.
5. Request patrol supervisor to respond to scene.

PATROL SUPERVISOR

6. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET(S)** by signing rank, name and shield number.

COMMAND CLERK

7. Enter **PROPERTY CLERK INVOICE WORKSHEET(S)** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE(S) (PD521-141)**.

UNIFORMED MEMBER OF THE SERVICE

8. Digitally sign **PROPERTY CLERK INVOICE(S)** verifying accuracy and completeness.

PATROL SUPERVISOR

9. Digitally sign **PROPERTY CLERK INVOICE(S)** verifying accuracy and completeness.

DESK OFFICER

10. Notify owner, if known, and Harbor Unit for removal of boat to storage facility.
11. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.

UNIFORMED MEMBER OF THE SERVICE

12. Digitally sign **PROPERTY TRANSFER REPORT** if no discrepancies.
13. Deliver **PROPERTY CLERK INVOICE**, **PROPERTY TRANSFER REPORT** and Property and Evidence Tracking System Label to responding Harbor Unit Member.

RESPONDING HARBOR UNIT

14. Affix Property and Evidence Tracking System Label to boat and verify entries on **PROPERTY CLERK INVOICE** and **PROPERTY TRANSFER REPORT**.
15. Deliver boat with **PROPERTY CLERK INVOICE** to storage facility.
16. Conduct intake of **PROPERTY CLERK INVOICE** in the Property and Evidence Tracking System.
17. Notify desk officer, invoicing command, of **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** confirmation number.

UNIFORMED MEMBER OF THE SERVICE

18. Enter information concerning boat and disposition in digital **Activity Log**.

RESPONDING HARBOR UNIT

19. Enter Harbor Unit Storage Number on all related records.
20. Forward copy of **PROPERTY CLERK INVOICE** to Property Clerk Inventory Unit.
21. Identify and notify owner of boat, if not already been done.
22. Cancel alarm, if applicable.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

An alarm will NOT be cancelled until boat is actually at storage facility or receipted for by owner.

*When a boat is found adrift by Harbor Unit personnel, the member assigned to Harbor Unit will prepare the **PROPERTY CLERK INVOICE** and notify the desk officer, precinct of record.*

When a boat is found on a street, contact Department tow for removal. Do not contact Rotation Tow.

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY TRANSFER REPORT(PD521-1412)
PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)

PURPOSE To ensure that all firearms and firearm-related evidence coming into possession of the Department is properly marked, packaged, sealed, and invoiced in order to maintain a continuous chain of custody.

DEFINITIONS FIREARM - The Department's definition of a firearm includes:

a. Any rifle, shotgun, pistol, revolver, derringer, machine gun, etc., with or without a rifled bore
b. Any starter's pistol, zip gun, air gun, CO2 hand/long gun, etc
c. Any type of homemade, modified, converted, etc., gun
d. Any type of simulated firearm such as a toy gun, imitation pistol, etc
e. Any type of firearm which is not detectable by a metal detector when grips, stocks, and magazines are removed
f. Any type of firearm, or part thereof, that is untraceable (i.e., ghost gun)
g. Any type of firearm, or part thereof, that is created using a three-dimensional printer.

CARTRIDGE - Live ammunition. A cartridge consists of a bullet (projectile), and a shell casing together as one unit. Cartridge(s) will be distinguished based upon the location from which the cartridge was recovered:

a. Cartridge removed from the chamber of a firearm.
b. Remaining cartridge(s) removed from a firearm other than the cartridge removed from the chamber (i.e., removed from magazine or removed from cylinder).
c. Cartridge(s) NOT removed from a firearm but seized in connection with the recovery of a firearm from a person, object, or location AND there is no need to establish a crime scene (for example: cartridge(s) seized from a person's clothing in connection with an arrest where a firearm is recovered; OR, cartridge(s) seized from a home during an investigation where a firearm is recovered AND there is no need to establish a crime scene because all of the perpetrators are identified).
d. Cartridge(s) NOT removed from a firearm but recovered from a crime scene where a firearm may or may not have been recovered (for example: cartridge(s) found lying in the street after a shooting; OR, cartridge(s) found lying on the floor in an apartment or automobile after a robbery).

FIRED BULLET - That part of a cartridge which has been fired though the barrel of a firearm (usually lead, metal-jacketed lead or coated lead). A fired bullet may break into pieces of lead, coated lead, metal jacketing, metal jacketing attached to lead, etc.

SHELL CASING - Metal casing part of the cartridge remaining in or ejecting from a firearm after the fired bullet leaves the firearm's barrel.

DEFINITIONS (continued)

PROPERLY "MARKING" FIREARMS AND FIREARM-RELATED EVIDENCE - Members of the service will utilize a scribe or other sharp writing instrument to scratch their initials and a unique consecutive number on each firearm and each item of firearm-related evidence. For example, if at a crime scene 1 fired bullet and 3 shell casings and a semiautomatic pistol with 1 cartridge in the chamber and 4 cartridges in the magazine are recovered; then the firearm would be numbered 1, the magazine numbered 2, the cartridge in the chamber numbered 3 and the cartridges in the magazine would be numbered 4 through 7, the fired bullet would be numbered 8 and the 3 shell casings would be numbered 9 through 11. It does not matter what particular number a firearm or item of firearm-related evidence is assigned provided the same number is not used more than once. Therefore, in the above example, it also would be proper to have the fired bullet numbered 1, the 3 shell casings numbered 2 through 4, the firearm numbered 5, the magazine numbered 6, the cartridge in the chamber numbered 7 and the 4 cartridges in the magazine numbered 8 through 11.

PROPERLY "SEALING" A CONTAINER - In order to properly seal a container (other than NYPD Plastic Security Envelope), a member of the service must:

a. Fasten the container securely with EVIDENCE TAPE in a manner to prevent loss/contamination of the evidence and to ensure that if the container is opened there would be obvious damage to the container and/or evidence tape AND sign name legibly across the border between the evidence tape and the container.

b. An NYPD Plastic Security Envelope has adhesive on the envelope flap and does not have to be fastened with evidence tape. Seal Plastic Security Envelope by removing paper strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

PROCEDURE

Whenever a firearm as defined above, and/or firearm-related evidence comes into the possession of a member of the service, in addition to other required actions:

UNIFORMED MEMBER OF THE SERVICE

1. DO NOT touch, move or disturb any firearm and/or firearm-related evidence that may become part of a crime scene except when absolutely necessary, e.g., large crowd gathering, rendering aid to a victim, etc.
2. Unload cartridge(s) from cylinder, chamber, and/or magazine of a firearm.
   a. To prevent possible destruction of fingerprints or other forensic evidence, DO NOT handle unnecessarily.
   b. If a firearm is unfamiliar or it appears to be difficult to unload, safeguard in original condition and notify desk officer.
3. Mark, package and seal the cartridge removed from the chamber of the firearm.
   a. Mark the bullet portion of the cartridge; do not mark the metal shell casing portion. Do not mark the cartridge if it is too small/deformed.

UNIFORMED MEMBER OF THE SERVICE (continued)

b. Package and seal in a container/envelope. Write initials, unique consecutive number and "Cartridge Removed From Chamber" on the container and include the serial number of the firearm/lead seal.

4. Mark, package and seal ALL cartridges removed from the firearm other than the cartridge removed from the chamber.
   a. Mark the bullet portion of the cartridge(s); do not mark the metal shell casing portion. If the cartridge is too small/deformed to mark, package each cartridge that cannot be marked in a separate container/envelope, seal it, write initials and unique consecutive number on the container and package in conformance with step 4b.
   b. Package and seal ALL cartridges removed from firearm other than the cartridge removed from the chamber in one (1) evidence container/envelope. Write "Cartridge(s) Removed From Firearm" on container and include the serial number of the firearm/lead seal.
5. Mark, package and seal ALL cartridge(s) NOT removed from a firearm but seized in connection with the recovery of a firearm from a person and/or location AND there is no need to establish a crime scene.
   a. Mark the bullet portion of the cartridge(s); do not mark the metal shell casing portion. If the cartridge is too small/deformed to mark, package each cartridge that cannot be marked in a separate container/envelope, seal it, write initials and unique consecutive number on the container and package in conformance with step "5b" or "5c", as applicable.
   b. DO NOT package cartridges removed from a person in the same container/envelope as cartridges removed from a location. All cartridges removed from the same person will be packaged in one container/envelope and cartridges removed from different persons will be packaged in separate containers/envelopes. Write the name and date of birth of the person from whose clothing the cartridge(s) were recovered and the words "Cartridge(s) Removed From Clothing" on EACH separate container and include the serial number of the firearm/lead seal.
   c. DO NOT package cartridges removed from a location in the same container/envelope as cartridges removed from a person. All cartridges that were seized from the same location will be packaged in one container/envelope and cartridges removed from different locations will be packaged in separate containers/envelopes. Identify the location from which the cartridge(s) were recovered on EACH separate container and include the serial number of the firearm/lead seal.
   d. Package entire box or boxes, if one or more boxes containing cartridges are seized in connection with the recovery of a firearm and there is no need to establish a crime scene, in an appropriate container and seal. Write initials and unique consecutive number on the outside of the container. It is not necessary to individually mark the bullet portion of each cartridge in the box.

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Mark, package and seal ALL cartridges that were NOT removed from a firearm BUT were recovered from a crime scene where a firearm may or may not have been recovered.
   a. Mark the bullet portion of ALL of the cartridges. DO NOT mark or place any scratches on the metal shell casing portion of the cartridges. If a cartridge is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the cartridge is packaged.
   b. Package and seal each individual cartridge in a separate container/envelope. NEVER place two or more individual cartridges in the same container/envelope.
7. Mark, package and seal ALL fired bullets recovered from a crime scene.
   a. Mark the bottom/base of ALL of the fired bullets. DO NOT mark or place any scratches on or near the sides of the fired bullets. If a fired bullet is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the fired bullet is packaged.
   b. Package and seal each individual fired bullet in a separate container/envelope. NEVER place two or more individual fired bullets in the same container/envelope.
8. Mark, package and seal ALL shell casing(s) recovered from a crime scene.
   a. Mark the inside of ALL of the shell casings. DO NOT mark or place any scratches on the exterior or bottom of the shell casings. If a shell casing is too small/deformed to mark, write initials and unique consecutive number on the container/envelope in which the shell casing is packaged.
   b. Package and seal each individual shell casing in a separate container/envelope. NEVER place two or more individual shell casings in the same container/envelope.
9. Mark initials and unique consecutive number on recovered firearm(s).
   a. Affix a separate lead seal on EACH firearm without a distinguishable serial number.
10. Mark initials and unique consecutive number on magazine removed from firearm.
11. Mark initials and unique consecutive number on ALL silencers seized.
12. Mark initials and unique consecutive number on ALL other types of firearm-related evidence that is not affixed to a firearm.
13. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for recovered firearm(s) and firearm-related evidence.
   a. List the firearm as item #1 on line 1 of the **WORKSHEET** and describe by listing the make, firearm type and serial number (e.g., Colt revolver serial number 1234, Mossberg shotgun serial number 4567, etc.).
      (1) Firearm type will be: pistol, revolver, derringer, shotgun, rifle, air/CO_2 pistol, air/CO_2 rifle, untraceable, three-dimensional printed or '"other." Examples of the firearm

UNIFORMED MEMBER OF THE SERVICE (continued)

type "other" would include toy gun, starter's pistol, imitation pistol, black powder gun, etc.

(2) If there is no serial number or the serial number is defaced, write "no/defaced serial number" (e.g., Glock pistol no/defaced serial number, Crossman air/CO_2 pistol no/defaced serial number, etc.).

b. List the magazine removed from the firearm, if any, as the next item on the **WORKSHEET**.

c. List the cartridge removed from the chamber of the firearm as the next item on the **WORKSHEET** and describe the caliber, e.g., ".38 caliber cartridge removed from the chamber of the firearm."

(1) Describe the caliber of the cartridge removed from the chamber of the firearm as "unknown" if the caliber can not be determined.

d. List ALL cartridges removed from the firearm that are the same "caliber" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all cartridges removed from the firearm that are the same caliber the same ITEM number, and describe the caliber. For example, if five cartridges removed from a firearm are removed from the magazine of the firearm, and three are .380 caliber cartridges and two are 9mm caliber cartridges, then list the three .380 caliber cartridges as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber cartridges removed from the firearm"; and, list the two 9mm caliber cartridges as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them a "9mm caliber cartridges removed from the firearm."

(1) Describe the caliber of one or more of the cartridges removed from the firearm as "unknown" if the caliber can not be determined.

e. Silencer, whether or not affixed to a firearm, will be listed separately as the next item of the **WORKSHEET**. If more than one silencer is recovered, each silencer will be listed as a separate item on the **WORKSHEET** and will be separately described. State on the **WORKSHEET** whether the silencer was affixed to the firearm and if not, identify the person or location from where it was recovered.

f. Each firearm accessory that is affixed to the firearm (scope, laser, sling, etc.) OR, that is not affixed to the firearm **but** is necessary to make the firearm operable, will be listed separately as the next item(s) on the **WORKSHEET** and will be separately described.

g. List any additional firearm(s), associated magazine(s), cartridge(s), silencer(s), appropriate accessories, etc., as the next item(s) of the **WORKSHEET** in accordance with the procedures and sequence contained in Steps "13a" through "13f", as applicable.

UNIFORMED MEMBER OF THE SERVICE (continued)

h. List ALL cartridges NOT removed from the firearm but seized in connection with the recovery of a firearm from a particular person and there is no need to establish a crime scene as ONLY one item on the next line of the **WORKSHEET**, irrespective of the total number of cartridges recovered from that person. Under "Quantity," list the TOTAL number of cartridge(s) NOT removed from the firearm but seized from a particular person. Describe as "cartridge(s) NOT removed from the firearm and identify the person."

(1) If cartridges were seized from more than one person, list the cartridges seized from different persons on separate lines on the **WORKSHEET** and identify that person. Use only one line of the **WORKSHEET** for each specific person from whom the cartridges were seized, irrespective of the total number of cartridges that were seized from that person.

i. List ALL cartridges NOT removed from a firearm but seized in connection with the recovery of a firearm from a particular location and there is no need to establish a crime scene as ONLY one item on the next line of the **WORKSHEET**, irrespective of the total number of cartridges recovered from a particular location. Under "Quantity," list the total number of cartridge(s) NOT removed from the firearm but seized from a particular location. Describe as "cartridge(s) NOT removed from the firearm" and identify the location, e.g., briefcase, closet, trunk of auto, etc.

(1) If cartridges were seized from more than one location, list the cartridges seized from different locations on separate lines of the **WORKSHEET** and describe the location. Use only one line of the **WORKSHEET** for each specific location from where cartridges were seized, irrespective of the total number of cartridges that were seized from that particular location.

j. List ALL shell casings recovered from a crime scene that are the same "caliber" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all shell casings recovered from a crime scene that are the same caliber the same ITEM number and describe the caliber of the shell casings. For example, if seven shell casings are recovered from a crime scene, and three are .380 caliber shell casings and four are 9mm caliber shell casings, then list the three .380 caliber shell casings as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber shell casings recovered from crime scene"; and, list the four 9mm caliber shell casings as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as "9mm caliber shell casings recovered from crime scene."

UNIFORMED MEMBER OF THE SERVICE (continued)

(1) Describe the caliber of one or more of the shell casings recovered from a crime scene as "unknown" if the caliber can not be determined.

k. List ALL fired bullets recovered from a crime scene as only one item on the next line of the **WORKSHEET**, irrespective of the total number of fired bullets recovered. Under "Quantity," list the TOTAL number of fired bullets. Describe the evidence as "fired bullets recovered from crime scene."

l. List ALL cartridges NOT removed from a firearm that are recovered from a crime scene that are the same "caliber" as a separate ITEM on a separate line on the **WORKSHEET**; and, give all cartridges NOT removed from a firearm that are recovered from a crime scene that are the same caliber the same ITEM number and describe the caliber of the cartridges. For example, if seven cartridges NOT removed from a firearm are recovered from a crime scene, and three are .380 caliber cartridges and four are 9mm caliber cartridges, then list the three .380 caliber cartridges as a separate item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as ".380 caliber cartridges NOT removed from a firearm that are recovered from crime scene"; and, list the four 9mm caliber cartridges as the next item on a separate line on the **WORKSHEET** and give them a separate ITEM number and describe them as "9mm caliber cartridges NOT removed from a firearm that are recovered from crime scene."

(1) Describe the caliber of one or more of the cartridges NOT removed from a firearm that are recovered from a crime scene as "unknown" if the caliber can not be determined.

14. Place firearm and all other firearm-related evidence that is listed on the same **WORKSHEET** into one Plastic Security Envelope and properly seal in presence of desk officer.

a. If firearm and firearm-related evidence will not fit into one Plastic Security Envelope:

(1) Place the firearm and all other firearm-related evidence that are invoiced on the same **WORKSHEET** into the one appropriate sized bag/container. If possible, DO NOT use more than one bag/container.

(2) Properly seal the bag/container.

(3) Write command and invoice number on the outside of the bag/container. If more than one bag/container is used, write command, invoice number and corresponding item numbers on the outside of EACH bag/container. Mark EACH bag/container as "Bag 1 of _____," "Bag 2 of _____," etc.

b. DO NOT place evidence listed on two different **INVOICES** into the same Plastic Security Envelope or the same bag/container. All property must be properly tagged, packaged or sealed, and clearly

UNIFORMED MEMBER OF THE SERVICE (continued)

identified by **INVOICE** number and barcode. Ensure that every bag/security envelope or item that cannot fit in a bag/security envelope has a Property and Evidence Tracking System barcode label or Property Clerk Seal attached to the bag/property.

15. When a firearm with a distinguishable serial number is seized, query NYSPIN/NCIC by utilizing the FINEST system.
16. Do not cancel alarm for firearms(s).
    a. Recovering command will not cancel alarm for firearms. CANCELLATION WILL BE MADE ONLY BY STOLEN PROPERTY INQUIRY SECTION.
17. Prepare an OMNIFORM computer generated copy of the **COMPLAINT REPORT (PD313-152)** from the precinct of recovery. This applies for all firearms as described in the "Definitions," e.g., zip, air/CO2, imitation, etc.
18. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System, if firearm(s) and/or firearm-related evidence must be examined by the Police Laboratory or Office of the Chief Medical Examiner (OCME) Forensic Biology Unit, or other forensic laboratory.
19. Deliver firearm(s) and firearm-related evidence to the desk officer, command of occurrence.

COMMAND CLERK

20. Generate **PROPERTY CLERK INVOICE (PD521-141)** and **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared) from **WORKSHEET** utilizing the Property and Evidence Tracking System.

DESK OFFICER

21. Verify that:
    a. Firearm is unloaded. If the firearm is unfamiliar or appears to be difficult to unload, safeguard in original condition and notify ESU to respond and unload the firearm and render it safe
    b. Firearm(s) and firearm-related evidence are properly marked, packaged and sealed
    c. **INVOICE(S)** and forms were properly prepared
    d. Required notifications have been made.
22. Enter a notation in the "Remarks" section of the **INVOICE** that the corresponding firearm(s) have been unloaded/rendered safe.
23. Review OMNIFORM computer generated copy of **COMPLAINT REPORT** with particular attention to the following captions:
    a. Address/Location of Occurrence - Be specific regarding address, street, apartment number, borough, zip code, etc.
    b. Perpetrator Section - Be specific regarding height, weight, ethnicity, date of birth, age, sex, address, street, apartment number, zip code, etc.
    c. Evidence Section - Must indicate firearms and invoice number.
    d. Weapon Section - Describes the firearm as per all of the captions.
24. Utilize the Property and Evidence Tracking System to create a **PROPERTY TRANSFER REPORT (PD521-1412)**.

DESK OFFICER (continued)

25. Attach the following to the invoiced firearms/firearm-related evidence:
    a. Two copies of **PROPERTY CLERK INVOICE**
    b. Copy of OMNIFORM computer generated **COMPLAINT REPORT**.
    c. Copy of **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared).
    d. Copy of FINEST printout.
26. Forward invoiced firearms and/or firearm-related evidence to the Police Laboratory in the appropriate manner. When necessary, make arrangements to have firearms and/or firearm-related evidence expeditiously delivered to the Police Laboratory.
    a. Ensure that all invoiced firearms and/or firearm-related evidence in the command property locker that must be examined by the Police Laboratory, Firearms Analysis Section, are delivered to the patrol borough office by 0100 hours daily.
    b. Exigent circumstances must exist AND the desk officer MUST obtain permission from the precinct commanding officer/duty captain in order to delay beyond 0100 hours or cancel delivery to the patrol borough office of the invoiced firearms/firearm-related evidence that must be examined by the Firearms Analysis Section.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*Members should be aware that firearm accessories (e.g., holster, sling, gun case, etc.), that are not affixed to the firearm AND are not needed to make the firearm operable, will not be listed on the same **INVOICE** as the firearm(s) and firearm-related evidence. Instead, the accessories will be listed on a separate **WORKSHEET** and will be delivered direct to the Property Clerk Division. If there is more than one accessory, invoice all of the accessories on one **INVOICE** if possible, and list each accessory as a separate item on the **WORKSHEET**.*

*Members are reminded that a **PROPERTY CLERK INVOICE** will not exceed twenty line items if the **INVOICE** is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

FIREARMS INVOICED FOR SAFEKEEPING

*Certain firearms coming into possession of members of the service, which are categorized for "Safekeeping", should be listed on one **INVOICE** and must be delivered DIRECT to the Property Clerk Division.*

Firearms within this category are:

a. Property of retired, resigned, dismissed, suspended, sick or hospitalized uniformed members of the service.
b. Lawfully possessed property of a deceased person.
c. Obtained from a licensed dealer when license is revoked, suspended or expired.
d. Lawfully possessed and removed by court order, order of protection, etc.
e. Obtained from permit holder during renewal, expiration or cancellation of permit.

ADDITIONAL DATA (continued)

*If any of the above described firearms were obtained under circumstances that indicate a valid reason for examination, ONLY the firearms that require examination will be forwarded to the Firearms Analysis Section. All of the firearms that require examination will be listed on one **INVOICE**, if possible. The reason for the examination will be specifically explained on the **REQUEST FOR LABORATORY EXAMINATION REPORT**.*

*DO NOT invoice firearms categorized for safekeeping that are being delivered to the Firearms Analysis Section on the same **INVOICE** as the firearms that are being delivered DIRECT to the Property Clerk Division.*

BIOLOGICAL EVIDENCE

If firearms and/or firearms-related evidence also have bloodstains, DNA, serology, saliva, body fluids, tissue, or any other biological evidence thereon, they will be processed according to the following guidelines:

a. DO NOT package biological evidence if it is wet; it must be air-dried before it is packaged.

b. DO NOT package biological evidence requiring examination/analysis in a plastic security envelope or any other type of plastic bag/container. Package and properly seal EACH individual item of biological evidence requiring examination/analysis in a separate paper bag/container. Affix an orange Biohazard label to each paper bag/container.

(1) Write command and invoice number on the outside of each bag/container. If more than one bag/container is used, also write corresponding item number on the outside of each bag/container and mark each bag/container as "Bag 1 of ___," "Bag 2 of ___," etc.

c. Do not mark firearms and/or firearm-related evidence if to do so would contaminate, alter, damage, etc, the biological evidence thereon. Instead, properly mark each separate firearm and firearm-related evidence container that contains DNA/biological evidence in the following manner:

(1) Legibly print your name in BLOCK letters.

(2) Legibly print the unique consecutive number that will be used to identify the item of DNA/biological evidence that will be packaged therein.

(3) If applicable, legibly print the Crime Scene Unit Run Number.

(4) Legibly print an accurate description of the item of DNA/biological evidence being placed in the container.

(5) If a Biological Evidence Bag is utilized, ensure there is an entry in each caption on each Biological Evidence Bag.

FIREARMS TRACES

All firearms that are delivered to the Firearms Analysis Section (FAS) are automatically traced by the Bureau of Alcohol Tobacco and Firearms (BATF), unless there is a specific request/directive that a firearm(s) trace not be conducted. The results of the automatic firearm(s) trace are not communicated/forwarded to the invoicing member. Consequently, in a routine situation, an investigator who must obtain trace information regarding a firearm should request the firearm trace information from the BATF Regional Crime Gun Center approximately two weeks after the date that the firearm(s) was delivered to FAS. Requests to trace specific firearm(s) are NOT made to the Firearms Analysis Section.

ADDITIONAL DATA (continued)

During the course of an investigation, search/seizure, arrest, etc., if there is an urgent/immediate need to trace a firearm(s), the request to trace the firearm(s) should be made DIRECT to a supervisor assigned to the Joint Firearms Task Force (JFTF). If a JFTF supervisor cannot be contacted, contact the JFTF supervisor through the Detective Bureau Wheel.

*In certain situations, an investigating officer may not want a firearm to be automatically traced by BATF because it might jeopardize an investigation or endanger someone. For example, the firearm may have been purchased by an undercover officer and the investigation is ongoing. In order to prevent an automatic firearm trace from occurring, enter "*** DO NOT TRACE***" in capital letters in the "Remarks" sections of both the* ***INVOICE*** *and the* ***REQUEST FOR LABORATORY EXAMINATION REPORT****.*

At any point during the investigation, when deemed appropriate by the unit commanding officer, a request to trace one or more specific firearms, previously identified as "DO NOT TRACE," can be made by telephone DIRECT to BATF, Regional Crime Gun Center.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
PROPERTY TRANSFER REPORT (PD521-1412)

PATROL GUIDE

Section: Property - General	Procedure No: 218-24

PROCESSING CONTROLLED SUBSTANCES/MARIJUANA CONTRABAND STORED AT STATIONHOUSE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 3

PURPOSE To process controlled substances/marijuana contraband weighing less than eight ounces and store it securely in controlled substances locker in stationhouse.

DEFINITIONS CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drugs.

PROPERLY SEALED EVIDENCE - Evidence that is packaged in an appropriate container and sealed so its contents cannot readily escape. Tape, heat seal, or adhesive from an envelope are proper seals. Staples used as a seal do NOT constitute a proper seal. Evidence is properly sealed if its contents cannot readily escape the container and if entering the container would result in obvious damage/alteration to the container or its seal.

PROCEDURE Upon obtaining controlled substances/marijuana contraband:

UNIFORMED MEMBER OF THE SERVICE

1. Bring contraband to precinct where obtained and notify desk officer.
2. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.

COMMAND CLERK

3. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

UNIFORMED MEMBER OF THE SERVICE

4. Request numbered Narcotics Evidence Envelope (Misc.1-71) and Plastic Security Envelope from the desk officer.
5. Complete captions on envelope.
6. Mark contraband for future identification.
   a. Glassine envelopes will be consecutively numbered and the total number of envelopes will be noted in addition to the officer's initials, i.e., 1/10, 2/10, 3/10, etc.
7. Perform the following under the supervision of the desk officer:
   a. Place contraband in Narcotics Evidence Envelope
      (1) Controlled substances contraband that contains phencyclidine (Angel Dust) will be put in a Plastic Security Envelope, and sealed, prior to being placed in Narcotics Evidence Envelope.
   b. Seal flap by removing the plastic strips exposing the pre-applied adhesive and fold the flap over and close. Then press and hold down, ensuring seal is made across the flap. Sign name, shield number, command and date across the flap. DO NOT use staples to seal envelope.
   c. Place sealed and signed Narcotics Evidence Envelope inside a Plastic Security Envelope.
      (1) The captions on the Narcotics Evidence Envelope should be visible through the rear of the Plastic Security Envelope.

UNIFORMED MEMBER OF THE SERVICE (continued)

d. Seal Plastic Security Envelope by removing plastic strip exposing the pre-applied adhesive and fold the top of envelope over aligning blue circles. Sign name, tax number, command and date on pre-printed line with denoted captions.

e. Record the serial numbers of both envelopes on the **PROPERTY CLERK INVOICE** utilizing the 'Packaging' function in the Property and Evidence Tracking System.

f. Affix two 'Property Clerk' copies of the **PROPERTY CLERK INVOICE** to Plastic Security Envelope near the blue circles.

g. Deposit sealed Plastic Security Envelope with papers attached in controlled substances locker.

(1) DO NOT place the controlled substance Khat into the controlled substance locker, if applicable. The invoiced controlled substance will be transported directly to the Police Laboratory.

DESK OFFICER

8. Enter serial numbers from Narcotics Evidence Envelope and Plastic Security Envelope in Command Log.

9. Digitally sign **INVOICE** verifying accuracy and completeness.

10. Distribute "ADA" copy as per instructions on **INVOICE**.

UNIFORMED MEMBER OF THE SERVICE

11. Notify desk officer of docket number and disposition of case immediately after arraignment of the defendant.

DESK OFFICER

12. Process and forward controlled substances/marijuana contraband to Police Laboratory in conformance with *P.G. 218-04, "Delivery of Evidence to the Police Laboratory."*

a. Ensure invoiced the controlled substance Khat is transported directly to the Police Laboratory, if applicable.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

A member of a narcotics borough who obtains controlled substances/marijuana contraband without effecting an immediate arrest (undercover buy) will mark, seal and tag contraband in the presence of the covering field team and process it through the Police Laboratory.

To prevent injury/infections when handling or forwarding hypodermic needles/syringes to Police Laboratory, members of the service will place such items in plastic tubes, needle end first. The plastic tube will be capped, if possible. However, if the syringe extends beyond the tube, it will be secured with tape. UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.

Members of the service will use hypo containers for the safe and proper handling of hypodermic needles, syringes, and other sharp narcotic items. Therefore, the following procedure will be complied with when invoicing hypodermic needles, syringes, and other sharp narcotics paraphernalia:

ADDITIONAL DATA (continued)

a. Utilize hypo container which comes in a plastic bag containing full instructions. Labels affixed to the hypo containers provide spaces for the invoicing member's name, date, tax registry number and command.

*b. Invoice hypo containers on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence.*

c. Place hypo containers in serialized plastic security envelope, if involved in same occurrence.

d. Store invoice and plastic security envelope containing hypo containers in property locker to be forwarded to the appropriate Property Clerk facility.

UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.

If facts indicate hypodermic syringe/needles may bear fingerprints or other forensic evidence, it should be safeguarded until examined by the Crime Scene Unit.

RELATED PROCEDURES *Delivery of Evidence to the Police Laboratory (P.G. 218-04)*

FORMS AND REPORTS ***PROPERTY CLERK INVOICE (PD521-141)***
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)

PATROL GUIDE

Section: Property - General	Procedure No: 218-25

PROCESSING CONTROLLED SUBSTANCES/MARIJUANA CONTRABAND NOT STORED AT STATIONHOUSE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/18/19	03/18/19		1 of 3

PURPOSE To process controlled substances/marijuana contraband weighing eight ounces or more, or too large for deposit in the command controlled substances locker, or the controlled substance Khat.

DEFINITION CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drug.

PROCEDURE Upon obtaining controlled substances/marijuana contraband weighing eight ounces or more, or too large for deposit in the command controlled substances locker, or the controlled substance Khat:

UNIFORMED MEMBER OF THE SERVICE

1. Bring contraband to command where obtained.
2. Notify the desk officer.
3. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.

COMMAND CLERK

4. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

UNIFORMED MEMBER OF THE SERVICE

5. Perform the following under the supervision of the desk officer:
   a. Mark contraband for future identification
      (1) Glassine envelopes will be consecutively numbered and the total of envelopes will be noted in addition to the officer's initials, i.e., 1/10, 2/10, 3/10, etc.
   b. Request numbered Narcotics Evidence Envelope (Misc.1-71) and Plastic Security Envelope from desk officer, if contraband will fit in such envelope
   c. Place contraband in Narcotics Evidence Envelope
      (1) Seal flap by removing the plastic strips exposing the pre-applied adhesive and fold the flap over and close. Then press and hold down, ensuring seal is made across the flap.
   d. Securely wrap contraband in package and seal with tape if contraband will not fit in Narcotics Evidence Envelope.
6. Sign name, shield number, command and date across flap of Narcotic Evidence Envelope or taped area of wrapped package.

DESK OFFICER

7. Place sealed and signed Narcotics Evidence Envelope, if used, inside a Plastic Security Envelope.
   a. The captions on the Narcotics Evidence Envelope should be visible through the rear of the Plastic Security Envelope.
   b. The serial numbers of both envelopes are recorded on the **PROPERTY CLERK INVOICE** utilizing the "Packaging" function in Property and Evidence Tracking System.

DESK OFFICER (continued)

8. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System.
9. Enter serial numbers from Narcotics Evidence Envelope and Plastic Security Envelope in Command Log.
10. Have invoicing officer digitally sign **PROPERTY TRANSFER REPORT**.
11. Give following forms to invoicing member:
    a. Two "Property Clerk" copies of **INVOICE**.
    b. Two copies of **PROPERTY TRANSFER REPORT**.

UNIFORMED MEMBER OF THE SERVICE

12. Deliver to Police Laboratory:
    a. Controlled substances/marijuana contraband.
    b. One "Property Clerk" copy of **INVOICE**.
    c. One copy of **PROPERTY TRANSFER REPORT**.
13. Notify Police Laboratory's Evidence Control Section (ECS) supervisor if delivering the controlled substance Khat.

POLICE LABORATORY EVIDENCE CONTROL OFFICER

14. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate confirm acceptance of property utilizing the Property and Evidence Tracking System.
    a. Record laboratory number.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

A member of a narcotics borough who obtains controlled substances/marijuana contraband without effecting an immediate arrest (undercover buy) will mark, seal and tag contraband in the presence of the covering field team and process it through the Police Laboratory.

*If an undercover buy occurs and the purity of the narcotic is needed to be reported, the member of the service will use a black permanent marker and write "PURITY" on the side of the **PROPERTY CLERK INVOICE** that is attached to the evidence.*

Members of the service are reminded that at NO time will the controlled substance Khat be placed in a command's controlled substance locker. The active ingredient in Khat quickly dissipates if not properly and expeditiously handled. Members of the service should make every reasonable attempt to keep the substance in a cool environment while transporting it to the Police Laboratory.

Members of the service will use hypo containers for the safe and proper handling of hypodermic needles, syringes and other sharp narcotic items. Therefore, the following procedures will be complied with when invoicing needles, syringes, and other sharp narcotics paraphernalia:

a. Utilize hypo container which comes in a plastic bag and follow enclosed instructions. Labels affixed to the hypo containers provide spaces for the invoicing member's name, date, tax registry number and command

*b. Voucher hypo containers on a separate **PROPERTY CLERK INVOICE** apart from other property/evidence involved in same occurrence*

ADDITIONAL DATA (continued)

c. Place hypo containers in serialized plastic security envelope, if involved in same occurrence. No other evidence,(e.g., glassine envelopes, etc.), will be placed in the same security envelope

*d. Store **INVOICE** and plastic security envelope containing hypo containers in property locker to be forwarded to the appropriate Property Clerk facility.*

UNDER NO CIRCUMSTANCES SHOULD A MEMBER OF THE SERVICE ATTEMPT TO REMOVE OR DISLODGE A NEEDLE FROM A HYPODERMIC SYRINGE.

If facts indicate hypodermic syringe/needles may bear fingerprints or other forensic evidence, it should be safeguarded until examined by the Crime Scene Unit.

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY TRANSFER REPORT (PD521-1412)

PATROL GUIDE

Section: Property - General	Procedure No: 218-26

PROCESSING FOUND PROPERTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 3

PURPOSE To record and process found property.

SCOPE Found property valued at ten dollars or more is required to be reported to, and deposited with, the police. However, members of the service coming into possession of found property within the New York City subway system that meet certain requirements, other than United States currency, contraband or property requiring further investigation, will deliver such property to the nearest NYC Transit Station Agent for forwarding to the NYC Transit Lost Property Office.

In addition, property found in yellow medallion taxis only, will be taken by either the taxi driver or an individual specified by the taxi garage, to one of the eight commands designated as the repository for such property:

PBMS	017 PRECINCT	PBBN	094 PRECINCT
PBMN	CENTRAL PARK PCT	PBQS	107 PRECINCT
PBBX	043 PRECINCT	PBQN	115 PRECINCT
PBBS	076 PRECINCT	PBSI	120 PRECINCT

PROCEDURE Upon coming into possession of found property:

UNIFORMED MEMBER OF THE SERVICE

1. Issue receipt to person delivering property, if other than a member of the service.
   a. Provide person delivering property to command with the appropriate copy of **PROPERTY CLERK INVOICE (PD521-141)** as a receipt.
   b. Provide person delivering property to member on patrol with **ACKNOWLEDGMENT OF FOUND PROPERTY (PD542-012)**, including a description of property, and signature of receiving member as a receipt.
2. Deliver found property within the New York City subway system, if other than United States currency, contraband or property requiring further investigation, to the nearest NYC Transit Station Agent for forwarding to the NYC Transit Lost Property Office.
   a. Direct or escort a person delivering found property to the nearest NYC Transit Station Agent, whenever possible.
   b. Secure a receipt from the NYC Transit Station Agent, detailing a description of the property, and give it to the person finding the property or retain receipt, if personally delivering property to NYC Transit Station Agent.
   c. Accept custody of property if it is too large to be accepted by the NYC Transit Station Agent through the revenue booth's telephone aperture.
3. Enter facts in digital **Activity Log**.
4. Notify patrol supervisor and expeditiously invoice property at command.

UNIFORMED MEMBER OF THE SERVICE (continued)

5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.
6. Deliver property and **WORKSHEET** to desk officer.

COMMAND CLERK

7. Enter reporting member's **WORKSHEET** including circumstances of the found property from the "Remarks" section, into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

UNIFORMED MEMBER OF THE SERVICE

8. Digitally sign **INVOICE** verifying accuracy and completeness.

DESK OFFICER

9. Digitally sign **INVOICE** verifying accuracy and completeness.
10. Make Command Log entry indicating presence of member of the service with property and **INVOICE** number.
    a. Enter time and name of occupant or person in charge of premises who was notified of police custody of property, if property was delivered to command by other than occupant or person in charge of premises where property was found.
11. Have **REPORT OF UNCLAIMED PROPERTY (PD542-122)** prepared and forwarded as indicated on form.

IF PROPERTY IS RETURNED TO OWNER AT COMMAND:

DESK OFFICER

12. Require the claimant to produce valid identification, preferably photo identification. (See *P.G. 208-28, "Desk Appearance Ticket – Identification Standards,"* step "1", for examples of satisfactory forms of valid identification).
    a. Identification should include claimant's name and current address.
13. Check property/vehicle against **PROPERTY CLERK INVOICE**.
14. Request claimant examine security lead seal and/or plastic security envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
15. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
    a. Have claimant sign utilizing the digital signature capture device.
16. Approve delivery of property/vehicle utilizing username and password.
17. Release property/vehicle to claimant.
18. Forward "Property Clerk" copy of **INVOICE** and photocopy of claimant's identification to the appropriate Property Clerk facility.
19. Destroy all copies of **REPORT OF UNCLAIMED PROPERTY**, if property was claimed prior to the distribution and forwarding of the **REPORT OF UNCLAIMED PROPERTY**.

DESK OFFICER (continued)

a. Forward first copy of **REPORT OF UNCLAIMED PROPERTY**, with disposition entered thereon, to the Stolen Property Inquiry Section, if property is returned to owner after original **REPORT OF UNCLAIMED PROPERTY** has been forwarded.

RELATED PROCEDURE *Desk Appearance Ticket – Identification Standards (P.G. 208-28)*

FORMS AND REPORTS ***ACKNOWLEDGMENT OF FOUND PROPERTY (PD542-012)***
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
REPORT OF UNCLAIMED PROPERTY (PD542-122)

PATROL GUIDE

Section: Property - General	Procedure No: 218-27

FOUND PROPERTY RETAINED BY AN INTERSTATE TRANSPORTATION COMPANY, AIRLINE, BANK OR SAFE DEPOSIT COMPANY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 1

PURPOSE To provide a Department record of disposition of such property.

PROCEDURE When notified by an interstate transportation company, airline, bank or safe deposit company that they have found and will safeguard property at their facility:

DESK OFFICER

1. Direct command clerk to prepare two copies of **REPORT OF UNCLAIMED PROPERTY (PD542-122)**.
   a. Indicate where property is being held under "Remarks".

COMMAND CLERK

2. Forward original to Stolen Property Inquiry Section.
3. File copy.
4. Forward file copy marked "Returned" to Stolen Property Inquiry Section when notice is received from company concerned that property has been returned to owner.

COMMANDING OFFICER

5. Direct investigation be conducted if notice of return to owner is not received within sixty days and the property has not been delivered to command.

REPORTS AND FORMS ***REPORT OF UNCLAIMED PROPERTY (PD542-122)***

PATROL GUIDE

Section: Property - General		Procedure No: 218-28	
SAFEGUARDING PROPERTY OF DECEASED PERSON			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To safeguard property of a deceased person who lived alone or with other than a relative or competent person, or who dies at other than his/her residence.

DEFINITION CO-OCCUPANT – For the purpose of this procedure, a person who has been residing, on a permanent basis, in the same premises with the deceased. A uniformed member of the service can determine if a person is a co-occupant rather than a visitor or guest by:

a. Examining documents, (e.g. licenses, credit cards, mail, etc.,) of the co-occupant that reflects that address is permanent residence.
b. Questioning other residents or neighbors who can verify that co-occupant resides thereat.
c. Examining closets, bureaus, etc., to ascertain if co-occupant has clothing and/or other possessions in the premises.
d. Examining rent receipts or similar documentation that the co-occupant produces that may establish residence.
e. Giving consideration to any other relevant factors that may establish that the co-occupant does, in fact, reside in premises.

PROCEDURE When a person is pronounced dead and it is necessary to search the body and premises to establish positive identification and safeguard property of the deceased.

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond and await arrival prior to conducting search of body and/or premises.

PATROL SUPERVISOR

2. Direct member to search body for valuables and documents concerning identity.
   a. Search at scene when practical; otherwise without delay and in all cases before being released by this Department.
      (1) A police officer (male or female) may search a dead human body.
   b. Have Harbor Unit member who removed a body from the navigable waters, search body and deliver property to a precinct member.
   c. Have member search the body of and the immediate vicinity of the deceased for any prescription medication, if the Medical Examiner directs that the deceased be transported to the Office of the Chief Medical Examiner for further examination.
3. Obtain at least one responsible civilian to witness search, when possible.
4. Ensure that identity of witness is recorded in member's digital **Activity Log**.
5. Supervise complete search of body.
6. Have all property (e.g., currency, jewelry, papers or documents, prescription medication, etc.) removed from the body, except clothing actually worn.

PATROL SUPERVISOR (continued)

7. Have clothing or other property required as evidence processed on separate **PROPERTY CLERK INVOICE (PD521-141**).

NOTE *If the Medical Examiner directs that the deceased be transported to the Office of the Chief Medical Examiner for further examination, any prescription medication found on the body or in the immediate vicinity of the deceased will be invoiced on a separate **PROPERTY CLERK INVOICE**, whether or not the prescription medication is invoiced as evidence.*

8. Direct member conducting search at residence of deceased to examine and take custody of personal papers which may assist in positive identification. In addition, take custody of:
   a. Cash and jewelry
   b. Valuables which are readily removable
   c. Licenses, social security card and other documents of identification
   d. Wills, codicils, cemetery deeds, insurance policies, bank books, stock and bond certificates, other assets and safe deposit keys
   e. Any prescription medication found on the body or in the immediate vicinity of the deceased, if the deceased is to be transported to the Office of the Chief Medical Examiner for further examination
      (1) If the deceased lived alone, any medication not in a prescription container (e.g., daily pill box, etc.) should be invoiced
   f. Any medication not in a prescription container that a co-occupant cannot prove ownership of
   g. Other important property/documents.
9. Assign uniformed member to safeguard body and premises until body is removed by an authorized person and certify accuracy of reporting officer's digital **Activity Log** entries by signing rank and name.
10. Enter pertinent facts in digital **Activity Log.**

UNIFORMED MEMBER CONCERNED

11. Enter details in digital **Activity Log**, including complete list of property removed.
12. Deliver following items to desk officer:
    a. All property
    b. Key to premises (including key to police lock if one was used)
    c. **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** containing itemized list of property, including key to premises.
       (1) Note on **WORKSHEET** if key to premises was given to a member of the service to guard body, if applicable.

DESK OFFICER

13. Check property against **PROPERTY CLERK INVOICE WORKSHEET**.
14. Ascertain that key to premises is itemized on the **WORKSHEET**.
    a. Indicate why, if not entered.

DESK OFFICER (continued)

b. Ensure key to premises given to member of the service is delivered to Property Clerk Division with other property of deceased, if applicable.

15. Make Command Log entry of circumstances concerning property.
16. Instruct command clerk to enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE**.
17. Give "Invoicing Officer" copy of **INVOICE** to member delivering property to stationhouse.
18. Forward property of deceased with "Property Clerk" copy of **INVOICE** to appropriate Property Clerk facility without delay.
19. Request Operations Unit to notify the Public Administrator concerned that:
    a. Deceased has no known next of kin, OR
    b. Next of kin cannot be notified.
20. Have **SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120)** prepared.
    a. DO NOT seal door if it is determined that a co-occupant resided in the premises with the deceased.
21. Direct that **SEAL FOR DOOR OF D.O.A. PREMISES** be pasted across door and doorjamb of premises after body is removed, if appropriate.

MEMBER SAFEGUARDING BODY/ PREMISES

22. Remain with body until it is removed by morgue personnel or authorized undertaker.
23. Obtain receipt on **IDENTIFICATION TAG (PD317-091)**.
24. Secure premises when leaving and paste **SEAL FOR DOOR OF D.O.A. PREMISES** across door and door jamb, if appropriate.
25. Deliver key for premises and receipt for body to desk officer.

DESK OFFICER

26. Permit person to enter premises to obtain clothing to bury the deceased, if the deceased lived alone and the door has been sealed.
    a. Direct a uniformed member to accompany person and replace the **SEAL FOR DOOR OF D.O.A. PREMISES** with a new seal.

<u>PROPERTY NOT YET FORWARDED TO THE PROPERTY CLERK DIVISION AND REPRESENTATIVE OF THE PUBLIC ADMINISTRATOR IS PRESENT.</u>

DESK OFFICER

27. Request representative of the Public Administrator to produce valid identification.
    a. Photocopy identification.
28. Check property/vehicle against **PROPERTY CLERK INVOICE**.
29. Request claimant examine security lead seal and/or Plastic Security Envelope and check against number entered on **INVOICE** (if seal or envelope is used), prior to breaking seal or opening envelope.
30. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
    a. Have claimant sign utilizing the digital signature capture device.

DESK OFFICER (continued)

31. Approve delivery of property/vehicle utilizing username and password.
32. Issue property, print and give "Prisoner/Finder/Owner" copy of **INVOICE** to representative of the Public Administrator.
33. Forward "Property Clerk" copy of **INVOICE** and photocopy of the Public Administrator identification to appropriate Property Clerk facility.
34. Refer person seeking release of decedent's property to Surrogate's Court of county where deceased lived and give such persons **PROPERTY CLERK INVOICE** number and location and telephone number of the borough office of the Property Clerk Division.
    a. Inform person that if deceased was not a resident of New York State, the Surrogate's Court of the county in which the property is located has jurisdiction over the release of the descendant's property.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*When an aided person is pronounced dead at a hospital, the assigned member will witness the search of the deceased by hospital authorities, record property removed in digital **Activity Log** and sign hospital property record as witness.*

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
IDENTIFICATION TAG (PD317-091)
SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120)

PATROL GUIDE

Section: Property - General	Procedure No: 218-29

INVOICING PROPERTY REMOVED FROM PAROLEE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/29/17	03/29/17		1 of 1

PURPOSE To invoice and safeguard property removed from a parolee by an officer of New York State Department of Corrections and Community Supervision (DOCCS) in non-arrest situations.

PROCEDURE When an officer of the New York State Department of Corrections and Community Supervision (DOCCS) delivers property removed from a parolee in non-arrest situations:

DESK OFFICER

1. Ascertain if property was obtained within the confines of the precinct.
   a. Direct parole officer to deliver property to the precinct concerned, if property was obtained within another precinct.
2. Have the parole officer prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
3. Direct the command clerk to enter parole officer's **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
4. Comply with *P.G. 218-01, "Invoicing Property – General Procedure."*
5. Print and give "Invoicing Officer" copy of **PROPERTY CLERK INVOICE** to the parole officer.

RELATED PROCEDURE *Invoicing Property – General Procedure (P.G. 218-01)*

FORMS AND REPORTS ***PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)***
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General	Procedure No: 218-30

INVOICING PROPERTY TAKEN FROM A PERSON'S POSSESSION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/24/18	09/24/18		1 of 2

PURPOSE To ensure that persons from whose possession property has been taken by the Department are afforded ample notice as to the necessary steps to reclaim property or to circumstances under which the property may not be returned.

DEFINITION CONTRABAND - Means property, the mere possession of which is prohibited under federal, state or local law. Property shall not be deemed to be contraband merely because it may be suspected or is believed to be unlawfully obtained, stolen, or the proceeds or instrumentality of a crime.

PROCEDURE When non-contraband property is removed from the person or possession of any individual, and taken into police custody for any reason:

INVOICING MEMBER

1. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** for items removed.
   a. DO NOT enter complainant information on **WORKSHEET**.
2. Inform the person that he or she may examine the **WORKSHEET** for accuracy as to the property listed.
3. Complete **WORKSHEET** by entering the complainant information after person has examined **WORKSHEET** for accuracy.
4. Inform the person that he or she is entitled to a copy of **PROPERTY CLERK INVOICE (PD521-141)**.
   a. Ask person if he or she will accept copy of **INVOICE**.
   b. Make appropriate selection for acceptance or refusal while entering **WORKSHEET** into the Property and Evidence Tracking System.
5. Inform the person that if additional property was taken or if the property was erroneously invoiced, this fact may be indicated in the "Remarks" section of the **PROPERTY CLERK INVOICE**.
6. Indicate in the "Remarks" section of the **PROPERTY CLERK INVOICE** concurrence or disagreement with the person's statement as it relates to the itemized list of property.
7. Give the "Prisoner/Finder/Owner" copy of the **PROPERTY CLERK INVOICE** to the person regardless of whether the property has been denominated "Arrest Evidence" or otherwise, and regardless of whether it relates to an arrest occurring prior to, simultaneous with, or subsequent to the taking of the property.
8. Provide the person with a copy of the Department form, entitled **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)**, in addition to the "Prisoner/Finder/Owner" copy of the **PROPERTY CLERK INVOICE**.
9. Provide the person with **VEHICLE SEIZURE FORM (PD571-1218)** if a vehicle is involved.

DESK OFFICER

10. Ensure that the invoicing officer has complied with the above provisions.
11. Make a Command Log entry specifying that the person received the "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**, copy of **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** and, if applicable, copy of **VEHICLE SEIZURE FORM**.
    a. Indicate in Command Log if any documents were refused, specifying the circumstances of refusal.

NOTE *The "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE(S)** prepared for any property (other than contraband) removed from an arrestee MUST be given to the arrestee prior to transporting to court section.*

12. Offer a copy of the **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** to any person requesting information about property in the possession (or possibly in the possession) of the Property Clerk.

PROPERTY CLERK DIVISION MEMBER

13. Offer a copy of the **NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT** to any person appearing at a Property Clerk Division facility requesting information about property in the possession (or possibly in the possession) of the Property Clerk.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

*These provisions are the result of statute and court order. Noncompliance with this procedure could be in conflict with the law or place the Department in contempt of court. Additionally, failure to serve **VEHICLE SEIZURE FORM** may result in the inability to prosecute forfeiture cases.*

FORMS AND REPORTS

PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY CLERK INVOICE (PD521-141)
NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)
VEHICLE SEIZURE FORM (PD571-1218)

PATROL GUIDE

Section: Property - General		Procedure No: 218-31	
PROCESSING COMPUTER EVIDENCE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To process and safeguard computer related evidence coming into the custody of this Department.

DEFINITIONS CENTRAL PROCESSING UNIT (CPU) - A box shaped unit that houses the computer's internal hard drive, memory and central processor, commonly referred to as the "brains" of the computer. The CPU processes all of the work done by the computer, and usually is the terminus for all associated cables. The CPU generally has a numeric descriptor (i.e., 386, 486, Pentium, etc.), which represents the computing power of the unit.

MONITOR - The television type instrument on which the operations and output of the computer are displayed.

KEYBOARD - An input device resembling a typewriter.

MOUSE - A pointing device, which is also used to control the actions of the computer. It is connected to the CPU by way of a cable, and because of its shape and "tail," is commonly referred to as a "mouse."

PRINTER - Another output device that will print, similar to a typewriter, pages from the CPU. Many different types of printers exist, including dot matrix, ink-jet, and laser printers.

PERIPHERALS - There are other types of devices, which can be connected to a computer, for example, scanners, tape drives, modems, speakers, sound cards, etc. In addition, there are other types of electronic equipment that can store valuable evidentiary information. These include personal digital assistants, pocket organizers, and lap top computers.

SCOPE The Computer Crimes Squad will provide technical assistance in properly securing computer evidence, conducting computer forensic examinations and preparing warrants. The Computer Crimes Squad will make a determination as to whether a response to the scene is required, based on the totality of circumstances presented in each case.

PROCEDURE Whenever a uniformed member of the service seizes, or expects to seize, evidence consisting of a computer used to commit a crime, or the computer is suspected of being a device that stores evidence.

UNIFORMED MEMBER OF THE SERVICE

1. Notify the Computer Crimes Squad between 0600 and 2000 hours, Monday through Friday.
   a. At all other times, contact the Office of the Chief of Detectives.

UNIFORMED MEMBER OF THE SERVICE (continued)

2. Collect all relevant evidence.
3. Properly mark all computer evidence.
   a. Affix identifiable mark to hardware (i.e., monitor, CPUs, printers, etc.).
   b. Label items to indicate which peripherals were connected together (i.e., Monitor 1, CPU 1, Keyboard 1), and tag all wires indicating which peripheral they were attached to and their terminus.
   c. Count and package similar floppy disks (i.e., 3.5", 5.25", tapes, etc.) in paper envelopes and have them itemized on **PROPERTY CLERK INVOICE (PD521-141)**. However, do not remove any floppy disks, compact disks, or any other such items from computer's disk drives. These items will be secured in the drives by affixing a strip of masking tape across the drive's opening. The invoicing officer will initial the masking tape. The "Remarks" section of the **INVOICE** will contain a statement concerning the presence or absence of a disk in any of the computer's drives.
      (1) Plastic Security Envelopes should NOT be used to package floppy disks because they can cause a discharge of static electricity, which can destroy data on the disk. In addition, DO NOT write on floppy disks using ballpoint pens because doing so can result in the destruction of data. Utilize labels or felt tip markers.
4. Invoice computers, floppy disks and related peripherals, which are to be delivered to the Computer Crimes Squad for examination, separately from other property being invoiced.
   a. Non-computer items are to be processed in conformance with existing Department guidelines.
5. Deliver "Property Clerk" copy of **INVOICE** with computer evidence to the Computer Crimes Squad.
   a. Distribute remaining copies of **INVOICE** as per instructions in the Property and Evidence Tracking System.
6. Attach copy of search warrant to **INVOICES** being delivered to the Computer Crimes Squad, if applicable.
7. Prepare **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.
   a. Complete all captions, and include under "Remarks:"
      (1) A clear description of incident
      (2) What crime is alleged
      (3) Where the evidence was seized from
      (4) What part the computer played in the offense charged
      (5) What type of information is being sought from the Computer Crimes Squad relative to the forensic examination of evidence.
8. Sign **REQUEST FOR LABORATORY EXAMINATION REPORT** by utilizing user name and password, and insert a "CITU" Forensic Laboratory Number utilizing the "Update" function in the Property and Evidence Tracking System.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Type "Delivered to the Computer Crimes Squad" under caption "Laboratory Use Only".
b. File one copy with completed forensic report and file one copy with property.

9. Utilize Property and Evidence Tracking System to create **PROPERTY TRANSFER REPORT (PD521-1412)**.
10. Present **PROPERTY TRANSFER REPORT** when delivering computer evidence to the Computer Crimes Squad.

MEMBER ASSIGNED/ COMPUTER CRIMES SQUAD

11. Compare property delivered against **PROPERTY TRANSFER REPORT** and **INVOICE** and, if accurate confirm acceptance of property in the Property and Evidence Tracking System.
12. Forward copy of forensic report to submitting officer, upon completion of forensic examination.
13. Arrange for the delivery of property to the Property Clerk upon completion of the forensic examination, utilizing the **PROPERTY TRANSFER REPORT**.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Members of the service will not search any hard drives, floppy disks, CD-ROMS or other data storage devices. These items will be examined only by members assigned to the Computer Crimes Squad. Members of the service should be aware that searching directories, or perusing the computer's hard drive, may inadvertently alter or destroy important evidence.

The computer, recovered at a crime scene, may be a valuable source of evidence. To protect the evidence, and to ensure that the information retrieved from the computer can be introduced in court, the following guidelines must be followed:

- *Safeguard the computer's evidence; do not touch the keyboard, or search the hard drive, or execute any of the programs at the scene.*
- *If a modem or other telecommunications device is attached to the computer, unplug the telephone cord from the wall jack immediately to prevent access to the computer and possible destruction of evidence.*
- *If you must power the system off, do not use the on/off switch. Unplug the computer from the wall outlet only. Prior to removing the plug from the outlet, photograph the monitor screen.*
- *When transporting, be aware that data, stored on computers and floppy disks, is extremely sensitive and can be easily damaged. Package these items carefully to avoid inadvertent damage.*
- *Do not write on floppy disks with ballpoint pens. Use labels or felt tip markers.*
- *Do not place floppy disks in plastic security envelopes. This could cause a discharge of static electricity and damage the data on the disk.*

ADDITIONAL DATA (continued)

- *Keep disks and peripherals away from extreme heat and/or changes in temperature.*
- *Do not transport computer evidence in department vehicle trunks which are equipped with radio transceivers.*
- *Do not expose computer evidence to any device that emits a magnetic field (i.e., portable radios, car radio, speakers, etc.).*
- *Members of service with questions concerning the seizing, packaging or transporting of computer related evidence may contact the Computer Crimes Squad from 0600 to 2000 hours, Monday through Friday or the Office of the Chief of Detectives.*

FORMS AND REPORTS

PROPERTY TRANSFER REPORT (PD521-1412)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Property - General		Procedure No: 218-32	
PROCESSING ALCOHOL SEIZED IN ABC LAW VIOLATIONS			
DATE ISSUED: 10/01/18	DATE EFFECTIVE: 10/01/18	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To process alcohol seized as evidence in Alcohol Beverage Control (ABC) Law violations.

PROCEDURE When alcohol is seized as evidence in ABC Law violations:

UNIFORMED MEMBER OF THE SERVICE

1. Take photograph of entire seizure at time and place of occurrence.
2. Deliver alcohol seized to precinct of occurrence.
3. Mark on the rear of photograph taken of seizure using a rubber stamp, if available:
   a. Date, place of seizure, and precinct of occurrence
   b. Defendant's name and arrest number
   c. **PROPERTY CLERK INVOICE** number and number(s) of any related **PROPERTY CLERK INVOICES**
   d. Identity and signature of member who took photograph.
4. Select a representative sample from the seizure, preferably a sealed bottle, for analysis.
   a. Only one sample is required regardless of the quantity of bottles, etc., seized.
5. Prepare **PROPERTY CLERK INVOICE WORKSHEET** and **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** for sample(s) to be analyzed.
   a. List photograph of seizure as an "Item" on **WORKSHEET** that lists representative sample(s).
6. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET** for the remainder of the seizure and make a notation on **WORKSHEET** to read: "Delivered for Destruction."
   a. Cross-reference both **WORKSHEETS** prepared.

DESK OFFICER

7. Review **PROPERTY CLERK INVOICE WORKSHEET(S)** prepared to ensure accuracy of seizure.
   a. Ensure photograph has been properly marked as per step "3."
8. Direct the entering of the **PROPERTY CLERK INVOICE WORKSHEET** and **REQUEST FOR LABORATORY EXAMINATION REPORT** (if prepared) into Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
9. Attach two copies of **PROPERTY CLERK INVOICE** and two copies of **REQUEST FOR LABORATORY EXAMINATION REPORT** to evidence and place in command property locker.
10. Make arrangements for the delivery of evidence to the borough Property Clerk Office.

WHEN NOTIFIED THAT CHEMICAL ANALYSIS IS REQUIRED FOR COURT:

UNIFORMED MEMBER OF THE SERVICE

11. Notify the desk officer, command of occurrence, immediately and provide the following information:
    a. **PROPERTY CLERK INVOICE** number
    b. Date of seizure
    c. Date of next court appearance.

DESK OFFICER

12. Immediately notify the Police Laboratory that a chemical analysis is required.
    a. Enter identity of person notified in the Telephone Record.

COMMANDING OFFICER, POLICE LABORATORY

13. Direct messenger to pickup alcohol evidence at the borough Property Clerk Office concerned.
14. Have evidence analyzed and a **POLICE LABORATORY ANALYSIS REPORT (PD521-151)** prepared and delivered to court concerned.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

The Deputy Commissioner, Legal Matters has authorized members of the Property Clerk Division to destroy seized alcoholic beverages prior to final dispositions of related criminal actions. However, to satisfy legal requirements, uniformed members of the service must retain a representative sample of each seizure in addition to taking a photograph of all seized alcoholic beverages at time and place of occurrence.

Alcohol seized as evidence WILL ONLY be forwarded to the Police Laboratory for chemical analysis when required for court presentation.

The Police Laboratory requires a minimum of three days to analyze alcohol and prepare a report.

This procedure does not apply to:

a. Alcoholic beverages seized from peddlers within the purview of the Office of Administrative Trials and Hearings - comply with 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."

b. Sale of Alcoholic Beverages During Prohibited Hours - i.e., actual alcoholic drink served - comply with P.G. 209-16, "Service of a Summons - Special Procedures."

*Members are reminded that a **PROPERTY CLERK INVOICE** will not exceed twenty line items if the **INVOICE** is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

RELATED PROCEDURES

Arrest of Juvenile Unlawfully in Certain Licensed Premises (P.G. 215-11)
Invoicing Property - General Procedure (P.G. 218-01)
Police Action in Premises (Licensed or Unlicensed) Where Alcoholic Beverages are Sold (P.G. 214-34)
Personal Service of Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) - General Procedure - Non-CJRA Offenses (P.G. 209-12)
Service of a Summons - Special Procedures (P.G. 209-16)

FORMS AND REPORTS

POLICE LABORATORY ANALYSIS REPORT (PD521-151)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Property - General		Procedure No: 218-33	
PROCESSING SEXUAL OFFENSE COLLECTION KITS IN SEX OFFENSE CASES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure that sexual offense evidence collection kits and other sexual offense evidence are properly forwarded to the Evidence Unit of the Office of the Chief Medical Examiner or the Property Clerk for processing.

DEFINITIONS SEXUAL OFFENSE - for the purpose of this procedure, a sexual offense will be one of the following New York State Penal Law crimes:

a. Rape
b. Criminal Sexual Act
c. Aggravated Sexual Abuse
d. Sexual Abuse
e. Sexual Misconduct.

SEXUAL OFFENSE EVIDENCE COLLECTION KIT - a kit used by physicians in hospitals to gather evidence from a victim of a sex offense. The kit is used to standardize the collection and processing of evidence in sex crime cases. The kit contains slides, swabs, test tubes and envelopes to collect evidence.

DRUG FACILITATED SEXUAL ASSAULT BLOOD AND URINE SPECIMEN COLLECTION KIT – a kit used to gather evidence from a victim of a sex offense when it is suspected that the victim was drugged. The kit is composed of two gray-topped blood tubes and a urine container for the collection of specimens.

SEXUAL OFFENSE EVIDENCE - (not including the sexual offense evidence collection kit or drug facilitated sexual assault blood and urine specimen collection kit) is defined for this procedure as being bloodstains, serology, body fluids and/or other biological evidence (e.g., clothing, bedding, undergarments, etc.) to be analyzed for the purpose of obtaining a DNA profile.

PROCEDURE Upon arrival at the scene of a reported sexual offense:

UNIFORMED MEMBER OF THE SERVICE

1. Remove victim to the appropriate hospital as per existing Department procedures.
2. Take possession of the Sexual Offense Evidence Collection Kit and/or the Drug Facilitated Sexual Assault Blood and Urine Specimen Collection Kit, if used, and all other sexual offense evidence (e.g., clothing, undergarments, etc.) upon completion of medical examination by attending medical personnel.
   a. Take possession of any other evidence-gathering container used by hospital personnel, if a Sexual Offense Evidence Collection Kit is unavailable. Process the evidence-gathering container in accordance with this procedure.

UNIFORMED MEMBER OF THE SERVICE (continued)

3. Ensure that attending physician's and complainant's names are entered in the appropriate caption on the top of the Sexual Offense Evidence Collection Kit, and sign for evidence in the appropriate caption.
   a. When the Sexual Offense Evidence Collection Kit is sealed by hospital personnel, THE SEAL SHALL NOT BE BROKEN by a member of this Department EXCEPT authorized personnel.
4. Remove evidence to the precinct of occurrence and prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.

DESK OFFICER

5. Direct the preparation of **PROPERTY CLERK INVOICE(S) (PD521-141)** utilizing the Property and Evidence Tracking System based on **WORKSHEET(S)** provided.
   a. An individual **PROPERTY CLERK INVOICE** will be prepared for the Sexual Offense Evidence Collection Kit. A separate **PROPERTY CLERK INVOICE** will be prepared for any other sexual offense evidence.
6. Direct the preparation of a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.
7. Direct the preparation of a **COMPLAINT REPORT (PD313-152)**.
8. Ensure that the **INVOICE** and **COMPLAINT REPORT** numbers, and arrest numbers, if any, are entered on the cover of the Sexual Offense Evidence Collection Kit.
9. Direct the delivery of the Sexual Offense Evidence Collection Kit(s), and a copy of the **COMPLAINT REPORT**, to the Police Laboratory.
10. Direct the delivery of other sexual offense evidence, EXCEPT FIREARMS, **IMMEDIATELY** to the Property Clerk, if a Sexual Offense Evidence Collection Kit or evidence gathering container was used at the hospital AND there is other sexual offense evidence.
11. Direct the delivery of other sexual offense evidence, EXCEPT FIREARMS, and a copy of the **COMPLAINT REPORT**, to the Police Laboratory, in all sexual offense cases, if no Sexual Offense Evidence Collection Kit or evidence gathering container was used at the hospital.
12. Comply with *P.G. 218-49, "Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of Chief Medical Examiner"* when Sexual Offense Evidence Collection Kits(s) or any other sexual offense evidence is associated with a "high priority" case.
13. Follow procedures outlined in *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if the other sexual offense evidence is a firearm.

ASSIGNED INVESTIGATOR

14. Immediately notify the NYPD OCME Liaison Unit of all unfounded cases.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

There is no medical or legal reason for a uniformed member of the service, male or female, to be present in the examining room during the medical examination or evidence collection procedure. Maintenance of the chain of custody of the evidence during the examination is the sole responsibility of attending medical personnel.

If the sexual offense occurred within the previous seventy-two hours, a Sexual Offense Evidence Collection Kit should be used. Not all hospitals may use Sexual Offense Evidence Collection Kits. In such cases, take possession of any other evidence gathering container used and process in accordance with this procedure.

A Drug Facilitated Sexual Assault Blood and Urine Specimen Collection Kit will be utilized for the collection of blood and urine when it is suspected that the victim of a sexual assault was drugged. This kit is separate from the Sexual Offense Evidence Collection Kit. The kit is composed of two gray-topped blood tubes and a urine container for the collection of specimens, and must be vouchered, on a separate ***PROPERTY CLERK INVOICE****, with a separate* ***REQUEST FOR LABORATORY EXAMINATION REPORT*** *(for toxicology). If a UMOS suspects a drug facilitated sexual assault based on victim or witness statements or other evidence, inform hospital personnel and request that a kit be used. Hospital personnel will collect the blood and urine for the kit when it is suspected that it is drug facilitated, within 96 hours of when the victim last remembers having a drink. The blood and urine collected in these kits will degenerate after 24 hours, so immediate delivery to the Police Laboratory and the Office of the Chief Medical Examiner, Evidence Unit is imperative.*

Members will ensure a copy of the ***COMPLAINT REPORT*** *is sent to the Police Laboratory with a Sexual Offense Evidence Collection Kit or any other sexual offense evidence. The Police Laboratory will not accept a Sexual Offense Evidence Collection Kit or any other sexual offense evidence without a copy of the* ***COMPLAINT REPORT****.*

Members are reminded that a ***PROPERTY CLERK INVOICE*** *will not exceed twenty line items if the* ***INVOICE*** *is being sent or has the potential to be sent to the Police Laboratory for laboratory analysis.*

RELATED PROCEDURES

Processing Firearms and Firearm-Related Evidence (P.G. 218-23)
Immediate Delivery of DNA Evidence to the Police Laboratory and the Office of Chief Medical Examiner (P.G. 218-49)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)

PATROL GUIDE

Section: Property - General	Procedure No: 218-34		
PROPERTY OF THE DIVISION OF THE LOTTERY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To safeguard and return property belonging to the Division of the Lottery.

DEFINITION PROPERTY OF THE DIVISION OF LOTTERY - includes tickets, deposit boxes, licenses and lottery proceeds.

PROCEDURE Upon obtaining property belonging to the Division of the Lottery:

UNIFORMED MEMBER OF THE SERVICE

1. Enter facts in digital **Activity Log**.
2. Deliver property to desk officer.

DESK OFFICER

3. Notify New York State Tax Office of recovery.
   a. Notify New York State Tax Office at 0900 hours the next business day, if property is recovered during off-business hours.
4. Ensure property is invoiced for "Safekeeping" as per *P.G. 218-01, "Invoicing Property – General Procedure."*
5. Safeguard property in command until property is picked up by a Division of the Lottery representative.
   a. DO NOT forward property to Property Clerk Division.
6. Verify identity of Division of the Lottery representative claiming property.
7. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
   a. Have a claimant sign utilizing the digital signature capture device.
8. Deliver property and "Prisoner/Finder/Owner" copy of **INVOICE** to representative.

COMMAND CLERK

9. Forward "Property Clerk" copy of **INVOICE** and photocopy of Division of Lottery representative's identification to the appropriate Property Clerk facility.

RELATED PROCEDURE *Invoicing Property – General Procedure (P.G. 218-01)*

FORMS AND REPORTS ***PROPERTY CLERK INVOICE (PD521-141)***

PATROL GUIDE

Section: Property - General		Procedure No: 218-35	
PROCESSING CURRENCY REQUIRED AS EVIDENCE			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To record, process and safeguard currency required as evidence.

DEFINITION NUMISMATIC/SENTIMENTAL VALUE - includes all gold coins, all U.S. silver coins bearing date of 1964 or prior and extremely old bills. In addition, when determining numismatic/sentimental value, members should be guided by the circumstances under which the currency was found (e.g., location, type of packaging, special markings, encased in frames or books, etc.). If doubt exists, such currency will be deemed to have numismatic/sentimental value. Currency with numismatic/sentimental value will not be deposited in a bank.

PROCEDURE When currency required as evidence is seized:

UNIFORMED MEMBER OF THE SERVICE

1. Inform desk officer of details.
2. Count currency in presence of desk officer.

DESK OFFICER

3. Ensure currency is marked with evidence stamp labeled, "Evidence - Notify N.Y.C. Police Department Property Clerk Division" except for the following:
   a. Currency with numismatic or sentimental value
   b. Currency that must remain unaltered (treated with dye, fluorescent powder, or marked)
   c. Foreign currency
   d. Blood stained currency.

UNIFORMED MEMBER OF THE SERVICE

4. Perform the following under the supervision of the desk officer:
   a. Stamp and initial face of each bill as directed by desk officer
   b. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
      (1) If currency is marked with evidence stamp, list each denomination as separate item and indicate quantity of each denomination
      (2) List each denomination of UNSTAMPED bills and respective serial number as separate item and indicate quantity of each item
      (3) Verify amount listed on **PROPERTY CLERK INVOICE WORKSHEET**, insert currency in serially numbered/bar-coded Plastic Security Envelope and seal.
5. Enter facts in digital **Activity Log**.
6. Deliver currency and **PROPERTY CLERK INVOICE WORKSHEET** to desk officer.

DESK OFFICER

7. Check accuracy of **PROPERTY CLERK INVOICE WORKSHEET**.
8. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into the Property and Evidence Tracking System to generate **PROPERTY CLERK INVOICE (PD521-141)**.
9. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.
10. Have "Invoicing Officer" copy of **PROPERTY CLERK INVOICE** printed and deliver to invoicing officer as receipt.
11. Safeguard currency pending delivery to Property Clerk.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

If the currency being invoiced is not stamped by arresting/assigned officer, the name and rank of officer stamping bills will be entered under the "Remarks" section.

Currency will be perforated ONLY by Property Clerk personnel at Property Clerk facilities.

Stamped or perforated currency will NEVER be returned to a claimant or deposited in the Property Clerk's account in any bank under any circumstances. This currency will be forwarded to the Property Clerk, who will arrange for reimbursement of the claimant.

In instances when currency is to be delivered to the Police Laboratory, the currency should be placed in a manila envelope and sealed in a normal manner. In addition, the invoicing officer will sign name, shield number, command and date across seal.

Mutilated currency (marked with fluorescent powder, treated with dye, blood stained, etc.) will be placed in a plastic security envelope marked "MUTILATED CURRENCY – CONTAINS STAINED MATERIAL – USE CARE IN HANDLING." Such currency will be forwarded to the Property Clerk for redemption.

a. Should there be a need for laboratory analysis, then the currency should be placed in a manila envelope, sealed in a normal manner and marked "MUTILATED CURRENCY – CONTAINS STAINED MATERIAL – USE CARE IN HANDLING." In addition, the invoicing officer will sign name, shield number, command and date across seal.

RELATED PROCEDURES

Invoicing Property – General Procedure (P.G. 218-01)
Processing Non-Evidence Currency (P.G. 218-36)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)

PATROL GUIDE

Section: Property - General	Procedure No: 218-36		
PROCESSING NON-EVIDENCE CURRENCY			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To process currency not required as evidence.

DEFINITION NUMISMATIC/SENTIMENTAL VALUE - includes all gold coins, all U.S. silver coins bearing date of 1964 or prior and extremely old bills. In addition, when determining numismatic/sentimental value, members should be guided by the circumstances under which the currency was found (e.g., location, type of packaging, special markings, encased in frames or books, etc.). If doubt exists, such currency will be deemed to have numismatic/sentimental value. Currency with numismatic/sentimental value will not be deposited in a bank.

PROCEDURE When non-evidence currency (e.g., property of DOA or found property), that does not have numismatic/sentimental value, comes into the possession of a uniformed member of the service:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.
2. Make entry in digital **Activity Log**.
3. Deliver **PROPERTY CLERK INVOICE WORKSHEET** and currency to desk officer.

DESK OFFICER

4. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET**.
5. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
   a. Enter **PROPERTY CLERK INVOICE** number and plastic deposit bag serial number on all copies of deposit slip.
6. Prepare and sign deposit slip.
7. Direct invoicing officer to place currency into plastic deposit bag.
   a. Currency and last copy of deposit slip will be placed into larger pocket of deposit bag.
   b. Remaining parts of deposit slip will be placed into smaller pocket of deposit bag.
8. Remove protective strip, exposing the adhesive, and seal the plastic deposit bag.
9. Remove detachable receipt on the flap of the deposit bag, listing the deposit bag's pre-printed serial number and attach it to the **PROPERTY CLERK INVOICE**.
10. Place copy of **PROPERTY CLERK INVOICE** in a separate folder to be maintained at desk, if no other property is involved.
11. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.

COMMAND MESSENGER

12. Prepare **PROPERTY TRANSFER REPORT**, utilizing the Property and Evidence Tracking System and digitally sign **REPORT**.

DESK OFFICER

13. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
14. Direct command messenger, accompanied by another uniformed member of the service or Evidence/Property Control Specialist, to deliver deposit bag to local Department authorized bank and utilize the night deposit vault, at all times.
    a. Direct both members to examine chute to ensure deposit bag(s) has dropped.
    b. Direct uniformed member(s) of the service to make appropriate digital **Activity Log** entries.
15. Make entry in Command Log, including:
    a. **PROPERTY CLERK INVOICE** serial number
    b. Serial number(s) of plastic deposit bag(s)
    c. Total amount to be deposited
    d. Rank, names and shield numbers of those uniformed members of the service delivering currency to night depository, and name of Evidence/Property Control Specialist (if appropriate).
16. Ensure that a uniformed member of the service performing duty with the second platoon is assigned to retrieve deposit slip on the next business day.

UNIFORMED MEMBER ASSIGNED

17. Retrieve deposit slip(s) and record receipt of deposit slip(s) and **PROPERTY CLERK INVOICE** number(s) in digital **Activity Log**.
18. Present receipted deposit slip(s) to desk officer.

DESK OFFICER

19. Attach two copies of receipted deposit slips to Property Clerk copy of **PROPERTY CLERK INVOICE**.
20. Enter in Command Log:
    a. Return of receipted deposit slips
    b. **INVOICE** serial number.
21. Retain "Property Clerk" copy of **PROPERTY CLERK INVOICE**, with deposit slips attached, for delivery to appropriate Property Clerk borough office.
22. Conduct "Deposit Slip Confirmation" utilizing the Property and Evidence Tracking System to verify the amount listed on the **PROPERTY CLERK INVOICE** matches the amount deposited by the local Department authorized bank.
    a. If there is a discrepancy between the amount listed on the **PROPERTY CLERK INVOICE** and amount listed on local Department authorized bank deposit slip, ascertain reason for discrepancy as noted by bank and enter correct amount(s) in the corresponding section.
23. Notify Internal Affairs Bureau Command Center, if deposit slip discrepancy is due to a possible act of misconduct.
    a. Make Command Log entry regarding notification (e.g., IAB log number, **INVOICE** number, etc.)

PROCESSING NON-EVIDENCE CURRENCY WITH POSSIBLE NUMISMATIC/ SENTIMENTAL VALUE

UNIFORMED MEMBER OF THE SERVICE

24. Comply with *P.G. 218-01, "Invoicing Property – General Procedure"* when invoicing non-evidence currency with possible numismatic/sentimental value.
25. Indicate on **PROPERTY CLERK INVOICE** under "Remarks" possible numismatic/sentimental value.
    a. Itemize coins by quantity.
    b. DO NOT enter any monetary value in "Cash Value" column.
26. Place currency in serially numbered plastic security envelope and comply with pertinent provisions of *P.G. 218-10, "Using Security Lead Seals or Plastic Security Envelopes."*

DESK OFFICER

27. Ensure currency with numismatic/sentimental value is delivered to the Property Clerk as per *P.G. 218-03, "Delivery of Property Other Than Vehicle/Boat to Property Clerk.*"
    a. DO NOT deposit currency with numismatic/sentimental value into bank.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

In the event of seizures of large amounts of currency by any command citywide, which contains more than two thousand bills, a notification to the Property Clerk Division will be made for special counting and deposit procedures.

All deposits into Department authorized banks are made on a "subject to count" basis. Should the authorized bank discover a discrepancy, the bank will notify the Commanding Officer, Property Clerk Division. Upon such notification, the Property Clerk Division Investigations Unit will notify the Internal Affairs Bureau.

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)
Processing Currency Required as Evidence (P.G. 218-35)
Delivery of Property Other Than Vehicle/Boat to Property Clerk (P.G. 218-03)
Using Security Lead Seals or Plastic Security Envelopes (P.G. 218-10)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY TRANSFER REPORT (PD521-1412)

PATROL GUIDE

Section: Property - General	Procedure No: 218-37

HANDLING OF RED DYE MARKED CURRENCY AND INTACT "EXPLODING" CURRENCY PACKETS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To safely handle red dye marked currency or intact "exploding" currency packets.

PROCEDURE When currency marked with a red dye must be handled or an intact "exploding" currency packet is found:

UPON LOCATING AN INTACT PACKET OF CURRENCY

UNIFORMED MEMBER OF THE SERVICE

1. DO NOT handle the packet.
2. Evacuate the immediate area.
3. Request the patrol supervisor, Emergency Services Unit and Bomb Squad to respond.

HANDLING OF RED DYE MARKED CURRENCY

UNIFORMED MEMBER OF THE SERVICE

4. Wear disposable gloves.
5. Work in a ventilated area.
6. Wash hands thoroughly after handling currency.
7. Indicate clearly on **PROPERTY CLERK INVOICE (PD521-141)** and Plastic Security Envelope that currency may be contaminated with CS Tear Gas.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Members of the service responding to a bank robbery, or discovering a packet of banded currency thereafter, should consult with bank employees to determine if an "exploding" money packet was passed.

Do not open property envelopes containing contaminated currency unless absolutely necessary. Sealed plastic envelopes prevent dissipation of contaminated residue. Therefore, follow safety precautions if the envelope must be opened, even after long periods of time have elapsed.

Exploding currency packets release tear gas, which may result in contamination of persons and clothing to varying degrees. Since tear gas adheres to clothing, persons exposed to the gas may contaminate others in their proximity. Therefore, all persons exposed to the gas should be isolated from public contact, if possible, and afforded necessary treatment, including medical evaluation, when indicated.

FIRST AID PROCEDURES FOR EXPOSURE

SKIN

Remove the affected persons from the contaminated area to an open, upwind position. Remain calm and restrict activity. Major discomfort should disappear in fifteen to thirty minutes.

ADDITIONAL DATA (continued)

If stinging or burning sensation on moist skin areas occurs, sit and remain quiet to reduce sweating. Expose affected areas to the air. In cases of gross contamination:

a. Remove all contaminated clothing immediately
b. Irrigate affected areas with copious amounts of water (at least two liters)
c. Wash with soap and water to remove all residue
d. Washable clothing may be laundered with soap and water
e. Non-washable clothing may be air dried for a two-day period.

EYES

If there is burning sensation of the eyes, heavy flow of tears, or involuntary closing of eyes, keep eyes open, facing wind. DO NOT rub eyes. Tearing helps clear the eyes. If necessary, wash out eyes with cold water. Tears can be blotted away.

INHALATION

If a burning sensation or irritation of the nose occurs, breathe normally. Blow nose to remove discharge. Nasal decongestants should help if discomfort is severe. Breathing difficulties (burning sensations, chest tightness) are often accompanied by a feeling of panic. In this event, the affected person (s) should be made to relax and kept calm. Talk reassuringly to the person(s) to prevent panic. If discomfort persists or other symptoms occur, the affected person should be removed to the hospital for medical evaluation.

RELATED PROCEDURES

Aided Cases-General Procedure (P.G. 216-01)
Processing Currency Required As Evidence (P.G. 218-35)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General	Procedure No: 218-38

PROCESSING OF CURRENCY/NEGOTIABLE INSTRUMENTS FOR FORFEITURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 5

PURPOSE To expeditiously process seized U.S. currency and/or negotiable instruments valued at one thousand dollars or more which may be forfeitable.

DEFINITIONS FORFEITABLE - For the purpose of this procedure, forfeitable property consists of those assets for which probable cause exists, including that:

a. Such property was used to facilitate a crime, or
b. Such property represents the proceeds or substituted proceeds of a crime.

NEGOTIABLE INSTRUMENT - A cash equivalent such as money orders, traveler's checks, bank checks, etc.

SUBSTITUTED PROCEEDS OF A CRIME - Items of property that have been received in exchange for the actual proceeds of a crime. For example, if currency obtained in exchange for illegal drugs is subsequently used to purchase an automobile, the currency is the proceeds of a crime, and the automobile is the substituted proceeds of a crime.

PROCEDURE When a uniformed member of the service seizes U.S. currency and/or negotiable instruments valued at one thousand dollars or more that are deemed forfeitable:

UNIFORMED MEMBER OF THE SERVICE

1. Notify the Asset Forfeiture Unit, twenty-four hours a day seven days a week, and request a Forfeiture Log Number(s) for U.S. currency and/or negotiable instruments valued at one thousand dollars or more that are deemed forfeitable.
   a. Comply with normal invoicing procedures if an Asset Forfeiture Unit investigator determines that the seized property is not forfeitable.
2. Prepare a separate **PROPERTY CLERK INVOICE WORKSHEET (PD 521-141A)** for only U.S. currency and/or negotiable instruments earmarked for forfeiture.
   a. DO NOT include any other property on **WORKSHEET**.
3. Select "FORFEITURE" as property category.
4. Do not categorize this property as arrest evidence, unless it is an element of a criminal charge being lodged against a defendant.
5. Include the Forfeiture Log Number and an indication that this is property being "Held For Forfeiture," in the "Remarks" section of the **PROPERTY CLERK INVOICE WORKSHEET**.
   a. Include a statement in the "Remarks" section briefly explaining the circumstances under which currency and/or negotiable instruments were seized. The statement should clearly demonstrate how such property was used to facilitate a crime and the specific location where such property was seized.
6. Make entry in digital **Activity Log**.

UNIFORMED MEMBER OF THE SERVICE (continued)

7. DO NOT "Evidence" stamp U.S. currency/negotiable instruments earmarked for forfeiture.
8. Deliver **PROPERTY CLERK INVOICE WORKSHEET** and currency/negotiable instrument to desk officer.

DESK OFFICER

9. Verify accuracy and completeness of **PROPERTY CLERK INVOICE WORKSHEET**.
10. Have **PROPERTY CLERK INVOICE WORKSHEET** entered into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
11. Ensure a digital photograph is taken of currency seized pursuant to a search warrant, if applicable, before it is bagged and deposited in the bank.
    a. Upload photograph to the **PROPERTY CLERK INVOICE** as a related document utilizing the Property and Evidence Tracking System.

UNIFORMED MEMBER OF THE SERVICE

12. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.

DESK OFFICER

13. Digitally sign **PROPERTY CLERK INVOICE** verifying accuracy and completeness.
14. Prepare and sign deposit slip.
15. Direct invoicing officer to place currency/negotiable instruments into Plastic Security Envelopes.
16. Place copy of **PROPERTY CLERK INVOICE** in separate folder to be maintained at desk, if no other property is involved.
17. Have **PROPERTY TRANSFER REPORT (PD521-1412)** prepared utilizing the Property and Evidence Tracking System.

COMMAND MESSENGER

18. Prepare **PROPERTY TRANSFER REPORT** utilizing Property and Evidence Tracking System and digitally sign **REPORT**.

DESK OFFICER

19. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
20. Direct command messenger, accompanied by another uniformed member of the service, to deliver currency in deposit bag to local Department authorized bank and utilize the night deposit vault, at all times.
    a. Direct both uniformed members to examine chute to ensure deposit bag (s) has dropped.
    b. Direct both uniformed members of the service to make appropriate digital **Activity Log** entries.
21. Direct command messenger to forward negotiable instruments to Borough Property Clerk's Office.
22. Make entry in Command Log, including:
    a. **PROPERTY CLERK INVOICE** serial number.

DESK OFFICER (continued)

b. Serial number(s) of Plastic Security Envelope(s).
c. Total amount invoiced.
d. Rank, names and shield numbers of both uniformed members of the service delivering currency to night depository.
e. Forfeiture Log number.

23. Ensure that a uniformed member of the service performing duty with the second platoon is assigned to retrieve deposit slip on the next business day.

UNIFORMED MEMBER OF THE SERVICE

24. Retrieve deposit slip(s) and record receipt of deposit **PROPERTY CLERK INVOICE** number(s) in digital **Activity Log**.
25. Present receipted deposit slip(s) to desk officer.

DESK OFFICER

26. Attach two copies of receipted deposit slips to **PROPERTY CLERK INVOICE**.
27. Enter in Command Log:
    a. Return of receipted deposit slip.
    b. **PROPERTY CLERK INVOICE** serial number.
28. Retain **PROPERTY CLERK INVOICE** with deposit slips attached for delivery to Borough Property Clerk's Office.

EVIDENCE/ PROPERTY CONTROL SPECIALIST/ DESIGNATED UNIFORMED MEMBER OF THE SERVICE

29. Conduct "Deposit Slip Confirmation" utilizing Property and Evidence Tracking System to verify the amount listed on **PROPERTY CLERK INVOICE** matches the amount deposited by local Department authorized bank.
    a. If there is a discrepancy between the amount listed on the **PROPERTY CLERK INVOICE** and amount local Department authorized bank listed on deposit slip:
        (1) Ascertain reason for discrepancy as noted by bank and enter correct amount(s) in the corresponding section.
        (2) Notify desk officer regarding reason for discrepancy and list notification in the "Remarks" section.

DESK OFFICER

30. Notify Internal Affairs Bureau Command Center, if deposit slip discrepancy is due to a possible act of misconduct.
    a. Make Command Log entry regarding notification (e.g., IAB log number, **INVOICE** number, etc.).

ASSET FORFEITURE UNIT

31. Determine whether seized assets are appropriate subject of forfeiture proceedings, and if so, assign log number, conduct follow-up investigation and initiate tracking procedures.
32. Confer with District Attorney's Office, Civil Enforcement Unit, and any other agencies involved.
33. In federal cases, request appropriate federal agency to adopt within thirty days, or request the District Attorney to forward a completed State Forfeiture Release Form to the Asset Forfeiture Unit for processing.
34. Authorize the release of currency/negotiable instruments from the Property Clerk in forfeiture cases.

COMMANDING OFFICER, ASSET FORFEITURE UNIT

35. Direct and coordinate the post seizure investigative efforts of the Department.

PROPERTY CLERK

36. Process **PROPERTY CLERK INVOICE** and currency/negotiable instruments.
37. Issue a check within three business days for seized currency being processed for Federal or State Forfeiture upon written request of the Asset Forfeiture Unit.
38. Process only those requests for the release of assets for federal, state and local forfeiture that have been approved by the Asset Forfeiture Unit.

ASSET FORFEITURE UNIT

39. Prepare related paperwork and forward check to appropriate agency, in federal forfeiture cases.
40. Prepare an accounting of investigative expenses incurred and a request for the sharing in state forfeiture cases.
    a. Forward with a check to the appropriate District Attorney.
41. Assist and forward related paperwork to the Civil Enforcement Unit, in local forfeiture cases.
42. Negotiate an equitable sharing agreement with other participants, in federal cases.
43. Prepare and process **Application for Transfer of Federally Forfeited Property [DAG71]** in Federal forfeiture cases.
44. Monitor and track all federal and state forfeiture actions throughout the entire process.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Seizures of currency/negotiable instruments valued at less than one thousand dollars do not require a notification to the Asset Forfeiture Unit and no Forfeiture Log number will be issued. In these instances, the currency/negotiable instruments will be processed in accordance with this procedure.

In the event of seizures of large amounts of currency which contain more than two thousand bills, the Property Clerk's Division should be contacted at for special counting and deposit procedures.

Search Warrant Cases

In all instances, items seized pursuant to a New York State search warrant will be inventoried for return to the court issuing the warrant. All such property will be processed in accordance with this procedure. This property will not be released for forfeiture proceedings by the Property Clerk without the authorization of the Commanding Officer, Asset Forfeiture Unit and a release by the prosecutor, a turnover order issued by a judge or a seizure warrant from a federal court.

ADDITIONAL DATA (continued)

Transfer Prohibited

This procedure constitutes the Department's sole directive regarding the disposition of currency and/or negotiable instruments destined for forfeiture. In no instance will assets be transferred to a New York City Police Department unit or outside law enforcement agency for forfeiture processing without the written permission of the Commanding Officer, Asset Forfeiture Unit.

Uniformed members of the service assigned to a formal Joint Federal Task Force will notify the Asset Forfeiture Unit of all currency/negotiable instrument seizures and process the seizure under the protocol established under their "Memorandum of Understanding."

RELATED PROCEDURE

Forfeiture Proceedings for Seized Property (P.G. 208-26)

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD 521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY TRANSFER REPORT (PD521-1412)
Application for Transfer of Federally Forfeited Property (DAG71)

PATROL GUIDE

Section: Property - General	Procedure No: 218-39

SEIZURE, REMOVAL, AND DISPOSITION OF PROPERTY FROM GENERAL AND FOOD VENDORS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 4

PURPOSE To remove property from an unlicensed food/general vendor(s) or from a licensed general vendor(s) peddling in violation of law.

DEFINITIONS GENERAL VENDOR - Person who peddles, sells, leases, or offers for sale or lease at retail, goods or services, other than food, in a public area.

FOOD VENDOR - Person, who peddles, sells or offers food for sale at retail in any public place.

PUSHCART - Any wheeled vehicle or device used by a vendor in a public place, which can be moved with or without a motor and does not require registration by Department of Motor Vehicles.

STAND - A movable, portable, or collapsible structure, device or other contrivance other than a pushcart used to display or store any merchandise, food or article required while acting as a vendor.

EXIGENT CIRCUMSTANCES – For the purpose of this procedure, any situation which may endanger public safety or obstruct the free flow of traffic, either pedestrian or vehicular, (e.g., fire, emergency, heavy traffic, street excavation, parade, etc.).

SEIZURE OF PROPERTY – Removal of a street vendor's property pending forfeiture action against the vendor by the City's Law Department. In those circumstances, the property may not be returned to the vendor without written authorization of the City's Law Department or Commanding Officer, Legal Bureau.

REMOVAL OF PROPERTY – Confiscation of a street vendor's property. The property may be returned to the vendor at the command under certain circumstances, even if the Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) has not been adjudicated at the time the vendor seeks return of his/her property.

PROPERTY CLERK DIVISION SEAL - Non-releasable, barcoded, pre-numbered security seal used to provide increased security for street vendor's property, which is seized and placed in large plastic bags to be invoiced.

PROCEDURE When a uniformed member of the service observes a general or food vendor who is unlicensed or operating in violation of the General/Food Vendor law or regulations:

UNIFORMED MEMBER OF THE SERVICE

1. Perform the following in the presence of the peddler:
   a. Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH).
   b. Place all seized property into large plastic bag(s) and tightly twist top of bag(s) closed.

UNIFORMED MEMBER OF THE SERVICE (continued)

c. Affix Property Clerk Division seal, with prongs facing inward, around top of bag by pushing tie through slot and pulling loose end taut.
   (1) Write pre-printed number of Property Clerk Division seal on summons under issuing officer's signature.

2. Deliver pushcart, stand, food/property, and necessary forms as appropriate, to command of occurrence.
3. Do not permit vendor to assist in removal of property to command or ride in Department vehicle, except in arrest situation.
4. Return vendor's (food or general) license to licensee after issuing Civil Summons Returnable to OATH.
5. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**.
6. Mark **PROPERTY CLERK INVOICE WORKSHEET** "Removed/ Safeguard."
7. Enter under "Remarks" on **PROPERTY CLERK INVOICE WORKSHEET**, time of arrival at command with perishable items, type of food or goods and how packaged.
8. Make appropriate entries regarding Property Clerk Division seals utilized in **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)**.
9. Notify at least one food rescue organization (e.g., City Harvest, etc.) to retrieve food at their expense, when seizure occurs in the presence of Department of Health employee or agent and they determine food meets sanitary requirements.
   a. Make digital **Activity Log** entry and include the title and name of Department of Health employee, circumstances of food seizure, and statement that food meets sanitary requirements.
      (1) Have Department of Health employee sign digital **Activity Log**.

COMMANDING OFFICER

10. Designate sufficient number of supervising members to frequently inspect perishable foods or goods so that such items may, when necessary, be condemned and disposed of.
11. Ensure perishable foods or goods are not forwarded to the Property Clerk Division.

DESK OFFICER

12. Examine sealed bag to ensure that:
    a. It is properly sealed
    b. Pre-printed, bar-coded Property Clerk Division seal number is accurately recorded on both **PROPERTY CLERK INVOICE WORKSHEET** and Civil Summons Returnable to OATH.
13. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.
    a. If two separate **PROPERTY CLERK INVOICES** are prepared, a cross-reference will be made utilizing the related invoice function in the Property and Evidence Tracking System.

DESK OFFICER (continued)

14. Store plastic bag(s) with **PROPERTY CLERK INVOICE(S)** in property room, pending removal to the Property Clerk.
15. Ensure at least one food rescue organization is notified to retrieve seized food, as outlined in step "9."
    a. Make entry in appropriate Department record, including the name, address, and contact phone number of food rescue organization that retrieved food, if applicable.
16. Notify Property Clerk Division if large amount of property is removed from vendor.
17. Notify Department of Sanitation when expeditious disposal of spoiled food or goods is required.
18. Have three copies of a report prepared on **OFFICIAL LETTERHEAD (PD158-151)** addressed to the vendor, within twenty-four hours after perishable food or goods has been disposed of, indicating:
    a. An itemized description of property
    b. Reason for destruction or disposition
    c. Date of destruction/disposition.
19. Send copy of report to vendor through United States Mail.
20. Enter in the remarks section of the **PROPERTY CLERK INVOICE** any condemned food or goods, and date and time report was mailed to vendor.
21. Attach copy of report to command file copy of **PROPERTY CLERK INVOICE**.
22. Prepare a separate report on **OFFICIAL LETTERHEAD** and comply with steps "18" through "21," if different types of food or goods are disposed of at different times, even if delivered to the command as part of the same seizure.

WHEN EXIGENT CIRCUMSTANCES EXIST:

UNIFORMED MEMBER OF THE SERVICE

23. Notify vendor to stop all selling at the location and, within one minute, begin to move from the area.
24. Inform vendor not to return to location for at least two hours unless conditions dictate otherwise. (VENDOR MUST BE NOTIFIED OF TIME PERIOD).
25. Make digital **Activity Log** entry describing the exigency that prompted the order for the vendor to move and include:
    a. Name and license number of the vendor
    b. Description of the order conveyed
    c. Time period vendor was directed to stay away from the area.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

All peddler enforcement vehicles will be marked and all peddler enforcement personnel will perform duty in uniform, with the exception of "designated spotters," who will be permitted to perform duty in civilian clothes.

ADDITIONAL DATA (continued)

Supervisory span of control for peddler enforcement shall not exceed one supervisor for five police officers. Dedicated peddler enforcement supervisors will be present at all property seizures, when practical.

In the event that a plastic bag containing a street vendor's property breaks, a uniformed supervisor will be responsible to re-bag the property utilizing the "repack" function in Property Clerk Evidence Tracking System. Each command involved in peddler enforcement will be required to maintain a separate ***CERTIFICATION OF PROPERTY CLERK DIVISION SEALS*** *for command use. The assigned supervisor will not remove property from the damaged bag, nor will the Property Clerk Division seal be removed. Rather, the entire bag, with the Property Clerk Division seal intact, will be placed in the new bag and a new Property Clerk Division seal attached. An entry will be made in the Command Log, including seal numbers and invoice numbers involved. Additionally, a cross-reference will be made in the original Log entry of the invoice concerned.*

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)
Removal and Storage Fees for Licensed Food Vendors Equipment and Goods (P.G. 218-43)
Unlicensed Peddler Forfeiture Program (P.G. 218-41)

FORMS AND REPORTS

OFFICIAL LETTERHEAD (PD158-151)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)

PATROL GUIDE

Section: Property - General	Procedure No: 218-40

GENERAL VENDOR DISTRIBUTOR FORFEITURE PROCEDURE

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
05/31/18	05/31/18		1 of 3

PURPOSE To confiscate vehicles of unlicensed general vendor distributors and institute forfeiture proceedings.

DEFINITION DISTRIBUTOR - any person or organization engaged in the sale, consignment, or distribution of goods for sale or resale by a general vendor. This shall not include an owner of goods who personally operates a motor vehicle to transport such goods exclusively to and from a location from which the owner will personally sell such goods in compliance with all applicable laws.

PUBLIC SPACE - all publicly-owned property between the property lines on a street as such property lines are shown on the City map including but not limited to a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals.

PROCEDURE Upon observing an unlicensed general vendor distributor in a public place:

UNIFORMED MEMBER OF THE SERVICE

1. Serve Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) for New York City Administrative Code 20-474.1 (Unlicensed General Vendor Distributor), if violator eligible.
2. Confiscate vehicle and contents for forfeiture proceedings.
3. Remove vehicle to precinct of occurrence and comply with *P.G. 218-12, "Safeguarding Vehicles in Police Custody."*
   a. Any goods contained within the vehicle shall be processed according to *P.G. 218-39, "Seizure, Removal and Disposition of Property from General and Food Vendors."*
4. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** and select "FORFEITURE" as Property Category.
5. Submit completed **PROPERTY CLERK INVOICE WORKSHEET** to desk officer for review.

DESK OFFICER

6. Have vehicle removed to Property Clerk storage facility (see *P.G. 218-20, "Delivery of Vehicle to Property Clerk").*
7. Ensure accuracy of **PROPERTY CLERK INVOICE WORKSHEET**.
8. Ensure **PROPERTY CLERK INVOICE WORKSHEET** is entered into Property Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (521-141)**.
9. Prepare **PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)** upon arrival at stationhouse of individual seeking to reclaim seized property.
   a. Ensure the names and addresses of all persons involved (e.g., driver, owner of vehicle and/or representative, etc.) AND **PROPERTY CLERK INVOICE** serial number(s) are entered on **PEDDLER FORFEITURE QUESTIONNAIRE**.

DESK OFFICER (continued)

10. Have claimant sign perforated, tear-off portion of **PEDDLER FORFEITURE QUESTIONNAIRE** entitled "Peddler Property - Acknowledgement of Demand."
11. Send by FAX or forward by messenger copies of <u>all</u> relevant documents, including:
    a. Completed **PEDDLER FORFEITURE QUESTIONNAIRE** with signed "Peddler Property-Acknowledgement of Demand"
    b. **PROPERTY CLERK INVOICE**
    c. Civil Summons Returnable to OATH or summons
    d. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if applicable
    e. Any other documents prepared within one day of the demand for the return of property to:
       Assistant Chief, Administrative Law Division
       New York City Law Department
       100 Church Street, Room 5J17
       New York, New York 10007
12. Provide claimant appearing at command with:
    a. Peddler Property - Acknowledgement of Demand (perforated, tear-off portion of original **PEDDLER FORFEITURE QUESTIONNAIRE**
    b. "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**.
13. Forward to patrol borough coordinator:
    a. ORIGINAL and one copy of **PEDDLER FORFEITURE QUESTIONNAIRE**
    b. Two copies of **PROPERTY CLERK INVOICE**, Environmental Control Board Notice of Violation and Hearing or summons and **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, if applicable.

PATROL BOROUGH COORDINATOR

14. Retain copies of <u>all</u> forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for precinct file.
15. Maintain record of forms received from precinct under the following captions:

DATE	SERIAL NO.	CLAIMANT'S NAME	OWNER/ REPRESEN-TATIVE	INVOICE NO.	SUMMONS NO.	VENDOR'S NAME

16. Assign borough serial number to each **PEDDLER FORFEITURE QUESTIONNAIRE** received.
17. Check all forms for completeness and accuracy.
    a. Return any form containing errors and/or omissions to command of origin for correction.
18. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

ADDITIONAL DATA

OPERATIONAL ISSUES

Any vehicle used by a distributor to transport goods to a general vendor must be visually identified by a sign conspicuously displayed on the side of the vehicle. The following information must be clearly and legibly displayed on such sign:

a. The licensee's name and address
b. Business telephone numbers
c. The words "General Vending Distributor"
d. Department of Consumer Affairs telephone complaint number.

Persons operating a licensed General Vendor Distributor Vehicle which is either missing such a sign or if the sign is missing any of the information required as listed in "a thru d" above may be issued a Civil Summons Returnable to OATH under New York City Administrative Code Section 20-474.2(a).

The letters and numerals of such display shall not be less than one and one-half inches in height, with a width of at least one-quarter of an inch, and shall be colored black and white, whichever is most prominent against the background color. A Civil Summons Returnable to OATH under New York City Code Section 20-474.2(b) may be issued if the licensed General Vendor Distributor does not have a vehicle sign that has the proper dimensions required by law.

Signs used to identify delivery vehicles may be removable, but must be securely fastened whenever the vehicle is used to deliver or remove goods to or from a general vendor. The sign must remain securely attached throughout the time it takes to load or unload goods. A Civil Summons Returnable to OATH under New York City Code Section 20-474.2(c) may be issued to the licensed General Vendor Distributor for failure to have a sign securely fastened to their vehicle during loading and unloading of goods.

It is now the responsibility of the Corporation Counsel to serve the claimant with the summons and complaint. However, it is imperative that a copy of the completed ***PEDDLER FORFEITURE QUESTIONNAIRE****, as well as any other documents prepared in conjunction with this procedure, be forwarded to the Corporation Counsel within one day of the claimant's appearance at stationhouse to reclaim seized property.*

Any subsequent demand by an unlicensed distributor for the return of seized property will be processed according to Patrol Guide 218-41, "Unlicensed Peddler Forfeiture Program."

RELATED PROCEDURES

Safeguarding of Vehicles in Police Custody (P.G. 218-12)
Delivery of Vehicles to Property Clerk (P.G. 218-20)
Seizure, Removal and Disposition of Property from General and Food Vendors (P.G. 218-39)
Removal and Storage Fees for Vendors Equipment and Goods (P.G. 218-43)
Unlicensed Peddler Forfeiture Program (P.G. 218-41)

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)

PATROL GUIDE

Section: Property - General	Procedure No: 218-41		
UNLICENSED PEDDLER FORFEITURE PROGRAM			
DATE ISSUED: 05/31/18	DATE EFFECTIVE: 05/31/18	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To institute forfeiture proceedings against property seized from unlicensed street vendors.

SCOPE ONLY the property of an unlicensed food or general vendor or the property of a licensed general vendor, who violates the restricted streets provision of Administrative Code Section 20-465, subdivision "l," is subject to forfeiture. Members are to confiscate only the property that the vendor had on display, as well, as any cart, table or vehicle used to display the property.

PROCEDURE Upon observing an unlicensed street vendor operating in a public place:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with *P.G. 218-39, "Seizure, Removal and Disposition of Property of General and Food Vendors."*
2. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System and select "FORFEITURE" as Property Category.

DESK OFFICER

3. Comply with *P.G. 218-39, "Seizure, Removal and Disposition of Property of General and Food Vendors."*
4. Prepare **PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)** upon arrival at command of individual seeking to reclaim seized property.
   a. Ensure the names and addresses of all persons involved, (e.g., driver, owner of vehicle and/or representative, etc.) AND **PROPERTY CLERK INVOICE** serial number(s) are entered on **PEDDLER FORFEITURE QUESTIONNAIRE**.
5. Have claimant sign perforated, tear-off portion of **PEDDLER FORFEITURE QUESTIONNAIRE** entitled, "Peddler Property-Acknowledgement of Demand."
6. Send by FAX or forward by messenger copies of all relevant documents, including:
   a. Completed **PEDDLER FORFEITURE QUESTIONNAIRE** with signed "Peddler Property-Acknowledgement of Demand"
   b. **PROPERTY CLERK INVOICE**
   c. Civil Summons Returnable to the Office of Administrative Trials and Hearings (OATH) or summons
   d. **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**, if applicable
   e. Any other documents prepared within one day of the demand for the return of property to:
      Assistant Chief, Administrative Law Division
      New York City Law Department
      100 Church Street, Room 5J17
      New York, New York 10007

DESK OFFICER (continued)

7. Provide claimant appearing at stationhouse with:
   a. Peddler Property-Acknowledgement of Demand (perforated, tear-off portion of original **PEDDLER FORFEITURE QUESTIONNAIRE**)
   b. "Prisoner/Finder/Owner" copy of **PROPERTY CLERK INVOICE**.
8. Forward to patrol borough coordinator:
   a. ORIGINAL (less tear-off portion) and one copy of **PEDDLER FORFEITURE QUESTIONNAIRE**
   b. Two copies of **PROPERTY CLERK INVOICE**, Civil Summons Returnable to OATH or summons and **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, if applicable.
9. Comply with steps "4" through "8" for EACH SUBSEQUENT CLAIMANT appearing at the stationhouse to reclaim same property.
10. Retain copies of <u>all</u> forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for command file.

PATROL BOROUGH COORDINATOR

11. Maintain record of forms received from command under the following captions:

DATE	SERIAL NO.	CLAIMANT'S NAME	OWNER/ REPRESEN-TATIVE	INVOICE NO.	SUMMONS NO.	VENDOR'S NAME

12. Assign borough serial number to each **PEDDLER FORFEITURE QUESTIONNAIRE**.
13. Check all forms for completeness and accuracy.
    a. Return any form containing errors and/or omissions to precinct of origin for correction.
14. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

ADDITIONAL DATA

<u>OPERATIONAL ISSUES</u>

*It is now the responsibility of the Corporation Counsel to serve the claimant with the summons and complaint. However, it is imperative that copies of the completed **PEDDLER FORFEITURE QUESTIONNAIRE**, as well as any other documents prepared in conjunction with this procedure, be forwarded to the Corporation Counsel within one day of the claimant's appearance at command to reclaim seized property.*

RELATED PROCEDURE

Seizure, Removal and Disposition of Property of General and Food Vendors (P.G. 218-39)

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General		Procedure No: 218-42	
OBTAINING AND RETURNING OF PROPERTY CLERK DIVISION SEALS (PLASTIC SECURITY SEALS)			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To record the distribution of Property Clerk Division seals issued to uniformed members of the service assigned to peddler enforcement duty and to ensure the integrity of returned Property Clerk Division seals.

SCOPE Uniformed members of the service below the rank of captain, assigned to peddler enforcement duty, must carry a sufficient amount of Property Clerk Division seals.

PROCEDURE When assigned to peddler enforcement duty:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain Property Clerk Division seals and **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)** from desk officer.
2. Examine Property Clerk Division seals to ensure that there are twenty seals, consecutively numbered.
3. Sign for Property Clerk Division seals on the **PROPERTY CLERK DIVISION SEAL DISTRIBUTION CARD (PD521-1411)**.
4. Sign and deliver completed **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**, to immediate supervisor, after all seals have been used.

SUPERVISOR

5. Review completed **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS** and verify that all Property Clerk Division seals are accounted for.
   a. Document verification by initialing the top portion of the **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.

UNIFORMED MEMBER OF THE SERVICE

6. Deliver unused Property Clerk Division seals and **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**, to the command where they were issued, when transferred or separated from the Department.
7. Notify commanding officer, without delay, when a Property Clerk Division seal is damaged or missing.

COMMANDING OFFICER/ RANKING SUPERVISOR DESIGNEE

8. Examine **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS** to verify that:
   a. All information has been recorded
   b. No discrepancies exist.
9. Take appropriate action if discrepancies are found.
10. Obtain unused or damaged peddler seals from transferred or separated members.
11. Destroy unused or damaged Property Clerk Division seals; they are not to be re-issued.

INTEGRITY CONTROL OFFICER

12. Make random inspections of **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.
13. Indicate inspection by entering date and initials on the reverse side of **CERTIFICATION OF PROPERTY CLERK DIVISION SEALS**.
14. Report any discrepancies to the commanding officer.

FORMS AND REPORTS

CERTIFICATION OF PROPERTY CLERK DIVISION SEALS (PD521-061)
PROPERTY CLERK DIVISION SEAL DISTRIBUTION CARD (PD521-1411)

PATROL GUIDE

Section: Property - General	Procedure No: 218-43

REMOVAL AND STORAGE FEES FOR LICENSED FOOD VENDORS EQUIPMENT AND GOODS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To collect removal and storage fees for vehicles, carts, goods or food of a licensed food vendor.

PROCEDURE When the owner or person lawfully entitled to possession of a peddler's vehicle, cart, stand or goods appears at a Department facility to claim property:

DESK OFFICER

1. Collect removal fee as follows:
   a. Vehicle, cart, stand removed by Department vehicle - $65.00
   b. Vehicle, cart, stand not removed by Department vehicle - $20.00
   c. Goods taken into custody with vendor's vehicle, cart, stand - $10.00
   d. Goods only seized - $20.00.
2. Ensure goods/foods and vehicle, carts, stand, etc. which are stored separately are charged a separate storage fee.
3. Collect storage fee of $5.00 per day or part of day.
   a. Storage fee will not be imposed for the day the vehicle, cart, stand or goods/food are initially delivered to the command.
4. Prepare two copies of **FEE RECEIPT (PD122-017)**.
5. Mark receipt "VOID" if an error is made in its preparation.
   a. Prepare new receipt.
   b. File receipt marked "VOID" in command.
6. Give original **RECEIPT** to claimant.
7. Complete the "Release/Disposition – Return to Owner" function utilizing the Property and Evidence Tracking System.
   a. Have claimant sign utilizing the digital signature capture device.
8. Forward fees collected for removal/storage to Audits and Accounts Unit on the next business day (except Saturdays, Sundays and civilian holidays).
   a. Fees received at commands <u>after 1600 hours</u> or on days when the Audits and Accounts Unit is closed will be safeguarded and processed the next business day.
9. File copy of **FEE RECEIPT** in command.

ADDITIONAL DATA

<u>OPERATIONAL CONSIDERATIONS</u>

A vehicle, cart, stand, or goods will not be released to an owner or his representative who alleges it was stolen and refuses to pay removal/storage charges.

The seized property of a licensed vendor will be returned upon demand and without the payment of any fee, when the vendor produces a valid vendor's license. An appropriate entry will be made in the "Remarks" section of the ***PROPERTY CLERK INVOICE****.*

Pushcarts, stands, and/or merchandise removed from an unlicensed peddler will not be returned to the claimant upon payment of removal and storage fees, but will become the subject of forfeiture proceedings per P.G. 218-41, "Unlicensed Peddler Forfeiture Program."

RELATED PROCEDURE *Unlicensed Peddler Forfeiture Program (P.G. 218-41)*

FORMS AND REPORTS ***FEE RECEIPT (PD122-017)***
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General		Procedure No: 218-44	
REMOVAL AND STORAGE CHARGES			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To collect and forward fees received for vehicles or boats in police custody.

DEFINITION VEHICLE OR BOAT IN POLICE CUSTODY - A motor vehicle or boat abandoned, involved in a collision or an unoccupied boat found adrift which has been taken to a Department facility. (Does not include motor vehicles or boats impounded as evidence).

PROCEDURE When the owner or person lawfully entitled to possession appears at a Department facility to claim a vehicle or boat:

DESK OFFICER OR PERSON IN CHARGE OF STORAGE FACILITY

1. Collect towing fee of $25.00 if Department tow or launch removes a vehicle or boat in police custody.
2. Collect storage fee of $5.00 per day or part of day for an abandoned vehicle or boat or a vehicle or boat involved in a collision. (No storage fee will be imposed for the day a vehicle or boat is delivered to a department facility.)
3. Charge $5.00 per day or part of day commencing three days after notice to owner by registered mail for an unoccupied boat found adrift or a stolen vehicle or boat.
4. Prepare **FEE RECEIPT (PD122-017)** in numerical sequence.
   a. Original copy to claimant.
   b. Copy to Audits and Accounts Unit.
   c. Leave third copy in **FEE RECEIPT BOOK** as command file copy.
5. Forward fees collected to Audits and Accounts Unit each day (excluding Saturdays, Sundays and holidays) with three copies of itemized report and corresponding **FEE RECEIPT** for each boat or vehicle returned to claimant.

NOTE *The New York City Administrative Code requires that fees collected be forwarded "on next business day." Fees collected at commands after 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.*

ADDITIONAL DATA *DO NOT release vehicle or boat to an owner or his representative who alleges it was stolen and refuses to pay charges due.*

RELATED PROCEDURES *Forwarding Fees to Audits and Accounts Unit (P.G. 212-82)*

FORMS AND REPORTS ***FEE RECEIPT (PD122-017)***

PATROL GUIDE

Section: Property - General	Procedure No: 218-45

HANDGUN LICENSE SUSPENSION, REVOCATION OR CANCELLATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
07/01/20	07/01/20		1 of 3

PURPOSE To facilitate the surrender of **Handgun Licenses** and handguns when a license is suspended, revoked or cancelled.

DEFINITION HANDGUN - For the purposes of this procedure, a handgun is defined as any pistol or revolver listed on a **Handgun License**.

PROCEDURE Upon receipt of a **HANDGUN SURRENDER NOTICE (PD641-123)**, through channels, from the License Division:

OPERATIONS COORDINATOR

1. Assign/designate a member of the service to record receipt of **HANDGUN SURRENDER NOTICE**, by serial number, in Precinct Communication Log and deliver **NOTICE**(S) to commanding officer.

COMMANDING OFFICER

2. Assign a uniformed member of the service, preferably a supervisor, to conduct a prompt investigation.
3. Ensure investigation is completed and all related forms are forwarded to the License Division, through channels, within thirty days of date **HANDGUN SURRENDER NOTICE** was received at command.

UNIFORMED MEMBER ASSIGNED

4. Respond to licensee's address and request surrender of **Handgun License** and handgun(s) indicated on **HANDGUN SURRENDER NOTICE**.
   a. Attempt to make visits at times other than during the second platoon (e.g., 4 x12's, weekends, etc.), if necessary.
   b. Contact the License Division for further direction if licensee refuses to surrender handgun(s) after **HANDGUN SURRENDER NOTICE** has been served and the licensee offers no evidence or documentation indicating that handgun(s) were legally disposed of.

COMMANDING OFFICER, LICENSE DIVISION

5. Confer with the Legal Bureau and Detective Bureau, if necessary, and advise the appropriate course of action.

UNIFORMED MEMBER ASSIGNED

6. Complete and sign three copies of **HANDGUN SURRENDER NOTICE** and distribute as follows:
   a. ORIGINAL – Precinct concerned
   b. COPY 1 – License Division
   c. COPY 2 – Receipt to licensee.
7. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System, and process handgun(s) as per provisions of *P.G. 218-23, "Processing Firearms and Firearm-Related Evidence,"* if handgun(s) is among items surrendered.
   a. Include the following notation under "Remarks" on **PROPERTY CLERK INVOICE**:

UNIFORMED MEMBER ASSIGNED (continued)

"HANDGUNS SHALL NOT BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF THE COMMANDING OFFICER, LICENSE DIVISION."

8. Attempt to obtain new address if licensee no longer resides or is employed at address indicated on **HANDGUN SURRENDER NOTICE**.
   a. Enter new address on **HANDGUN SURRENDER NOTICE RESPONSE (PD641-123A)**.
   b. Serve **HANDGUN SURRENDER NOTICE** if new address is located within the confines of command.
      (1) If new address is not within confines of command, enter all information on **HANDGUN SURRENDER NOTICE RESPONSE** and return to License Division.
   c. Enter relevant information on **HANDGUN SURRENDER NOTICE RESPONSE** if new address cannot be obtained.
9. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152A)** and refer to detective squad when:
   a. Handgun is lost or stolen and has not been previously reported as such
   b. Member suspects licensee still resides or is employed at location and is intentionally avoiding service of **HANDGUN SURRENDER NOTICE**
   c. Member believes handguns may have been used in commission of a crime.
      (1) Forward **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** and handgun to Firearms Analysis Section for analysis with a copy of **COMPLAINT REPORT**.
10. Complete all relevant sections on **HANDGUN SURRENDER NOTICE RESPONSE**.
11. Deliver copies of the **HANDGUN SURRENDER NOTICE** and **HANDGUN SURRENDER NOTICE RESPONSE** to commanding officer.
    a. Include the following items, if obtained:
       (1) **Handgun License**
       (2) "Assigned Investigator" copy of **PROPERTY CLERK INVOICE**
       (3) Photocopy of **COMPLAINT REPORT**
       (4) Any other substantiating documentation.
12. Make complete entry of relevant facts in digital **Activity Log**.

COMMANDING OFFICER

13. Endorse **HANDGUN SURRENDER NOTICE RESPONSE**.
14. Forward copies of **HANDGUN SURRENDER NOTICE** and **HANDGUN SURRENDER NOTICE RESPONSE**, along with the following items, if obtained, to License Division:
    a. **Handgun License**
    b. Assigned Investigator copy of **PROPERTY CLERK INVOICE**
    c. Photocopy of **COMPLAINT REPORT**
    d. Any other substantiating documentation.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

A handgun licensee may legally dispose of a properly registered handgun by sale to a licensed New York State gun dealer, or to a person authorized to possess handguns, or by surrendering for safekeeping to a police agency. Such information must be entered on ***HANDGUN SURRENDER NOTICE RESPONSE****.*

In cases where the licensee is believed to have relocated outside of the City of New York, License Division personnel will notify the appropriate agency.

RELATED PROCEDURES

Voluntary Surrender of Weapons with Written Notice (P.G. 207-26)
Voluntary Surrender of Weapons without Prior Written Notice (P.G. 207-27)
Invoicing Property – General Procedure (P.G. 218-01)
Processing Firearms and Firearm-Related Evidence (P.G. 218-23)
Rifle/Shotgun Permit Suspended, Revoked, Disapproved (P.G. 212-85)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152A)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
HANDGUN SURRENDER NOTICE (PD641-123)
HANDGUN SURRENDER NOTICE RESPONSE (PD641-123A)
Handgun License

PATROL GUIDE

Section: Property - General	Procedure No: 218-46

PROCESSING OF FOUND PROPERTY RECOVERED BY SCHOOL SAFETY AGENTS IN FACILITIES OR ON PROPERTY OWNED BY THE DEPARTMENT OF EDUCATION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/08/20	01/08/20		1 of 3

PURPOSE To record and process found property recovered by a school safety agent, in facilities or on property owned by the Department of Education.

DEFINITIONS

FOUND PROPERTY - Any lost article.

CONTRABAND - Items which are prohibited by the Penal Law and Administrative Code; such items include but are not limited to firearms, narcotics, marijuana, box cutters, and switchblades.

NON-CONTRABAND - Items which are not prohibited by the Penal Law and Administrative Code; such items include, but are not limited to personal stereos, CD players, metrocards, clothing and bookbags. Items which may violate the Chancellor's or school rules, e.g., marking pens, will also be categorized as non-contraband.

PROCEDURE Upon coming into possession of found property in facilities or on property owned by the Department of Education, whether on or off duty:

SCHOOL SAFETY AGENT

1. Examine the found property and ascertain whether it is contraband, evidence, dangerous to health and safety, or is U.S. currency valued at $10.00 or more, to determine who will take custody of the property.
   a. Identify owner if possible.

NOTE *The owner of a found NYC Transit metrocard may be identified through the records maintained by the transportation coordinator in each school.*

2. Make complete **ACTIVITY LOG (PD112-145)** entries to include:
   a. Circumstances of recovery
   b. Detailed description of the found property
   c. Name, address, and telephone number of person (if other than school safety agent) who recovered and returned found property
   d. Name, shield number, and command of uniformed member of the service taking custody of found property, when applicable.

NOTE *If the property is readily identifiable as belonging to a student or staff member, such property can be retained by the school safety agent and returned to its rightful owner who will then acknowledge receipt by signing the school safety agent's **ACTIVITY LOG**.*

*When property is recovered and turned over to a school safety agent, the agent will request that the finder sign the agent's **ACTIVITY LOG**. In all instances when the finder refuses, the school safety agent will indicate such below the property description in their **ACTIVITY LOG** and then request that the School Safety Agent III/ School Safety Supervisor, or neighborhood coordination sergeant respond. Supervisor will then sign the agent's **ACTIVITY LOG**.*

SCHOOL SAFETY AGENT

3. Notify:
   a. The School Safety Agent III/ School Safety Supervisor, or neighborhood coordination sergeant and/or principal, as soon as possible
   b. The School Safety Division Operations Center in all cases and provide information obtained in step 2
   c. The precinct patrol supervisor, if firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more is involved and neighborhood coordination sergeant is not available.

SCHOOL SAFETY DIVISION OPERATIONS CENTER PERSONNEL

4. Enter in the criminal incident database a description of the found property, the names of the finder, supervisor notified, and school safety agent.
   a. Assign a control/safety incident number.

SCHOOL SAFETY AGENT

5. Enter in **ACTIVITY LOG** the name of the person notified at the School Safety Division Operations Center and the control/safety incident number assigned.
6. Deliver non-contraband, non-evidence property, including U.S. currency valued at less that $10.00, to the school principal or designee and request that they sign **ACTIVITY LOG**.

NOTE *If either refuses to accept property and/or sign the **ACTIVITY LOG**, then contact the School Safety Agent III/ School Safety Supervisor or neighborhood coordination sergeant. In this situation, the property will be safeguarded by the receiving agent until it is taken into possession by a uniformed member of the service who will invoice said property.*

IF RECOVERED FOUND PROPERTY IS A FIREARM OR OTHER TYPE OF CONTRABAND, EVIDENCE, OR U.S. CURRENCY VALUED AT $10.00 OR MORE

SCHOOL SAFETY AGENT

7. Safeguard property until delivered to precinct uniformed personnel.

NOTE *All firearms should be considered loaded and operable. **DO NOT** touch, disturb, or move a firearm in any way unless absolutely necessary (e.g., large crowd gathering, rendering aid to a victim, etc.) **DO NOT** attempt to unload a firearm.*

A bookbag, briefcase, purse, wallet, etc., found to contain any contraband property, must be invoiced along with the contraband property.

SCHOOL SAFETY AGENT III/ SCHOOL SAFETY SUPERVISOR

8. Respond to location:
   a. Verify **ACTIVITY LOG** entry.
   b. Ensure that non-contraband, non-evidence property, including U.S. currency valued at less than $10.00 has been delivered to the principal or designee.
9. Notify the neighborhood coordination sergeant to respond and take possession of any firearm, contraband, evidence, or U.S. currency valued at $10.00 or more.

NOTE *The School Safety Agent III/ School Safety Supervisor will notify the precinct patrol supervisor if any of these items are involved and the neighborhood coordination sergeant is not available.*

NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR

10. Respond to location:
    a. Take custody of firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more
    b. Assign a precinct uniformed member of the service to invoice the firearm, other contraband, evidence, or U.S. currency valued at $10.00 or more
    c. Ensure that any necessary reports are prepared.

RELATED PROCEDURES

Confiscation Of New York City Transit Student MetroCards (P.G. 215-15)
Police Actions, Related Questioning, Arrests, and Investigations at a NYC Department of Education School/Property (P.G. 215-17)
Search Protocols For School Safety Agents (P.G. 215-18)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PATROL GUIDE

Section: Property - General		Procedure No: 218-48	
VEHICLE SEIZURE AT TIME OF ARREST			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure the opportunity for a post-seizure retention hearing for those individuals from whom a vehicle is seized, or the lawful owner of such vehicle.

PROCEDURE Whenever a vehicle is taken into custody where the vehicle operator was arrested for a crime, members of the service will comply with the following procedure:

ARRESTING OFFICER

1. Prepare **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System as indicated in *P.G. 218-19, "Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner."*
2. Print and complete **VEHICLE SEIZURE FORM (PD571-1218)** utilizing Property and Evidence Tracking System.
3. Insert precinct vehicle seizure number obtained from the **COMMAND VEHICLE SEIZURE INDEX (PD571-091)** on the **VEHICLE SEIZURE FORM** in caption indicated.
4. Have defendant/operator sign the **VEHICLE SEIZURE FORM** to acknowledge receipt.
   a. If defendant/operator refuses to sign, note refusal on form.

DESK OFFICER

5. Verify **VEHICLE SEIZURE FORM** for accuracy and completeness, and have arresting officer sign.

ARRESTING OFFICER

6. Sign **VEHICLE SEIZURE FORM** and issue a copy to the defendant/operator.
7. Fax completed **PROPERTY CLERK INVOICE** along with copy of **VEHICLE SEIZURE FORM** to Vehicle Seizure Unit, Legal Bureau.
   a. Document fax transmittal in Telephone Record.
8. Provide Assistant District Attorney preparing the criminal court complaint with a copy of completed **VEHICLE SEIZURE FORM**.
9. Forward the following in the next day's A.M. Department mail to the Legal Bureau, Vehicle Seizure Unit, 2 Lafayette Street, 5th Floor, New York, New York:
   a. Original copy of **VEHICLE SEIZURE FORM**
   b. Copy of **PROPERTY CLERK INVOICE**
   c. Copy of signed criminal court complaint
   d. Copy of **Police Accident Report (MV104AN)**, if applicable.

DESK OFFICER

10. Ensure that five photocopies of the **VEHICLE SEIZURE FORM** are made and distributed as follows:
    a Defendant
    b. Assistant District Attorney
    c. Invoicing Officer
    d. Arresting Officer

DESK OFFICER (continued)

e. Civil Enforcement Unit

f. Make a Command Log entry indicating the name and address of the person served, whether he/she refused or signed the form and the name and shield number of the officer who served the form.

EVIDENCE/ PROPERTY CONTROL SPECIALIST

11. Collect and maintain copy of **VEHICLE SEIZURE FORMS**.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Vehicles registered or titled to third parties (e.g. defendant's parents, spouse, friends, relatives, or business entities) are generally not seized for forfeiture unless a beneficial ownership situation exists or some specific knowledge on the part of that third party owner can be proven. If evidence of this knowledge exists (such as statements or other indications of ownership by the defendant), it must be indicated in the "Remarks" section of the ***PROPERTY CLERK INVOICE****.*

A ***COMMAND VEHICLE SEIZURE INDEX*** *will be maintained in a binder at the desk of all commands that process arrests.*

DEPARTMENT POLICY

Commanding officers will ensure that compliance with the guidelines set forth in this procedure become part of the command's self inspection program which will be monitored by the Quality Assurance Division. This self inspection is mandatory and to be performed monthly.

RELATED PROCEDURE

Invoicing Vehicles/Property as Arrest/Investigatory Evidence or for Forfeiture Proceedings or to Determine True Owner (P.G. 218-19)

FORMS AND REPORTS

COMMAND VEHICLE SEIZURE INDEX (PD571-091)
PROPERTY CLERK INVOICE (PD521-141)
VEHICLE SEIZURE FORM (PD571-1218)
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Property - General	Procedure No: 218-49

IMMEDIATE DELIVERY OF DNA EVIDENCE TO THE POLICE LABORATORY AND THE OFFICE OF THE CHIEF MEDICAL EXAMINER (OCME)

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
12/30/20	12/30/20		1 of 4

PURPOSE To provide a standard procedure for the immediate delivery of DNA evidence from the invoicing precinct, PSA and transit district command direct to the Police Laboratory, and subsequently, immediately and directly to the Office of Chief Medical Examiner (OCME).

PROCEDURE When circumstances exist that require the immediate delivery of DNA evidence from the invoicing precinct, PSA and transit district command direct to the Police Laboratory, and subsequently, immediately and directly to the Office of Chief Medical Examiner (OCME):

DETECTIVE SUPERVISOR

1. Determine whether circumstances exist that require the immediate delivery of DNA evidence including Sexual Offense Evidence Collection Kits direct to the Police Laboratory, and subsequently, the immediate delivery of the DNA evidence including Sexual Offense Evidence Collection Kits from the Police Laboratory direct to the Office of Chief Medical Examiner (OCME) for expeditious analysis based upon:
   a. A conferral with the "catching/assigned" investigator; and,
   b. A conferral with the Crime Scene Unit personnel or Evidence Collection Team personnel who collected the DNA evidence, other forensic evidence and investigative evidence; and,
   c. The type of crime (e.g., pattern rape), and the nature of the perpetrator (e.g., violent rapist), and the results of the investigation (e.g., unidentified perpetrator), and other relevant circumstances.
2. Confer with Forensic Investigations Unit (FIU) OCME Liaison Unit personnel and, if available, the Detective Borough DNA Coordinator, regarding the circumstances requiring the **IMMEDIATE** delivery of the DNA evidence including Sexual Offense Evidence Collection Kits **DIRECT** to the Police Laboratory, and subsequently, the **IMMEDIATE** delivery of the DNA evidence including Sexual Offense Evidence Collection Kits from the Police Laboratory **DIRECT** to the OCME for expeditious analysis.
   a. If no FID OCME Liaison Unit personnel are available, confer with a Police Laboratory Evidence Control Supervisor.
   b. If the Detective Borough DNA Coordinator is not available, confer with the Detective Borough DNA Coordinator as soon as possible.
3. Confer with the desk officer, and:
   a. Explain the circumstances requiring the **IMMEDIATE** delivery of the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, the **IMMEDIATE** delivery of the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit
   b. Request that a uniformed member of the service be directed to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, to **IMMEDIATELY**

DETECTIVE SUPERVISOR (continued)

deliver the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

4. Follow-up to ensure that the DNA evidence was **IMMEDIATELY** delivered **DIRECT** to the Police Laboratory, and subsequently, the DNA evidence was **IMMEDIATELY** delivered from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

DESK OFFICER

5. Create a **PROPERTY TRANSFER REPORT (PD521-1412)** utilizing the Property and Evidence Tracking System, ensuring all DNA evidence is appropriately entered in compliance with Department procedures.

MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE

6. Review **PROPERTY TRANSFER REPORT** and digitally sign **REPORT**.

DESK OFFICER

7. Digitally sign **PROPERTY TRANSFER REPORT** verifying accuracy and completeness.
8. Make an entry in Command Log including:
   a. All **PROPERTY CLERK INVOICE (PD521-141)** numbers.
   b. Rank, name and tax number of the member of the service delivering the DNA evidence.
   c. Department vehicle number of the assigned vehicle.
9. Direct a uniformed member of the service to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the Police Laboratory, and subsequently, to **IMMEDIATELY** deliver the DNA evidence from the Police Laboratory **DIRECT** to the OCME Evidence Unit.

MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE

10. **Immediately** deliver the DNA evidence **direct** to the Police Laboratory.

POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR

11. Inspect the DNA evidence, and ensure:
    a. The DNA evidence is properly packaged and sealed.
    b. Each DNA evidence container / package is properly listed on an appropriate **PROPERTY CLERK INVOICE**.
    c. Each **PROPERTY CLERK INVOICE** is listed on an appropriate **PROPERTY TRANSFER REPORT**.
    d. All Department forms / reports are properly prepared.
    e. All required Department forms, reports, records, etc., are properly attached to the corresponding evidence.
    f. The DNA evidence is probative, **and** requires **immediate** delivery **direct** to the OCME Evidence Unit.

POLICE LABORATORY EVIDENCE CONTROL SUPERVISOR (continued)

g. If accurate confirm acceptance of **PROPERTY TRANSFER REPORT** in Property and Evidence Tracking System.

12. Assign an appropriate "Police Laboratory Number" to **each INVOICE**.
13. Print completed **PROPERTY TRANSFER REPORT**.
14. File the completed **PROPERTY TRANSFER REPORT** appropriately.

MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE

15. Create a **PROPERTY TRANSFER REPORT** utilizing the Property and Evidence Tracking System, ensuring all DNA evidence is appropriately entered.
16. Review **PROPERTY TRANSFER REPORT** and digitally sign **REPORT**.

POLICE LABORATORY SUPERVISOR

17. Digitally sign **PROPERTY TRANSFER REPORT**.
18. Direct member of the service to **IMMEDIATELY** deliver the DNA evidence **DIRECT** to the OCME Evidence Unit.

MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE

19. **Immediately** deliver the DNA evidence **direct** to the OCME Evidence Unit.
20. If the OCME Evidence Unit refuses to accept one or more DNA evidence containers /packages, notify:
    a. A Police Laboratory Evidence Control Supervisor; **and**,
    b. When applicable, an appropriate Detective Supervisor.

OCME EVIDENCE UNIT PERSONNEL

21. Perform intake utilizing the Property and Evidence Tracking System.
22. Confirm acceptance of **PROPERTY TRANSFER REPORT** in Property and Evidence Tracking System utilizing user name and password.
23. Print five copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)** for each **PROPERTY TRANSFER REPORT** accepted.
    a. Provide three copies to Messenger.
    b. Retain two copies for OCME use.

MEMBER OF THE SERVICE DELIVERING DNA EVIDENCE

24. Obtain three copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** for **each PROPERTY TRANSFER REPORT**.
25. Telephone the Police Laboratory Evidence Control Section, and confer with a supervisor.
    a. Provide the Evidence Control Section personnel with the OCME Evidence Unit "Evidence Control Number" assigned to **each INVOICE** listed on **each PROPERTY TRANSFER REPORT**.
26. Deliver all copies of the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** to the desk officer.

DESK OFFICER

27. File two copies of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT**.
28. **Immediately** deliver the copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT direct** to an appropriate Detective Supervisor.

DETECTIVE SUPERVISOR

29. Ensure the copy of **each PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** that lists DNA evidence is immediately placed in the appropriate case file.
30. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)** is prepared and placed in the appropriate case file indicating the:
    a. Date and time of delivery of **all** DNA evidence delivered to the OCME Evidence Unit; and,
    b. Police Laboratory "Police Laboratory Number" and OCME Evidence Unit "Evidence Control Number" for **all** DNA evidence delivered to the OCME Evidence Unit.

RELATED PROCEDURE *Delivery of Evidence to the Police Laboratory (P.G. 218-04)*

FORMS AND REPORTS

PROPERTY CLERK INVOICE (PD521-141)
PROPERTY TRANSFER REPORT (PD521-1412)
PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)
COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A)

PATROL GUIDE

Section: Property - General		Procedure No: 218-50	
PRISONER CELLULAR TELEPHONE(S)			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To account for cellular telephone(s) of prisoners.

DEFINITION IMEI NUMBER – International Mobile Equipment Identity Number. Each cellular telephone handset that utilizes GSM technology is assigned a unique serial number called the IMEI number. **The IMEI number consists of either fifteen or sixteen digits**. In the New York metropolitan area, T-Mobile, AT&T and Nextel/Boost Mobile use GSM technology.

PROCEDURE When a prisoner is in possession of one or more cellular telephones at the time of arrest, in addition to Department arrest and invoicing procedures, members of the service will:

ARRESTING OFFICER

1. If a prisoner is not eligible for a **DESK APPEARANCE TICKET** and it is necessary to safeguard personal property, invoice the cellular telephone for "Safekeeping," unless the circumstances regarding the arrest indicate the cellular telephone should be invoiced as "Investigatory Evidence" or "Arrest Evidence."
2. Remove battery from cellular telephone to prevent battery from leaking and damaging the cellular phone.

WHEN INVOICING A CELLULAR TELEPHONE WHICH IS EQUIPPED WITH AN INTERNATIONAL MOBILE EQUIPMENT IDENTITY (IMEI) NUMBER (I.E., T-MOBILE, AT&T OR NEXTEL/BOOST MOBILE)

ARRESTING OFFICER

3. Obtain the International Mobile Equipment Identity (IMEI) number from the sticker in the battery compartment in the rear of the cellular telephone, or from the sticker on the rear of the cellular telephone viewing screen.
4. Photocopy the area of the cellular telephone listing the IMEI number.
   a. Ensure the IMEI number is clearly reproduced on the photocopy.
5. If the IMEI number sticker has been removed from the cellular telephone, or if the IMEI number is defaced:
   a. Invoice as "Investigatory Evidence"
   b. Immediately notify desk officer
   c. Immediately notify detective squad supervisor, precinct of arrest, or if not available, detective squad investigator, precinct of arrest
      i. Between 0100 and 0800 hours, immediately notify the Detective Borough Nightwatch Squad
   d. Immediately notify field intelligence officer.

DETECTIVE SQUAD MEMBER, PRECINCT OF ARREST

6. Interview prisoner.
7. Notify Central Robbery Unit.
8. Confer with arresting officer and conduct thorough investigation to determine whether the cellular telephone was previously reported lost or stolen.
   a. If cellular telephone was previously reported stolen, confer with the detective squad investigating the theft of the cellular telephone and the desk officer, precinct of arrest.

DESK OFFICER

9. Determine whether prisoner should be charged with additional offenses after conferral with detective squad member.

ARRESTING OFFICER

10. Enter the IMEI number in the appropriate caption in the "Perpetrator" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
11. Attach the photocopy of the area of the cellular telephone listing the IMEI number to the completed **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.
12. Prepare the OMNIFORM System ARREST REPORT.
    a. Ensure the correct IMEI number is properly entered in the "IMEI" section of the OMNIFORM System ARREST REPORT by carefully examining:
        i. Photocopy of the area of the cellular telephone listing the IMEI number; and,
        ii. IMEI number caption in the "Perpetrator" section of the **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.

DESK OFFICER

13. Review the OMNIFORM system ARREST REPORT.
14. Ensure the correct IMEI number is properly entered in the "IMEI" section of the OMNIFORM System ARREST REPORT by carefully comparing:
    a. Photocopy of the area of the cellular telephone listing the IMEI number; and,
    b. **ON-LINE BOOKING SYSTEM ARREST WORKSHEET**.
15. Designate member of the service to search the IMEI number within the OMNIFORM System.
16. Review the results of the OMNIFORM System IMEI number search and ensure the results are entered in the "Details" section of the OMNIFORM System ARREST REPORT.
17. If the results of the IMEI number search indicate that the IMEI number was previously entered into the OMNIFORM System (e.g., **COMPLAINT REPORT**, **ARREST REPORT**, Detective Bureau Enterprise Case Management System, Voluntary IMEI Registration Program, etc.), notify:
    a. Detective squad supervisor, precinct of arrest, or if not available, detective squad investigator, precinct of arrest
        i. Between 0100 and 0800 hours, immediately notify the Detective Borough Nightwatch Squad
    b. Arresting officer
    c. Field intelligence officer.

DETECTIVE SQUAD MEMBER, PRECINCT OF ARREST

18. Comply with steps "6" through "8" if IMEI number was previously entered into the OMNIFORM System.

DESK OFFICER 19. Determine whether prisoner should be charged with additional offenses after conferral with Detective Squad member.

IN ALL CASES

ARRESTING OFFICER 20. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)**, as appropriate.

a. List cellular telephone and battery as separate items on the **WORKSHEET**

b. If the cellular telephone is an T-Mobile, AT&T or Nextel/Boost Mobile cellular telephone:

i. Enter the IMEI number in the "IMEI number" caption of the **WORKSHEET**

ii. If the IMEI number sticker has been removed from the cellular telephone, or if the IMEI number has been defaced, then enter "IMEI number tampered with" in the "Remarks" section of the **WORKSHEET**.

COMMAND CLERK 21. Enter **WORKSHEET** into the Property and Evidence Tracking System to generate a **PROPERTY CLERK INVOICE (PD521-141)**.

ADDITIONAL DATA

LEGAL CONSIDERATIONS

Uniformed members of the service are reminded they must obtain a search warrant, prisoner's consent, or some exigent circumstances must exist in order to lawfully search for information stored in a cellular telephone.

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY CLERK INVOICE (PD521-141)
DESK APPEARANCE TICKET

PATROL GUIDE

Section: Property - General		Procedure No: 218-51	
SUSPECT EVIDENCE COLLECTION KITS			
DATE ISSUED: 08/18/20	DATE EFFECTIVE: 08/18/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To ensure that Suspect Evidence Collection Kits are properly collected and processed for subsequent analysis.

DEFINITIONS SUSPECT EVIDENCE COLLECTION KIT – a kit used by medical personnel in hospitals to gather probative forensic evidence from a suspect or arrestee.

PROCEDURE When a suspect/arrestee may have probative forensic evidence physically on their person or clothing:

ASSIGNED INVESTIGATOR

1. Determine if suspect/arrestee may have probative forensic evidence on his/her person or clothing.
   a. Evidence appropriate for collection includes, but is not limited to: clothing and underwear, body debris, secretions, bite marks, fingernail scrapings, chest hair, head hair, facial hair, pubic hair, buccal swabs, and swabs from oral, penile, scrotal, vaginal and anal areas
   b. When appropriate, photograph the suspect/arrestee's physical features, wounds, clothing, tattoos, distinguishing marks, etc.
2. When probative forensic evidence may be physically present on a suspect/ arrestee or his/her clothing, take measures to protect the forensic evidence from alteration, loss, cross transfer, contamination or change to existing physical state.
   a. When applicable, prevent the suspect/arrestee from washing hands, bathing or otherwise altering, losing or destroying forensic evidence on his/her person
   b. Prevent the suspect/arrestee from putting on or removing clothing.
3. Obtain a voluntary consent from the suspect/arrestee for trained hospital personnel to conduct a forensic evidence examination.
   a. Prepare **CONSENT TO SUSPECT EVIDENCE COLLECTION KIT (PD321-031)**
   b. Request **CONSENT TO SUSPECT EVIDENCE COLLECTION KIT** be signed by the suspect/arrestee
   c. If consent is not obtained, contact the Legal Bureau to determine the appropriate course of action. If necessary, the Legal Bureau will contact the District Attorney's Office to request an application for a court order.
4. Escort the suspect/arrestee to a designated hospital.
   a. DO NOT escort the suspect/arrestee to the same hospital where victim is being treated.
5. Alert the New York City Health and Hospital Corporation (HHC) hospital before bringing a suspect for a Suspect Evidence Collection Kit examination and request the Sexual Assault Response Team (SART) be alerted with an estimated arrival time.

ASSIGNED INVESTIGATOR (continued)

6. Prior to the forensic examination, confer with the trained medical personnel in a private area not in the presence of the suspect/arrestee.
   a. Inform the medical personnel of the authority to conduct the forensic examination (i.e., consent, court order)
   b. Explain the facts and circumstances of the investigation
   c. Explain the need to look for any wounds, injuries, tattoos, scars, or other unique features
   d. Describe the potential probative forensic evidence that may be on the suspect/arrestee (e.g., scratch marks, bite marks, semen, blood, etc.)
   e. Explain the need to collect specific evidence exemplars.
7. Ensure an investigator of the same sex as the suspect/arrestee remains with the suspect during the examination and evidence collection process.
8. Document any statements made by the suspect during the examination and evidence collection process.
9. DO NOT collect a separate DNA Suspect Exemplar using a NYPD DNA Exemplar Collection Kit when a suspect/arrestee provides a DNA Exemplar as part of the Suspect Evidence Collection Kit.
10. Upon completion of medical examination, take possession of the Suspect Evidence Collection Kit from trained medical personnel.
    a. Obtain copy of the completed **New York City Health and Hospitals Corporation Sexual Assault Suspect Examination (HHC2617)** prepared by the hospital personnel.
11. Transport the properly marked, packaged and sealed Suspect Evidence Collection Kit to the detective squad, precinct of occurrence.
12. Prepare **COMPLAINT REPORT (PD313-152)**, if not previously prepared.
13. Attach copy of the **COMPLAINT REPORT** to the Suspect Evidence Collection Kit.
    a. When applicable, attach a copy of the **COMPLAINT REPORT** to any related DNA evidence and/or other probative forensic and/or investigative evidence.
14. Prepare a separate **PROPERTY CLERK INVOICE (PD521-141)** utilizing the Property and Evidence Tracking System for <u>each</u> Suspect Evidence Collection Kit, and DO NOT invoice any other evidence on the **INVOICE** listing the Suspect Evidence Collection Kit.
    a. In the *"ARTICLE"* caption of the **INVOICE** enter "Suspect Evidence Collection Kit."
15. Prepare one or more separate **PROPERTY CLERK INVOICE(S)** for any other associated/related forensic evidence (e.g., suspect/arrestee's jacket, dungarees, etc.).
    a. Enter <u>all</u> associated/related numbers into Property and Evidence Tracking System.
16. Enter the **INVOICE** number, **COMPLAINT REPORT** number and arrest number(s), if any, on the cover of the Suspect Evidence Collection Kit.

DETECTIVE SUPERVISOR

17. Supervise evidence invoicing procedures.
18. Ensure required Biohazard Labels are properly utilized.
19. Review each **PROPERTY CLERK INVOICE** and each **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** to ensure all captions are properly prepared and all required information is accurately entered thereon.
20. Digitally sign each **INVOICE** and each **REQUEST** in the supervisor's caption verifying accuracy and completeness.
21. Ensure appropriate copies of all **INVOICES** and all **REQUESTS** are placed in the investigating officer's case file.
22. Ensure a **COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)** is prepared and placed in the case file indicating the:
    a. Date and time of receipt by the Police Laboratory of all Suspect Evidence Collection Kits
    b. Police Laboratory "Police Laboratory Number" for all Suspect Evidence Collection Kits.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*All associated/related evidence must be readily identifiable and retrievable from the Police Laboratory, Office of the Chief Medical Examiner (OCME), Property Clerk Division, etc. Members of the service must enter ALL associated/related **PROPERTY CLERK INVOICE** serial numbers on the **PROPERTY CLERK INVOICE**. Failure to do so may result in disciplinary action.*

LEGAL CONSIDERATIONS

Neither consent nor a court order is necessary to invoice a suspect's clothing (including underwear) or document/photograph a suspect's physical features (e.g., bite marks, tattoos, etc.).

AUTHORIZED HOSPITALS TO PROCESS SUSPECT/ARRESTEES:

Manhattan

- *Harlem Hospital Center*
- *Metropolitan Hospital*

Queens

- *Queens Hospital Center*

Brooklyn

- *Kings County Hospital Center*
- *Woodhull Medical and Mental Health Hospital*
- *Coney Island Hospital*

Bronx

- *North Central Bronx*
- *Jacobi Medical Center*
- *Lincoln Medical Center*

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)
CONSENT TO SUSPECT EVIDENCE COLLECTION KIT (PD321-031)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)
New York City Health and Hospitals Corporation Sexual Assault Suspect Examination (HHC2617)

Section: Property - General		Procedure No: 218-53	
PROCESSING FIREWORKS EVIDENCE			
DATE ISSUED: 01/01/20	DATE EFFECTIVE: 01/01/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To establish a standard procedure to invoice fireworks coming into custody of a uniformed member of the service.

DEFINITION FIREWORKS EVIDENCE - consists of bags, boxes and/or loose items of fireworks.

HEAVY DUTY BAG (FOR FIREWORKS) – a specific Department issued clear vinyl bag used for the collection and storage of loose fireworks.

PROCEDURE When fireworks evidence is invoiced:

INVOICING OFFICER

1. Take two sets of photographs of the fireworks evidence (one set for Assistant District Attorney and one set to be invoiced as arrest evidence, including if a summons is issued in lieu of arrest).
   a. If evidence consists of a large seizure of sealed boxes, provide overall photographs of the boxed fireworks.
      (1) Open one box, remove and display contents for photographing
      (2) Photograph displayed fireworks evidence
      (3) Repack and seal with Evidence Tape any box which has been opened.
2. Provide Assistant District Attorney with photograph(s).
   a. If a **DESK APPEARANCE TICKET** is issued, include photographs with arrest paperwork and note on **ARREST CHECKLIST (PD244-041)**.
3. Create **PROPERTY CLERK INVOICE (PD521-141)**, utilizing the Property and Evidence Tracking System for photographs taken as arrest evidence, including if a summons is issued in lieu of arrest.
   a. Include on **PROPERTY CLERK INVOICE** any associated paperwork (e.g., "price lists," sales receipts, bills of lading or other shipping papers of an evidentiary nature, etc.).
4. Create a separate **PROPERTY CLERK INVOICE**, utilizing the Property and Evidence Tracking System for fireworks evidence.
5. Ensure that all fields on each **INVOICE** prepared are completely, accurately, and precisely entered.
6. Ensure the following information is correctly entered on each **INVOICE** prepared:
   a. **COMPLAINT REPORT (PD313-152)** number
   b. **ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159)** arrest number
   c. Charge/offense under investigation
   d. Indicate the unit case number in the "Remarks" section of **INVOICE**, if a seizure is related to an undercover operation utilizing "buys" to develop an ongoing investigation.

INVOICING OFFICER (continued)

7. Place all loose fireworks (i.e., any items not contained in a factory sealed cardboard box) into Department issued "Heavy Duty Bags (For Fireworks)" and close bag(s) with specific seal(s) provided.
8. Ensure bag is not overfilled to allow room for sealing.
9. Ensure items such as "party snaps," "cracker balls," "torpedoes" or any other firework that explodes upon impact are separated from other fireworks.
   a. A chain reaction could occur if these sensitive items were to explode in proximity to other fireworks.
10. Do not reopen bag(s) once they have been sealed.
11. Enter the quantity of sealed bag(s) of loose fireworks evidence in the quantity on the "Article" screen when entering the **PROPERTY CLERK INVOICE**.
    a. Select "BAG(S)" in the drop down menu under "Assorted Fireworks sealed in" and enter "Loose fireworks" in the "Additional Description" field.
    b. Do not individually count or describe various types of fireworks seized.
12. Enter the quantity of sealed bag(s) of fireworks in the quantity field on the "Article" screen when entering the **PROPERTY CLERK INVOICE**.
    a. Select "BAG(S)" in the drop down menu under "Assorted Fireworks sealed in."
    b. Do not individually count or describe various types of fireworks seized.
13. Enter the quantity of sealed box(es) of fireworks in the quantity field on the "Article" screen when entering the **PROPERTY CLERK INVOICE**
    a. Select "Box(es)" in the drop down menu under "Assorted Fireworks sealed in."
    b. Do not individually count or describe various types of fireworks seized.
14. Attach a photocopy of **PROPERTY CLERK INVOICE** to <u>each</u> sealed bag or box of fireworks evidence associated with the same arrest.
    a. In the event of a large seizure of fireworks evidence, a minimum of ten bags or boxes must have copies of the **PROPERTY CLERK INVOICE** attached.
15. Securely attach a photocopy of the **ON LINE BOOKING SYSTEM ARREST REPORT** to the **PROPERTY CLERK INVOICE** for fireworks evidence.
16. Securely attach a photocopy of any related **PROPERTY CLERK INVOICE(S)** prepared to the **PROPERTY CLERK INVOICE** for fireworks evidence.

DESK OFFICER

17. Ensure **PROPERTY CLERK INVOICE** is properly prepared for fireworks evidence.
18. Ensure a photocopy of **PROPERTY CLERK INVOICE** is attached to <u>each</u> sealed bag or box of fireworks evidence associated with the same arrest.

DESK OFFICER (continued)

a. In the event of a large seizure of fireworks evidence, a minimum of ten bags or boxes must have copies of the **PROPERTY CLERK INVOICE** attached.

19. Contact the Bomb Squad Range (Rodman's Neck) Monday through Friday, 0700 through 1500, for instructions regarding the delivery of fireworks to the Rodman's Neck facility.
    a. Contact the Bomb Squad Office at all other times or in the event Range personnel are unavailable.
20. Follow the instructions of the Bomb Squad member receiving the notification as to the time and manner in which the fireworks are to be delivered to the Rodman's Neck Bomb Squad facility (see *"ADDITIONAL DATA"* for more information on safely transporting fireworks in Department vehicles).
21. Make a Telephone Record entry of date, time and name of Bomb Squad member notified.
22. Ensure all fireworks are properly transferred to the Bomb Squad, utilizing the Property and Evidence Tracking System, and create a **PROPERTY TRANSFER REPORT (PD521-1412)**.
23. Make a Command Log entry regarding the delivery of fireworks evidence to the Rodman's Neck facility and include the following:
    a. List of **PROPERTY CLERK INVOICE** numbers being delivered to Rodman's Neck Bomb Squad facility
    b. Name and shield number of member(s) of the service delivering fireworks evidence
    c. Department vehicle number(s) used in transportation.
24. Ensure two copies of the **PROPERTY CLERK INVOICE** remain with the fireworks delivery.
    a. Delivering member will receive the **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)**, with assigned Bomb Squad case number, as a receipt upon delivery of fireworks to the Rodman's Neck facility.
25. Ensure that an adequate number of Department issued "Heavy Duty Bags (For Fireworks)" are on hand for the safe packaging of loose fireworks evidence.
    a. Additional "Heavy Duty Bags (For Fireworks)" may be obtained from the Quartermaster Section as required.

MEMBER OF THE SERVICE DELIVERING FIREWORKS

26. Deliver fireworks evidence and associated **PROPERTY CLERK INVOICE(S)** to the Bomb Squad Rodman's Neck facility as directed by desk officer (see *"ADDITIONAL DATA"* for more information on safely transporting fireworks in Department vehicles).
27. Return **PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT** and copy of **Bomb Squad Fireworks Supporting Deposition** supplied by the Bomb Squad to desk officer upon return to command.

DESK OFFICER 28. Have copies of **PROPERTY CLERK INVOICE** for fireworks evidence and **Bomb Squad Fireworks Supporting Deposition** filed in member's arrest folders upon receipt.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

All loose fireworks must be placed and sealed only in the Department issued "Heavy Duty Bags (For Fireworks)." The use of any other bag (e.g., peddler, garbage, recycling, etc.) is strictly prohibited.

Members of the service must always carefully follow all safety procedures when handling and/or transporting fireworks. The improper storage, transportation or handling of fireworks could result in serious injury or even death. Caution must be maintained throughout the entire procedure from seizure to disposal. The following precautions must be adhered to for reasons of personnel safety:

a. No smoking within fifty feet of any fireworks.

b. Handle all bags and boxes containing fireworks with care.

c. The Bomb Squad should be contacted from the scene whenever large seizures are made, whenever an unusual problem arises regarding fireworks or when any question regarding safety arises.

d. Large amounts of fireworks should not be stored in any Department facility. All fireworks are to be delivered to the Bomb Squad range facility as soon as practical, or as directed by the Bomb Squad after making the required notification as indicated in step "19" above. Small amounts of fireworks can safely be stored prior to transport by avoiding placement near any source of excessive heat such as radiators and portable heaters.

e. Items such as "party snaps," "cracker balls," "torpedoes" or any other fireworks that explode upon impact must be separated from other fireworks. A chain reaction could occur if these sensitive items were to explode in proximity to other fireworks.

f. As a general rule, no more than four bags of fireworks should be transported in an RMP. When fireworks are transported in an RMP, they should be placed in the rear seat as this is away from any source of heat or spark. Within Department passenger vans, fireworks should also be placed on the rear bench seats in accordance with the general rule of no more than four bags per seat.

g. When transporting fireworks in a Department vehicle all windows should be opened a minimum of two inches to avoid toxic fumes. Fireworks should not be placed in the trunk of a vehicle.

h. As a general rule, no more than twenty-five sealed bags or boxes of fireworks should be transported in a Department cargo van.

i. Large seizures of fireworks, including any seizure of more than twenty-five sealed bags or boxes should be transported by a closed-body truck with a separate cab and wood cargo floor. The load must also be secured to keep it from shifting during transport. Open rack or barrier trucks will not be used for transporting fireworks.

j. Prior to transporting a significant amount of fireworks, the member concerned will, in addition to other required notifications, provide a telephone notification to the New York City Fire Department through the Mayor's Citizen Service Initiative Hotline Number, "311." The Fire Department will provide appropriate fire protection apparatus to escort the shipment.

ADDITIONAL DATA (continued)

k. When a large seizure of fireworks is delivered to the Bomb Squad range after dark, no unloading of any trucks will take place due to safety considerations. The final decision to load or unload a particular vehicle rests solely with members of the Bomb Squad. Any such shipments will be maintained overnight inside the secure perimeter of the Bomb Squad range and will be emptied and available for pickup by the command concerned as soon as possible.

All members of the service are reminded that when handling and transporting fireworks, safety is the top priority.

RELATED PROCEDURE

Invoicing Property – General Procedure (P.G. 218-01)

FORMS AND REPORTS

ARREST CHECKLIST (PD244-041)
PROPERTY CLERK INVOICE (PD521-141)
COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159)
PROPERTY TRANSFER REPORT (PD521-1412)
PROPERTY TRANSFER REPORT ACCEPTANCE DOCUMENT (PD521-172)
DESK APPEARANCE TICKET
Bomb Squad Fireworks Supporting Deposition

PATROL GUIDE

Section: Property - General	Procedure No: 218-54		
PREPARATION OF REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)			
DATE ISSUED: 03/04/15	DATE EFFECTIVE: 03/04/15	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To provide guidelines for the proper preparation of a **REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)** utilizing the Property and Evidence Tracking System.

PROCEDURE When a **REQUEST FOR LABORATORY EXAMINATION REPORT** is required to be prepared:

INVOICING OFFICER

1. Select "YES" to the question, "Is a 'Request for Laboratory Examination' required?'," when preparing a **PROPERTY CLERK INVOICE (PD521-141)**.
2. Select the type of evidence, i.e., "DNA", "Firearms/Firearms Related", "Criminalistics", or "Other".
3. Ensure all of the applicable information is selected/entered in the "DNA ELIMINATION SAMPLES" section.
4. Select and add all Analysis Exam Numbers for each item listed on the **INVOICE**.
5. Digitally sign **REQUEST FOR LABORATORY EXAMINATION REPORT** verifying accuracy and completeness.

DESK OFFICER

6. Digitally sign **REQUEST FOR LABORATORY EXAMINATION REPORT** verifying accuracy and completeness.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*A **REQUEST FOR LABORATORY EXAMINATION REPORT** must be prepared for each **INVOICE** that lists evidence that will be submitted to the laboratory for analysis.*

*The **REQUEST FOR LABORATORY EXAMINATION REPORT** can also be prepared when a **PROPERTY CLERK INVOICE** has already been completed by selecting the "REQUEST FOR LABORATORY EXAMINATION" tab.*

*Members of the service are reminded that all **REQUEST FOR LABORATORY EXAMINATION REPORTS** are to be prepared utilizing the Property and Evidence Tracking System. If the Property and Evidence Tracking System is off-line prohibiting members from preparing a **REQUEST FOR LABORATORY EXAMINATION REPORT**, members will comply with guidelines set forth in P.G. 218-57, "Invoicing Property Due to Application Failure of the Property and Evidence Tracking System."*

RELATED PROCEDURE *Invoicing Property Due to Application Failure of the Property and Evidence Tracking System (P.G. 218-57)*

FORMS AND REPORTS ***REQUEST FOR LABORATORY EXAMINATION REPORT (PD521-168)***
PROPERTY CLERK INVOICE (PD521-141)

PATROL GUIDE

Section: Property - General	Procedure No: 218-55

RETENTION OF INVOICED PROPERTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 2

PURPOSE To properly record retention requests of invoiced property listed on a **PROPERTY CLERK INVOICE (PD521-141)** or a motor vehicle/boat listed on a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)**.

PROCEDURE When property/evidence invoiced as Investigatory or DNA Investigatory and held in the custody of the Property Clerk Division is required to be retained longer than one year for property other than motor vehicle/boat or longer than fifteen days for motor vehicle/boat:

FOR PROPERTY THAT HAS BEEN INVOICED UTILIZING THE PROPERTY AND EVIDENCE TRACKING SYSTEM

ASSIGNED INVESTIGATOR /INVOICING OFFICER

1. Prepare and submit **REQUEST FOR RETENTION (PD521-169)** utilizing the Property and Evidence Tracking System.
2. Perform a separate **REQUEST FOR RETENTION** for each associated **PROPERTY CLERK INVOICE.**

PROPERTY CLERK FACILITY CONCERNED

3. Review **REQUEST FOR RETENTION**.
   a. If retention request is DISAPPROVED, digitally sign **REQUEST FOR RETENTION** and provide explanation for disapproval to assigned investigator/invoicing officer.
   b. If retention request is APPROVED, digitally sign **REQUEST FOR RETENTION** and ensure property/evidence is retained, as appropriate.

FOR PROPERTY THAT HAS BEEN INVOICED PRIOR TO THE IMPLEMENTATION OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM

ASSIGNED INVESTIGATOR /INVOICING OFFICER

4. Prepare snap-out version of **RETENTION OF PROPERTY REQUEST (PD521-166)**.
5. Prepare a separate **RETENTION OF PROPERTY REQUEST** for each associated **PROPERTY CLERK INVOICE**.

DETECTIVE BUREAU SUPERVISOR/ DESK OFFICER

6. Confer with the assigned investigator and ensure the **RETENTION OF PROPERTY REQUEST** is properly prepared.
7. Review and sign **RETENTION OF PROPERTY REQUEST**.

ASSIGNED INVESTIGATOR /INVOICING OFFICER

8. Forward **RETENTION OF PROPERTY REQUEST** as follows:
   a. WHITE and YELLOW– Property Clerk Division (One Police Plaza, Room 208)
   b. BLUE – Assigned Investigator
   c. GREEN – District Attorney's Office
   d. PINK – Invoicing Officer
   e. BUFF – Arresting/Assigned Officer.
9. Immediately place "BLUE – Assigned Investigator" copy of the **RETENTION OF PROPERTY REQUEST** in the case folder.

PROPERTY CLERK DIVISION MEMBER

10. Assign and record Property Clerk Division Communications number.
11. Forward "Yellow" copy of **RETENTION OF PROPERTY REQUEST** to Property Clerk storage facility.
12. File "White" copy of **RETENTION OF PROPERTY REQUEST**.

PROPERTY CLERK STORAGE FACILITY MEMBER

13. File "Yellow" copy of **RETENTION OF PROPERTY REQUEST** with the "Yellow" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.
14. Enter new retention date in remarks of ORIGINAL "White" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

*If a **RETENTION FOR PROPERTY REQUEST** or a **REQUEST FOR RETENTION,** utilizing the Property and Evidence Tracking System, is not submitted within one year for property other than motor vehicle/boat or within fifteen days for a motor vehicle/boat, the Property Clerk Division will dispose of the property/vehicle except for property/motor vehicle/boat involved in homicide investigations, sexual offenses, arson/explosion, member of service involved or IAB cases. Submission of the **RETENTION FOR PROPERTY REQUEST** or **REQUEST FOR RETENTION** to the Property Clerk Division will only retain that property/motor vehicle/boat for one year. If additional retention of the property/motor vehicle/boat is necessary, a new **RETENTION FOR PROPERTY REQUEST** or **REQUEST FOR RETENTION** must be submitted for each additional one year period*

RELATED PROCEDURE

Invoicing Vehicles/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)
PROPERTY CLERK INVOICE(PD521-141)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)
REQUEST FOR RETENTION (PD521-169)
RETENTION OF PROPERTY REQUEST (PD521-166)

PATROL GUIDE

Section: Property - General	Procedure No: 218-56

CHANGE OF CATEGORY FOR INVOICED PROPERTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 3

PURPOSE To properly record changes to the category of invoiced property or a motor vehicle/boat listed on a **PROPERTY CLERK INVOICE (PD521-141)** or a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)**.

PROCEDURE When the category of invoiced property and/or motor vehicle/boat in the custody of the Property Clerk Division must be changed:

FOR PROPERTY THAT HAS BEEN INVOICED UTILIZING THE PROPERTY AND EVIDENCE TRACKING SYSTEM

ASSIGNED INVESTIGATOR /INVOICING OFFICER

1. Utilize the "Request for Invoice Change of Category" function in the Property and Evidence Tracking System to complete a **REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)** when:
   a. CASE CLOSED/ARREST - The category of invoiced property must be changed from Investigatory or DNA Investigatory to Arrest Evidence or DNA Arrest Evidence in order for the Property Clerk to retain the evidence.
   b. CASE CLOSED/NO ARREST - The category of invoiced property must be changed from Investigatory evidence or DNA Investigatory evidence to Safekeeping.
   c. All other instances requiring a change to the category of invoiced property.
2. Complete a separate **REQUEST FOR INVOICE CHANGE OF CATEGORY** for each associated **PROPERTY CLERK INVOICE**.

DESK OFFICER/ SUPERVISOR, PROPERTY CLERK FACILITY CONCERNED

3. Review and digitally sign **REQUEST FOR INVOICE CHANGE OF CATEGORY** approving or rejecting the change.

FOR PROPERTY THAT HAS BEEN INVOICED PRIOR TO THE IMPLEMENTATION OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM

ASSIGNED INVESTIGATOR /INVOICING OFFICER

4. Prepare snap-out version of **REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)** when:
   a. CASE CLOSED/ARREST - The category of invoiced property must be changed from Investigatory or DNA Investigatory to Arrest Evidence or DNA Arrest Evidence in order for the Property Clerk to retain the evidence.

ASSIGNED INVESTIGATOR /INVOICING OFFICER (continued)

(1) Include a printed "hard copy" of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.

b. CASE CLOSED/NO ARREST - The category of invoiced property must be changed from Investigatory evidence or DNA Investigatory evidence to Safekeeping.

c. All other instances requiring a change to the category of invoiced property on a **PROPERTY CLERK INVOICE (PD521-141)** or a motor vehicle/boat invoiced on a **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)** previously forwarded to the Property Clerk Division.

5. Prepare a separate **REQUEST FOR INVOICE CHANGE OF CATEGORY** for each associated separate **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

DETECTIVE BUREAU SUPERVISOR/ DESK OFFICER

6. Confer with the assigned investigator and ensure the **REQUEST FOR INVOICE CHANGE OF CATEGORY** form was properly prepared and the new category is correct.

7. Review and sign **REQUEST FOR INVOICE CHANGE OF CATEGORY** form.

ASSIGNED INVESTIGATOR /INVOICING OFFICER

8. Forward **REQUEST FOR INVOICE CHANGE OF CATEGORY** as follows:
   a. WHITE and YELLOW– Property Clerk Division (One Police Plaza, Room 208)
   b. BLUE – Assigned Investigator
   c. GREEN – District Attorney's Office
   d. PINK – Invoicing Officer
   e. BUFF – Arresting/Assigned Officer.

9. Immediately place "BLUE – Assigned Investigator" copy of the **REQUEST FOR INVOICE CHANGE OF CATEGORY** form in the case folder.

PROPERTY CLERK DIVISION MEMBER

10. Assign/Record Property Clerk Division Communications number.

11. Forward "Yellow" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY** to storage facility.

12. File "White" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY**.

PROPERTY CLERK STORAGE FACILITY MEMBER

13. File "Yellow" copy of **REQUEST FOR INVOICE CHANGE OF CATEGORY** with the "Yellow" copy of the **PROPERTY CLERK INVOICE/PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE**.

14. Stamp **ORIGINAL** "White" copy of the **PROPERTY CLERK INVOICE/ PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE** with date and new category.

15. Determine if property/motor vehicle/boat is now eligible for disposal.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

If a change of category is requested in regards to property invoiced on the snap-out version of the ***PROPERTY CLERK INVOICE*** *or* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE*** *and the property is still stored at the command, the original* ***PROPERTY CLERK INVOICE*** *or* ***PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE*** *will be voided and the property will be invoiced in the correct category utilizing the Property and Evidence Tracking System.*

The Property Clerk Division will dispose of invoiced property other than a vehicle that has been invoiced as Investigatory or DNA Investigatory, after one year and a vehicle after fifteen days from the date of invoice, except property/vehicles involved in homicide investigations, sexual offenses, arson/explosion investigations, members of the service or IAB cases. Members will comply with P.G. 218-55, "Retention of Invoiced Property" if retention of the property is required.

RELATED PROCEDURES

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)
Retention of Invoiced Property (P.G. 218-55)

FORMS AND REPORTS

REQUEST FOR INVOICE CHANGE OF CATEGORY (PD521-167)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK INVOICE(PD521-141)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)

PATROL GUIDE

Section: Property - General	Procedure No: 218-57

INVOICING PROPERTY DUE TO APPLICATION FAILURE OF THE PROPERTY AND EVIDENCE TRACKING SYSTEM

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
03/04/15	03/04/15		1 of 2

PURPOSE To set the guidelines for invoicing property when the Property and Evidence Tracking System (PETS) becomes inoperable due to system outage, extended maintenance or other unforeseen circumstance that will not allow members of the service access to the system.

PROCEDURE When PETS becomes inoperable:

DESK OFFICER/ SUPERVISOR CONCERNED

1. Have invoicing officer immediately notify the Information Technology Bureau (ITB) Help Desk, if PETS becomes inoperable at anytime.
2. Ascertain from the ITB Help Desk when problem is not correctable, if problem is limited to the command or borough/citywide, and the anticipated period of time PETS will be inoperable.
3. Make a command log entry consisting of the ITB Help Desk member notified, the applicable Help Desk ticket number, and the anticipated duration of the PETS outage.

IF PETS WILL BE INOPERABLE FOR SIX HOURS OR LESS

DESK OFFICER/ SUPERVISOR CONCERNED

4. Have **PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)** prepared, and have **WORKSHEET** entered into PETS when it becomes operational.

IF PETS WILL BE INOPERABLE FOR MORE THAN SIX HOURS AND PROBLEM IS ISOLATED TO COMMAND OF INVOICE ONLY

DESK OFFICER/ SUPERVISOR CONCERNED

5. Instruct invoicing member to remove property to adjoining command and invoice property in compliance with current Department procedures.
6. Make Command Log entry indicating:
   a. Invoicing officer
   b. List of all property that is being removed
   c. Command to which property is being removed.
7. Inspect **PROPERTY CLERK INVOICE (PD521-141)** ensuring all property removed from command is listed on **INVOICE**, upon return of invoicing officer.
8. Make Command Log entry of **INVOICE** numbers and have property stored in proper location.

IF PETS IS INOPERABLE CITYWIDE FOR MORE THAN SIX HOURS

DESK OFFICER/ SUPERVISOR CONCERNED

9. Contact the ITB Help Desk supervisor and be guided by the supervisor's instructions.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

When invoicing property at an adjoining command, the invoicing officer will select the command where incident occurred as the invoicing command. The "Putaway" function, utilizing PETS, will be conducted at the adjoining command. During the "Putaway" process, members of the service will select the invoicing command as the location where the property will be stored.

*Commanding officers of all invoicing commands will ensure that an adequate supply of **PROPERTY LOGS**, pre-printed serialized **PROPERTY CLERK INVOICES**, **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES** and their associated **WORKSHEETS** are stored in the property room and made available in the event that PETS becomes inoperable. These **INVOICES** are not to be utilized to invoice property, motor vehicles or boats until instructed to do so by the Commanding Officer, Information Technology Systems Division. In addition, Department forms **PROPERTY CLERK INVOICE WORKSHEET, PROPERTY TRANSFER RECEIPT (PD521-145), COMMAND EVIDENCE TRANSMITTAL REPORT (PD521-155), BOROUGH EVIDENCE TRANSMITTAL REPORT (PD521-156), EVIDENCE TRANSMITTAL REPORT (PD521-158), REQUEST FOR LABORATORY EXAMINATION REPORT – FIRST SHEET (PD521-165), REQUEST FOR LABORATORY EXAMINATION REPORT – SECOND SHEET (PD521-165A)**, and **REQUEST FOR LABORATORY EXAMINATION REPORT – THIRD SHEET (PD521-165B)** have been made available as form fillable PDFs on the Department Intranet.*

*When pre-printed serialized **PROPERTY CLERK INVOICES** and **PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES** are received at the command, the commanding officer will ensure that all serial numbers are accounted for. If an **INVOICE** is found to be missing or duplicated, a report on **Typed Letterhead** will be prepared and forwarded to the Property Clerk Division. The duplicate **INVOICE** will be marked "DUPLICATE" and forwarded with the report. A copy of the report will be filed with the remaining supply of **INVOICES** stored at the command. The report will then be filed when the supply of **INVOICES** have been exhausted. In addition, the commanding officer will investigate the circumstances of missing **INVOICES** and take appropriate action.*

FORMS AND REPORTS

BOROUGH EVIDENCE TRANSMITTAL REPORT (PD521-156)
COMMAND EVIDENCE TRANSMITTAL REPORT (PD521-155)
EVIDENCE TRANSMITTAL REPORT (PD521-158)
PROPERTY CLERK INVOICE (PD521-141)
PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
PROPERTY LOG (PD521-147)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)
PROPERTY TRANSFER RECEIPT (PD521-145)
REQUEST FOR LABORATORY EXAMINATION REPORT – FIRST SHEET (PD521-165)
REQUEST FOR LABORATORY EXAMINATION REPORT – SECOND SHEET (PD521-165A)
REQUEST FOR LABORATORY EXAMINATION REPORT – THIRD SHEET (PD521-165B)
Typed Letterhead

PATROL GUIDE

Section: Department Property		Procedure No: 219-01	
INSPECTION OF DEPARTMENT VEHICLES EACH TOUR BY OPERATOR			
DATE ISSUED: 11/18/20	DATE EFFECTIVE: 11/18/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To ensure that Department vehicles and assigned equipment are received in good, serviceable order.

PROCEDURE At beginning of tour of duty when relieving previous operator:

VEHICLE OPERATOR

1. Inspect vehicle to determine:
   a. Sufficient gasoline in tank and proper amount of oil in crank case
   b. Engine coolant reservoir level
   c. Brakes, lights, windshield wipers and warning devices are working properly
   d. Tires and spare are properly inflated
   e. Battery has sufficient water, if applicable
   f. Lug wrench and jack are in trunk
   g. Rechargeable flashlight in trunk is operable, if applicable
   h. LoJack System is operable, if applicable
   i. Passenger area does not contain contraband, controlled substances, weapons or other property
   j. All safety belts are in proper working order and two safety belt extenders (with vehicle number engraved and stored in glove compartment when not is use) are available
   k. E-Z Pass tag is affixed to center top area of windshield
   l. New York State inspection stickers (all Department vehicles) and New York State registration stickers (unmarked vehicles) are current and valid
   m. Mobility tablet is operable, if applicable
   n. License Plate Reader equipment is operable, if available
   o. Vehicle printer operable, if applicable.
2. Inspect the following equipment assigned to vehicle:
   a. Two disposable emergency blankets (marked/unmarked RMPs/vans)
   b. Four traffic cones
   c. Fire extinguisher
   d. Life ring with rope attached (if RMP is assigned to a command that borders or contains a body of water)
   e. Box of disposable gloves
   f. Three foot polycarbonate shield with door bag (door rope/wedge) affixed
   g. Safety flares (if assigned to vehicle)
   h. Patrol Kit (marked RMP's)
   i. Barrier tapes ("POLICE LINE DO NOT CROSS" and "CRIME SCENE DO NOT CROSS")
   j. First aid kit (marked/unmarked RMP's)

VEHICLE OPERATOR (continued)

k. Ballistic Window Inserts and Window Insert Wedges, if so equipped
l. Two heavy duty ballistic vests (if assigned to vehicle)
m. Life hammer
n. Two vest type life jackets (if RMP is assigned to a sector that has a body of water).

NOTE *Commanding officers will arrange to use the Department issued engraving tool to mark each crow bar, sledge hammer, and polycarbonate shield with the command's designation and identifying serial number (e.g., 104 Pct - 001). A record of the equipment, and the vehicle it is assigned to, including the E-Z pass serial number, will be maintained and referred to during weekly vehicle inspections.*

3. Inspect the following records maintained including:
   a. **INSPECTION AND EQUIPMENT RECORD (PD571-143)**
      (1) Ensure serial number of E-Z Pass tag is recorded
   b. **RADIO REPAIR RECORD (PD547-141)**
   c. **RADIO CODE SIGNAL CARD (PD112-090A)**
   d. Deaf or hard of hearing visor card, and deaf or hard of hearing instruction card (marked RMPs).

NOTE *The vehicle assigned to the patrol supervisor must comply with requirements listed above and, in addition, be equipped with the following items:*

a. ***DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)***
b. *Rapid Mobilization Plan Dispatch Schedule*
c. *Command Disorder Control Plan*
d. *Waterproof body covers (4)*
e. *Restraining straps*
f. *Crime scene signs*
g. *Crowbar*
h. *Sledgehammer*
i. *Crime scene evidence cones (5).*

4. Enter in digital **Activity Log**:
   a. Result of inspection
   b. Odometer reading
   c. Gas gauge reading.
5. Report condition of vehicle and equipment, including missing or damaged equipment or defective seatbelts, or indications of improper use of seatbelt (e.g., seatbelt buckled without occupant or behind seat), to patrol supervisor.

PATROL SUPERVISOR

6. Verify that proper inspection and required entries have been made in digital **Activity Log**.
7. Direct correction of minor deficiencies and follow-up to ensure compliance.
8. Enter results in digital **Activity Log**.
9. Report serious deficiencies to lieutenant platoon commander or in his/her absence, direct to the commanding officer.
10. Report all vandalism to vehicle/equipment to the Internal Affairs Bureau.

NOTE *In the event that a member of the service from another command borrows equipment, the identity of that member must be verified by the desk officer and appropriate Command Log entries made.*

ADDITIONAL DATA *MOBILITY DEVICES*

Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to any other vehicle.

RELATED PROCEDURES *Weekly Inspection of Department Vehicles (P.G. 219-02)*

FORMS AND REPORTS
DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)
INSPECTION AND EQUIPMENT RECORD (PD571-143)
RADIO CODE SIGNAL CARD (PD112-090A)
RADIO REPAIR RECORD (PD547-141)
VEHICLE INSPECTION REPORT (PD571-153)

PATROL GUIDE

Section: Department Property		Procedure No: 219-02	
WEEKLY INSPECTION OF DEPARTMENT VEHICLES			
DATE ISSUED: 09/13/17	DATE EFFECTIVE: 09/13/17	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure that Department vehicles, assigned equipment and related records are being maintained properly.

PROCEDURE Each Sunday, after second platoon is posted, or at other times as directed by commanding officer:

LIEUTENANT PLATOON COMMANDER/ PATROL SUPERVISOR

1. Inspect each Department vehicle assigned to the command for:
   a. Serviceability
   b. Cleanliness and condition
   c. Accessories and equipment - check **INSPECTION AND EQUIPMENT RECORD (PD571-143)**
   d. Current and valid New York State inspection stickers (all Department vehicles) and New York State registration stickers (unmarked Department vehicles)
   e. Safety belts/safety belt extenders – ensure that safety belts are in proper working order, take corrective action when necessary, and safety belt extenders with vehicle number engraved are stored in glove compartment when not in use
   f. Visual Messaging Signs for operability
   g. Presence of properly installed Ballistic Window Inserts and Window Insert wedges, if so equipped
   h. Mobility tablet, dock and related equipment.

NOTE *Ensure E-Z Pass tag assigned to vehicle is affixed to center top of windshield and the tag's serial number is recorded on **INSPECTION AND EQUIPMENT RECORD** and **VEHICLE INSPECTION REPORT (PD571-153)**.*

2. Direct operator to correct minor deficiencies.
   a. Verify by appropriate follow-up inspection.
3. Complete **VEHICLE INSPECTION REPORT (PD571-153)** and submit to lieutenant platoon commander/desk officer to report results of inspection.

NOTE *If the lieutenant platoon commander is unavailable, the duties described in steps 1, 2, and 3 above will be performed by the patrol supervisor.*

LIEUTENANT PLATOON COMMANDER/ DESK OFFICER

4. Deliver **VEHICLE INSPECTION REPORT** to commanding officer for signature and file.
5. Direct member of the service to log into Support Services Bureau's online application via Department intranet to schedule an appointment for preventive maintenance/inspection or other required repairs.

NOTE *If the lieutenant platoon commander is unavailable, the duties described in steps 4 and 5 above will be performed by the desk officer.*

6. Report serious deficiencies to commanding officer.

ADDITIONAL DATA *MOBILITY DEVICES*

Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to any other vehicle.

RELATED PROCEDURE *Inspection of Department Vehicles Each Tour by Operator (P.G. 219-01)*

FORMS AND REPORTS ***INSPECTION AND EQUIPMENT RECORD (PD571-143)***
VEHICLE INSPECTION REPORT (PD571-153)

PATROL GUIDE

Section: Department Property	Procedure No: 219-03

PREVENTIVE MAINTENANCE/INSPECTION/REPAIRS TO DEPARTMENT VEHICLES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/13/17	09/13/17		1 of 3

PURPOSE To ensure Department vehicles are being maintained, inspected, and have timely repairs made.

PROCEDURE When a Department vehicle requires preventive maintenance, inspection, or non-routine maintenance:

PREVENTIVE MAINTENANCE/INSPECTION

RADIO MOTOR PATROL OPERATOR

1. Notify desk officer for routine maintenance to and/or inspection of Department vehicle.

DESK OFFICER

2. Direct Automotive Service Worker from Fleet Services Division assigned to command, or designate a member of the service if Automotive Service Worker is not available, to perform the tasks described below.

AUTOMOTIVE SERVICE WORKER/ DESIGNATED MEMBER OF THE SERVICE

3. Schedule an appointment for routine maintenance to and/or inspection of Department vehicle as follows:
   a. Log into the Support Services Bureau's online application via the Department Intranet and select "Fleet Services" option
   b. Sign into system using Windows/Email I.D. and password
   c. Select the "CMD" option then "Request PM/INSP Appointment"
   d. Enter all applicable captions and submit.

NOTE *To ascertain vehicle's pickup date, check "View Status" in the "CMD" option in the aforementioned step. When the status shows "Complete," the vehicle is ready to be picked up.*

VEHICLE REPAIRS OTHER THAN PREVENTIVE MAINTENANCE/ INSPECTION

RADIO MOTOR PATROL OPERATOR

4. Notify desk officer of the need for repairs to Department vehicle.
   a. Repairs to Department vehicles include, but are not limited to, air conditioning problems, broken glass, or other issues causing the vehicle to require non-routine maintenance.
   b. Software or hardware related issues of the mobility tablet, dock or other related equipment.

DESK OFFICER

5. Direct Automotive Service Worker from Fleet Services Division assigned to command, or designate a member of the service if Automotive Service Worker is not available, to perform the tasks described below.

AUTOMOTIVE SERVICE WORKER/ DESIGNATED MEMBER OF THE SERVICE

6. Notify Support Services Bureau of Department vehicle requiring repairs as follows:
   a. Log into the Support Services Bureau's online application via the Department Intranet and select "Fleet Services" option
   b. Sign into system using Windows/Email I.D. and password
   c. Select the "CMD" option then "Submit Vehicle"
   d. Enter six digit vehicle number and select the vehicle problem from the drop down menu
      (1) A further description of the vehicle problem must be entered in the "Comments" area along with the location of where the vehicle is parked.
7. Ensure vehicle and keys are made available for roadside repair operator upon arrival.
   a. Indicate in Support Services Bureau's online application the exact location of keys and Department vehicle requiring repair.

NOTE *When moving a Department vehicle to an authorized repair facility or when returning to command, notify the radio dispatcher.*

FLEET SERVICES DIVISION

8. Review Notification System daily.
   a. Review all recent entries.
   b. Update preventive maintenance and inspection times and dates.
   c. Triage vehicles placed on the notification system to determine if repairs can be performed on-site or if vehicle needs to be brought to an authorized repair facility.
9. Dispatch roadside repair or Department Tow when applicable.
10. Contact the requesting command directly for windshield or glass repair and advise command that the Department vehicle will either be required to report to an authorized glass repair facility or a mobile glass repair unit will be dispatched to the location of vehicle.

DESK OFFICER

11. Make Command Log entry of the time of arrival and departure of roadside repair operator.
    a. Include vehicle number and whether roadside repair was able to repair the vehicle, or if not, Department Tow will be required.

ADDITIONAL DATA *The Fleet Services Division provides a roadside repair service capable of making minor repairs to inoperative Department vehicles. Requests for this service can be made through the Support Services Bureau's online application via the Department Intranet or by calling Department Tow directly.*

A Department vehicle requiring repairs by an outside agency, either under service warranty or contractual agreement, will first be delivered to the Borough Service Station concerned for inspection and recording of type of repair needed. The vehicle will be returned to the Borough Service Station upon completion of repairs no later then the next business day.

ADDITIONAL DATA (continued)

In instances where a vehicle windshield or other glass is cracked, the description of the damage will be noted in the "Comments" area. This will be useful in determining if the windshield glass can be repaired on-site (Borough Service Station or command), or if the vehicle will have to be removed to an authorized glass repair facility.

Air conditioning problems in vehicles can be caused by numerous malfunctions, some of which can be repaired by roadside repair technicians. The roadside repair technician will determine if the air conditioning can be repaired on-site or if the vehicle will need to be removed to a designated Fleet Services Division repair facility.

Technical support for mobility devices can be obtained by calling the Information Technology Bureau (ITB) Service Desk (24 hours/7 days) at (646) 610-6473. The vendor will then make an appointment to troubleshoot and fix the issue at the command. Fleet Services Division will not handle technical support for mobility tablets. Mobility tablets are assigned and labeled to the vehicle they are installed in and are not to be moved to another vehicle. When a vehicle with a tablet installed is placed permanently out of service (i.e., due to a collision, high mileage, poor condition, etc.) return the mobility tablet with the vehicle to Fleet Services Division.

RELATED PROCEDURES

Desk Officer (P.G. 202-14)
Radio Motor Patrol Operator (P.G. 202-22)
Tire Repairs – Except Motorcycles (P.G. 219-05)
Tire Replacement on Department Vehicles (P.G. 219-06)
Department Tow (P.G. 219-09)

PATROL GUIDE

Section: Department Property		Procedure No: 219-04	
WASHING DEPARTMENT VEHICLES			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To designate car wash vendors within commands and provide for a method of payment.

DEFINITION DEPARTMENT VEHICLE - All Department vehicles, both marked and unmarked, assigned to various commands except patrol wagons, buses, trucks or vehicles used for duty of a confidential nature.

PROCEDURE To provide for washing of Department vehicles:

COMMANDING OFFICER

1. Solicit the required number of vendors as directed by the Quartermaster Section, prior to the beginning of the fiscal year.

NOTE *The Office of the Comptroller has mandated that all such contracts be awarded based on competitive bidding. Therefore, when requested, all precinct commands will attempt to solicit the required number of bids from vendors. (Vendors solicited are not restricted to the boundaries of the precinct commands). The commanding officer/designee will personally visit each vendor to solicit the bids.*

2. Direct the washing of Department vehicles, as needed.

DESK OFFICER

3. Prepare **CAR WASH AUTHORIZATION (PD171-051),** specifying the type of vehicle (passenger, van, scooter) and Vehicle Number.
   a. Complete all other captions on form and sign.
4. Give original (white copy) and blue copy to operator of vehicle to be washed.
5. Duplicate (buff copy) remains in book.

OPERATOR DEPARTMENT VEHICLE

6. Give original (white) and blue copy of **CAR WASH AUTHORIZATION** form to vendor upon completion of service.
   a. Make digital **Activity Log** entry of the **CAR WASH AUTHORIZATION** number and the location of the car wash.

NOTE *Commands, other than precincts, will utilize vendors designated by precincts to wash Department vehicles. The **CAR WASH AUTHORIZATION** will be obtained from the desk officer, precinct in which the car wash is located, and the above steps complied with. Housing Bureau and Transit Bureau personnel will use the vendors designated by their own command and will obtain **AUTHORIZATION** slips from the desk officer of the PSA or District concerned.*

COMMANDING OFFICER

7. On the first of each month, direct a competent member of the service to pick up the original (white) copies of the **CAR WASH AUTHORIZATION** for the previous month from the vendor.
   a. Blue copy remains with the vendor for his records.

PRECINCT CLERICAL MEMBER

8. Compare the original (white) **CAR WASH AUTHORIZATION** forms obtained from the vendor with the buff copies in the log to ensure all are accounted for.
   a. Indicate on the buff copy that the original copy has been received.
9. List all washes on **EXPENSE REPORT (PD102-061**) by vehicle type (passenger, van, scooter), number of washes, cost per wash, total amount to be paid to vendor, and grand total for all washes, for all types of vehicles, as illustrated below:

Pass. Veh.	# of washes	cost per wash	=	cost
Van	# of washes	cost per wash	=	cost
Scooter	# of washes	cost per wash	=	cost
		TOTAL		$

10. Forward the original (white) and blue copy of the **EPENSE REPORT** to Audits and Accounts Unit, with the original **CAR WASH AUTHORIZATIONS** attached.

NOTE ***EXPENSE REPORTS*** *will be forwarded to the Audits and Accounts Unit by the 10th day of each month.*

11. File "Command File" copy of **EXPENSE REPORT**.

ADDITIONAL DATA *If a change in the authorized vendor is required, due to unforeseen circumstances, a request must be forwarded to the Chief of Patrol, through channels, indicating the reason for the change and the recommended vendor to be utilized. The use of an unauthorized vendor is strictly prohibited.*

FORMS AND REPORTS ***CAR WASH AUTHORIZATION (PD171-051)***
EXPENSE REPORT (PD102-061)

PATROL GUIDE

Section: Department Property		Procedure No: 219-05	
TIRE REPAIRS - EXCEPT MOTORCYCLES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To have tires for Department vehicles, except motorcycles, repaired quickly.

PROCEDURE If a tire from a Department vehicle requires repair:

DEPARTMENT OPERATOR

1. Deliver tire and wheel to Authorized Tire Repair Station designated by commanding officer.
2. Obtain blue copy of **TIRE REPAIR VOUCHER (PD571-061)** prepared and signed by repair station representative, as receipt.
3. Return blue copy of **VOUCHER** to tire repair station representative after tire repaired.
   a. When a tire is removed from rim and cannot be repaired, the only charge to be entered on the **VOUCHER** will be for removal of the tire.
4. Verify that charges listed on **VOUCHER**, after repairs, are completed and correct.
5. Sign white and yellow copies of **VOUCHER**:
   a. Obtain white (original) copy
   b. Yellow copy remains at tire repair station as a record of work performed.
6. Deliver white copy of **VOUCHER** to desk officer of command to which vehicle is assigned.
7. Enter tire repair information on **VEHICLE REPORT (PD571-146)**.

DESK OFFICER

8. Verify entries on **VOUCHER**, sign and file.
9. Forward **VOUCHER** to patrol precinct in which Tire Repair Station is located, if necessary.

ADDITIONAL DATA *When an Authorized Tire Repair Station requires a new **VOUCHER** pad, the desk officer will issue the new pad and enter in the Command Log the first and last serial number of the new pad and the pad being returned. The returned **VOUCHER** pad will be destroyed.*

FORMS AND REPORTS ***TIRE REPAIR VOUCHER (PD571-061)***
VEHICLE REPORT (PD571-146)

PATROL GUIDE

Section: Department Property		Procedure No: 219-06	
TIRE REPLACEMENT ON DEPARTMENT VEHICLES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To have tires on Department vehicles replaced quickly.

PROCEDURE When necessary to replace a tire on a Department vehicle:

VEHICLE OPERATOR

1. Telephone service station where vehicle is normally serviced to arrange for tire replacement.
2. Present tire at shop for replacement.
   a. Tires are replaced on a one for one basis.
   b. Lost or stolen tires will be replaced only upon receipt of **COMPLAINT REPORT (PD313-152)** or **Typed Letterhead,** signed by commanding officer.
3. Complete and sign part "A" of **TIRE EXCHANGE RECORD (PD561-144)**.
4. Pick up tire and **Tire Replacement on Department Vehicles (Misc. 3991)** form.
5. Deliver tire to designated authorized tire repair station to be mounted on vehicle.
6. Obtain blue copy of **TIRE REPAIR VOUCHER (PD571-061)** prepared and signed by tire repair station representative, as receipt.
7. Verify, after work is completed, that charge listed on **VOUCHER** is for mounting tire only.
8. Return blue copy of **TIRE REPAIR VOUCHER** to tire repair station representative.
9. Sign original and triplicate copy of **TIRE REPAIR VOUCHER**.
   a. Retain original (white) copy
   b. Yellow copy retained by repair station as record of work performed.
10. Deliver original **TIRE REPAIR VOUCHER** and **Tire Replacement on Department Vehicles** to desk officer of command to which vehicle is assigned.

DESK OFFICER

11. Verify entries on **TIRE REPAIR VOUCHER** and that tire has been mounted on vehicle.
    a. Sign and make photocopy of **TIRE REPAIR VOUCHER**.
12. File original **TIRE REPAIR VOUCHER**.
    a. Forward original **TIRE REPAIR VOUCHER** to precinct in which authorized tire repair station is located, if necessary.
13. Forward **Tire Replacement on Department Vehicles** and copy of **TIRE REPAIR VOUCHER** to commanding officer.

COMMANDING OFFICER

14. Ensure that tire has been mounted.
15. Sign **Tire Replacement on Department Vehicles**.
16. Have **Tire Replacement on Department Vehicles** and copy of vendor's **TIRE REPAIR VOUCHER** filed in command.

ADDITIONAL DATA *It is the responsibility of each commanding officer to ensure that tires issued are mounted and that each* ***Tire Replacement on Department Vehicles*** *form is completed, and filed in the command.*

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
TIRE EXCHANGE RECORD (PD561-144)
TIRE REPAIR VOUCHER (PD571-061)
Typed Letterhead
Tire Replacement On Department Vehicles (Misc. 3991)

PATROL GUIDE

Section: Department Property		Procedure No: 219-07	
AUTHORIZED TIRE REPAIR STATIONS - REMOVAL FROM LIST			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To facilitate requests for removal from the list of Authorized Tire Repair Stations.

PROCEDURE When the owner or agent of an Authorized Tire Repair Station personally requests removal from the Authorized Tire Repair Station list:

DESK OFFICER

1. Require return of all **TIRE REPAIR VOUCHER (PD571-061)** pads.
2. Request two copies of statement of charges due for current month.
3. Prepare report indicating:
   a. Name of owner or agent requesting termination
   b. Location of station
   c. First and last serial number in each **TIRE REPAIR VOUCHER** pad returned
   d. First unused serial number in each returned pad.
4. File pads for reissue.

COMMANDING OFFICER

5. Process statement of charges due.
6. Submit report to Chief of Department, direct, requesting that station be removed from list of Authorized Tire Repair Stations.

FORMS AND REPORTS ***TIRE REPAIR VOUCHER (PD571-061)***

PATROL GUIDE

Section: Department Property		Procedure No: 219-08	
TIRE CHAINS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To stock an adequate supply of tire chains during the winter months.

PROCEDURE Between November 1st and November 15th, each year:

COMMANDING OFFICER

1. Direct that each Department vehicle housed or assigned to command be provided with a set of tire chains.
2. Requisition a reserve supply of chains, one set for each vehicle.
3. Store chains until needed.

NOTE *Tire chains are NOT to be installed on vehicles until more than four inches of snow has accumulated. When less than four inches of snow has fallen, or extenuating circumstances exist, the commanding officer, lieutenant platoon commander or patrol supervisor may determine if chains should be used. Chains must NOT be mounted on front wheel drive vehicles.*

VEHICLE OPERATOR

4. Return broken tire chains to desk officer and obtain replacement chains from command reserve supply.

NOTE *Tire chains will be removed when conditions requiring their use have ended. If chains break while installed or any cross-links are broken, they must be removed immediately to avert potential safety hazards and/or possible damage to vehicle.*

COMMANDING OFFICER

5. Direct that an **EMERGENCY REQUISITION (PD561-163)** be prepared and forwarded, with the broken chains, to the Fleet Services Division, so that the reserve supply of chains at the command is replenished.

ADDITIONAL DATA *Tire chains may be installed on, and removed from, Department vehicles at authorized tire repair stations. The operator of the Department vehicle will ascertain that the fee entered on the **TIRE REPAIR VOUCHER (PD571-061),** for the installation or removal, is the same as the fee charged for the repair of the tire.*

RELATED PROCEDURES

Tire Repairs Except Motorcycles (P.G. 219-05)
Tire Replacement On Department Vehicles (P.G. 219-06)
Authorized Tire Repair Stations Removal From List (P.G. 219-07)

FORMS AND REPORTS

EMERGENCY REQUISITION (PD561-163)
TIRE VOUCHER (PD571-061)

PATROL GUIDE

Section: Department Property		Procedure No: 219-09	
DEPARTMENT TOW			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To limit requests for a Department tow truck.

PROCEDURE When a uniformed member of the service requires a Department tow truck:

UNIFORMED MEMBER OF THE SERVICE

1. Be sure that tow truck will be used only for one of following:
   a. Department vehicle unable to operate under own power
   b. Vehicle is required as evidence or abandoned on public highway, except derelict vehicles
   c. Vehicle is in path of parade, gatherings or emergencies
   d. Assist Emergency Service Unit
   e. To lift heavy articles (safe, boat, etc.).
2. Telephone Department Tow Section.
3. Remain at scene to safeguard Department vehicles or vehicles required as evidence.
   a. Take reasonable precautions, in other cases, to safeguard vehicle before leaving scene.

ADDITIONAL DATA *When need for Department tow service is eliminated prior to arrival of tow truck, promptly notify Fleet Services Division to cancel request for service.*

PATROL GUIDE

Section: Department Property		Procedure No: 219-10	
UNMARKED DEPARTMENT VEHICLE UTILIZATION RECORD			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To record daily usage of unmarked Department vehicles.

DEFINITIONS GENERAL PURPOSE VEHICLE - Unmarked Department vehicles, including taxicabs, vans and trucks used for patrol, investigations, peddler enforcement, administrative and supervisory functions.

SPECIAL PURPOSE VEHICLE - Unmarked Department vehicles used for special "stakeouts", undercover use, i.e., "flash cars", photographic surveillance vans and other vehicles not deemed appropriate for general use.

CATEGORY 1 VEHICLE - Unmarked Department vehicles not required to be stored at a Department facility. Category 1 vehicles are excluded from the provisions of this procedure.

PROCEDURE When unmarked Department vehicles are assigned to commands:

COMMANDING OFFICER

1. Direct that a separate **UNMARKED VEHICLE UTILIZATION RECORD (PD571-1413)** be maintained for each vehicle assigned.

DESIGNATED MEMBER OF THE SERVICE

2. Complete captioned entries in **UNMARKED VEHICLE UTILIZATION RECORD** each day whether vehicles are utilized or not.
3. Use the "Remarks" column to record information of interest to relieving crews and other data deemed appropriate.
4. Indicate under "Reason Inactive" column why vehicle was not utilized by using the following abbreviations:
   a. O.S.A. - Out of Service - Collision
   b. O.S.M. - Out of Service - Mechanical
   c. O.S.R. - Out of Service - Radio
   d. I.P. - Insufficient Personnel
   e. Loan to - Vehicle temporarily assigned to command/unit.

SUPERVISOR

5. Verify the twenty-four hour total usage by initialing the appropriate column in the **UNMARKED VEHICLE UTILIZATION RECORD**.

ADDITIONAL DATA *Bureau chiefs may designate those vehicles under their control for use as Special Purpose Vehicles. The need for such vehicles is determined by the police mission to be accomplished and is independent of hours used or mileage accrued.*

FORMS AND REPORTS ***UNMARKED VEHICLE UTILIZATION RECORD (PD571-1413)***

PATROL GUIDE

Section: Department Property		Procedure No: 219-11	
COMPUTERIZED FUEL DISPENSING SYSTEM			
DATE ISSUED: 08/27/18	DATE EFFECTIVE: 08/27/18	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To automatically record fuel dispensed at Department fueling sites.

DEFINITIONS VEHICLE INFORMATION BOX (VIB) – Allows for the wireless transfer of vehicle data (e.g., fuel amount, mileage, etc.) to the fuel control system.

MASTER CARD (GREEN) – Kept at each Department fuel dispensing facility for use in conjunction with an **IDENTIFICATION CARD (PD416-091)** to:

(1) Permit refueling of Department vehicle when there is a mechanical malfunction of the VIB, or the Vehicle Card is lost, misplaced or damaged;
(2) Provide fuel for small machinery without a VIB (e.g., snow blower, etc.);
(3) Permit fueling of a vouchered vehicle, up to five gallons.

CONFIDENTIAL RENTAL AND LEASE OFFICE (CRALO) CARD (YELLOW) – Issued to vehicles rented or leased by the Department which do not have a VIB.

NON-FLEET VEHICLE CARD (ORANGE) – Issued to non-Department vehicles authorized to obtain fuel at Department fuel locations (i.e., other agency or government vehicle authorized for Department use).

PRIVATE VEHICLE CARD (RED) **–** Issued to members of the service who have private vehicle privileges as outlined in *A.G. 325-14, "Private Vehicle Authorization"* in order to obtain fuel at a Department facility. The Private Vehicle Card is used in conjunction with the operator's **IDENTIFICATION CARD**. Fuel can only be obtained by an authorized member for an authorized vehicle.

OPERATOR CARD (WHITE) – Issued to auxiliary members of the service who have been qualified to operate Department vehicles and may need to dispense fuel.

PROCEDURE When a Department or authorized vehicle requires fuel:

MEMBER OF THE SERVICE

1. Proceed to fuel dispensing facility pump location and turn off vehicle.
2. View LED screen to ascertain if the system is operational.
   a. LED screen should display "Welcome to NYPD, select pump number."

NOTE *If system is not operational, notify supervisor at dispensing facility and the Fuel Control Unit.*

TO OBTAIN FUEL FOR DEPARTMENT VEHICLES WITH AN INSTALLED VIB BY USING THE MEMBER'S IDENTIFICATION CARD:

MEMBER OF THE SERVICE

3. Insert hose nozzle into vehicle fuel port and move reset lever on pump to the "on" position.
4. Use terminal keypad to enter pump number, then press "enter."
5. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
   a. Screen will display "Pump # ready."
6. Begin fueling.

NOTE *If after selecting pump number the LED screen displays "Insert Vehicle Card," obtain Master Card (green) from desk officer and notify Fuel Control Unit.*

TO OBTAIN FUEL FOR CRALO, NON-FLEET, AND AUTHORIZED PERSONAL VEHICLES:

MEMBER OF THE SERVICE

7. Insert hose nozzle into vehicle fuel port and move reset lever on pump to the "on" position.
8. Use terminal keypad to enter pump number, then press "enter."
9. Insert and quickly remove vehicle card (yellow, orange, red, or white) with magnetic tape facing up.
   a. If using a CRALO (yellow) or Non-Fleet Vehicle Card (orange) the terminal will prompt "Enter Odometer."
   b. If using a Private Vehicle Card (red) or Operator Card (white), the terminal will prompt for a PIN which is assigned to members with private vehicle authorization.
10. Use terminal keypad to enter odometer reading, then press "enter."
11. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
    a. Screen will display "Pump # ready."
12. Begin fueling.

TO OBTAIN FUEL FOR DEPARTMENT MACHINERY WITHOUT IDENTIFICATION NUMBERS, WHEN A VEHICLE CARD IS LOST OR DAMAGED, OR FOR A VOUCHERED VEHICLE:

MEMBER OF THE SERVICE

13. Insert and quickly remove Master Card (green) with magnetic tape facing up, when prompted by the terminal.
14. Enter PIN when prompted and press "enter."
    a. A PIN can be obtained 24 hours a day/seven days a week, by contacting the Fuel Control Unit.
15. Enter "3500" when prompted to "Enter Odometer."
16. Use terminal keypad to enter odometer reading, then press "enter."
17. Place **IDENTIFICATION CARD** directly against ID card reader (black box to right of keypad) when screen prompts "Scan employee ID."
    a. Screen will display "Pump # ready."

MEMBER OF THE SERVICE (continued)

18. Begin fueling.

DESK OFFICER

19. Make Command Log entry including, name, rank, tax number, and command of member of the service obtaining fuel for Department vehicle or machinery.
    a. Include type of vehicle/machinery, odometer reading, if applicable, number of gallons obtained, and any other relevant information (e.g., **PROPERTY CLERK INVOICE (PD521-141)** number, etc.).

FUEL CONTROL UNIT

20. Run a quarterly Fuel Dispensed to Authorized Private Vehicles printout, and distribute to integrity control officers of commands that have authorized private vehicle users.

COMMAND INTEGRITY CONTROL OFFICER

21. Review printout from Fuel Control Unit and compare report to entries made by members of the service in the Vehicle Identification Plate/Private Vehicle Use Log as per *A.G. 325-15, "Vehicle Identification Plates for Private Vehicles Used of Official Business."*
    a. Any discrepancies will be investigated and proper corrective action taken.

ADDITIONAL DATA

If refueling does not commence without delay (approximately 1 minute), the transaction will be cancelled, and the procedure to obtain fuel must start over.

*If a member of the service (uniformed or civilian) loses or damages any vehicle fuel card, the member must immediately notify the Fuel Control Unit. Additionally, a report on **Typed Letterhead** explaining the circumstances of the lost or damaged vehicle fuel card must be faxed to the Fuel Control Unit. The Fuel Control Unit will invalidate the lost/damaged card and issue a replacement card.*

*If a uniformed member of the service, who obtains fuel for their private vehicle at a Department dispensing facility, is transferred, the Fuel Control Unit will automatically revoke authorization to obtain fuel. To reinstate fueling privileges, the member concerned must submit **REQUEST FOR AUTHORIZATION – PRIVATE VEHICLE (PD471-160)** to his commanding officer for forwarding to next higher command for approval.*

The Auxiliary Police Section will be guided by the Fuel Control Unit for instruction on how to obtain fuel.

RELATED PROCEDURES

Delivery of Gasoline to Fuel Dispensing Stations (P.G. 219-12)
Private Vehicle Authorization (A.G. 325-14)
Vehicle Identification Plates for Private Vehicles Used of Official Business (A.G. 325-15)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)
PROPERTY CLERK INVOICE (PD521-141)
REQUEST FOR AUTHORIZATION – PRIVATE VEHICLE (PD471-160)
Typed Letterhead

PATROL GUIDE

Section: Department Property		Procedure No: 219-12	
DELIVERY OF GASOLINE TO FUEL DISPENSING STATIONS			
DATE ISSUED: 08/27/18	DATE EFFECTIVE: 08/27/18	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To determine the amount of fuel on hand, prior to, and after the delivery of, gasoline to a Department fuel dispensing facility.

PROCEDURE When an employee of a fuel company arrives at a Department fuel dispensing facility to deliver gasoline.

DESK OFFICER

1. Assign member of the service to supervise fuel delivery.

NOTE *Members of the service assigned to security at those Department facilities other than precincts (e.g., Outdoor Range, Central Repair Shop, Police Headquarters, etc.), that dispense fuel, will perform the duties designated to be performed by the desk officer throughout this procedure.*

ASSIGNED MEMBER

2. Determine amount of gasoline in storage tank by using the electronic tank monitor, which is located at the desk area in most commands with fuel tanks.
3. Press "Print" button on electronic tank monitor and advise the delivery driver of the 90% ullage amount. (The amount that can safely be added to the storage tank.)
4. Ascertain meter reading on fuel vendor's truck prior to pumping fuel into storage tank.
   a. Ensure that fuel meter on vendor's truck is set to zero before pumping begins.
   b. Inspect and initial blank vending invoice prior to delivery of gasoline.
   c. Verify the same invoice is returned after completion of delivery.
5. Use the electronic tank monitor to verify delivery amount.
   a. Press "Print" button and verify that new volume (storage balance) reflects the delivery amount.
6. Report delivery amounts to desk officer.

DESK OFFICER

7. Enter in Command Log the following information concerning receipt of fuel:
   a. Amount of fuel received
   b. Invoice number (verify that vendor's invoice was initialed by assigned member)
   c. Vendor's name
   d. Name of member of the service verifying receipt.
8. Forward one copy of Vendor's Invoice to Audits and Accounts Unit on next business day.
   a. File remaining copy of Invoice at command.

IF FUEL DELIVERY CANNOT BE MADE

MEMBER OF THE SERVICE

9. Notify desk officer if vendor is unable to deliver fuel and reason the delivery cannot be made (i.e., vehicle parked on top of fuel fill port, parked vehicle blocking delivery truck access, construction site blockage, etc.).

DESK OFFICER

10. Notify Fuel Control Unit.
11. Make a Command Log entry including the vendor's information and reason for non-delivery.
    a. If vehicle is blocking the delivery truck access include registration information.
    b. Sign vendor's invoice if fuel tank is full and no delivery occurred.
12. Prepare a report on **Typed Letterhead** explaining the circumstances under which the fuel could not be delivered.
    a. Include any corrective action taken.
13. Fax report on **Typed Letterhead** to the Fuel Control Unit.

RELATED PROCEDURE *Computerized Fuel Dispensing System (P.G. 219-11)*

FORMS AND REPORTS ***Typed Letterhead***

PATROL GUIDE

Section: Department Property		Procedure No: 219-13	
DELIVERY OF HEATING OIL			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To monitor delivery of heating oil to a Department facility and to verify the accuracy of the quantity of heating oil delivered.

PROCEDURE When ordering heating oil and processing receipts:

COMMANDING OFFICER

1. Designate a member of the service (uniformed or civilian) to order heating oil from appropriate vendor.

DESIGNATED MEMBER OF THE SERVICE

2. Order heating oil from appropriate vendor.
   a. Direct vendor to report to desk officer/supervisor concerned upon arrival at Department facility, prior to pumping heating oil.
   b. Make an entry in the command's Telephone Record indicating that the above instructions were relayed to the vendor's order clerk who accepted the order.

DESK OFFICER

3. Assign a member of the service (uniformed or civilian) to be present during, and supervise, the actual delivery and pumping operation.

ASSIGNED MEMBER OF THE SERVICE

4. Verify that the vendor delivery ticket has been signed by a Department of Citywide Administrative Services (D.C.A.S.) inspector <u>prior to the commencement of pumping operations</u>.
   a. If the ticket has not been signed by a D.C.A.S. inspector <u>DO NOT ACCEPT DELIVERY</u>.

NOTE *In commands accepting delivery of #4 or #6 oil, the member of the service assigned to supervise the pumping will verify that the vendor has a vendor delivery ticket and a Department of Citywide Administrative Services certificate. In these cases, however, it is the Department of Citywide Administrative Services certificate, which <u>MUST</u> be signed. If this certificate is not signed by a Department of Citywide Administrative Services Inspector, <u>DO NOT ACCEPT DELIVERY</u>.*

5. Ensure that the meter on the delivery truck had been reset to zero <u>prior</u> to the insertion of the vendor delivery ticket into the meter.
6. Verify, upon completion of the pumping operation, that the total gallons delivered (as indicated on the meter) equal the quantity recorded on the vendor delivery ticket.
   a. Commands receiving #4 and #6 heating oil will also verify the amount delivered on the D.C.A.S. certificate.
7. Verify amount of oil delivered by printing NAME and TAX REGISTRY NUMBER or the D.C.A.S. certificate and/or the vendor delivery ticket and signing name.
8. Present the D.C.A.S. certificate and/or the vendor delivery ticket to the desk officer/supervisor.
9. Notify desk officer/supervisor of the amount of heating oil delivered.

DESK OFFICER

10. Verify that the D.C.A.S. certificate and/or the vendor delivery ticket were signed by the member of the service assigned and the amount reported in step #9 reflects the amount indicated on the certificate/ticket.
11. Make a Command Log entry including the following information:
    a. Amount of heating oil delivered
    b. Indication of receipt of D.C.A.S. certificate and/or vendor delivery ticket.
    c. Vendor's name and truck number
    d. Identity of member of the service who supervised delivery.

NOTE *In commands that do not maintain a Command Log, these entries will be made in the Telephone Record.*

12. Make a duplicate copy of the vendor delivery ticket and place in file maintained at command.
    a. Forward vendor delivery ticket to the Audits and Accounts Unit with the next Department mail.

NOTE *Commands accepting delivery of #4 and #6 oil will attach the "Department" copy of the D.C.A.S. certificate to the vendor delivery ticket and forward both to Audits and Accounts Unit. The "Agency" copy of the D.C.A.S. certificate will be attached to the duplicate copy of the vendor delivery ticket and filed at the command.*

RELATED PROCEDURE *Delivery Of Gasoline To Fuel Dispensing Stations (P.G. 219-12)*

PATROL GUIDE

Section: Department Property		Procedure No: 219-14	
DEPARTMENT COMPUTER SYSTEMS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To maintain the integrity and security of the Department's computer systems and to minimize the potential for misuse by anonymous, unauthorized access to available data.

PROCEDURE To utilize Department computer systems in a command and/or a Department vehicle.

MEMBER OF THE SERVICE

1. Sign-on the system utilizing the member's confidential password.
2. Make only official inquiries, which relate to official business of the Department.
3. Do not divulge any information obtained from the system, except for valid law enforcement purpose.
4. Sign-off the system upon completion of its use or whenever unable to safeguard, even for a brief period of time.
5. Notify desk officer/designated supervisor or integrity control officer of any misuse or if personal password has been compromised in any way.
   a. Comply with *P.G. 207-21, "Allegations of Corruption and Other Misconduct Against Members of the Service,"* as necessary.
6. Comply with *P.G. 203-22, "Department Confidentiality Policy."*

NOTE *Members of the service signed on to a Department computer system will be held strictly accountable for* ***all*** *entries on that system during the period they are signed on.*

DESK OFFICER/ DESIGNATED SUPERVISOR

7. Inspect all areas containing Department computer systems at least once each tour and ensure that all systems are being used within Department guidelines and are not damaged in any way.
8. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
9. Record results in Command Log.

NOTE *The desk officer/designated supervisor will notify the Information Technology Bureau (ITB) Service Desk (24 hours) to report inoperable or malfunctioning computer equipment. The above notification will be entered in the Telephone Record.*

PATROL SUPERVISOR/ DESIGNATED SUPERVISOR

10. Inspect, frequently, all Department computer systems assigned to Department vehicles within the command to ensure that they are being used within Department guidelines and are not damaged in any way.
11. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
    a. Record notifications in digital **Activity Log**.

INTEGRITY CONTROL OFFICER

12. Be responsible for computer equipment and data security for all computer systems assigned to command.

INTEGRITY CONTROL OFFICER (continued)

13. Be responsible for and maintain the security and integrity of all official Department recorded media or recorded media coming into possession of the Department as evidence or for investigative purposes (e.g., videotape, photographic images or pictures, audio recordings, electronic or internet files, etc.).

NOTE *In regard to investigative units, the duties of the integrity control officer as stated in step 12, will be the sole responsibility of the commanding officer.*

14. Establish and maintain a list of all passwords issued to members of the command.
    a. Maintain confidentiality of passwords of all authorized users and obtain new passwords, when necessary.
15. Maintain effective operational performance by establishing the number of necessary authorized users for the command.
16. Ensure all authorized users of the command understand and comply with computer security guidelines.
17. Frequently observe all areas and Department vehicles with computer equipment and ensure security guidelines are complied with.
18. Investigate any circumstances or conditions which may indicate abuse of the computer system(s).
19. Maintain sign-on tables and issue passwords for the following systems to access through Omniform:
    a. On-Line Booking System (OLBS)
    b. Booking Arraignment Disposition System (BADS)
    c. Local Arrest Processing System (LAPS).
20. Conduct a monthly audit of the Domain Awareness System.
    a. Select five members of the service at random who have access to the Domain Awareness System.
    b. Review each selected member's activity, including video access activity, to ensure compliance with the Department's rules and regulations regarding computer systems.
    c. Document results of monthly inspection on **Typed Letterhead** and file at command.

ADDITIONAL DATA

DEPARTMENT COMPUTER USE POLICY AND MONITORING NOTICE

All members of the service are advised that all Police Department computer systems and equipment are intended for the purposes of conducting official Department business only. Use of Department computer systems for personal or non-Department business matters is strictly prohibited and individuals who are found in violation of this policy are notified that they will be subject to disciplinary action. In addition, use of Department computer systems to disseminate derogatory or discriminatory material is strictly prohibited.

All members of the service are hereby notified that the Department reserves and will exercise the right to review, intercept, access and disclose all material on the Department's computer systems at any time, including e-mail communications, with or without notice to the member of the service concerned. These policies are established to ensure that users of Department computer systems and equipment maintain Department standards of professionalism and integrity.

ADDITIONAL DATA (continued)

Commanding officers are responsible for the security and proper utilization of computer equipment within their commands. Commands that are not operational on a 24-hour basis will ensure that when the command is closed, ALL Department computer systems are secured. In addition, commanding officers will be familiar with A.G. 325-35, "Department Computer Use Policy and Monitoring Notice."

Requests for focused audits of computer terminal activity from the Internal Affairs Bureau, commanding officers, integrity control officers, investigations units, etc., must be prepared on ***Typed Letterhead****, and addressed to the Deputy Commissioner, Information Technology at 1 Police Plaza, Room 900. Focused audits may include various criteria such as a member of the service's password, tax registry number, sign-on/sign-off time, license plate/VIN check, etc., that was performed during a particular time period.*

RELATED PROCEDURES

Department Confidentiality Policy (P.G. 203-22)
Allegations of Corruption and Other Misconduct Against Members of the Service (P.G. 207-21)
Department Computer Use Policy and Monitoring Notice (A.G. 325-25)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Department Property		Procedure No: 219-15	
PORTABLE RADIO TRANSCEIVERS			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To account for portable radios assigned to commands.

PROCEDURE When portable radios are assigned to command:

COMMANDING OFFICER

1. Have desk officer/ranking officer account for portable radios each tour.
2. Designate a secure area within the muster room/desk area and under the control of the desk officer/ranking officer for storage of radios not being used.
3. Maintain portable radio record utilizing the following forms:
   a. **RADIO ASSIGNMENT LOG (PD647-141)**
   b. **Radio Identification Record (Misc. 249)**
      (1) Complete prior to opening portable radio record and staple on inside front cover of **RADIO ASSIGNMENT LOG**.
   c. **Defective Radios (Misc. 250)**
      (1) Complete appropriate captions prior to opening portable radio record and staple on inside rear cover of **RADIO ASSIGNMENT LOG**.
4. Have members instructed periodically in proper distribution, care, use and safeguarding of radios.
5. Have radios sustaining major damage, delivered with all parts, and a copy of report, through channels, to Commanding Officer, Electronics Section.
6. Forward report to Commanding Officer, Electronics Section and Commanding Officer, Operations Unit, Office of the Chief of Department, without delay, if radio is permanently transferred to another command.
   a. Review Department records quarterly, to determine if any radios have been assigned on a permanent basis from your command. Confer with command integrity control officer, Intelligence Bureau and any other outside agency to determine the necessity of continuance of such assignment.

NOTE *Commands are not authorized to transfer radios to other commands. All radio reassignments must be approved by the Deputy Commissioner, Information Technology.*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

7. Replace batteries at beginning of tour.
   a. Keep used batteries in battery charger until indicator light turns green.
   b. Deliver defective batteries to the Electronics Section. Up to fifteen batteries will be replaced at one time.
8. Issue radios to members of outgoing platoon on priority basis as established by commanding officer.
9. Enter required information in **RADIO ASSIGNMENT LOG**.
10. Enter radio inventory in Recapitulation Section of **RADIO ASSIGNMENT LOG**, following last entry concerning outgoing platoon each tour.
11. Account for and examine each radio, antenna, battery and radio case returned at conclusion of previous tour.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED (continued)

a. Prepare **COMPLAINT REPORT (PD313-152)** with Internal Affairs Bureau log number and report facts to commanding officer if radio is lost or stolen.
b. Prepare **COMPLAINT REPORT** with Internal Affairs Bureau log number and report facts to commanding officer for missing antennas, batteries or radio cases.
c. Report damage or missing parts to commanding officer.

WHEN RADIO HAS BEEN DAMAGED:

COMMANDING OFFICER

12. Investigate circumstances.
13. Take appropriate action (instruction, Command Discipline and/or Charges and Specifications) if damage is attributable to individual carelessness, misuse, or abuse.
14. Prepare report on Typed Letterhead to borough commander/counterpart including:
    a. Circumstances leading to damage of radio
    b. Whether damage caused by carelessness, misuse or abuse
    c. Corrective action taken.
15. Forward report, as follows:
    a. Original - Borough commander/counterpart
    b. Copy – Deputy Commissioner, Information Technology, through channels
    c. Copy - Electronics Section (WITH RADIO)
    d. Copy - file.

WHEN RADIO IS DEFECTIVE:

UNIFORMED MEMBER OF THE SERVICE ASSIGNED

16. Re-check radio with freshly charged battery.
17. Prepare and attach radio repair ticket, including brief description of malfunction.
18. Deliver defective radio with tag to the Electronics Section, as soon as possible.
    a. Remove radio antenna, battery and speaker microphone from radio before delivering radio for repair and safeguard at command.

NOTE *Do not store defective radios at the command. The Electronics Section will not accept more than ten defective radios at a time. When radio antennas, cases or chargers are defective, notify Electronics Section stock room and comply with instructions given.*

19. Make appropriate entry on Defective Radios form.
20. Telephone the Electronics Section within four weeks to determine it the radio has been repaired.

DESK/ RANKING OFFICER

21. Assign member to report to the Electronics Section to pick up repaired radio.
22. Enter date and signature on Defective Radio form when radio is returned and make Command Log entry indicating serial numbers of all radios returned to command.

NOTE *All members of the service reporting to the Electronics Section in uniform or civilian attire must sign in at the security office. A shield and **IDENTIFICATION CARD (PD416-091)** must be presented when picking up or removing Department property.*

WHEN RADIO IS LOST, STOLEN OR RECOVERED:

DESK/ RANKING OFFICER

23. Notify Operations Unit and obtain serial number for inclusion in commanding officer's report to the bureau chief concerned.
24. Notify Electronics Section, Security Desk and provide Operations Unit serial number and obtain Electronics Section serial number.
25. Notify Internal Affairs Bureau, Command Center and obtain log number to be entered under "Details" on **COMPLAINT REPORT**.
26. Notify Stolen Property Inquiry Section (Alarm Board) of radio number.
27. Notify patrol borough concerned, and advise of **COMPLAINT REPORT** number, Operations Unit number, Electronics Section number and Internal Affairs Bureau log number, if radio assigned to a patrol precinct/Strategic Response Group member.

COMMANDING OFFICER

28. Investigate circumstances of loss, theft or recovery of radio.
29. Have **COMPLAINT REPORT** prepared for lost/stolen radio and **Omniform Complaint Revision** prepared for recovered radio.
    a. Indicate under appropriate caption that duplicate copies are to be forwarded to Internal Affairs Bureau, bureau command, and patrol/detective borough command.

PRECINCT DETECTIVE SQUAD COMMANDING OFFICER

30. Examine **COMPLAINT REPORTS** prepared, including those reports referred to the precinct squad, concerning the loss or theft of Department radios.
31. Notify Commanding Officer, Major Case Unit of loss/theft of radio by telephone and forward a duplicate copy of the **COMPLAINT REPORT** or **Omniform Complaint Revision**, as appropriate, with a report on **Typed Letterhead**.

COMMANDING OFFICER

32. Enter explanation and **COMPLAINT REPORT** serial number under "Remarks" in Radio Identification Record.
33. Prepare report, including circumstances of loss or theft, **COMPLAINT REPORT** serial number, and determination by investigating officer whether disciplinary action is appropriate.
    a. Loss of a portable radio by a member of the service assigned to patrol in uniform shall be deemed negligence when the radio was not carried in the authorized carrying case.

NOTE *Where warranted, proposed disciplinary action will be indicated in the report as a RECOMMENDATION. HOWEVER, the disciplinary action will be held in abeyance until APPROVED, by the bureau chief concerned, via return endorsement on the original report. Within the Patrol Services Bureau, Housing Bureau or Transit Bureau, the Borough Commander or Chief of Special Operations, as appropriate, will act upon the disciplinary action recommendation and will expeditiously forward a copy of the endorsed report to the Chief of Patrol, via the Investigation and Evaluation Section.*

COMMANDING OFFICER (continued)

34. Forward report as follows:
    a. Original - Bureau Chief concerned, through channels
    b. Copy - Chief of Department, DIRECT
    c. Copy - Deputy Commissioner, Information Technology, through channels
    d. Internal Affairs Bureau
    e. Copy - Command file.

BUREAU CHIEF CONCERNED

35. APPROVE/DISAPPROVE recommended disciplinary action by return endorsement on original report, except in cases involving the Patrol Services Bureau.

COMMANDING OFFICER

36. Forward copy of final disposition of disciplinary action taken to the Chief of Department.

INTEGRITY CONTROL OFFICER

37. Review Department records monthly pertaining to Department radios assigned to command.
    a. Ensure Department radios are being maintained and are accounted for.
38. Identify Department radios assigned on a permanent basis from command.
    a. Confer with commanding officer pertaining to the necessity of such radios being assigned on permanent basis.

ADDITIONAL DATA

All commands are required to maintain a portable radio record and arrange for expeditious delivery of defective radios to Electronics Section and pickup when repaired.

A commanding officer may, when necessary, establish additional procedures to account for and safeguard portable radios. For example, when a member of the service from an outside command borrows a portable radio, the identity of the member must be verified by the desk officer and appropriate command blotter entries made.

Department vehicles with defective radios that require repair will be brought to the Electronics Section between 0700 X 1500 hours, seven days a week. A limited number of personnel will be performing duty between 1500 and 2400 hours for EMERGENCY repairs only.

Any unit wishing to procure personal portable radios for their particular unit using Department funds must obtain written approval from the Deputy Commissioner, Information Technology. All procurements will be effected through the Electronics Section to ensure that the Department's stringent specifications are met. All radios will be engraved with "NYPD" and a Department serial number for accountability purposes.

RELATED PROCEDURE

Loss Or Theft Of Department Property (P.G. 219-20)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
RADIO ASSIGNMENT LOG (PD647-141)
ROLL CALL (PD406-144)
Defective Radios (Misc. 250)
Radio Identification Record (Misc.249)
Typed Letterhead
Omniform Complaint Revision

PATROL GUIDE

Section: Department Property		Procedure No: 219-17	
USE OF PATROL KITS			
DATE ISSUED: 07/01/20	DATE EFFECTIVE: 07/01/20	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To provide instructions to members of the service in the proper maintenance, utilization, and disposal of Patrol Kit items.

SCOPE A Patrol Kit is a collection of personal protective equipment (PPE) items housed in a white plastic first-aid type carrying case. The case bears the NYPD logo and is marked with the words "Patrol Kit" on its cover. Each Patrol Kit consists of two disposable gowns, two disposable eye/mouth shields, two pairs of heavy duty gloves, two pairs of disposable shoe covers, ten antiseptic wipes, and a disposal "biohazard" bag for use against contact with blood or other potentially infectious materials (OPIM). OPIM includes semen, vaginal secretions, and fluid from the brain, spine, chest cavity, stomach, heart and joints. Saliva or urine not visibly contaminated with blood is not considered to be OPIM. Disposable gloves and Patrol Kit items must be properly disposed of after being utilized to protect one's hands, skin and clothing from direct contact with blood, OPIM, dead human bodies, and animals which may have infectious diseases. Contaminated or damaged personal protective equipment will not be reused and will be discarded in biohazard receptacles at designated Department facilities or hospitals.

PROCEDURE Maintain and utilize disposable gloves and Patrol Kit items as follows:

VEHICLE OPERATOR

1. Ensure that the Patrol Kit carry case is present and secure in the trunk of assigned/designated Department auto at beginning of tour.
2. Inspect contents of case to verify that all required Patrol Kit items, as listed in the SCOPE statement, are present in the quantities indicated.
   a. Also ensure that an adequate supply of disposable gloves are available in the Department auto.
3. Make digital **Activity Log** entry indicating results of inspection.
   a. Report missing/damaged Patrol Kit items to the patrol supervisor and promptly replace them.

NOTE *Adequate supplies of Patrol Kit items/disposable gloves should be maintained at commands at all times and stored where they will be readily accessible for use. At least one carrying case containing a Patrol Kit is to be affixed to a wall in a conspicuous, accessible location at each precinct, transit district, police service area, court section, medical district, Aviation, Crime Scene, Harbor, Mounted Unit and Highway District location.*

MEMBER OF THE SERVICE

4. Utilize disposable plastic gloves and Patrol Kit items when necessary to handle persons, animals or items in a safe, sanitary manner.

NOTE *The following are examples of when members of the service should use Patrol Kit items/disposable gloves:*

a. Contact with blood, body fluids, secretions, excretions, etc.
b. Searching dead human bodies
c. Contact with hazardous materials or persons or animals having or suspected of having infectious diseases (see P.G. 212-37, "Hazardous Materials" and 205-10, "Exposure Of Members Of The Service To Infectious Diseases Or Hazardous Materials")
d. Searching prisoners (disposable gloves should ordinarily be sufficient)
e. Fingerprinting (disposable gloves should ordinarily be sufficient).

Members of the service who do not have access to a Patrol Kit and are present at a scene requiring the use of a Patrol Kit may request one via the communications dispatcher. An available unit possessing the Kit will be directed to respond to the requesting member's location.

MEMBER OF THE SERVICE (continued)

5. Confer with immediate supervisor before using Patrol Kit items/disposable gloves at a parade, demonstration, etc.
   a. Supervisor will make determination based on circumstances and advise members of proper action.
6. Avoid contact with outside surface of Patrol Kit items/disposable gloves after use if possibility of contamination exists.
7. Remove used gloves as follows:
   a. Grasp cuff of one glove and remove by pulling glove inside out.
   b. Place fingers inside second glove and pull inside out.
8. Handle used gloves/Patrol Kit items by uncontaminated surface and place inside plastic bag.
9. Cleanse hands with antiseptic wipe and place used wipe in plastic bag with other contaminated items.
   a. Seal plastic bag containing contaminated Patrol Kit items/disposable gloves and antiseptic wipe.
10. Refer to the instructions contained in the plastic case housing of the Patrol Kit for information regarding the Kit's safe use and disposal.
11. Deposit only contaminated items in the thirty-two gallon biohazard receptacle lined with a red biohazard bag.

NOTE *<u>Only items contaminated with blood or OPIM need to be disposed of in biohazard receptacles located in each command</u>. Gloves used while fingerprinting or searching prisoners, and PPE items worn but not contaminated, may be discarded in a regular trash receptacle.*

12. Wash hands, preferably with anti-bacterial or brown soap, as soon as possible after exposure.

DESK OFFICER/ CENTRAL BOOKING SUPERVISOR

13. Contact Medical Division Sick Desk supervisor to arrange for messenger to pick up regulated infectious waste.
14. Ensure that Medical Division messenger removes and seals the regulated infectious waste liner and places a new biohazard liner in the receptacle.

NOTE *Biohazard waste liners should be closed prior to removal from the receptacle in order to prevent spillage. If the outside of a liner or container becomes contaminated, it must be placed within a second suitable liner or container. The regulated infectious waste liners must be transported in a covered, leakproof container with a biohazard label prominently displayed on the outside of the container. The Medical Division messenger shall be appropriately trained in the use of Patrol Kit items/disposable gloves and infection control procedures. Biohazard labels are available from the Quartermaster Section.*

DESK OFFICER/ CENTRAL BOOKING SUPERVISOR (continued)

15. Make a Command Log entry of facts regarding removal of biohazard waste by Medical Division messenger.

ADDITIONAL DATA *Emergency situations, circumstances, and time constraints may hinder or prevent a member from properly donning Patrol Kit items/disposable gloves, thereby making the member more vulnerable to contamination from blood or other potentially infectious materials. Members who have any contact with hazardous materials, blood, or OPIM will immediately comply with P.G. 205-10, "Exposure of Members of the Service to Infectious Diseases or Hazardous Materials." In the event that a uniform item becomes significantly contaminated (e.g. soaked through with blood or OPIM), the item(s) in question will be removed as soon as possible and placed in the disposable red biohazard liner contained in the Patrol Kit. The member of the service will be allowed to shower as soon as possible.*

A uniform item contaminated with small splatters of blood which have not soaked through the item may be machine washed with a non-chlorine bleach separately from other household laundry. A second wash/rinse cycle should then be used to rinse the inside of the washing machine.

Non-disposable uniform items (nameplates, shields, etc.) may be effectively decontaminated with a freshly mixed solution of one part bleach to ten parts water.

Members seeking reimbursement to replace damaged uniform items will refer to P.G. 204-07, "Lost Or Damaged Uniform."

If an Emergency Medical Service ambulance is present at the scene of an incident where members of the service have soiled Patrol Kit items/disposable gloves, such items may be disposed of in the contaminated waste container located in the body of the ambulance. However, Emergency Medical Service ambulances <u>are not</u> to be called to the scene merely for the disposal of soiled Patrol Kit items/disposable gloves. In cases where no ambulance is present, or a private ambulance not under the jurisdiction of Emergency Medical Service is present, or ambulance personnel refuse to allow disposal, Patrol Kit item/disposable gloves should be secured in the plastic bags supplied for such purpose and <u>transported to the precinct/command of occurrence</u> for disposal.

The Health and Hospitals Corporation has granted permission for members of the service to dispose of used Patrol Kit items/disposable gloves in the contaminated waste containers in the emergency rooms of designated municipal hospitals in those situations where Patrol Kit items/disposable gloves have been worn while transporting a patient to that hospital for treatment. These designated hospitals are:

ADDITIONAL DATA (continued)

MANHATTAN HOSPITALS
Bellevue
Metropolitan
Harlem

BRONX HOSPITALS
Bronx Municipal
North Central Bronx
Lincoln

QUEENS HOSPITALS
Elmhurst
Queens Hospital Center

BROOKLYN HOSPITALS
Coney Island
Kings County
Woodhull

Members of the service are not to bring contaminated Patrol Kit items/disposable gloves to an emergency room for disposal if not transporting a patient for treatment at that hospital. Where a patient has not been transported to a participating hospital or, if the emergency room staff refuses to allow disposal, members of the service will secure the Patrol Kit items/disposable gloves in the plastic bag supplied for such purpose and transport to precinct/command of occurrence for disposal. Commanding officers should seek to establish a relationship with non-municipal hospitals within their commands to which ambulances respond, in an effort to obtain authorization for disposal of Patrol Kit items/disposable gloves in the hospital's emergency room.

The following Patrol Kit items/disposable gloves may be ordered directly from the Quartermaster Section by utilizing the following index numbers:

ITEM	*INDEX NUMBER*
Disposable gloves	*1134*
Glove kits	*1141*
Antiseptic skin wipes	*1345*
Patrol Kit (complete)	*1343*
Patrol Kit carrying case (to replace damaged cases only)	*1344*
32 gallon biohazard receptacle	*3622*
32 gallon biohazard liner	*3007*
Biohazard sticker (1 1/2"x 1/2")	*2444*
Biohazard sticker (4"x 5")	*2443*

RELATED PROCEDURES

Exposure Of Members Of The Service To Infectious Diseases Or Hazardous Materials (P.G. 205-10)
Hazardous Materials (P.G. 212-37)
Lost Or Damaged Uniform (P.G. 207-07)

PATROL GUIDE

Section: Department Property		Procedure No: 219-18	
INSPECTION OF SUPPLIES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To insure that supplies received are of proper quantity and quality.

PROCEDURE When supplies are received at a command:

DESK OFFICER

1. Have supplies inspected for quantity, quality and condition.
2. Sign vendor's receipt if delivery is in good condition.
3. Refuse to accept supplies if shipment is damaged, or does not meet quality standards.
4. Make Command Log entry of receipt or state reason why supplies were not accepted.
5. Notify commanding officer if supplies are not accepted.

COMMANDING OFFICER

6. Have report prepared on **Typed Letterhead** and **Department of Purchase Form 23-QQ-96 (REPORT OF UNSATISFACTORY MATERIAL)** to the Quartermaster Section if the delivery is deficient in any way.

NOTE *If the supplies received are less than originally ordered, but otherwise acceptable, the desk officer may accept the supplies but receipt only for actual amount received.*

FORMS AND REPORTS ***Department of Purchase Form 23-QQ-96 (REPORT OF UNSATISFACTORY MATERIAL)***
Typed Letterhead

PATROL GUIDE

Section: Department Property		Procedure No: 219-19	
INSPECTION OF DEPARTMENT LOCKERS - OFFICIAL INVESTIGATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To permit the inspection of a Department locker in connection with an official investigation.

PROCEDURE When a member of the service is directed to open his/her locker by a supervising member of the service:

MEMBER OF THE SERVICE

1. Comply with direction.

SUPERVISING MEMBER

2. Inspect contents of locker:
   a. Member concerned will witness inspection.
   b. If member is not present, another member of the service will witness inspection.

MEMBER OF THE SERVICE

3. Secure locker after inspection is completed.
4. Follow direction of supervising officer.

SUPERVISING MEMBER

5. Enter in Command Log:
   a. Number(s) of locker(s) inspected
   b. Member(s) to whom locker(s) assigned
   c. Reason for inspection
   d. Results of inspection
   e. Member(s) present at inspection.

NOTE *A supervisory member of the service may inspect Department lockers at any time during an official investigation. If the member assigned to a locker is not present during an inspection, the inspecting member is required to notify the member concerned, and provide for the safekeeping of the equipment and reimbursement to the member if the lock is damaged.*

PATROL GUIDE

Section: Department Property		Procedure No: 219-20	
LOSS OR THEFT OF DEPARTMENT PROPERTY			
DATE ISSUED: 12/30/20	DATE EFFECTIVE: 12/30/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To investigate and record the loss or theft of Department property.

PROCEDURE Upon discovering the loss or theft of Department property:

MEMBER OF THE SERVICE

1. Report facts to desk officer.

DESK OFFICER

2. Notify commanding officer and operations coordinator.

OPERATIONS COORDINATOR

3. Conduct investigation.
4. Make Command Log entry of facts and results of investigation.
5. Prepare report, on **Typed Letterhead,** addressed to commanding officer.
6. Have **COMPLAINT REPORT (PD313-152)** prepared.
   a. Indicate, under appropriate caption, that duplicated copies are to be forwarded to the Internal Affairs Bureau, the Quartermaster Section, (ONLY if Department property, lost or stolen, was issued by the Quartermaster Section) and Patrol/Transit/Housing Borough, Detective Borough, or bureau concerned.
7. Notify Internal Affairs Bureau Command Center, by telephone, and enter Internal Affairs Bureau log number under "Details" on **COMPLAINT REPORT**.
8. Notify Stolen Property Inquiry Section (Alarm Board) if property has identifying letters or numbers on it for purpose of transmitting alarm.
   a. If Vehicle Identification Plate is lost/stolen, give Vehicle Identification Plate number including the letter "P", if appropriate, and the expiration date of the plate.
9. Notify Transit Special Investigations Unit, Transit Bureau Wheel and the Employee Resources Section if property consists of a New York City Transit (NYCT) Police Pass MetroCard.
10. Forward three copies of report to Commanding Officer, Fleet Services Division for loss of a tire, tool, etc., from a Department vehicle.
    a. Forward one copy direct to the Commanding Officer, Transit Bureau, if property consists of NYCT Police Pass MetroCard and one copy with **COMPLAINT REPORT** direct to the Commanding Officer, Employee Resources Section, if property consists of NYCT Police Pass MetroCard, Long Island Railroad Police Pass or Metro North Police Pass.

NOTE *In cases where the loss or theft of a NYCT Police Pass MetroCard, Long Island Railroad and/or Metro North Police Pass occurs outside New York City the member will notify the local police agency and desk officer, command of assignment. The desk officer will make a Command Log entry and notify the operations coordinator who will conduct an investigation, notify IAB and comply with step "10" subdivision "a," as appropriate. The IAB log number must be included in the report.*

OPERATIONS COORDINATOR (continued)

11. Take other action as appropriate.

COMMANDING OFFICER

12. Review result of investigation.

ADDITIONAL DATA

*Each precinct squad commander will examine **COMPLAINT REPORTS** prepared, including those **REPORTS** not referred to the precinct squad, concerning the loss or theft of police related equipment. Such equipment will include, but is not limited to, law enforcement frequency radios, police vehicles, uniforms, shields or identification cards, bulletproof vests or police type emergency lights or sirens. The squad commander will notify the Commanding Officer, Major Case Unit of such loss/theft by telephone and forward a duplicated copy of the **COMPLAINT REPORT** or **Omniform Complaint Revision**, as appropriate, with a covering report, on **Typed Letterhead**, to the Major Case Unit. In addition P.G. 219-21, "Lost/Stolen Firearm, Shield, Identification Card" is to be adhered to when a member of the Department reports a lost/stolen firearm, shield, and/or I.D. card.*

RELATED PROCEDURE

Portable Radio Transceivers (P.G. 219-15)
Lost/Stolen Firearm, Shield, Identification Card (P.G. 219-21)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
Typed Letterhead
Omniform Complaint Revision

PATROL GUIDE

Section: Department Property		Procedure No: 219-21	
LOST/STOLEN FIREARM, SHIELD, IDENTIFICATION CARD			
DATE ISSUED: 04/20/17	DATE EFFECTIVE: 04/20/17	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To investigate circumstances when a member of the service (uniformed or civilian) reports a lost/stolen firearm, police shield or **IDENTIFICATION CARD (PD416-091)**.

PROCEDURE When a member of the service discovers the loss/theft of a firearm, shield or **IDENTIFICATION CARD**:

MEMBER OF THE SERVICE

1. Notify desk officer, precinct of occurrence, immediately.

NOTE *In Nassau or Suffolk counties, notify desk officer, 105th Precinct. In Westchester, Orange, Putnam or Rockland counties, notify desk officer, 50th Precinct. If loss/theft occurs in other than New York City or the residence counties, notify Operations Unit direct. In addition, the local police agency will be notified immediately and requested to transmit a FINEST notification to this Department.*

2. Prepare part "A" of **LOST/STOLEN FIREARM/SHIELD/I.D. CARD REPORT (PD520-150)**.
   a. If loss/theft occurred outside city, the desk officer or Operations Unit member receiving the report will prepare both parts "A" and "B" of the report.
3. Report loss/theft to commanding officer at first opportunity and include all information available.

DESK OFFICER

4. Make a Command Log entry of facts.
   a. If member reporting loss/theft is not assigned to precinct of report, prepare and forward a transcript of the Log entry to the member's commanding officer.
5. Notify commanding officer/duty captain and Operations Unit immediately.
6. Prepare part "B" of **LOST/STOLEN REPORT**.
7. Ensure that **COMPLAINT REPORT (PD313-152)** is finalized and alarm transmitted.

NOTE *A **COMPLAINT REPORT** will not be prepared nor will an alarm be transmitted if the loss/theft occurred outside New York City. However, a Command Log and/or Telephone Record entry will be made.*

8. Notify Internal Affairs Bureau Command Center and enter Internal Affairs Bureau log number under "Details" on **COMPLAINT REPORT**, if prepared, or in Telephone Record, if **COMPLAINT REPORT** is not prepared.

COMMANDING OFFICER/ DUTY CAPTAIN

9. Conduct immediate investigation.
   a. Communicate, by telephone, with agency receiving report, if loss/theft occurred outside New York City.
   b. Interview member of the service concerned reporting loss/theft, by telephone, if necessary.
10. Prepare part "C" of **LOST/STOLEN REPORT**.
    a. Include recommendation concerning negligence by member of the service.
11. Prepare **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)**, if circumstances warrant.
12. Distribute **LOST/STOLEN REPORT** as indicated on bottom of form.
13. Forward **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT** to commanding officer of member reporting loss/theft.

NOTE *If the duty captain conducts the investigation, a copy of the **SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT** will be filed in the permanent command of the duty captain.*

MEMBER'S COMMANDING OFFICER

14. Have notation made on member's **FORCE RECORD (PD406-143)** of time and date of the Command Log entry concerning the loss/theft of firearm.
15. Determine if disciplinary action should be taken.

NOTE *When it has been determined that disciplinary action should be taken for the loss of or failure to safeguard a firearm, a consultation with the Department Advocate's Office will be made to determine appropriate disciplinary action.*

16. Initiate command discipline or formal charges, if circumstances warrant.
17. Enter disposition on **SUPERVISOR'S COMPLAINT REPORT/ COMMAND DISCIPLINE ELECTION REPORT** and file.
    a. Forward duplicate copy of **LOST/STOLEN REPORT**, through channels, to Department Advocate (Schedule B cases only).
18. Prepare part "D" of **LOST/STOLEN REPORT** giving particulars and/or results of investigation and any action taken or contemplated.
19. Distribute **LOST/STOLEN REPORT** as indicated on rear of form.

MEMBER OF THE SERVICE

20. Report to Commanding Officer, Employee Resources Section to obtain a new shield or **IDENTIFICATION CARD**.
    a. Return to permanent command and request clerical member to enter new shield number on **FORCE RECORD**.

ADDITIONAL DATA

Members of the service assigned to Police Headquarters whose firearm/shield/ ***IDENTIFICATION CARD*** *is lost/stolen within the confines of the 5th Precinct will immediately report the loss/theft to the Headquarters Security Unit. Members of the service assigned to the Police Academy or units within the Police Academy facility (other than 13th Precinct personnel) whose firearm/shield/****IDENTIFICATION CARD*** *is stolen/lost within the confines of the 13th Precinct will immediately report the loss/theft of firearm/shield/****IDENTIFICATION CARD*** *to the Police Academy Integrity Unit. A captain or above from the reporting members command will conduct the investigation, prepare the* ***LOST/STOLEN FIREARM/SHIELD/I.D. CARD REPORT****, and the* ***SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT****. Headquarters Security Unit or Police Academy Integrity Unit personnel will make the notifications required by the preceding procedure and* ***COMPLAINT REPORT*** *serial numbers will be obtained from the 5th or 13th Precinct, as appropriate.*

If the loss/theft of a shield occurs at a time when the Employee Resources Section is closed and the member concerned is scheduled to perform duty in uniform, the member will be assigned to duty in uniform without a shield until the Employee Resources Section opens the next business day.

Reports of lost/stolen auxiliary police shields will be processed as directed in P.G. 207-12 "Lost or Stolen Property/Identity Theft." The command clerk will enter in the box captioned "Additional Copies For" - Auxiliary Police Section.

Auxiliary police shields coming into the possession of the Department, if <u>not</u> required as evidence, will be forwarded, with a report of the circumstances, to the Commanding Officer, Auxiliary Police Section. A ***PROPERTY CLERK INVOICE (PD521-141)*** *is <u>not</u> required in such cases.*

RELATED PROCEDURES

General Uniform Regulations (P.G. 204-01)
Reporting Violations Observed By Supervisors (P.G. 206-01)
Violations Subject To Command Discipline (P.G. 206-03)
Schedule "A" and Schedule "B" Command Disciplines (P.G. 206-02)
Authorized Penalties Under Command Discipline (P.G. 206-04)
Preparation of Charges and Specifications or Schedule "C" Command Discipline (P.G. 206-05)
Service And Disposition Of Charges And Specifications (P.G. 206-06)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
FORCE RECORD (PD406-143)
IDENTIFICATION CARD (PD416-091)
LOST/STOLEN FIREARM /SHIELD/I.D. CARD REPORT (PD520-150)
PROPERTY CLERK INVOICE (PD521-141)
SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

PATROL GUIDE

Section: Department Property	Procedure No: 219-22

OPERATION OF VENDING MACHINES WITHIN DEPARTMENT FACILITIES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/26/15	01/26/15		1 of 3

PURPOSE To set guidelines for the operation of vending machines by precinct clubs or similar associations within Department facilities.

DEFINITIONS COMMAND CLUBS - Formal or informal association of all Department personnel within a Department facility.

VENDING MACHINE - Coin operated machine owned/leased and operated by members of a precinct club to dispense food, nonalcoholic beverages and cigarettes.

NOTE *The presence of coin operated non-vending machines, e.g., video games, pool tables, etc., is prohibited in any Department facility.*

PROCEDURE When a precinct club or similar association of Department employees decides to purchase/lease and operate vending machines for use within a Department facility:

COMMAND CLUB MEMBERS

1. Admit to membership all Department personnel assigned to the facility.
2. Obtain consent of commanding officer/counterpart PRIOR to purchasing/ leasing a vending machine.
3. Provide commanding officer/counterpart with names of members responsible for operating the vending machines.
   a. Provide the names of principals of company from which vending machine will be purchased or leased.

COMMANDING OFFICER

4. Request record check of principals of company from the Intelligence Bureau.
5. Direct that members of the command club purchase/lease vending machines needed and maintain an accurate record of expenses and income from each machine.
6. Inform members of the command club that vending machines owned and operated by private companies or individuals SHALL NOT BE INSTALLED OR MAINTAINED IN DEPARTMENT FACILITIES.
7. Request Building Maintenance Section conduct a survey to determine if proposed vending machine location possesses adequate electrical wiring capacity to safely operate the vending machine.
   a. Obtain written approval from the C.O., Building Maintenance Section.

COMMAND CLUB MEMBERS

8. Place vending machines in locations within facility that have been approved by the facility commander.

NOTE *The facility commander's knowledge and consent with regard to the placement or location of vending machines SHALL NOT be construed as either a license or lease of an area in a Department facility.*

9. Maintain an accurate monthly record of expenses and income for EACH machine as follows:
   a. Utilize a bound book, entitled "Vending Machine Ledger" divided equally into sections to accommodate EACH machine in command, containing information relative to ALL transactions effecting vending machine funds, and captioned on a single page as follows:

(ACROSS TOP OF PAGE)

TYPE OF MACHINE (soda, candy, etc.) | **STATUS** (Leased/owned) | **MONTH/YEAR**

(FIRST LINE OF PAGE)

DATE (Mo./Day/Yr.)	TRANSACTION # (# of each transaction, starting with #1 each calendar year).	DEBITS (Cost of product and maintenance expenses)	CHECK #	PURPOSE (Reason for debit, supplies, lease, maintenance, etc.)	CREDITS (Money taken from machine)

(SAMPLE ENTRIES)

Coffee			Leased		July/1996
07/15/96	34	_____	_____	Coins removed from machine	$75.00
07/15/96	35	$175.00	13	Supplies ordered for machine	_____

LOSS $100.00

NOTE *Upon listing of last monthly transaction, draw a double line and indicate total loss or profit for that machine.*

COMMAND CLUB MEMBERS (continued)

b. Utilize a bound book, entitled "Club Activity Expenditures Ledger," containing information relative to ALL monies derived from vending machines and expenditures of same, and captioned on a single page as follows:

(ACROSS TOP OF PAGE)

MONTH/YEAR | **OPENING BALANCE** (Actual total of ALL monies from previous month.)

(FIRST LINE OF PAGE)

DATE (Mo./Day/Yr.)	TRANSACTION # (# of each transaction, starting with #1 each calendar year).	CHECK # (Avoid cash, if possible)	AMOUNT (Amount of check)	PURPOSE (Brief description of reason for expenditure, e.g., club function, flowers, materials, etc.)

(SAMPLE ENTRIES)

June/1996			$1553.00	
06/06/96	38	12	$75.00	Precinct paddle ball tournament.
06/20/96	39	13	$25.00	Flowers for P.O. O'Neill

CLOSING BALANCE $1453.00

NOTE *Upon listing of last monthly transaction, draw a double line and indicate total closing balance.*

COMMAND CLUB MEMBERS (continued)

c. A folder entitled "Documentation File," containing bills, receipts, etc., of EVERY financial transaction.

d. A folder entitled "Bank Statement File," containing bank statements, deposit slips, cancelled checks and other banking correspondence.

NOTE *Commanding officer/counterpart will inspect ledgers monthly by indicating date, time and signature.*

10. Operate and stock all vending machines, set prices and collect money deposited in each machine.
11. Set reasonable prices for all items dispensed to prevent any substantial accumulation of cash in excess of what would be reasonably required to cover expenses.
12. Place the following notice on each vending machine:
"FOR USE BY POLICE DEPARTMENT EMPLOYEES ONLY".
13. Promptly handle complaints of inoperative machines, lost coins, etc.
14. Comply with all City, State and Federal tax laws relating to the sale of items in vending machines.

ADDITIONAL DATA *Any surplus cash earned will belong to all members of the club. The surplus cash, with the consent of club members, may be used to defray costs of social events, gifts to members on special occasions, e.g. flowers, condolence cards, mementos of service, etc., or to purchase items for use within the facility for the common benefit of all club members.*

PATROL GUIDE

Section: Department Property		Procedure No: 219-23	
SOLAR CELLULAR CALLBOXES			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To ensure that all components of a solar cellular callbox are in place and the callbox is functioning properly.

PROCEDURE When an alarm is received at a solar cellular callbox:

UNIFORMED MEMBER OF THE SERVICE

1. Respond as directed by the radio dispatcher.
2. Ascertain that the following components are in place:
   a. Antenna
   b. Solar panel
   c. Pole
   d. Sign - "Emergency Phone"
   e. Callbox
   f. Handset and cable (cord).
3. Make a test call to Communications Section:
   a. Verify the operability of the callbox
   b. Verify callbox number
   c. Verify callbox location.
4. Prepare appropriate reports for damaged or missing components:
   a. **COMPLAINT REPORT (PD313-152)** when investigation reveals vandalism, damaged or missing components.
   b. **Police Accident Report (MV104AN)** when investigation indicates damage or knockdown as a result of a motor vehicle collision.

NOTE *Remove entire callbox or unattached components, as appropriate, to the stationhouse for safekeeping. In all instances the Telecommunications Unit must be notified as follows:*
a. Monday to Friday, 0800 to 1600 hours, Telecommunications Unit.
b. All other times contact the Information Technology Bureau's Wheel.

COMMAND CLERK

5. Forward duplicate copy of **COMPLAINT REPORT** or **MV104AN** by Department mail, or FAX to:
   Telecommunications Unit, Room 910B
   One Police Plaza

ADDITIONAL DATA *Members of the Telecommunications Unit are available weekdays from 0800 to 1600 hours to provide further information if needed.*

RELATED PROCEDURE *Monthly Signal Box Survey (A.G. 322-25)*

FORMS AND REPORTS ***COMPLAINT REPORT (PD313-152)***
Police Accident Report (MV104AN)

PATROL GUIDE

Section: Department Property		Procedure No: 219-24	
UTILIZATION OF AND ACCOUNTABILITY FOR CELLULAR TELEPHONES ASSIGNED TO PATROL SUPERVISOR			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To ensure the proper utilization of and accountability for cellular telephones assigned to patrol supervisor.

PROCEDURE When a patrol supervisor is prepared to utilize an assigned Department cellular telephone:

PATROL SUPERVISOR

1. Ensure the power is "ON."
2. Press "RECALL" (RCL) button followed by one of the selected numerals:
   - "1" = telephone switchboard
   - "2" = desk
   - "3" = patrol borough
   - "4" = Operations Unit
   - "5" = 911

NOTE *These cellular telephones are capable of receiving all incoming calls, e.g. desk officer, duty captain, etc., However, each is programmed to allow only the outgoing calls listed in above step.*

3. Press "SEND" (SND) button.
4. Complete conversation.
5. Press "END" button.

DESK OFFICER

6. Ensure cellular telephone assigned to command for use by the patrol supervisor are operational each tour:
   a. Batteries charged
   b. Car adapters available.
7. Make a command log entry listing the name, telephone number, and assignment of the patrol supervisor in possession of the cellular telephone.
   a. Telephones not assigned will be accounted for each tour with a command log entry.

COMMANDING OFFICER

8. Ensure that cellular telephones in need of repair are promptly returned to the Telecommunications Unit located at One Police Plaza, room 910B.

PATROL GUIDE

Section: Department Property		Procedure No: 219-25	
E-Z PASS TAGS			
DATE ISSUED: 01/09/18	DATE EFFECTIVE: 01/09/18	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To account for the safekeeping and usage of E-Z Pass tags assigned to each command.

PROCEDURE When E-Z Pass tags are assigned to a command:

COMMANDING OFFICER

1. Have lieutenant platoon commander/patrol supervisor account for all E-Z Pass tags that are assigned to the command.
2. Have integrity control officer monitor the usage of the E-Z Pass tags assigned to the command.

LIEUTENANT PLATOON COMMANDER/ PATROL SUPERVISOR

3. Inspect all Department vehicles assigned to command for E-Z Pass tags each Sunday, after the second platoon has been posted.
   a. Ensure that E-Z Pass tags are affixed to center top windshield of each vehicle and that the serial numbers are recorded on the **VEHICLE INSPECTION REPORT (PD571-153)**.

INTEGRITY CONTROL OFFICER

4. Maintain an inventory of all E-Z Pass tags assigned to command.
5. Review the command's E-Z Pass usage to ensure that the E-Z Pass tags are used within Department guidelines.
6. Incorporate E-Z Pass tags and their usage into the command's monthly self-inspection program.

NOTE *Commands are not authorized to transfer E-Z Pass tags from one vehicle to another. All E-Z Pass tag reassignments must be approved by the Commanding Officer, Fleet Services Division.*

WHEN AN E-Z PASS TAG IS DEFECTIVE

RANKING OFFICER

7. Prepare a report on **Typed Letterhead** addressed to the Commanding Officer, Fleet Services Division with the date, time and locations where the E-Z Pass tag failed.
8. Notify Fleet Services Division of the defective tag and deliver E-Z Pass tag with a report on **Typed Letterhead** to Fleet Services Division.

NOTE *E-Z Pass tags may fail for various reasons (defective battery, excessive speed, etc.). Therefore it is necessary to attempt to cross another E-Z Pass toll plaza to ensure that the tag is in fact defective.*

WHEN AN E-Z PASS TAG IS LOST/STOLEN OR RECOVERED

UNIFORMED MEMBER OF THE SERVICE

9. Notify the desk officer precinct/PSA/transit district of occurrence.

DESK OFFICER/ RANKING OFFICER

10. Have **COMPLAINT REPORT (PD313-152)** prepared, if necessary.
11. Notify Internal Affairs Bureau and enter log number under "Details" section of the **COMPLAINT REPORT**.
12. Notify Stolen Property Inquiry Section (S.P.I.S.) of E-Z Pass serial number.

COMMANDING OFFICER

13. Investigate circumstances of loss, theft, or recovery of E-Z Pass tag.
14. Have a report prepared on **Typed Letterhead** with a copy of the **COMPLAINT REPORT**, forwarded through channels to the Commanding Officer, Fleet Services Division.
    a. Forward copy of report to command/unit where Department vehicle is assigned, if other than command of occurrence.

ADDITIONAL DATA

E-Z Pass tags will be permanently affixed to the top center of the vehicle's interior windshield utilizing double sided tape provided by Fleet Services Division. The exception to this provision will be vehicles that routinely leave the city on official business (example: Category I vehicles), which will have the E-Z Pass tag secured to the windshield with velcro strips provided by Fleet Services Division. The velcro strips will allow the operator of the vehicle to remove the E-Z Pass tag when utilizing facilities not authorized for E-Z Pass use by this Department.

<u>E-Z PASS USAGE IS AUTHORIZED FOR THE BELOW LISTED TOLL CROSSINGS/BARRIER TOLLS ONLY:</u>

Bronx-Whitestone Bridge
Bayonne Bridge
Henry Hudson Bridge
Queens Midtown Tunnel
Throgs Neck Bridge
Cross Bay Veterans Memorial Bridge
Hugh L. Carey (Brooklyn Battery) Tunnel
Robert F. Kennedy (Triborough) Bridge
Marine Parkway-Gil Hodges Memorial Bridge
George Washington Bridge
Goethals Bridge
Holland Tunnel
Lincoln Tunnel
Outerbridge Crossing
Verrazano-Narrows Bridge

<u>E-Z PASS USAGE IS NOT AUTHORIZED FOR THE BELOW LISTED TOLL CROSSINGS/BARRIER TOLLS:</u>

New Jersey Turnpike
Garden State Parkway
Governor Mario M. Cuomo(Tappan Zee) Bridge
New York State Thruway
New England Thruway

The above unauthorized toll crossings/barrier tolls list, is not all-inclusive, as it merely contains the unauthorized crossings most likely to be used by members of the service.

RELATED PROCEDURES

Inspection Of Department Vehicles Each Tour By Operator (P.G. 219-01)
Weekly Inspection Of Department Vehicles (P.G. 219-02)
Loss Or Theft Of Department Property (P.G. 219-20)

FORMS AND REPORTS

VEHICLE INSPECTION REPORT (PD571-153)
COMPLAINT REPORT (PD313-152)
Typed Letterhead

PATROL GUIDE

Section: Department Property	Procedure No: 219-26

ACQUISITION AND USE OF DEPARTMENT ISSUED NEW YORK CITY TRANSIT POLICE PASS METROCARDS

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
06/01/20	06/01/20		1 of 3

PURPOSE To provide for the issuance, control, and strict accountability of Department issued New York City Transit (NYCT) Police Pass MetroCards to all uniformed members of service.

PROCEDURE When a uniformed member of the service is issued a NYCT Police Pass MetroCard by the Human Resources Division:

HUMAN RESOURCES DIVISION

1. Provide a NYCT Police Pass MetroCard to ALL uniformed members of the service.

NOTE *The Human Resources Division will be responsible for the assignment and issuance of ALL NYCT Police Pass MetroCards, including replacement cards for damaged, defective, lost, stolen MetroCards. This card is assigned to the individual uniformed member of service, not the command. Each member will be assigned a specific card which contains its own unique serial number. This card can only be used by the member to whom it has been issued. This will allow for monitoring of the program to ensure control and accountability of all MetroCards.*

NYCT Police Pass MetroCards are never to be assigned or reassigned by commands. NYCT Police Pass MetroCards are generally valid for a period of two years. Upon expiration of MetroCard, each member MUST return their expired card in order to be issued a new card. This renewal process will be coordinated by the Employee Resources Section.

2. Maintain an account of NYCT Police Pass MetroCards to ensure the integrity of the program.

COMMANDING OFFICER

3. Ensure that all uniformed members assigned to command are in possession of a NYCT Police Pass MetroCard.
4. Ensure that MetroCard serial number is entered on each member's **FORCE RECORD (PD406-143)**.
5. Have the integrity control officer monitor the MetroCard program to ensure that all uniformed members are following procedures regarding the proper safeguarding and usage of their MetroCard.
6. Ensure that an investigation is conducted and proper procedures adhered to in instances where MetroCards become damaged, defective or are lost or stolen.

INTEGRITY CONTROL OFFICER

7. Enter the MetroCard serial number on each member's **FORCE RECORD** in order to maintain an accurate account of MetroCards assigned to members in the command.
8. Have MetroCards inspected at roll calls and during semi-annual uniform inspection.

INTEGRITY CONTROL OFFICER (continued)

9. Conduct an investigation and prepare a report on **Typed Letterhead** for commanding officer's signature requesting a replacement card, when a MetroCard is damaged or becomes defective.
   a. Have report and damaged/defective MetroCard hand delivered to the Employee Resources Section.

NOTE *When a uniformed member is going on a long term leave of absence, such as military or child care leave, ensure that member surrenders his/her MetroCard immediately prior to such leave and have MetroCard hand delivered to the Employee Resources Section. Upon member's return from long term leave of absence, prepare a report on* ***Typed Letterhead*** *for the signature of the commanding officer requesting re-issuance of a MetroCard. Upon review of such request the Employee Resources Section will re-issue a MetroCard to requesting member.*

10. Comply with provisions of *P.G. 219-20, "Loss or Theft of Department Property,"* if a Department issued MetroCard is reported lost or stolen.
    a. Make telephone notification to Commanding Officer, Employee Resources Section and forward copy of all relevant paperwork regarding incident.
11. Arrange for pick-up of cards, when notified by the Employee Resources Section that replacement MetroCards are ready.
    a. Safeguard and issue cards to requesting members.
12. Collect all expired MetroCards from members of the command during the renewal period.
13. Ensure that all members of the command are issued the card that they have been assigned by serial number and obtain their signature on the MetroCard distribution list as receipt of their card.
14. Deliver completed MetroCard distribution list and expired MetroCards to the Employee Resources Section.
15. Retain copy of MetroCard distribution list in command.

UNIFORMED MEMBER OF THE SERVICE

16. Carry Department issued MetroCard at all times whenever a shield and **IDENTIFICATION CARD (PD416-091)** are required to be carried.
17. Safeguard MetroCard at all times.
18. Request replacement if MetroCard becomes defective.
19. Notify desk officer if a MetroCard is lost, stolen or damaged.
20. Surrender issued MetroCard upon separation from the Department, immediately prior to long term leave of absence or upon expiration of MetroCard.

DESK OFFICER

21. Notify commanding officer and operations coordinator of lost or stolen MetroCard.

OPERATIONS COORDINATOR

22. Comply with provisions of *P.G. 219-20, "Loss or Theft of Department Property"* and conduct investigation into loss or theft of Department issued MetroCard.
23. Have **COMPLAINT REPORT (PD313-152)** prepared.

OPERATIONS COORDINATOR (continued)

24. Notify Internal Affairs Bureau Command Center by telephone, and enter Internal Affairs Bureau Log number under "Details" of **COMPLAINT REPORT**.
25. Notify Stolen Property Inquiry Section.
26. Notify Transit Bureau Wheel, Transit Special Investigations Unit and the Employee Resources Section.
27. Include MetroCard serial number on all Department forms prepared.
28. Prepare report on **Typed Letterhead**, including the results of the investigation as well as any proposed disciplinary action, if applicable.
    a. Forward one copy to the Commanding Officer, Employee Resources Section and one copy to the Commanding Officer, Transit Special Investigations Unit.

COMMANDING OFFICER

29. Review results of investigation.

ADDITIONAL DATA

Upon separation of service (retirement, resignation, dismissal, etc.) all uniformed members MUST surrender their MetroCard to their command, who will be responsible for ensuring the return of the card to the Employee Resources Section. All MetroCards must be hand delivered to the Employee Resources Section. A notation should be made on ***PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE (PD520-013)*** *regarding same.*

NYCT Police Pass MetroCards have no electronic restrictions for their use. They may be used repeatedly and indefinitely throughout their period of validity. However, uniformed members should be aware that each use of the MetroCard is electronically recorded by NYC Transit. These records will be made available to this Department for review and analysis, should the condition warrant (e.g., loss, theft, investigation into card usage, etc.). Uniformed members of the service assigned MetroCards shall use their assigned card to gain access to subways and public buses at all times. MetroCards are Department property and are to be safeguarded at all times. POLICE PASS METROCARDS ARE FOR THE EXCLUSIVE USE OF THE UNIFORMED MEMBER OF THE SERVICE TO WHOM IT IS ISSUED. Uniformed members of the service who knowingly allow an unauthorized person to use their Police Pass MetroCard may be the subject of disciplinary action. Under no circumstances are Police Pass MetroCards to be given or loaned to any other person.

RELATED PROCEDURES

Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)
Discontinuance of Police Service – Resignation (P.G. 205-43)
Violations Subject to Command Discipline (P.G. 206-03)
Loss or Theft of Department Property (P.G. 219-20)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
FORCE RECORD (PD406-143)
PROPERTY RECEIPT – DISCONTINUANCE OF SERVICE (PD520-013)
Typed Letterhead

PATROL GUIDE

Section: Department Property	Procedure No: 219-27	
ISSUANCE AND MAINTENANCE OF RADIATION DETECTION PAGERS ASSIGNED TO COMMANDS		
DATE EFFECTIVE: 06/24/21	LAST REVISION: I.O. 57	PAGE: 1 of 3

PURPOSE To provide for the control, accountability and issuance of Department radiation detection pagers assigned to commands:

PROCEDURE When radiation detection pagers are assigned to commands:

COUNTER - TERRORISM CENTRAL RESOURCE DIVISION

1. Assign radiation detection pagers to command through the Citywide Counterterrorism Coordinator.
2. Maintain an account of all assigned radiation detection pagers to ensure integrity of the program.

COMMANDING OFFICER

3. Ensure desk officer accounts for radiation detection pagers assigned to command on each tour.
4. Designate a secure area under the control of the desk officer for storage of radiation detection pagers and batteries assigned to the command that are not being utilized.

NOTE *Commands will maintain a supply of "AAA" batteries for the use of all radiation detection pagers in their command. "AAA" batteries may be obtained from the Quartermaster Section.*

5. Ensure availability, operability, and use of radiation detection pagers on all tours.
6. Ensure all supervisors/designated uniformed members of the service performing patrol duties in the command are adequately trained in the use and maintenance of radiation detection pagers and ensure that they are assigned and deployed on all tours.
   a. ONLY trained supervisors and trained uniformed members of the service will be assigned to use radiation detection pagers.

NOTE *Commanding officers of specialized units utilizing radiation detection pagers will have discretion to designate selected members of their units to be trained in the use of radiation detection pagers, as necessary.*

DESK OFFICER

7. Inspect and account for all radiation detection pagers assigned to command at commencement of each scheduled tour.
   a. Make Command Log entry, including serial numbers and operating status.
8. Distribute radiation detection pagers assigned to command to trained patrol supervisor/designated uniformed members of the service on scheduled tour.
   a. Indicate rank, name, shield number and assignment of member(s) receiving radiation detection pager in Command Log.

NOTE *Commands issued radiation detection pagers will deploy the device on each tour. Should a command have more than one radiation detection pager, it will be assigned to an additional trained supervisor/uniformed member of the service on patrol (e.g., traffic safety, bike patrol, etc.). Pager(s) not assigned during a tour, will be secured at the command.*

Commands are not authorized to transfer radiation detection pagers to other commands.

PATROL SUPERVISOR/ UNIFORMED MEMBER OF THE SERVICE ASSIGNED

9. Inspect radiation detection pager to ensure operability and battery power at the beginning of each scheduled tour.
   a. Request replacement batteries from desk officer, as needed
   b. Inform desk officer, or other designated supervisor, if the radiation detection pager is inoperable or requires repair/ replacement.
10. Enter serial number of radiation detection pager into digital **Activity Log**.
11. Carry and safeguard radiation detection pager until completion of tour and comply with provisions of *P.G. 212-102, "Personal Radiation Detection Pager Alarms,"* if pager activates an alarm.
12. Notify desk officer if radiation detection pager is lost, stolen or damaged.
13. Return radiation detection pager to desk officer upon completion of tour.

IF RADIATION DETECTION PAGER(S) REQUIRES REPAIR OR REPLACEMENT:

DESK OFFICER

14. Investigate circumstances.
15. Prepare report on **Typed Letterhead** with the following information and attach to each radiation detection pager:
    a. Detailed description of circumstances surrounding damage or malfunction
    b. Rank, name, tax registry number and command of member of the service radiation detection pager was assigned to at time of damage or malfunction
16. Contact the Patrol Borough Counterterrorism Coordinator for instructions regarding the return of radiation detection pager(s) and acquisition of replacement(s).
17. Assign a uniformed member of the service to deliver radiation detection pager(s) with report on **Typed Letterhead** or retrieve pager as per instructions received from Patrol Borough Counterterrorism Coordinator.
    a. Record details in Command Log including serial number of radiation detection pager(s) and rank, name, shield number of member assigned.

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

18. Deliver/retrieve radiation detection pager(s).
19. Make the following digital **Activity Log** entries:
    a. Serial number(s) of radiation detection pager(s) involved.
    b. Rank, name and shield number of borough staff member receiving or distributing the radiation detection pager(s).

PATROL BOROUGH COUNTER - TERRORISM COORDINATOR	20.	Accept the returned radiation detection pager(s).
	21.	Provide replacement radiation detection pager(s), if available.
	22.	Have returned radiation detection pager(s) delivered to Citywide Counterterrorism Office.
CITYWIDE COUNTER - TERRORISM OFFICE	23.	Forward returned radiation detection pager(s) to the Counterterrorism Central Resource Division.

ADDITIONAL DATA *Reports of lost or stolen radiation detection pager(s) will be processed in accordance with P.G. 219-20, "Loss or Theft of Department Property." In addition, the Citywide Counterterrorism Office will be immediately notified.*

RELATED PROCEDURES
Discontinuance of Police Service – Resignation (P.G. 205-43)
Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)
Hazardous Materials (P.G. 212-37)
Loss or Theft of Department Property (P.G. 219-20)
Personal Radiation Detection Pager Alarms (P.G. 212-102)
Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)

FORMS AND REPORTS ***Typed Letterhead***

PURPOSE To address emergency power outages in a timely and efficient manner, and to ensure that non-essential equipment is removed from emergency electrical receptacles when a power outage occurs.

SCOPE The Building Maintenance Section is responsible to test, maintain and repair the Department's emergency generator systems (Housing and Transit Bureau facilities will be maintained by the Housing and Transit Authorities as per existing Memorandums of Understanding). Each command's generator system is tested and preventive maintenance performed by the Building Maintenance Section on a regular basis.

PROCEDURE When a Department facility loses electrical power (regardless of whether or not the emergency generator system is activated):

DESK OFFICER /SUPERVISORY OFFICER

1. Immediately notify the Building Maintenance Section, twenty-four hours a day, seven days a week.
   a. Record notification in Telephone Record.

NOTE *If necessary, the Building Maintenance Section will dispatch generator mechanics and electricians to correct any conditions and monitor the system. Only qualified Building Maintenance Section personnel should attempt to start or repair the emergency generator system. Absent exigent circumstances, other members of the service or personnel from outside agencies are not permitted to start or repair the generator system without the approval of a Building Maintenance Section supervisor.*

IF THE EMERGENCY GENERATOR HAS BEEN ACTIVATED:

DESK OFFICER /SUPERVISORY OFFICER

2. Immediately survey the command to ensure that only essential emergency equipment and critical computer systems are operating on emergency power.
3. Have all non-essential equipment disconnected from emergency electrical receptacles.

NOTE *All non-essential equipment (air conditioners, vending machines, refrigerators, microwaves, etc.) should be immediately disconnected from emergency electrical receptacles. Emergency electrical receptacles are commonly identified by a red cover plate over the receptacle or raised lettering on the outlet receptacle.*

ADDITIONAL DATA *If a command has a single fuel tank for both the heating system and the emergency generator, it is the command's responsibility to maintain the proper fuel level. Commands that have a single fuel tank (see Appendix "A") will ensure that the fuel level remains above the fifty percent level. Commands with two fuel tanks (separate tanks for the heating system and emergency generator system) are responsible for maintaining the fuel level in the tank that supplies the heating system. The Building Maintenance Section will be responsible for maintaining the proper fuel level in the emergency generator fuel*

ADDITIONAL DATA (continued)

tank. If command personnel require training on how to properly determine the fuel level of the command's fuel tank, a work order should be submitted to the Building Maintenance Section via the on-line work order system. Include in the request for training a contact person, contact phone number and times when the member of the service will be available.

Commanding officers are responsible to conduct a quarterly survey to ensure that all generator rooms, mechanical rooms, and electrical rooms are being utilized only for their intended purpose and not as locker rooms, storage rooms, etc. Items placed within these locations may create a fire hazard, which could endanger all members of the command.

RELATED PROCEDURE

Request for Repairs to Department Facilities and Equipment (A.G. 325-20)

APPENDIX "A"

The following commands have a single fuel tank and will be required to maintain the tank level above the fifty percent mark.

COMMAND	TANK SIZE
1	2500 Gallons
7	8000 Gallons
10	2500 Gallons
20	6000 Gallons
23	10000 Gallons
24	8000 Gallons
26	10000 Gallons
28	8000 Gallons
30	8000 Gallons
33	15000 Gallons
34	10000 Gallons
43	6000 Gallons
47	8000 Gallons
48	10000 Gallons
52	8000 Gallons
60	6000 Gallons
61	6000 Gallons
63	3000 Gallons
67	5000 Gallons
68	8000 Gallons
69	4000 Gallons
71	4000 Gallons
72	8000 Gallons
75	15000 Gallons
76	6000 Gallons
79	6000 Gallons
81	6000 Gallons
84	10000 Gallons
90	15000 Gallons
94	5000 Gallons
102	5000 Gallons
105	10000 Gallons
109	10000 Gallons
111	8000 Gallons
112	10000 Gallons
113	10000 Gallons
114	6000 Gallons
120	5000 Gallons
122	6000 Gallons
BMS	25000 Gallons
BSTF (70 PARK)	10000 Gallons

PATROL GUIDE

Section: Department Property	Procedure No: 219-29	
DISTRIBUTION AND USE OF NYPD RESTRICTED PARKING PERMITS		
DATE EFFECTIVE: 05/27/21	LAST REVISION: I.O. 27, 38	PAGE: 1 of 7

PURPOSE To provide for the distribution, accountability, use and restrictions of the NYPD Restricted Parking Permit.

DEFINITION NYPD Restricted Parking Permit (Misc. 23-N): Cardboard, approximately four inches by ten inches with serial number, command code, space for vehicle license plate number and an expiration date (permit color, design and expiration date will change each year).

PROCEDURE To account for the distribution and use of Department issued NYPD Restricted Parking Permits.

NOTE *ELIGIBILITY REQUIREMENTS FOR RESTRICTED PARKING PERMITS*

Only members of the service are eligible to receive a Restricted Parking Permit. Under NO circumstance will non-members of the service be assigned permits. Members of the service must meet the following requirements to be deemed ELIGIBLE for a Restricted Parking Permit:

a. Member must have a valid NYS driver's license and the vehicle that the Restricted Parking Permit is requested for must have a valid NYS registration (this requirement is not applicable for members of the service with certain exempted titles, i.e., certain employment titles allow members to reside outside of New York City and the resident counties). Any member of the service with an exempted title must comply with the regulations of this procedure based upon the licensing, registration and insurance regulations of the state in which they reside.

b. The vehicle that the Restricted Parking Permit is requested for must have a valid insurance policy.

c. The vehicle that the Restricted Parking Permit is requested for must be registered to the requesting member of the service, or to a person related by blood or marriage, or to the requesting member's registered NYS domestic partner. The residence of the vehicle's registered owner (member of the service, relative or NYS domestic partner) must be the same residence the requesting member of the service has on record with the Department.

When a member of the service applies for a Restricted Parking Permit, it is permissible to have a Post Office (P.O.) box listed on the member's driver's license, registration and/or insurance card. However, in all cases the member of the service's address of record with the DMV for his/her license and registration, as well as the address on record with the insurance company for the auto insurance all must match the primary residence the member of the service has on record with the Department.

If the mailing address on the registration of the vehicle is a P.O. box, the requesting member MUST attach to the application proof that the insurance policy of the vehicle is issued to the same address as the member's primary residence on record with the Department.

NOTE (continued) *When a member of the service changes his/her residence, he/she will comply with Patrol Guide 203-18, "Residence Requirements" and Patrol Guide 203-24, "Personal Information Via Department Intranet." Members must also notify the New York State Department of Motor Vehicles (DMV) when they change addresses.*

MEMBER/VEHICLES INELIGIBLE FOR RESTRICTED PARKING PERMITS

Members of the service will be deemed INELIGIBLE to receive a Restricted Parking Permit as follows:

a. Member has been assigned a Category I Department vehicle (i.e., unmarked Department vehicle not required to be stored at a Department facility and permitted to be removed from the City on a regular basis. Category I Department vehicles are specifically designated by the Police Commissioner.).

All Department owned, leased or rented vehicles will be assigned an NYPD Official Vehicle Identification Plate (Misc. 740). An Official Vehicle Identification Plate (laminated permit) will only be issued to the private vehicle of a member of the service upon approval of a "Private Vehicle Authorization" as outlined in Administrative Guide 325-14, "Private Vehicles Authorization and Usage" as well as approval by the Chief of Department.

b. Members assigned to One Police Plaza who have access to One Police Plaza garage parking, including the annex garage (exemption: Category II vehicles).
c. Members assigned to the Military & Extended Leave Desk or on vacation/terminal leave pending retirement.
d. Members under suspension.

In compliance with Patrol Guide 206-08, "Suspension from Duty – Uniformed Member of the Service," and Patrol Guide 206-09, "Suspension from Duty – Civilian Member of the Service," the ranking officer in charge will direct member placed under suspension to surrender all Department property, including assigned Restricted Parking Permit.

e. Auxiliary Police members.

Vehicles with five or more red light camera violations or fifteen or more school speed camera violations incurred within a twelve month period will be ineligible for a Restricted Parking Permit.

COMMANDING OFFICER/ INTEGRITY CONTROL OFFICER

1. Distribute **RESTRICTED PARKING PERMIT APPLICATIONS (PD671-041)** to all eligible members of command based on command code only.
   a. Applications are available via the Department Intranet.

NOTE *Commanding officers of precincts will be responsible to distribute permits to their respective Detective Squads.*

NOTE (continued) *Only members of the service who fill out an application will be considered for a Restricted Parking Permit.*

MEMBER OF THE SERVICE

2. Complete application and submit to the integrity control officer by the last business day of the following:
   a. **Manhattan – first week of September**
   b. **Bronx – second week of September**
   c. **Staten Island/Brooklyn – third week of September**
   d. **Queens – fourth week of September**.

NOTE *All commands will comply with the above submission dates based on the patrol borough location of their reporting command and <u>not</u> the location of their overhead command (example: members assigned to the Emergency Service Squad 4, located at 3450 Kingsbridge Ave., Bronx, will follow the Bronx submission schedule).*

Only members of the service on sick report, vacation or other authorized leave will be exempt from filing on these dates and will report to their integrity control officer upon return to duty.

INTEGRITY CONTROL OFFICER/ DESIGNEE

3. Ensure each application is properly completed. Return any incomplete application to the member concerned for immediate correction.
4. Conduct the following integrity control background checks using the following sessions:
   a. zFINEST RALL (NYS Vehicle Registration by Plate Number)
   b. zFINEST DCID (NYS Driver Inquiry, suspensions, revocations and restrictions on license, scofflaw)
   c. MIS – CESN PEPR
   d. Domain Awareness System (DAS) Lite – Summons history (search by license plate number).

NOTE *Integrity control officers must confer with the Personnel Bureau to ensure that the Department has the correct information on file for any member of the service who has recently changed any personal information.*

All integrity control officers will ensure the address submitted by the applicant matches the address generated in the Restricted Parking Permit Application System.

5. Attach the results of all checks to each application.
6. Conduct a search of Department disciplinary records for any negative information related to:
   a. Parking/equipment violations (e.g., illegal plate covers, etc.) or
   b. Parking permit misuse (e.g., command discipline, minor violations documented via the CRAFT application, civilian complaints, etc.).
7. Conduct license plate search on the public New York City Department of Finance website to ascertain if the vehicle is in judgment for outstanding fines due to parking or photo enforcement violations.

NOTE *A failure in any of the above categories (e.g., discrepancies in vehicle registration, insurance, suspended or revoked driver's license, unverified residence, scofflaw, vehicle in judgment due to outstanding parking/photo enforcement fines, five or more red light camera violations or fifteen or more school speed camera violations incurred within a twelve-month period, etc.) will disqualify the applicant from receiving a Restricted Parking Permit. If any discrepancy in the above information is revealed, the integrity control officer will obtain an Internal Affairs Bureau log number, conduct an investigation and take appropriate action.*

If a search of the New York City Department of Finance records shows that the vehicle listed on the application has outstanding violations, but is not in judgment, the applicant may still receive a Restricted Parking Permit if otherwise qualified. However, the integrity control officer will advise the applicant to challenge the summons or plead guilty and pay the fine. In these cases, the integrity control officer will conduct a follow-up within 30 days of permit issuance to ensure the violation(s) has been challenged or satisfied.

INTEGRITY CONTROL OFFICER/ DESIGNEE (continued)

8. File all denied applications at command level.
9. Forward approved applications to the commanding officer for final authorization and signature.

COMMANDING OFFICER

10. Ensure command fulfills all of the above requirements and that ONLY completed and approved applications are sent to the Chief of Department's Vehicle Identification Unit.

NOTE *Commanding officers will consider a member of the service's disciplinary records related to parking before approving an application for a Restricted Parking Permit. Commanding officers will have final authority to approve or deny all Restricted Parking Permit applications submitted by members of their command.*

If any application is denied by the integrity control officer or the commanding officer, the applicant's expiring Restricted Parking Permit will be immediately confiscated and returned to the Chief of Department's Vehicle Identification Unit.

INTEGRITY CONTROL OFFICER/ DESIGNEE

11. Enter the APPROVED applications into the Restricted Parking Permit Application System via the Intranet.
    a. The first step requires the setup of a Registered User Account (if assistance is needed accessing the website, contact the Chief of Department's Vehicle Identification Unit).
12. Print a hard copy of the application before entering "SUBMIT."
13. Ensure hard copies of completed and approved applications along with all supporting material are hand delivered to the Chief of Department's Vehicle Identification Unit at 300 Gold Street, Room 312, Brooklyn, by the last business day of the following:
    a. **Manhattan – second week of September**
    b. **Bronx – third week of September**
    c. **Staten Island/Brooklyn – fourth week of September**
    d. **Queens – first week of October**.

NOTE *The Chief of Department's Vehicle Identification Unit is available to assist members of the service who appear in person from 0900 to 1700, Monday through Friday.*

In order to ensure that requesting officers receive their Restricted Parking Permits prior to the expiration date, it is incumbent upon each individual command to adhere to the above dates.

Integrity control officer/designee must ensure that in instances where the vehicle registration of a requesting member has a P.O. box address, that the member of the service submits proof that the insurance policy of the vehicle is issued to the same address as the member's primary residence on record with the Department. That proof must be forwarded with the application to the Chief of Department's Vehicle Identification Unit.

CHIEF OF DEPARTMENT, VEHICLE IDENTIFICATION UNIT

14. Maintain copies of all completed applications in a secure location.
15. Notify command concerned (via Telephone Message) of the date and time to obtain new Restricted Parking Permits.

NOTE *Commands receiving the above notification will make appropriate entries in the Telephone Record.*

INTEGRITY CONTROL OFFICER/ DESIGNEE

16. Upon receipt of the new Restricted Parking Permits, collect the expiring permits and forward them to the Chief of Department's Vehicle Identification Unit according to the following schedule:
    a. **Manhattan – during the first and second week of March**
    b. **Bronx – during the third and fourth week of March**
    c. **Staten Island/Brooklyn – during the first and second week of April**
    d. **Queens – during the third and fourth week of April**.

NOTE *Account for all lost/missing permits in accordance with Patrol Guide 219-20, "Loss or Theft of Department Property."*

17. Ensure the vehicle license plate number listed on the submitted application is properly indicated on the newly issued Restricted Parking Permit with a permanent marker.

NOTE *Commanding officers will be held strictly accountable for adherence to all deadlines for the submission and collection of Restricted Parking Permits assigned to members of their command.*

Under NO circumstances will the Restricted Parking Permit be laminated.

When a member of the service is transferred, the integrity control officer of the member's new command is responsible for collecting the Restricted Parking Permit that was issued to the transferring member. When the transferred member arrives at the new command, he/she will apply for a new Restricted Parking Permit regardless of the date

NOTE (continued) *of transfer. During the application process, the member will continue to use his/her Restricted Parking Permit from his/her previous command. Upon approval of a new Restricted Parking Permit the member will submit his/her old permit to the integrity control officer of the new command, who will forward the returned permit to the Chief of Department's Vehicle Identification Unit.*

ADDITIONAL DATA *On Election Days, uniformed members of the service assigned to election duty, are permitted to display their valid NYPD Restricted Parking Permits, in authorized vehicles, to park in close proximity to their assigned election posts.*

Commands will maintain a command Parking Permit Log with following captions:

a. Permit number
b. Date issued
c. Name of member
d. Vehicle (Plate and Make)
e. Date Returned
f. Remarks.

Each member will be responsible to secure his/her permit while off duty and NOT display it for any reason other than to park in a designated self-enforcement zone while on duty.

Any permit without a license plate number displayed on its face will be deemed invalid.

Any violation of this procedure will result in the member's vehicle being summonsed and possibly towed. Furthermore, the offending member of the service may be subject to disciplinary action.

A permit is deemed invalid if the license plate number displayed on the face of the permit does not match the vehicle registration plate number.

If the vehicle which the Restricted Parking Permit was originally assigned to is subsequently changed, the member will notify his/her commanding officer within thirty days. Members will be allowed to use another vehicle not on file with the Chief of Department for a maximum of thirty days if the vehicle they use to commute is unavailable (e.g., mechanic, change in ownership, etc).

A member of the service can only use the Restricted Parking Permit for another vehicle (in above situation) if that substitute vehicle is owned by the requesting member of the service, a person related by blood or marriage, or the requesting member's registered NYS domestic partner. The residence of the substitute vehicles' registered owner (member of the service, relative or NYS domestic partner) must be the same residence the requesting member of the service has on file with the Department.

Members of the service are reminded that there is no valid verifiable defense for parking their vehicle (with or without a Restricted Parking Permit) under the following conditions:

a. Double Parking
b. Fire Hydrant or Fire Zone
c. Bus Stop or Bus Lane
d. Sidewalk
e. Crosswalks and Driveways

ADDITIONAL DATA (continued)

f. Obstruct Traffic
g. No Standing Zones (except "No Standing Except Truck Loading and Unloading")
h. Snow Emergency
i. No Parking – Taxi Stand
j. Bicycle Lane
k. Within No Permit Zone – as indicated on rear of vehicle identification plates.

Members of the service will be held strictly accountable for the permit issued to them.

Furthermore, the use of these permits is restricted to the member of service to which it is assigned and therefore non-transferable to anyone else.

The Restricted Parking Permit must be properly displayed within the vehicle (i.e., face up with entire serial number and license plate visible) otherwise the permit will be considered invalid. When displayed, no part or portion of the Restricted Parking Permit will be covered with any item or be obstructed in anyway.

A RESTRICTED PARKING PERMIT MAY NOT BE PHOTOCOPIED OR REPRODUCED IN ANY MANNER. ANY MEMBER IN VIOLATION WILL BE SUBJECT TO DISCIPLINARY ACTION.

The Restricted Parking Permit Application System will be purged during the first week of June each year. To request access to the Restricted Parking Permit Application System, use the request access link found on the Restricted Parking Permit Application System sign on page.

RELATED PROCEDURES

Private Vehicles Authorization and Usage (A.G. 325-14)
Vehicle Identification Plates for Private Vehicles Used on Official Business (A.G. 325-15)

FORMS AND REPORTS

RESTRICTED PARKING PERMIT APPLICATION (PD671-041)

PURPOSE To provide for the control, accountability and issuance of Department radiation detection pagers assigned to selected individual uniformed members of the service:

PROCEDURE When radiation detection pagers are permanently assigned to selected individual uniformed members of the service:

COUNTER - TERRORISM CENTRAL RESOURCE DIVISION

1. Issue radiation detection pagers permanently to individual uniformed members of the service upon completion of the Counterterrorism Central Resource Division's "Radiation Detection Pager" training.
   a. Forward a copy of the **PROPERTY TRANSFER RECEIPT (PD521-145)** to the commanding officer and integrity control officer of the trained member.
2. Maintain an account of all radiation detection pagers to ensure integrity of the program.

NOTE *The Counterterrorism Central Resource Division will be responsible for the assignment and issuance of radiation detection pagers to individual uniformed members of the service. Each uniformed member of the service will be assigned a specific radiation detection pager which contains its own unique serial number. This will also allow for monitoring of the program to ensure control and accountability of individually issued radiation detection pagers.*

COMMANDING OFFICER

3. Ensure integrity control officer monitors permanently assigned radiation detection pagers to individual uniformed members of the service.
4. Ensure radiation detectors are inspected.

NOTE *Commands will maintain a supply of "AAA" batteries for the use of all radiation detection pagers in their command. "AAA" batteries may be obtained from the Quartermaster Section.*

Commanding officers of specialized units utilizing radiation detection pagers will have discretion to designate selected members of their units to be trained in the use of radiation detection pagers, as necessary.

INTEGRITY CONTROL OFFICER

5. Ensure radiation detection pager serial number for each trained uniformed member of the service is listed on member's **FORCE RECORD (PD406-143)**.
6. Maintain a list of all uniformed members of the service who are personally assigned a radiation detection pager.

DESK OFFICER

7. Inspect and account for radiation detection pagers personally assigned to uniformed members of the service at the commencement of each scheduled tour.
   a. Make a Command Log entry, including serial numbers.

NOTE *Commands are not authorized to transfer permanently assigned radiation detection pagers to other uniformed members of the service.*

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

8. Safeguard radiation detection pager at all times.
9. Inspect radiation detection pager to ensure operability and battery power at the beginning of each scheduled tour.
   a. Request replacement batteries from desk officer, as needed
   b. Inform desk officer, or other designated supervisor, if the radiation detection pager is inoperable or requires repair/replacement.
10. Carry and safeguard radiation detection pager at all times when performing duty and comply with provisions of *P.G. 212-102, "Personal Radiation Detection Pager Alarms,"* if radiation detection pager activates an alarm.
11. Notify desk officer if radiation detection pager is lost, stolen or damaged.
12. Surrender issued radiation detection pager upon separation from the Department to desk officer for return to the Patrol Borough Counterterrorism Coordinator.

IF RADIATION DETECTION PAGER(S) REQUIRES REPAIR, REPLACEMENT, OR RETURN:

DESK OFFICER

13. Investigate circumstances.
14. Prepare report on **Typed Letterhead** with the following information and attach to each radiation detection pager:
    a. Detailed description of circumstances surrounding damage, malfunction or other reason for return
    b. Rank, name, tax registry number and command of member of service radiation detection pager was assigned to at time of damage, malfunction or surrender.
15. Contact the Patrol Borough Counterterrorism Coordinator for instructions regarding the return of radiation detection pager(s) and acquisition of replacement(s).
16. Assign a uniformed member of the service to deliver pager with report on **Typed Letterhead** or retrieve pager as per instructions received from Patrol Borough Counterterrorism Coordinator.
    a. Record details in the Command Log including serial number of radiation detection pager(s) and rank, name, shield number of member assigned.

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

17. Deliver/retrieve radiation detection pager.
18. Make the following digital **Activity Log** entries:
    a. Serial number(s) of radiation detection pager(s) involved
    b. Rank, name and shield number of borough staff member receiving or distributing the radiation detection pager(s).

PATROL BOROUGH COUNTER – TERRORISM COORDINATOR

19. Accept the returned radiation detection pager(s).
20. Provide replacement radiation detection pager(s), if available.
21. Have returned radiation detection pager(s) delivered to Citywide Counterterrorism Office.

CITYWIDE COUNTER - TERRORISM OFFICE

22. Forward returned radiation detection pager(s) to the Counterterrorism Central Resource Division.

ADDITIONAL DATA

Reports of lost or stolen radiation detection pager(s) will be processed in accordance with P.G. 219-20, "Loss or Theft of Department Property." In addition, the Citywide Counterterrorism Office will be immediately notified.

RELATED PROCEDURES

Discontinuance of Police Service – Resignation (P.G. 205-43)
Discontinuance of Police Service – Retirement or Vested Interest (P.G. 205-42)
Hazardous Materials (P.G. 212-37)
Loss or Theft of Department Property (P.G. 219-20)
Patrol Borough Counterterrorism Coordinator (P.G. 202-04b)
Personal Radiation Detection Pager Alarms (P.G. 212-102)
Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN)/Hazardous Materials Evidence (P.G. 212-101)

FORMS AND REPORTS

PROPERTY TRANSFER RECEIPT (PD521-145)
Typed Letterhead

PATROL GUIDE

Section: Department Property		Procedure No: 219-31	
LICENSE PLATE READER DEVICES			
DATE ISSUED: 09/14/20	DATE EFFECTIVE: 09/14/20	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide for control, use, maintenance and accountability of License Plate Reader (LPR) devices installed in selected Department vehicles.

DEFINITION LICENSE PLATE READER DEVICE (LPR) – A specialized camera and computer that is capable of quickly capturing license plate numbers on passing vehicles and then converting them into text that is automatically compared against a "hot list" of license plates of interest (e.g., stolen, wanted, suspended registration or insurance coverage, etc.). An LPR device can identify a target plate within seconds. LPR devices may read each license plate passed and alert the LPR operator when there is a match to a list of specific or partial license plate numbers. The LPR device is not automatically connected to NYSPIN, is not programmed to scan the state of registration on a license plate and will activate upon a partial scan match. Therefore, it is absolutely essential that the LPR operator verify the current status of a vehicle through NYSPIN prior to initiating any law enforcement action (e.g., arrest, summons, etc.).

PROCEDURE When a License Plate Reader (LPR) device is installed in selected Department vehicles of assigned command:

MEMBER UTILIZING LPR SYSTEM

1. Inspect LPR device for operability and serviceability in assigned vehicle at beginning of tour and report results to desk officer.
2. Activate LPR device and record in digital **Activity Log** the last time LPR device received an updated "hot list."
   a. Do not utilize an LPR device if it has not been updated within the last twenty-four hours.
3. Notify patrol supervisor and desk officer if LPR system becomes inoperable during tour.

DESK OFFICER

4. Account for the condition of each LPR device in Department vehicles assigned to the command at beginning of each tour.
   a. Record results of member's inspection for each LPR device in the Command Log.
5. Enter on **ROLL CALL (PD406-144)** the assignment of each Department vehicle equipped with an LPR device assigned to the command (e.g., sector "A," traffic safety, etc.).
6. Contact the Information Technology Bureau (ITB) Service Desk for repairs and maintenance to an LPR device.
   a. Record notification in the Telephone Record.

UPON THE ACTIVATION OF AN ALARM FROM THE LPR SYSTEM

MEMBER UTILIZING LPR SYSTEM

7. Verify by checking NYSPIN through radio dispatcher or Department mobile device (e.g., smartphone, tablet, etc.) that alarm or vehicle status remains active.

NOTE *The LPR device is not automatically connected to NYSPIN, is not programmed to scan the state of registration on a license plate and will activate upon a partial scan match. Therefore, it is absolutely essential that the LPR operator verify the current status of a vehicle through NYSPIN prior to initiating any law enforcement action, unless there are additional reasons for a lawful stop such as an observed Vehicle and Traffic Law infraction or if circumstances provide sufficient reasonable suspicion to justify a Terry Stop/level 3 encounter, as described in P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."*

MEMBER UTILIZING LPR SYSTEM (continued)

8. Take necessary law enforcement action (e.g., arrest, summons, Rotation Tow, etc.).
   a. Members shall be guided by *P.G. 221-15, "Vehicle Pursuits,"* whenever they are in pursuit of a vehicle due to activation of an alarm from the LPR system.

ADDITIONAL DATA *The LPR system allows for the proactive entry of license plate numbers and partial plate numbers, enabling the system to activate when the wanted vehicle's license plate has been read by the LPR device.*

The Real Time Crime Center can be contacted to conduct a search of past records of license plate numbers searched.

LPR devices are intended to provide access to stolen and wanted files and may also be used in furtherance of a criminal investigation. The use of an LPR device for any other purpose is strictly prohibited.

The camera lens of an LPR device may be cleaned only with a glass cleaner that is applied with a soft cloth. Other types of maintenance or manipulation by members of the service are strictly prohibited. The LPR equipment must not be moved from its mounting location under any circumstances.

If the LPR is inoperable or requires maintenance, the ITB Service Desk will be contacted. A Department vehicle does not have to be placed out of service while waiting for the repair of the LPR device.

RELATED PROCEDURES *Vehicle Pursuits (P.G. 221-15)*
Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops (P.G. 212-11)

FORMS AND REPORTS ***ROLL CALL (PD406-144)***

PATROL GUIDE

Section: Department Property		Procedure No: 219-32
DEPARTMENT MOBILE DIGITAL DEVICES		
DATE EFFECTIVE: 06/10/21	LAST REVISION: I.O. 42	PAGE: 1 of 4

PURPOSE To provide members of the service with the Department's rights and use policy pertaining to Department smartphones, tablets, and portable computers.

DEFINITION MOBILE DIGITAL DEVICE – Any smartphone, tablet, or portable computer issued by the Department.

PROCEDURE When a Department smartphone or portable computer has been assigned to a member of the service and/or when tablets have been installed in Department vehicles:

MEMBER OF THE SERVICE

1. Use Department issued digital mobile devices for official Department business exclusively.
   a. Do not use any other cellular telephone/smartphone/tablet (e.g., personal device, etc.) to conduct official Department business except under exigent circumstances.
   b. Do not use personal electronic/digital device (e.g., smartphone, tablet, gaming device, Bluetooth headset, etc.) while performing duties during tour (except on authorized meal or in the event of an emergency).
2. Carry Department smartphone while on duty, except those members of the service performing duties of a sensitive nature.
   a. Other members may be exempt from carrying a Department smartphone by their immediate supervisor, if, in the opinion of the supervisor, it would interfere with or be inappropriate for the member's specific duty or assignment.
   b. Members of the service may secure their Department smartphone at their command when they are off-duty.
   c. Members of the service may carry their Department smartphone while off-duty.
3. Maintain situational awareness at all times and limit the use of Department smartphone/tablet in the absence of another uniformed member of the service who can provide proper tactical cover.
4. Do not install any applications on Department mobile digital device or alter the configurations as issued, unless approved by the Deputy Commissioner, Information Technology.
5. Notify supervisor and ITB, Telecommunications Unit immediately, when made aware that Department mobile digital device may have been lost, stolen, or damaged.
   a. Reports of lost or stolen mobile digital device will be processed in accordance with *P.G. 219-20, "Loss or Theft of Department Property."*

MEMBER OF THE SERVICE (continued)

6. Complete **DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST (PD589-163)** to have mobile digital device repaired or replaced and be guided by the direction of the ITB, Telecommunications Unit.

COMMANDING OFFICER/ DESIGNATED SUPERVISOR

7. Prepare **DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST (PD589-163)** and return the Department smartphone to the ITB, Telecommunications Unit whenever a member of the service of the command has a change in duty status (e.g., retired, suspended, modified [removal on case-by-case basis], etc.).
8. Report any incident regarding the unauthorized use of a Department smartphone/tablet to the integrity control officer.

INTEGRITY CONTROL OFFICER

9. Conduct an investigation upon notification of unauthorized use of a Department smartphone/tablet and take disciplinary action, if necessary.
10. Conduct audit of any member of the service's smartphone use, and of any Department tablet, as appropriate.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Members are permitted, but are not required, to use Department smartphones/tablets to photograph and/or video record encounters with the public. Members should be aware that the recording/photographing of these situations may help to provide context to the enforcement encounter. However, members shall not utilize Department smartphones/tablets to record/photograph situations in which the utilization of a Body-Worn camera would also be prohibited, as outlined in P.G. 212-123, "Use of Body-Worn Cameras." Department mobile digital devices shall also not be used to document demonstrations or political activity unless consistent with P.G. 212-71, "Guidelines for the Use of Video/Photographic Equipment by Operational Personnel at Demonstrations" and P.G. 212-72, "Guidelines for Uniformed Members of the Service Conducting Investigations Involving Political Activities."

The Crime Scene Unit and Evidence Collection Teams remain solely responsible for documenting crime scenes via photo and/or video, and Department mobile digital devices should not be used by any other command for these purposes.

Unless authorized by competent authority, do not list personal contacts, the personal phone numbers, true names of members of the service performing duties of a sensitive nature (e.g., undercovers, etc.), the true names of confidential informants, or any other information on a Department smartphone/tablet that, if disclosed, could pose a safety risk to a member of the service or a member of the public at large.

LEGAL CONSIDERATIONS

Members of the service are reminded that materials generated or stored on a Department mobile digital device may be subject to statutory sealing provisions or to court order limiting or prohibiting transmission.

ADDITIONAL DATA (continued)

Members of the service with knowledge of any information or images, including text messages, photos, videos, notes, calendar entries, or voicemail messages documented by a Department smartphone/tablet and relating to an arrest, prosecution or civil matter must notify the:

a. Assigned detective/investigator and assistant district attorney if there is any information on the smartphone/tablet concerning a police incident or crime investigation

b. Legal Bureau if there is information on the smartphone/tablet concerning a potential or actual civil litigation

c. Appropriate assistant corporation counsel if there is information on the smartphone/tablet concerning a family court prosecution.

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 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's Civilian Complaint Review Board (CCRB) Liaison will process requests from CCRB for information contained on Department smartphones as per P.G. 211-14, "Investigations by Civilian Complaint Review Board." In situations where CCRB is requesting information contained on a Department smartphone from a member of the service related to a pending CCRB inquiry, the member will notify their integrity control officer who will contact the Legal Bureau for guidance.

Members are advised that they do not maintain any right to privacy in any feature of these devices, including any communications and other applications. Communications, photo and/or video may be accessed and retrieved by the Department at any time with or without the user's prior knowledge. Members of the service should understand that any email, text, voicemail, photo, video, GPS or other information generated by any other application on these devices, may be Rosario material and/or information that is discoverable in criminal prosecutions, civil lawsuits, Civilian Complaint Review Board and Internal Affairs Bureau investigations and proceedings, the Department's internal disciplinary processes and/or other legal administrative proceedings. These devices may be subject to collection and full inspection by the Department and/or outside entities, including but not limited to, district attorneys, criminal defense attorneys, the courts, the Corporation Counsel, plaintiffs' attorneys in civil lawsuits and/or any of the Department's present or future oversight bodies.

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)
Loss or Theft of Department Property (P.G. 219-20)
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)
Use of Body-Worn Cameras (P.G. 212-123)
Department Computer Use Policy and Monitoring Notice (A.G. 325-35)

FORMS AND REPORTS ***DEPARTMENT MOBILE DIGITAL DEVICE REPAIR/REPLACEMENT/RETURN REQUEST FORM (*(PD589-163)*)***

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-01	
CIMS: ORGANIZATIONAL STRUCTURE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To outline the CIMS Organizational Structure.

SCOPE The CIMS organizational structure begins with the establishment of a Command Element. The Command Element must create an incident management organization that will successfully resolve the incident. Because the CIMS organizational structure is modular, it may be expanded as necessary by the Command Element to manage any type of incident or planned event, irrespective of its nature, size, scope, duration, location or complexity. Consequently, the incident management organization may be very small, e.g., the Command Element and several Single Resources; or, it may be very large, e.g., the Command Element, three Command Staff positions and five General Staff Sections.

As the number and complexity of the tasks / functions that the Command Element must perform and / or manage increases, the Command Element will begin establishing an incident management organization. The Command Element may activate the appropriate Sections to manage the major CIMS functional areas, i.e., Operations, Planning, Logistics, Finance / Administration and optional Intelligence / Investigations, and designate Section chiefs. The Command Element may also activate the appropriate Command Staff positions.

Section chiefs may delegate management authority for their assigned functions / tasks, as required. The Operations Section chief may activate Sectors and / or Groups, and if necessary, Branches. The Intelligence / Investigations Section chief may activate Groups. The Logistics Section chief may activate Units, and if necessary, Branches. The Planning Section chief and Finance / Administration Section chief may activate Units.

COMMAND ELEMENT In determining how to structure the incident management organization, the Command Element should consider the following:

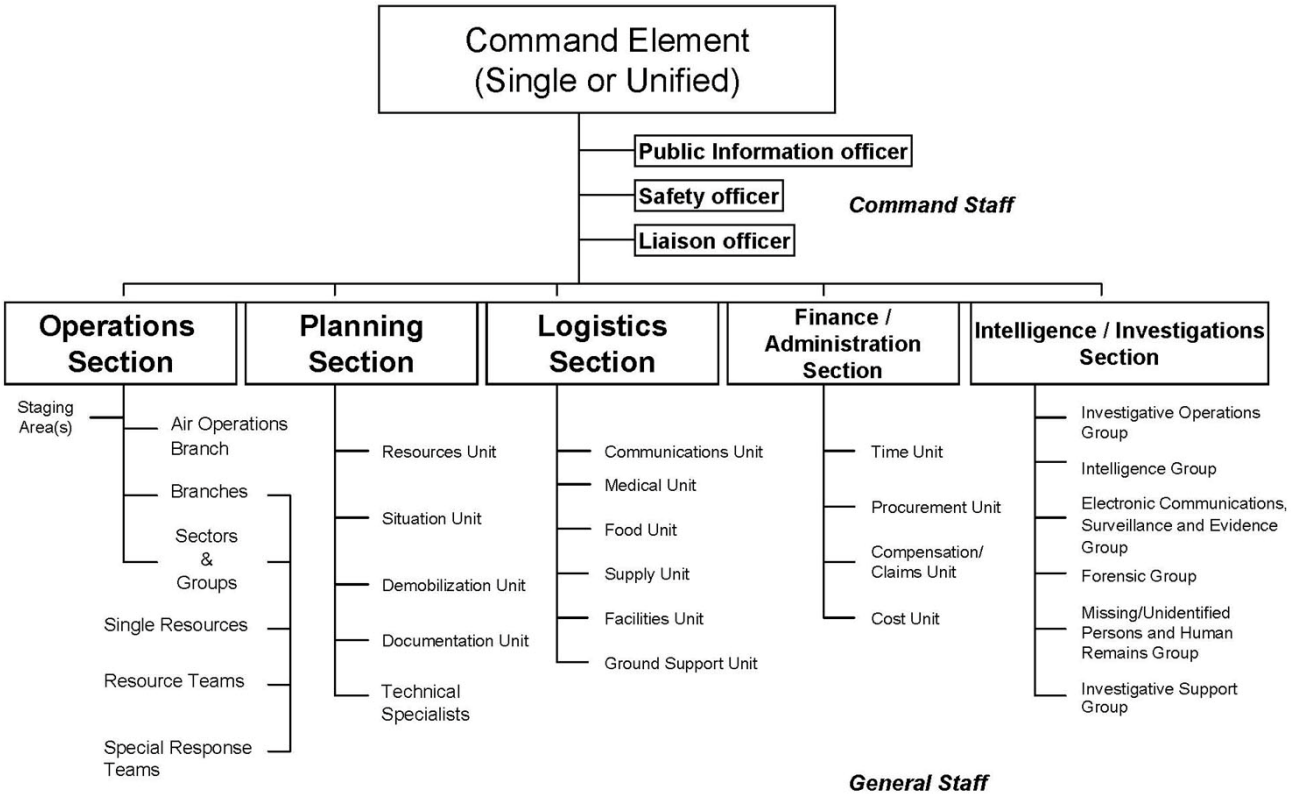
1. Observe recommended Span of Control guidelines.
2. When necessary, delegate authority and assign personnel to **perform** one or more incident related tactical and / or support tasks / functions.
3. When necessary, delegate authority and assign personnel to General Staff Sections and / or Command Staff positions to **manage** the performance of the tasks / functions that have been delegated and supervise the personnel to whom the tasks were assigned.
4. When determining whether to activate a General Staff Section or Command Staff position, activate and staff only the organizational elements that are necessary to manage the required functions / tasks;
   a. If one individual can simultaneously manage all major functions / tasks, no further organization is required.

COMMAND ELEMENT (continued)

b. If one or more of the functions / tasks requires independent management, an individual or individuals are assigned to manage those functions / tasks.

5. Deactivate organizational elements no longer required.
6. The functions / tasks of any non-activated or deactivated subordinate organizational element will be managed by the overhead supervising organizational element.

ADDITIONAL DATA *The following illustrates a CIMS Organization with ALL of the organizational elements activated.*



PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-02	
CIMS: PRIMARY AGENCY MATRIX			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To list specific incident types and designate which Command Element structure will be utilized, i.e., Single Command or Unified Command; and, which Agency or Agencies have Command Element responsibilities for that particular incident type, i.e., are designated Primary Agency or Primary Agencies.

The CIMS "Primary Agency Matrix" lists specific incident types and designates:

a. Which Command Element structure will be utilized, i.e., Single Command – Command Element or Unified Command – Command Element; and,

b. Which Agency will be designated Primary Agency in a Single Command – Command Element; or, which Agencies will be designated Primary Agencies in a Unified Command – Command Element.

CIMS PRIMARY AGENCY MATRIX – UNIFIED COMMAND MATRIX

INCIDENT TYPE	PRIMARY AGENCIES	POTENTIAL PRIMARY AGENCIES / SUBJECT MATTER EXPERTS * *
Aviation Incident	FDNY, NYPD	PANYNJ, USCG, NTSB
Chemical, Biological, Radiological or Nuclear (CBRN) / HazMat Incident*	NYPD, FDNY	USCG, DEP, DOHMH
Citywide Public Health Emergency	DOHMH, NYPD, FDNY	HHC, GNYHA
Explosion	FDNY, NYPD	DDC, DOB, HPD
Natural Disaster / Weather Emergency	OEM, NYPD, FDNY, DOT, DSNY	DDC, DEP, DOB, DOHMH, Con Ed, Keyspan / LIPA
Rail Incident	FDNY, NYPD	MTA, PANYNJ, NJT, Amtrak
Utility Incident: Electric	NYPD, FDNY	Con Ed, Keyspan / LIPA
Utility Incident: Gas	NYPD, FDNY	Con Ed, Keyspan / LIPA
Utility Incident: Steam	NYPD, FDNY	Con Ed, Keyspan / LIPA
Utility Incident: Water / Wastewater	DEP, FDNY, NYPD	Con Ed, Keyspan / LIPA
Utility Incident:Telecommunications	DOITT, NYPD, FDNY	Verizon

***CBRN / HazMat Incident**

NYPD will be the Primary Agency (Incident Commander) at CBRN / HazMat incidents. If NYPD determines there is no actual or suspected criminal activity or terrorism, a Unified Command will be implemented.

The Operations Section will be a Unified Operations Section based on agency Core Competencies in all circumstances, with NYPD responsible for overall site management, and assessment and investigations for criminal activity or terrorism, and with FDNY responsible for Life Safety Operations (search for and rescue injured; and provide pre-hospital emergency medical care and transport; and address immediate life safety hazards to the public) and mass decontamination. For chemical incidents, DEP will make a final assessment of the hazard, adjust or set "hot", "warm" and "cold" zones, and direct all mitigation efforts. For biological or radiological incidents, DOHMH will make a final assessment of the hazard, adjust or set "hot", "warm" and "cold" zones, and direct all mitigation efforts.

CBRN / HAZ-MAT INCIDENT – ACTUAL OR SUSPECTED CRIME / TERRORISM

	Actual or Suspected Crime or Terrorism NYPD to Determine	**No Actual or Suspected Crime or Terrorism** NYPD to Determine
CBRN / HazMat Incident	NYPD Single Command Unified Operations Section	Unified Command Unified Operations Section

***Designation of Potential Primary Agencies / Subject Matter Experts in the Unified Command Matrix does not exclude other agencies from being designated Primary Agencies depending upon the jurisdictional issues of a specific incident.*

When the CIMS "Primary Agency Matrix" specifies a Unified Command - Command Element, ***each of the Primary Agencies in the Unified Command – Command Element will designate an "Agency Incident Commander."***

If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, the NYPD will be the one Primary Agency in a Single Command – Command Element and designate ***one single Incident Commander****. If the NYPD determines that there is no actual or suspected criminal activity or terrorism then the NYPD will be one of the* ***Primary Agencies in a Unified Command – Command Element and will designate an "Agency Incident Commander."*** *When determining if there is actual or suspected criminal activity or terrorism, comply with the appropriate Department procedures.*

CIMS PRIMARY AGENCY MATRIX - SINGLE COMMAND MATRIX

SINGLE COMMAND MATRIX	
INCIDENT TYPE	**PRIMARY AGENCY**
Auto Extrication	NYPD/FDNY (First to arrive)
Boat in Distress	NYPD/FDNY (First to arrive)
Citywide Cyber Incident	NYPD and/or DOITT
Civil Disturbance	NYPD
Confined Space Rescue	FDNY
Correctional Facility Disturbance	DOC
Downed Tree	DPR / FDNY
Elevator Incident or Emergency	FDNY
Emotionally Disturbed Person	NYPD
Entrapment / Impalement	FDNY
Explosive Device, Bomb Threat	NYPD
Fire	FDNY
Hostage Incident	NYPD
Sniper Incident	NYPD
Special Event	NYPD
Structural Collapse	FDNY
Suspicious Package	NYPD
Water / Ice Rescue	NYPD

When the CIMS "Primary Agency Matrix" specifies a Single Command - Command Element, ***the one Primary Agency in the Single Command – Command Element will designate one single Incident Commander****.*

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-03	
CIMS: AGENCY CORE COMPETENCIES AND UNIFIED OPERATIONS SECTION			
DATE ISSUED: 08/19/13	DATE EFFECTIVE: 08/19/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To define and describe Agency Core Competencies at an incident.

DEFINITIONS CIMS AGENCY "CORE COMPETENCIES" AND UNIFIED OPERATIONS SECTION -

Core Competencies are functional areas of expertise that are implemented at incidents, and relate specifically to tactical operations that are managed by the Operations Section; or if not activated, the Command Element.

Core Competencies have been identified for agencies with incident management responsibilities identified in the Primary Agency Matrix. **Although multiple agencies may be capable of performing similar tactical operations, CIMS assigns the Core Competency to only one specific agency.**

Agencies have the authority to direct tactical operations related to their Core Competencies at incidents. **If more than one agency is capable of performing the same tactical operations at an incident, the agency with the Core Competency will give tactical direction, by the ranking officer, to other agencies performing operations within that Core Competency.**

In a Unified Command-Command Element, Agency Incident Commanders from the Primary Agencies with tactical operations responsibility and a relevant "Core Competency" will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if Agency Incident Commanders agree, they may select one single Operations Section chief to direct tactical operations.

If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will **each** designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative agree, they may select one single Operations Section chief to direct tactical operations.

CIMS – CORE COMPETENCIES

AGENCY	CORE COMPETENCIES
FDNY	• Fire Suppression • Pre-hospital Emergency Medical Care • Search and Rescue • Structural Evacuation • CBRN / Haz-Mat Life Safety (search for & rescue injured; and provide pre-hospital emergency medical care & transport; and address immediate life safety hazards to the public) and Mass Decontamination • Arson Investigation (Cause and Origin)
NYPD	• Law Enforcement and Investigation • Intelligence Collection and Analysis • Crime Scene Processing / Evidence Preservation • Site Management 1. Perimeter Control 2. Traffic Control 3. Crowd Control 4. Site Security and Force Protection 5. Evacuation (Area and / or Law Enforcement related) • Water Search and Rescue • CBRN / Haz-Mat Overall Site Management, Assessment and Investigation (Crime Scene / Terrorism) • Collision Investigation • VIP Protection • Arson Investigation (Major Case)
DOB	• Damage Assessment (Structural) • Building Re-occupancy (Structural)
DCAS	• Public Buildings: Infrastructure Assessment, Repair and Reconstruction
DDC	• Technical Debris Management Operations • Technical Stabilization, Remediation and Demolition • Public Buildings, Roadways, Water and Wastewater: Infrastructure Assessment, Repair and Reconstruction
DEP	• Environmental Monitoring, Sampling, Evaluation and Analysis • Environmental Mitigation (Chemical) • Environmental Law Enforcement • Water and Wastewater: Infrastructure Assessment, Repair and Reconstruction
DOHMH	• Disease Surveillance and Epidemiology • Public Health Orders, Clinical Guidance and Risk Communication • Mass Prophylaxis / Vaccination • Laboratory Testing (Biological and Radiological)

DOHMH	• Public Health Assessment • Environmental Mitigation (Radiological and Biological) • Animal-Related Surveillance and Vector Control • Mental Health Needs Assessment and Service Coordination
HPD	• Stabilization, Remediation and Demolition • Tenant Relocation
DOITT	• Telecommunications: Infrastructure Assessment, Repair and Reconstruction
OCME	• Fatality Management Operations
OEM	• Interagency Coordination and Support
DPR	• Forestry • Parks: Infrastructure Assessment, Repair and Reconstruction
DSNY	• Debris Management Operations (Non-Toxic and Non-Hazardous Debris) • Snow Removal Operations
DOT	• Bridges and Roadways: Infrastructure Assessment, Repair and Reconstruction • Transportation Systems Management • Staten Island Ferry Operations
Con Ed	• Electric, Gas and Steam: Infrastructure Assessment, Repair and Reconstruction
Keyspan / LIPA	• Electric and Gas: Infrastructure Assessment, Repair and Reconstruction
Verizon	• Telecommunications: Infrastructure Assessment, Repair and Reconstruction

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-04	
CIMS: AGENCY ROLES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To define and describe CIMS Agency Roles.

PROCEDURE When responding to an incident, Agency Roles will be defined and described as follows:

DEFINITIONS PRIMARY AGENCY - Based upon the incident type, the CIMS Primary Agency Matrix will designate one agency as the Primary Agency to command a Single Command - Command Element. The Primary Agency will designate one single Incident Commander who will have overall command responsibility for managing the incident.

NOTE *The Primary Agency, Incident Commander will designate the Operations Section chief. However, for a CBRN / HazMat incident there will be a Unified Operations Section. In a Unified Operations Section the NYPD Incident Commander, the FDNY Supporting Agency / Agency Representative, the DEP Supporting Agency / Agency Representative, and the DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief. However, the NYPD Incident Commander and the FDNY and DEP and DOHMH Supporting Agency / Agency Representatives may all agree to designate only one Operations Section chief.*

The Primary Agency, Incident Commander will coordinate with the Supporting Agencies to successfully achieve the Incident Objectives.

PRIMARY AGENCIES - Based upon the incident type, the CIMS Primary Agency Matrix will designate more than one Primary Agency, called Primary Agencies, to command a Unified Command - Command Element. Each of the Primary Agencies will designate an Agency Incident Commander. All Agency Incident Commanders will **co-locate and remain** at one single Incident Command Post, will jointly set Incident Objectives and create one single Incident Action Plan.

NOTE *The Agency Incident Commanders in the Unified Command – Command Element will each designate an Agency Operations Section chief. However, the Agency Incident Commanders may all agree to designate only one Operations Section chief. The Agency Incident Commanders in the Unified Command – Command Element will coordinate with the Primary Agencies and the Supporting Agencies to successfully achieve the Incident Objectives.*

POTENTIAL PRIMARY AGENCIES - Potential Primary Agencies are state and federal Agencies that have functional, political, or geographic / administrative jurisdictional authority / responsibility at an incident under specific conditions. For example, incidents occurring at airports, national parks, railway facilities, military facilities; or, terrorism related incidents; or, aviation incidents. If these state and federal Agencies have jurisdictional authority / responsibility, they will be included in the Unified Command – Command Element and the Unified Operations Section.

SUBJECT MATTER EXPERT AGENCIES – Agencies that do not have personnel deployed to tactical assignments involving an incident; but, do have specific scientific, engineering or other technical expertise involving incident related tactical operations.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-05	
CIMS: COMMAND ELEMENT			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 14

PURPOSE To outline the duties of the Command Element in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Command Element are:

COMMAND ELEMENT

1. Assume responsibility for overall incident management; and, assume command of all strategic, tactical, investigative and support incident management functions, operations, activities, etc.
   a. In a Single Command – Command Element, assume the position of Incident Commander.
   b. In a Unified Command – Command Element, assume the position of Agency Incident Commander for the NYPD; and, work collaboratively with the other Agency Incident Commander(s) designated by each of the Primary Agencies that have command responsibility in the Unified Command – Command Element.
   c. If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, assume the position of Incident Commander in a Single Command – Command Element. If the NYPD determines that there is no actual or suspected criminal activity or terrorism then assume the position of Agency Incident Commander for the NYPD in a Unified Command – Command Element. When determining if there is actual or suspected criminal activity or terrorism, comply with the appropriate Department procedures.
2. Obtain complete briefing from previous Command Element when applicable; assess the situation; make a preliminary determination regarding the nature, scope, complexity, location, size, duration, boundaries, etc., of the incident; and notify:
   a. Desk Officer, Precinct of occurrence.
   b. Patrol Borough Office, Borough of occurrence.
   c. Operations Unit.
   d. Communications Section dispatcher and / or supervisor.
3. Ensure incident safety and that adequate force protection, security, health and safety measures are implemented.
   a. Intervene in and / or suspend any incident management operations, functions, activities, etc., to prevent, stop, and / or correct hazardous, unhealthy or unsafe activities, functions and conditions.
   b. Ensure all incident executives, managers, supervisors and personnel make safety the #1 priority.
4. Ensure accountability, safety, health, force protection and security measures are developed and implemented for personnel, vehicles, equipment, facilities, and other resources.

COMMAND ELEMENT (continued)

5. Establish incident management priorities including Life Safety Operations (**immediate** #1 priority); Site Management Operations; Investigative Operations and Recovery / Restoration Operations.
6. Ensure Life Safety Operations, Site Management Operations, Investigative Operations, Recovery / Restoration Operations and any other necessary operations, activities, functions, etc., are expeditiously and properly conducted in a coordinated manner; and, are implemented and conducted concurrently and / or consecutively in whatever sequence is deemed appropriate.
   a. Life Safety Operations are the immediate #1 priority. Absent extraordinary emergency circumstances, Life Safety Operations supersede all other incident management operations.
   b. Ensure the first properly trained and equipped emergency responder personnel assess / evaluate the incident and, if capable, initiate Life Safety and Site Management Operations.
   c. Consult with the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency regarding the implementation of Site Management Operations.
   d. If approved by the Command Element, Investigative Operations may be initiated concurrently with Life Safety Operations.
   e. In order to avoid interfering with Investigative Operations, particularly the processing of Crime Scenes and Investigative Scenes, Recovery / Restoration Operations usually will not be commenced until Investigative Operations have concluded. However, if approved by the Command Element, Recovery / Restoration Operations may be initiated concurrently with Investigative Operations and / or Life Safety Operations.
   f. Depending upon the circumstances, different incident management operations / activities may be initiated and conducted concurrently and / or consecutively in whatever sequence is deemed appropriate by the Command Element.
7. Utilize "Management by Objectives" principles, and determine Incident Objectives, Strategies and Tactical Direction.
   a. The Incident Objectives identify what must be accomplished in order to successfully resolve the incident.
      (1) All Incident Objectives must be:
         (a) Attainable considering the existing incident management related limitations and constraints.
         (b) Measurable in order to determine whether they are being effectively, efficiently and expeditiously achieved.
         (c) Adaptable / flexible to provide for alternative Strategies and Tactical operations.
      (2) The time required to successfully resolve the incident and the length of the Operational Period(s) should be considered when determining the Incident Objectives.

COMMAND ELEMENT (continued)

b. Strategy describes the general method or methods that should be used, either singly or in combination and either consecutively or simultaneously, to effectively, efficiently and expeditiously achieve the Incident Objectives. One or more appropriate Strategies should be identified for each Incident Objective; and if possible, there should be an alternative Strategy(ies) for each Incident Objective. Strategies should be feasible, practical, effective, efficient and ensure safety / security. When identifying Strategies, the time required to successfully resolve the incident and the length of the Operational Period(s) should be considered.

c. Tactical Direction is provided by the Command Element. However, the Operations Section chief, if that position has been activated, is responsible for formulating and executing the specific tactical operations / activities required to accomplish the Incident Objectives. Tactical Direction involves:

(1) Identifying the tactics / actions appropriate to the selected Strategy(ies) that must be performed in order to achieve the Incident Objectives.

(2) Identifying the required resources / support and determining availability.

(3) Ensuring there is sufficient logistics service and support.

(4) Deploying the required resources and maintaining appropriate reserves.

(5) Monitoring the performance of the organization and the resources in order to measure whether the Incident Objectives are being effectively, efficiently, and expeditiously achieved.

(6) Identifying and implementing necessary modifications.

(7) Considering the time required to successfully resolve the incident and the length of the Operational Period(s).

8. Determine the required number, *Kind* and *Type* of resources; and, request that those resources promptly respond to the appropriate location, i.e., Staging Area(s).

9. Ensure arriving resources, and resources that initially responded directly to the incident scene, properly "Check-In", and are appropriately organized, e.g., Single Resources, Resource Teams, Special Response Teams.

10. Ensure arriving resources, and resources that initially responded directly to the incident scene are assigned and deployed to appropriate incident related tactical, investigative, support, supervisory, etc., operations, functions and activities; and / or, are retained at the Staging Area(s) in an *"Available" status* awaiting assignment.

a. Ensure there are adequate reserves maintained.

11. Work collaboratively and coordinate with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, other appropriate governmental agencies, non-governmental organizations, private entities /individuals.

COMMAND ELEMENT (continued)

a. The NYC Office of Emergency Management (OEM) is New York City's Coordinating Agency. OEM may respond to multi-agency incidents and participate in a Unified Command or Single Command incident management organization.

b. **Do <u>NOT</u> wait for a representative from OEM to arrive on the scene to begin inter-agency coordination. The Command Element must <u>immediately</u> begin coordinating the activities of all of the involved governmental agencies, non-governmental organizations, private entities / individuals, etc.**

12. Select an appropriate location and establish the Incident Command Post (ICP). If there is a Unified Command - Command Element, Agency Incident Commanders will jointly select an appropriate location to establish the Incident Command Post.

    a. Initially, the Incident Command Post will be wherever the Command Element is located.

    b. The Incident Command Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. The Incident Command Post should be large enough to provide adequate work space for the assigned personnel. The Incident Command Post should contain situation information and resource status displays and other planning related information.

    c. **There is only one single Incident Command Post for an incident** irrespective of whether there is a Single Command - Command Element or a Unified Command – Command Element. The Incident Command Post will be identified by the name of the incident.

    d. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Incident Command Post will be located within the Site Access Control / Outer Perimeter.

    e. Ensure adequate safety, health, security and force protection measures are implemented regarding the Incident Command Post.

    f. Whenever possible, the Incident Command Post should not be relocated. However, it may be necessary to relocate the Incident Command Post if the incident evolves / progresses and circumstances or conditions change. For example, during the initial stages of an incident the situation may rapidly change and the Incident Command Post may have to be relocated one or more times; or, the Incident Command Post may have to be relocated if an Operations Section Post is activated; or, a change in incident size / location may require relocation of the Incident Command Post in order to improve command, operations, communications, etc.; or, relocation of the Incident Command Post may be required in order to resolve safety, health, security or force protection issues.

COMMAND ELEMENT (continued)

g. Notify the following of the location and telephone number(s) of the Incident Command Post:
   (1) Desk Officer, Precinct of occurrence.
   (2) Patrol Borough Office, Borough of occurrence.
   (3) Communications Section dispatcher and / or supervisor.
   (4) Operations Unit.
   (5) NYPD Emergency Operations Center, if activated.
   (6) Other appropriate NYPD units and / or personnel.
   (7) Other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals.

h. Request Incident Command Post flag, banner, beacon, sign or other distinctive marker.

i. Request Incident Command Post vehicle(s), if required.

13. Manage the incident from the Incident Command Post (ICP).
    a. The Incident Command Post is the location where the Command Element, i.e., Single Command, Incident Commander or Unified Command, Agency Incident Commanders, will remain and perform the command function. The Incident Command Post provides a central coordination point from which the Command Element, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency, General Staff planning functions and certain General Staff support functions will normally operate.
    b. The Command Element, necessary members of the Command Staff, necessary members of the General Staff, each required Supporting Agency / Agency Representatives and Coordinating Agency, will report to the Incident Command Post as soon as possible; **remain together**; develop the Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, etc.; and, **formulate one single Incident Action Plan**.
    c. Depending upon the nature, size, complexity, location, duration, etc., of the incident, some members of the General Staff and Command Staff may be situated / operating at other locations. However, they will attend planning meetings conducted at the Incident Command Post and will remain in close contact with the Command Element.

14. Establish an appropriate organizational structure and continuously monitor the operation and effectiveness of that organization. In determining how to structure the incident management organization, the Command Element should consider the following:
    a. Comply with recommended Span of Control principles.
    b. When necessary, delegate authority and assign personnel to **perform** one or more incident related tactical and / or support tasks / functions.
    c. When necessary, delegate authority and assign personnel to the Command Staff positions and / or to General Staff Sections, to **manage** the performance of the tasks / functions that have been delegated and supervise the personnel to whom the tasks were assigned.

COMMAND ELEMENT (continued)

d. When determining whether to activate a General Staff Section or Command Staff position, activate and staff only the organizational elements that are necessary to manage the required functions / tasks;
   (1) If one individual can simultaneously manage all major functions/tasks, no further organization is required.
   (2) If one or more of the functions/tasks requires independent management, an individual or individuals are assigned to manage those functions/tasks.

e. Deactivate organizational elements no longer required.

f. The functions / tasks of any non-activated or deactivated subordinate organizational element will be managed by the overhead supervising organizational element.

15. Perform the duties and retain responsibility for the functions of any General Staff Sections and Command Staff positions that are not activated or are deactivated.

16. When appropriate, activate required Command Staff positions i.e., Public Information, Safety, Liaison, other required position(s); and designate qualified personnel as Command Staff "officers".

a. May assign one person to more than one Command Staff position. However, do not combine the functions of different Command Staff positions into a "hybrid" Command Staff position.

b. The number of Assistants assigned to a particular Command Staff position will be determined by the respective Command Staff officer after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

c. Based upon the nature, complexity, location, size, duration, etc., of the incident; and, the specific capabilities, limitations, needs, requirements, etc., of the Command Element, additional Command Staff positions other than the Public Information, Safety, and Liaison positions may be activated; and, qualified personnel may be designated as the additional Command Staff officers, e.g., Attorney-Legal officer, Epidemiologist-Medical officer, Structural Engineer-Engineering officer, Chemist-Science officer.

d. If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Public Information officer and the one Liaison officer. However, the Mayor's Press Office has the authority and may designate the one Public Information officer; and, the NYC Office of Emergency Management (OEM) has the authority and may designate the one Liaison officer.

e. When the NYPD is one of the Primary Agencies in a Unified Command – Command Element, if the Liaison officer position and / or the Public Information officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer and have a member of the NYPD designated as the Public

COMMAND ELEMENT (continued)

Information officer; or if that is not possible, have a member of the NYPD designated as an Assistant to a non NYPD Liaison officer and have a member of the NYPD designated as an Assistant to a non NYPD Public Information officer.

f. If there is a Single Command – Command Element, the Incident Commander may designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer.

g. If there is a Single Command – Command Element, the Incident Commander may designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer.

h. If there is a Unified Command – Command Element, each of the Agency Incident Commanders will designate an Agency Safety officer. However, if all of the Agency Incident Commanders agree, they may jointly designate one Safety officer.

i. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Safety officer. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Safety officer.

j. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Safety officer.

17. When appropriate, activate required General Staff Sections, i.e., Operations, Planning, Logistics, Finance / Administration, Intelligence / Investigations; and, assign qualified personnel as Section "chiefs".

a. May assign one person to be the chief of more than one General Staff Section. However, do not combine the functions of different General Staff Sections into a "hybrid" General Staff Section.

b. The number of personnel assigned to a particular General Staff Section will be determined by the respective General Staff Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

c. If there is a Single Command – Command Element, the Incident Commander will designate the one Planning Section chief; and, the one Logistics Section chief; and, the one Finance / Administrative Section chief; and, the one Intelligence / Investigations Section chief.

d. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Operations Section chief.

COMMAND ELEMENT (continued)

e. If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate one Section chief for each activated General Staff Section with the exception of the Operations Section. When the NYPD is one of the Primary Agencies in a Unified Command – Command Element, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the one Section chief for each activated General Staff Section; or if that is not possible, have a member of the NYPD designated as a Deputy to each non NYPD General Staff Section chief.

18. Activate a "Unified Operations Section" when there is a Single Command – Command Element at a CBRN / HazMat incident; *or*, anytime there is a Unified Command – Command Element.

a. If there is a Unified Command – Command Element, the Agency Incident Commanders from each of the Primary Agencies with tactical operations responsibility and a relevant "Core Competency" will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if all of the Agency Incident Commanders agree, they may jointly designate one Operations Section chief.

b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Agency Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief to direct tactical operations in a Unified Operations Section. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Operations Section chief.

c. Core Competencies are functional areas of expertise that are implemented at incidents, and relate specifically to tactical operations that are managed / directed by the Operations Section, or the Command Element if the Operations Section has not been activated. Core Competencies have been identified for Agencies with incident management responsibilities identified in the Primary Agency Matrix. Although multiple Agencies may be capable of performing similar tactical operations, CIMS assigns the Core Competency to one single Agency.

d. Agencies have the authority to direct tactical operations related to their Core Competencies at incidents. If more than one agency is capable of performing the same tactical operations at an incident, the agency with the Core Competency will give tactical direction, by the ranking officer, to other agencies performing operations within that Core Competency.

COMMAND ELEMENT (continued)

19. Ensure tactical operations, functions, and activities are expeditiously implemented, properly managed and directed in the appropriate manner:
    a. If there is a Unified Operations Section, each Agency Operations Section chief will direct the tactical operations involving their Agencies' Core Competencies. Each Agencies' Core Competencies are listed in the CIMS Core Competency chart.
    b. If there is a Single Operations Section, the one Operations Section chief will direct all tactical operations.
20. Ensure tactical assignments are based upon the responding Agencies' functional capabilities, e.g., resources, expertise, training, experience skills; and, legal / jurisdictional authority, mission and responsibilities.
21. Coordinate and direct the activities of the Command Staff and General Staff.
22. When necessary, implement an appropriate organizational structure, i.e., incident management "Expansion Option," to manage an extremely complex, severe and extensive incident; or, more than one incident; or, one extremely large incident. Incident Management Expansion Options include:
    a. Activating an Incident Complex.
    b. Activating a second Operations Section.
    c. Activating a second Logistics Section.
    d. Conducting Operations Section / Branch level tactical planning
    e. Having the Planning Section conduct advance / long range planning and contingency planning.
    f. Dividing a single extremely large incident into two or more separate incidents; and, activating a separate Command Element and appropriate incident management organization to resolve each of the separate incidents.
23. When appropriate, coordinate incident management operations and activities with other associated incident management organizations, entities, systems, facilities, etc., i.e., Area Command, Multi-Agency Coordination (MAC) Group, Emergency Operations Center (EOC) and / or Joint Information Center (JIC).
24. Continually monitor/evaluate the incident management organizational structure; and, the performance of the Deputy(ies), General Staff Section "chiefs," Command Staff "officers," and as appropriate, other incident management personnel.
    a. Make appropriate modifications when necessary.
25. Ensure that Command Staff and General Staff understand:
    a. They may interact and communicate with any position within the incident management organization.
    b. Absent emergency circumstances, direction may only be given through the established Chain of Command.
    c. Absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
26. Ensure that appropriate "procedural" and "technological" measures are implemented to ensure effective and efficient integrated inter-agency interoperable communications.

COMMAND ELEMENT (continued)

a. When appropriate, implement the use of Borough / Citywide "repeated" interoperable radio frequencies and / or tactical "point-to-point" interoperable radio frequencies.
b. When appropriate and necessary, utilize the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency.
c. Ensure that all incident personnel use clear text for inter-agency communications and communicate using CIMS nomenclature / terminology.
d. Ensure all incident personnel observe strict radio and telephone communications discipline and limit communications to essential information.
e. When necessary, ensure radio and mobile phone interconnect systems are used to enhance interoperable communications.
f. Ensure a Communications Plan is developed and implemented.
   (1) The Communications Plan will ensure effective, efficient and expeditious inter-agency interoperable communications.
   (2) The Communications Plan will be a component of the Incident Action Plan.
   (3) Depending upon the circumstances, the Communications Plan may be written or verbal.

27. Manage Life Safety Operations.
   a. The **immediate** # 1 priority.
   b. Tactical activities taken to preserve and protect public safety including tactical activities:
      (1) Required to stabilize the incident.
      (2) Implemented in response to imminent hazards or threats to life.
   c. Life Safety Operations do not include personnel safety measures.
   d. Intervene in and / or suspend Life Safety Operations to prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions.
28. Manage Site Management Operations.
   a. Consult with the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency regarding the implementation of Site Management Operations including the establishment of perimeters and the implementation of Emergency Credentialing operations.
29. Manage Investigative Operations.
   a. When there is a considerable investigative or intelligence component to the management or resolution of an incident, the Command Element should establish an Intelligence / Investigations Section as part of the General Staff. In unusual situations, when the Intelligence / Investigations function is not a considerable component of the management or resolution of an incident, it may be organized as a Branch or Group within the Operations Section rather than as a separate General Staff Section. In extremely unusual situations when the Intelligence / Investigations function is minimal, it may be organized as a Command Staff position or Planning Section / Situation Unit function.

COMMAND ELEMENT (continued)

b. When appropriate, ensure investigative and intelligence considerations are included in the Incident Objectives, and Investigative Operations are incorporated into the Incident Action Plan.

c. When appropriate, ensure that the Primary Agency(ies), Supporting Agency(ies) and Coordinating Agency personnel avoid or minimize interference with Investigative Operations, particularly the processing of Crime Scenes and Investigative Scenes.

30. Manage Recovery / Restoration Operations.
    a. Recovery / Restoration Operations include final mitigation of the incident and a return to non-emergency conditions.
    b. The Coordinating Agency will facilitate, coordinate and support Recovery / Restoration Operations.
31. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
    d. Designating a Deputy who is a member of a different Agency / Jurisdiction may significantly increase inter-agency coordination and cooperation.
32. Ensure responding Agencies do not allocate, deploy or assign unnecessary or inappropriate resources to the incident; and, ensure required resources respond to the incident scene in a controlled fashion and are deployed in an organized / coordinated manner.
33. Ensure planning meetings are scheduled as needed and are properly managed.
34. Formulate, approve and authorize the implementation of one single Incident Action Plan. The Incident Action Plan may be verbal or written.

COMMAND ELEMENT (continued)

a. Closely monitor and evaluate the implementation of the Incident Action Plan.
b. Modify the Incident Action Plan when necessary.

35. Approve requests / orders for additional resources.
36. Approve requests / orders for the release and demobilization of resources from the incident.
37. Authorize release of information to the news media and / or public.
    a. Determine what recommended health, safety and security related protective measures must be communicated to the public, e.g., evacuate, shelter in place, change clothes, wash.
    b. When appropriate, disseminate Emergency Public Information to the media and the public.
    c. If the incident is large, complex, exceedingly newsworthy, involves several Supporting Agencies, etc., release information to the media and the public by conducting a joint-Agency press conference(s).
    d. When necessary, utilize a Joint Information System and establish and maintain a Joint Information Center that will be staffed by public affairs personnel from all of the Primary Agencies and Supporting Agencies.
        (1) In extremely unusual circumstances, multiple Joint Information Centers may be established.
        (2) When appropriate, collaborate with the Office of the Deputy Commissioner, Public Information, the Mayor's Press Office and OEM, to activate a Joint Information System and establish a Joint Information Center(s).
38. Ensure all appropriate records, forms, logs, reports, etc., regarding incident related operations, functions, conditions, occurrences and activities are properly prepared, filed, maintained, secured, stored, etc.
39. Continually monitor performance, analyze data / information, evaluate operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Make required modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
40. Ensure that the required number and type of Incident Facilities are established at appropriate locations. Locations will be chosen that:
    a. Are a reasonable and appropriate distance from the incident;
    b. Provide for adequate safety, health, security and force protection;
    c. Provide easy and expeditious access and egress;
    d. Are sufficiently large enough and will allow for expansion;
    e. Will permit continuous operations;
    f. Provide adequate work space and utility / communications services.

COMMAND ELEMENT (continued)

41. Ensure that when "*Transfer of Command*" occurs, it is performed in an appropriate organized manner.
    a. There should be a face to face *Transfer of Command*, if possible.
    b. The incoming Command Element must obtain a comprehensive briefing from the outgoing Command Element that includes all essential information necessary to ensure effective and efficient management of the incident.
    c. Information included in the *Transfer of Command* briefing should be recorded and / or displayed, if possible.
    d. Identify a specific time for *Transfer of Command* to occur. When possible, for an on-going incident, *Transfer of Command* should occur at the start of a new Operational Period.
    e. Notifications must be made to the Primary Agency(ies); Supporting Agency / Agency Representatives; Coordinating Agency; Command Staff; General Staff; all incident management supervisory personnel; Communications Section dispatcher and / or supervisor; and other appropriate personnel.
42. Ensure compliance with *"Span of Control," "Chain of Command"* and *"Unity of Command"* incident management principles.
    a. *Span of Control*: The number of personnel that can be effectively managed by one supervisor; or, the number of subordinate organizational elements that can be effectively managed by one overhead supervising organizational element.
        (1) The recommended *Span of Control* should be from 1:3 to 1:7; or, for law enforcement operations from 1:8 to 1:10.
    b. *Unity of Command*: Every subordinate has only one designated supervisor, and the subordinate reports to that supervisor.
    c. *Chain of Command*: A series of management positions in order of authority; and, a designated line of authority within the personnel ranks and organizational levels of the incident management organization where subordinate personnel ranks / organizational levels report to and receive direction from the overhead supervising personnel ranks / organizational levels.
43. When appropriate, order the demobilization of some or all of the incident resources, operations, organizational elements, facilities, sites and other appropriate incident related functions / activities.
44. When demobilization occurs, comply with appropriate demobilization procedures and, if applicable, the Demobilization Plan.
45. Ensure all required incident related "After – Action" briefings, reports, meetings, critiques and other activities are expeditiously and properly performed.

ADDITIONAL DATA

The Command Element may be structured in one of two ways:

1. *Single Command:*
   a. *When the CIMS "Primary Agency Matrix" specifies a Single Command - Command Element,* ***the one Primary Agency in the Single Command – Command Element will designate one single Incident Commander****.*
      (1) *A Primary Agency is defined as the Agency authorized by CIMS to have overall responsibility for an incident, including overall management of strategic and tactical operations.*
   b. *The designated Incident Commander has overall incident management responsibility; develops the Incident Objectives; formulates and implements one single Incident Action Plan; manages all operational and support activities; and, approves all requests pertaining to the ordering and release of incident resources. The Incident Commander is responsible for working collaboratively with the Supporting Agency(ies) and Coordinating Agency.*

2. *Unified Command:*
   a. *When the CIMS "Primary Agency Matrix" specifies a Unified Command - Command Element,* ***each of the Primary Agencies in the Unified Command – Command Element will designate an "Agency Incident Commander."***
      (1) *Incidents managed by a Unified Command – Command Element will have more than one Primary Agency called Primary Agencies.*
   b. *The Agency Incident Commanders will co-locate and* ***remain*** *at one single Incident Command Post and jointly establish a common set of Incident Objectives, Strategies, Tactical Direction and priorities. They will manage one integrated organizational structure, a joint planning process and a joint resource management process. The Agency Incident Commanders will formulate and implement one single Incident Action Plan that includes an inter-agency integrated Communications Plan. They will jointly execute integrated tactical operations, implement interoperable communications technological and procedural measures when required and maximize the use of assigned resources. The Agency Incident Commanders are responsible for working collaboratively with the Primary Agencies, Coordinating Agency and Supporting Agency(ies).*
   c. *When a Unified Command - Command Element is established, all Agency Incident Commanders are at an equal level of authority in the Command Element regardless of their designated Agency rank, i.e., Fire Captain, Police Sergeant, EMS Lieutenant, etc.*

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-06	
CIMS: PUBLIC INFORMATION OFFICER			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To outline the duties of the Public Information officer in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Public Information Officer are:

PUBLIC INFORMATION OFFICER

1. Assume the position of Public Information officer as part of the Incident Management Team; and, manage public information activities including:
   a. Responding to inquiries from media and / or the public.
   b. Developing incident related information for the media and the public.
   c. Absent unusual circumstances, acting as the spokesperson for all of the governmental agencies, non-governmental organizations and private entities / individuals involved in incident management activities.
2. Confer with the Command Element in order to:
   a. Obtain approval prior to releasing information to the media and / or the public.
   b. Determine any limitations and constraints on the information to be released to the media and /or the public.
3. After obtaining approval from the Command Element, when appropriate, perform the following functions:
   a. Expeditiously formulate and disseminate unified, consistent, concise, clear, comprehensive and accurate official information to the media and the public.
   b. Conduct media briefings.
   c. Distribute written media releases.
   d. Release Emergency Public Information, public warnings and recommended incident related public health, safety and security protective measures.
   e. Arrange for tours, interviews of incident personnel and incident related photo / video / television opportunities.
   f. Establish and supervise an appropriate number of media placement areas that have sufficient space and are appropriately located so as not to interfere with incident management operations, or compromise the confidentiality / security of incident management activities.
   g. If the incident is large, complex, exceedingly newsworthy, involves several Supporting Agencies, etc., release information to the media and the public by conducting one or more joint – Agency press conferences.
4. Provide advice and support to the Command Element regarding incident related media, public information and public affairs issues.
5. Develop and, after obtaining the required approval, implement media, public information and public affairs related plans, policies, procedures, strategies, programs, operations, activities, functions, etc.

PUBLIC INFORMATION OFFICER (continued)

6. In situations involving scientific, engineering or other technical incident management procedures, plans, strategies, operations, activities, functions, etc., the Public Information officer may request the Supporting Agency(ies) and / or Primary Agency(ies) with the appropriate technical Core Competency(ies) to provide advice / assistance, and / or to provide the necessary information directly to the media and the public.
7. Identify, control and correct incident related rumors, disinformation, misinformation, inaccurate / incorrect information, conflicting information, etc.
8. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
9. Monitor the media and forward any useful media information to the Command Element, Planning Section, Intelligence / Investigations function, and any other appropriate General Staff Sections or Command Staff positions.
    a. Monitor information provided by governmental agencies, non-governmental organizations and private entities / individuals and forward any useful information to the Command Element, Planning Section, Intelligence / Investigations function, and any other appropriate General Staff Sections or Command Staff positions.
10. Coordinate with the Command Element, Operations Section, Intelligence / Investigations function and other appropriate General Staff Sections and Command Staff positions to ensure that all public information activities are reconciled with and do not compromise intelligence, investigative, support, operational, etc., confidentiality or security.
11. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
12. When necessary, utilize a Joint Information System; and if established, closely coordinate, communicate and maintain liaison with the Joint Information Center (JIC), or in extremely unusual circumstances, multiple Joint Information Centers.
    a. When appropriate, represent the NYPD in the Joint Information Center(s), if established.
    b. If there is a Single Command – Command Element, the Joint Information Center spokesperson will be designated by the Mayor's Press Office, and absent unusual circumstances, will be the Public Information officer.
    c. If there is a Unified Command – Command Element, the Joint Information Center spokesperson will be designated by the Mayor's Press Office.

PUBLIC INFORMATION OFFICER (continued)

13. Designate an Assistant or Assistants when necessary after conferring with the Command Element.
    a. The Assistant is a subordinate to the principal.
    b. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, or experience, as the principal. The Assistant may possess a level of technical and non-technical ability that is less than the principal; and, will be given less responsibility than the principal.
    c. The role of the Assistant is flexible, and the Assistant may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make notifications.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    d. The Assistant may be member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
14. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post. When identifying an appropriate work location consider the following:
    a. Remain close to the Incident Command Post to ensure easy and expeditious access to incident information, and to be able to expeditiously confer with the Command Element.
    b. Generally, there must be an area for media interactions and formal briefings.
    c. There should be sufficient space for displays and handout material.
    d. Tours, interviews of incident personnel and incident related photo / video / television opportunities, etc., may have to be arranged.
15. Participate in the planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Prepare any required public information related plans.
    b. Ensure that the public information aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the public information aspects of the Demobilization Plan.
16. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Public Information officer functions / activities.
17. Continually monitor / evaluate the organization and effectiveness of the Public Information function; and, the performance of the Assistant(s).
    a. Make appropriate modifications when necessary.

PUBLIC INFORMATION OFFICER (continued)

18. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related media and public information issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including media / public information issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

ADDITIONAL DATA

If there is a Single Command – Command Element, the Incident Commander may designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Public Information officer position is activated, absent unusual circumstances, the Incident Commander should make every effort to have a member of the NYPD designated as the Public Information officer; or if that is not possible, designated as an Assistant to a non-NYPD Public Information officer. Whenever possible, the Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Public Information to perform the functions of the Public Information officer; or if that is not possible, to perform the functions of an Assistant to a non-NYPD Public Information officer.

If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Public Information officer; however, the Mayor's Press Office has the authority and may designate the one Public Information officer. When the NYPD is one of the one Primary Agencies in a Unified Command - Command Element, if the Public Information officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Public Information officer; or if that is not possible, designated as an Assistant to a non-NYPD Public Information officer. Whenever possible, the NYPD Agency Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Public Information to perform the functions of the Public Information officer; or if that is not possible, to perform the functions of an Assistant to a non-NYPD Public Information officer.

If a Joint Information Center (JIC) is established, or in extremely unusual circumstances multiple Joint Information Centers are established, absent extraordinary circumstances, a member of the NYPD will be assigned to the Joint Information Center(s) to represent the Department. Whenever possible, a member of service assigned to the Office of the Deputy Commissioner, Public Information will be assigned to the Joint Information Center(s).

PURPOSE To outline the duties of the Safety Officer in CIMS.

SAFETY OFFICER

1. Confer with the Command Element and determine whether there will be one Safety officer; or, two or more Agency Safety officers.
   a. If there is a Unified Command – Command Element, **each** of the Agency Incident Commanders may designate an Agency Safety officer. However, if all of the Agency Incident Commanders agree, they may jointly designate one Safety officer.
   b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Safety officer. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Safety officer.
   c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Safety officer.
2. Assume the position of Safety officer or NYPD Agency Safety officer as part of the Incident Management Team.
   a. **The Safety officer function is required by law at a hazardous materials incident**.
   b. If there is a Unified Command – Command Element, assume the position of NYPD Agency Safety officer and work collaboratively with the Agency Safety officer designated by each of the Primary Agencies that have command responsibility in the Unified Command - Command Element.
   c. If there is a Single Command – Command Element at a CBRN / HazMat incident, assume the position of NYPD Agency Safety officer and work collaboratively with the FDNY Agency Safety officer, the DEP Agency Safety officer and the DOHMH Agency Safety officer.
   d. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, and the NYPD is the Primary Agency, assume the position as the one Safety officer and work collaboratively with each Supporting Agency / Agency Representative.
3. Perform an Incident Safety Analysis.
4. Provide advice to the Command Element regarding the safety, health, force protection and security of incident personnel. Make recommendations regarding:
   a. Health hazards, e.g., decaying human remains, unsafe air quality, body fluids, vectors, infectious diseases, polluted water.

SAFETY OFFICER (continued)

b. Physical hazards, e.g., falling debris, explosives, weakened structures, exposed electrical wires, unstable rubble, slippery surfaces, confined spaces.

c. CBRN / HazMat hazards including environmental contamination, incident personnel exposure / contamination, exclusion zones, i.e., hot zone, warm zone, cold zone, contamination control / mitigation measures and decontamination measures.

d. The appropriate type of Personal Protective Equipment (PPE) that should be used by incident personnel, e.g., safety glasses / goggles, splash resistant garments, respiratory protection, chemical protective garments, foot protection, totally encapsulating garments, head impact protection, gloves.

e. Operational hazards involving incident personnel performing functions / activities without the appropriate equipment.

f. Operational hazards involving incident personnel performing functions / activities without the required level of training, experience, knowledge, skills, etc.

g. Operational hazards involving incident personnel not having appropriate procedures, supervision, plans, management, protocols, organization, programs, systems, etc.

h. Operational hazards involving unnecessary or inappropriate resources responding to the incident; and / or, required resources not responding to the incident in a controlled fashion or not being deployed in a coordinated / organized manner.

i. Operational hazards involving current, anticipated or potential environmental conditions, e.g., temperature, precipitation, wind, lightning, darkness.

j. Operational hazards involving incident personnel not having appropriate work schedules and sufficient rest, rehabilitation, relief, leave, etc.

k. Operational hazards involving incident personnel not having appropriate and sufficient food / water, clothing, lodging, supplies, sanitation, heating / cooling systems, lighting, transportation, etc.

l. Operational hazards involving force protection and security.

m. Operational hazards involving a dangerous individual(s), device(s) or situation(s), e.g., sniper, hostage taker, barricaded person, improvised explosive device, armed emotionally disturbed person, CBRN / Hazmat device, vehicle borne improvised explosive device.

n. Operational hazards involving the physical condition of incident personnel, e.g., fatigue, injury, stress, trauma, illness, exhaustion.

o. Operational hazards involving the mental, emotional, behavioral and / or psychological condition of incident personnel, e.g., depression, anxiety, stress, tension, alcohol / substance abuse, etc.

SAFETY OFFICER (continued)

p. Operational hazards involving incident personnel not receiving appropriate vaccinations, prophylaxis, treatment, medications, counseling and any other appropriate health related support / assistance.

q. Operational hazards involving appropriate personnel not receiving required:
   (1) Pre-incident medical certifications / re-certifications; and / or,
   (2) Initial base-line medical examinations at the incident; and / or,
   (3) On-going medical monitoring / surveillance at the incident.

r. Other hazards involving health, safety, force protection, security, environmental conditions, incident operations, PPE, training, equipment, procedures / protocols, incident support, etc.

5. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.

6. Ensure there are sufficient health, safety, force protection and security related supplies, equipment and other appropriate resources available when needed.

7. Develop and recommend measures for promoting personnel safety.
   a. Continually remind all incident executives, managers, supervisors and personnel that they must make safety the # 1 priority.

8. Implement procedures and establish a program / system to ensure the safety of incident personnel; and, to ensure incident operations, functions and activities are safely performed.

9. Implement procedures and establish a program / system to ensure continual identification, monitoring, evaluation and consideration of current, imminent, anticipated and / or potential hazardous, unhealthy or unsafe activities, functions and conditions.

10. Implement a PPE program / system that :
   a. Ensures incident personnel:
      (1) Are equipped with appropriate PPE that has been properly fitted; and,
      (2) Are properly trained and certified / re-certified regarding the PPE that will be utilized; and,
      (3) Are properly trained and certified / re-certified regarding the operations, functions and activities that will be performed in the PPE; and,
      (4) If necessary, have received the required pre-incident medical certification / re-certification; and,
      (5) If necessary, have received the appropriate PPE related initial base-line medical examinations at the incident; and,
      (6) If necessary, receive the appropriate PPE related on-going medical monitoring / surveillance at the incident.
   b. Ensures a sufficient quantity of the appropriate type of PPE is available when needed.

SAFETY OFFICER (continued)

c. Ensures PPE is properly maintained, serviced, repaired, decontaminated if necessary, stored, distributed, replaced, etc.

11. Implement a CBRN / HazMat program / system that ensures:
    a. Appropriate CBRN / HazMat monitoring equipment / instruments are properly utilized, located / relocated, calibrated, maintained, serviced, repaired, safeguarded / secured, replaced when necessary, etc.
    b. Incident personnel CBRN / HazMat exposure / contamination is monitored, quantified and documented.
    c. Air, water and soil environmental CBRN / HazMat contamination is monitored and appropriate environmental sampling, analyses and evaluations are performed.
    d. Air plume dispersion modeling is performed when necessary.
    e. CBRN / HazMat exclusion zones, i.e., hot, warm, cold zones, are monitored and the boundaries are appropriately adjusted when necessary.
    f. Required contamination control and mitigation measures are implemented.
    g. Required decontamination measures are implemented.
12. When necessary, implement a program / system to ensure required initial base-line physical / psychological medical examinations and required on-going physical / psychological medical monitoring / surveillance is provided at the incident to the appropriate personnel.
13. Evaluate the need for post-incident medical, physical and psychological health monitoring / surveillance, assessment /evaluation, treatment / counseling and assistance / support.
14. Collect, document, format, analyze, evaluate, secure / safeguard and file / store incident related health and safety data / information regarding injuries, illnesses, fatalities, accidents, CBRN /HazMat exposures, etc.; and, properly disseminate the data / information in compliance with applicable confidentiality / security procedures, policies, rules, regulations, statutes, etc., to the appropriate governmental agencies, non-governmental organizations and private entities / individuals.
15. Monitor incident operations, functions and activities and ensure compliance with the Health and Safety Plan and other relevant health, safety, force protection and security related plans, procedures, statutes, rules, regulations, policies, protocols, etc.
16. Notify the Command Element and, if appropriate, take corrective action when safety, health, force protection or security measures are not being properly implemented.
17. Immediately prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions by utilizing the chain of command; and, subsequently notify the Command Element. **However, if the life or safety of incident personnel is in imminent danger, exercise <u>emergency authority to directly</u> prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions; and, subsequently notify the Command Element**.

SAFETY OFFICER (continued)

a. Intervene in and / or suspend Life Safety Operations or any other incident management operations, functions, activities, etc., to prevent, stop and / or correct hazardous, unhealthy or unsafe activities, functions and conditions; and, subsequently notify the Command Element.

18. Ensure all incident personnel are aware of relevant safety information.
    a. Formulate and distribute safety messages.
    b. Conduct periodic safety briefings.
    c. Perform appropriate safety training including incident / hazard specific safety training.
19. Coordinate, cooperate and collaborate with all of the Agency Safety officer(s), the Operations Section chief(s), the Planning Section chief and other appropriate Command Staff officer(s) and General Staff Section chiefs.
20. Ensure coordination of safety related functions, operations and activities with each Primary Agency, each Supporting Agency, the Coordinating Agency, and all of the involved governmental agencies, non-governmental organizations and private entities / individuals.
21. Initiate a preliminary investigation regarding any incident related accidents; and / or, potential accidents that were barely avoided, i.e., "near misses"; and / or, any incident related injuries, illnesses, fatalities, CBRN / HazMat exposures, etc.
22. Participate in planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Ensure that the health, safety, force protection and security aspects of the Incident Action Plan are properly formulated and implemented.
    b. Review the Incident Action Plan for general and incident / hazard specific and Agency specific health, safety, force protection and security issues, problems, limitations, requirements, constraints, activities, policies, procedures, etc.
    c. Prepare Health and Safety Plan and Safety Message regarding physical hazards, health / safety issues, environmental conditions, necessary equipment, force protection and security measures, appropriate PPE, operational hazards, required support, etc.
    d. Review and approve the Medical Plan.
    e. Provide advice to the Planning Section regarding the health, safety, force protection and security aspects of the Demobilization Plan.
    f. Closely monitor and evaluate the implementation of the Incident Action Plan.
23. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related hazardous, unhealthy and unsafe activities, functions and conditions.

SAFETY OFFICER (continued)

b. Recommend appropriate modifications to the Incident Action Plan including health, safety, force protection and security issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.

c. Identify health, safety, force protection and security related incident management "Best Practices" and "Lessons Learned"; and, incorporate them into the Health and Safety Plan.

d. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

24. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.

25. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Safety officer functions / activities.

26. Designate an Assistant or Assistants when necessary after conferring with the Command Element.

a. Choose an Assistant(s) that has/have the required expertise, education, training, knowledge, experience, and skills to properly identify, assess, prevent, stop, correct, etc., incident /hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions.

b. The Assistant is a subordinate to the principal.

c. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, experience, as the principal. Therefore normally, the Assistant may possess a level of technical and non-technical ability that is less than the principal; and, will be given less responsibility than the principal. However, the Assistant Safety officer may possess greater qualifications and a greater level of technical and non-technical ability than the principal regarding some or all of the incident / hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions. Furthermore, the Assistant Safety officer may be given significant responsibility regarding some or all of the incident / hazard specific, Agency specific and general hazardous, unhealthy or unsafe activities, functions and conditions.

d. The role of the Assistant is flexible, and the Assistant may:

(1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.

(2) Make notifications.

(3) Function as a relief.

(4) Be assigned specific tasks as requested by the principal.

SAFETY OFFICER (continued)

e. The Assistant may be member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:
   (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
   (2) Currently is, or after a period of time, may be significantly affected by the incident.

27. Continually monitor / evaluate the organization and effectiveness of the Safety function; and the performance of the Assistant(s).
    a. Make appropriate modifications when necessary.
28. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-08	
CIMS: LIAISON OFFICER			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To outline the duties of the Liaison officer in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Liaison officer are:

LIAISON OFFICER

1. Assume the position of Liaison officer as part of the Incident Management Team; and, coordinate the activities, functions, operations and actions of involved governmental agencies, non-governmental organizations, and / or private entities / individuals.
2. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
3. Closely coordinate, communicate and maintain liaison with appropriate involved governmental agencies, non-governmental organizations and / or private entities / individuals.
4. Closely coordinate, communicate and maintain liaison with each Supporting Agency / Agency Representative.
   a. A Supporting Agency is a governmental agency, non-governmental organization, and / or private entity whose resources are deployed to an incident to support incident operations, and assist the Primary Agency(ies) to successfully resolve the incident. A Supporting Agency is not a part of the Command Element. However, each Supporting Agency retains responsibility for its resources; and, retains its jurisdictional, legal, functional, administrative, etc., authority.
   b. Each Supporting Agency will designate a "Supporting Agency / Agency Representative." Each Supporting Agency / Representative has the authority to make decisions, give direction and commit resources on behalf of their Supporting Agency. A Supporting Agency / Agency Representative is not a member of the Command Element.
   c. There are two types of Supporting Agencies:
      (1) Assisting Agency: An Agency providing personnel, services or other resources to the Agency with direct responsibility for incident management; and / or, an Agency directly contributing tactical or service resources to another Agency, e.g., NYPD, FDNY, EMS, DSNY, DEP.
      (2) Cooperating Agency: An Agency that supports the incident management efforts by providing assistance other than tactical resources; and / or, an Agency that supplies assistance other than direct operational or support functions or resources to the incident management efforts, e.g., Salvation Army, American Red Cross.

LIAISON OFFICER (continued)

5. Act as the "point of contact" for each Supporting Agency / Agency Representative assigned to the incident.
   a. Generally, in either a Single Command – Command Element or Unified Command – Command Element, the Command Element and incident management organization will not directly interact with the Supporting Agencies' Supporting Agency / Agency Representative. Instead the Liaison officer will interact directly with and coordinate the activities, functions, operations and actions of each Supporting Agency / Agency Representative regarding the incident management efforts.
   b. In certain circumstances, the Command Element may choose to:
      (1) Interact directly with one or more Supporting Agencies' Supporting Agency / Agency Representative, e.g., an Assisting Agency(ies) with significant resources actively engaged in the efforts to successfully resolve the incident; and,
      (2) Have the Liaison officer interact directly with the remaining Supporting Agencies' Supporting Agency / Agency Representative, e.g., Assisting Agency(ies) with few resources assigned to the incident, and / or Cooperating Agency(ies).
6. Provide comprehensive briefing to each Supporting Agency / Agency Representative within a reasonable period of time after the Supporting Agency / Agency Representative initially arrives at the incident.
7. Ensure each Supporting Agency /Agency Representatives is informed regarding current incident situation related information.
   a. Provide briefings to each Supporting Agency / Agency Representative either periodically, or at specific times when needed, or when directed by the Command Element.
8. Maintain a list of Supporting Agencies and each associated Supporting Agency / Agency Representatives.
9. Coordinate with each Supporting Agency / Agency Representative to ensure each Supporting Agencies' resources properly *Check-In* at the appropriate location(s).
10. Confer with each Supporting Agency / Agency Representative to identify any special Supporting Agency specific needs, requirements, limitations, restrictions, etc.
11. Monitor incident operations to identify current, anticipated or potential inter-organizational or inter-agency issues, problems, conflicts, etc.
12. When necessary ensure one or more appropriate Supporting Agencies' Supporting Agency / Agency Representative attends planning meetings; and, when appropriate, assists in the development and implementation of the Incident Action Plan.
13. Provide each Supporting Agency / Agency Representative with Supporting Agency specific demobilization information, requirements, plans, procedures, etc.

LIAISON OFFICER (continued)

14. Debrief each Supporting Agency / Agency Representative prior to their departure from the incident.
15. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
16. Confer with each Supporting Agency / Agency Representative regarding:
    a. Current *status* of the particular Supporting Agencies' resources,
    b. Current number, *Kind*, *Type*, capabilities, limitations, etc., of the particular Supporting Agencies' resources,
    c. Availability of the particular Supporting Agencies' resources regarding current, anticipated or potential resource requests.
17. Continually monitor / evaluate the organization and effectiveness of the Liaison function; and, the performance of the Assistant(s).
    a. Make appropriate modifications when necessary.
18. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Liaison officer functions / activities.
19. Participate in planning meetings when appropriate, and assist in the development of the Incident Action Plan.
    a. Ensure that the liaison, inter-agency and Supporting Agency aspects of the Incident Action Plan are properly formulated and implemented.
    b. Provide advice to the Planning Section regarding the liaison, inter-agency and Supporting Agency aspects of the Demobilization Plan.
20. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related liaison, inter-agency and Supporting Agency issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including Supporting Agency / Agency Representative issues, Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
21. Designate an Assistant or Assistants when necessary after conferring with the Command Element.
    a. The Assistant is a subordinate to the principal.

LIAISON OFFICER (continued)

b. The Assistant does not have to possess the same qualifications, i.e., knowledge, skills, experience, as the principal. The Assistant may possess a level of technical and non-technical ability that is less than the principal, and, will be given less responsibility than the principal.

c. The role of the Assistant is flexible, and the Assistant may:
   (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
   (2) Make notifications.
   (3) Function as a relief.
   (4) Be assigned specific tasks as requested by the principal.

d. The Assistant may be a member of a different Agency / Jurisdiction than the principal. For example, the Assistant may be a member of an Agency / Jurisdiction that:
   (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
   (2) Currently is, or after a period of time, may be significantly affected by the incident.

22. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.

ADDITIONAL DATA

If there is a Single Command – Command Element, the Incident Commander may designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Liaison officer position is activated, absent unusual circumstances, the Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer; or if that is not possible, designated as an Assistant to a non-NYPD Liaison officer.

If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Liaison officer; however, OEM has the authority and may designate the one Liaison officer. When the NYPD is one of the Primary Agencies in a Unified Command - Command Element, if the Liaison officer position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Liaison officer; or if that is not possible, designated as an Assistant to a non-NYPD Liaison officer.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-09	
CIMS: OPERATIONS SECTION CHIEF			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 13

PURPOSE To outline the duties of the Operations Section chief in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Operations Section chief are:

OPERATIONS SECTION CHIEF

1. Confer with the Command Element and determine whether there will be one Operations Section chief; or, two or more Agency Operations Section chiefs.
   a. If there is a Unified Command – Command Element, each of the Agency Incident Commanders will designate an Agency Operations Section chief. However, if all of the Agency Incident Commanders agree, they may jointly designate one Operations Section chief.
   b. If there is a Single Command – Command Element at a CBRN / HazMat incident, the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative will each designate an Agency Operations Section chief. However, if the NYPD Incident Commander; and FDNY Supporting Agency / Agency Representative; and DEP Supporting Agency / Agency Representative; and DOHMH Supporting Agency / Agency Representative all agree, they may jointly designate one Operations Section chief.
   c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, the Incident Commander will designate the one Operations Section chief.
2. Assume command as the Operations Section chief or NYPD Agency Operations Section chief as part of the Incident Management Team.
   a. If there is a Unified Command – Command Element, assume command as the NYPD Agency Operations Section chief in a Unified Operations Section and work collaboratively with the Agency Operations Section chief designated by each of the Primary Agencies that have command responsibility in the Unified Command - Command Element.
   b. If there is a Single Command – Command Element at a CBRN /HazMat incident, assume command as the NYPD Agency Operations Section chief in a Unified Operations Section and work collaboratively with the FDNY Agency Operations Section chief, the DEP Agency Operations Section chief and the DOHMH Agency Operations Section chief.

OPERATIONS SECTION CHIEF (continued)

c. If there is a Single Command – Command Element, except for a CBRN / HazMat incident, and the NYPD is the Primary Agency, assume command as the one Operations Section chief and work collaboratively with each Supporting Agency / Agency Representative.

3. Select an appropriate location and establish an Operations Section Post. If there is a Unified Operations Section, Agency Operations Section chiefs will jointly select an appropriate location to establish the Operations Section Post.
   a. The Operations Section Post is the location where the Operations Section chief / Agency Operations Section chiefs, Deputy(ies) and appropriate staff will remain and manage / direct all of the tactical functions, operations and activities.
   b. The Operations Section Post generally will not be co-located with the Intelligence / Investigations Section Post or the Incident Command Post. The Operations Section Post will be established at a secure location within a reasonable distance from the Intelligence / Investigations Section Post and the Incident Command Post.
   c. The Operations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building.
   d. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Operations Section Post will be located within the Site Access Control / Outer Perimeter.
   e. If necessary, the Operations Section Post may be relocated.
   f. Ensure adequate safety, health, security and force protection measures are implemented.
4. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
5. Direct appropriate tactical operations, functions and activities:
   a. If there is a Unified Operations Section, each Agency Operations Section chief will direct the tactical operations involving their Agencies' Core Competencies. Each Agencies' Core Competencies are listed in the CIMS Core Competency chart.
   b. If there is a Single Operations Section, the one Operations Section chief will direct all tactical operations.

OPERATIONS SECTION CHIEF (continued)

6. Ensure appropriate tactical operations, functions and activities are expeditiously implemented including reduction / elimination of the immediate hazard; saving lives; protecting property; ensuring public safety, controlling / stabilizing incident conditions; implementing site management operations; providing force protection / security regarding incident personnel; mitigating the incident; implementing recovery / restoration operations.
7. Tactical assignments will be based upon the responding Agencies' functional capabilities, e.g., resources, expertise, training, experience, skills; and, legal / jurisdictional authority, mission and responsibilities.
8. Develop and implement appropriate tactics and tactical operations / activities in order to effectively, efficiently and expeditiously achieve the Incident Objectives.
    a. Confer with Branch Director(s), Sector Supervisor(s), Group Supervisor(s) and / or Team Leader(s) in order to develop and implement appropriate tactics and tactical operations / activities.
    b. When appropriate, confer with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and / or other appropriate involved governmental agencies, non-governmental organizations, and / or private entities / individuals regarding the tactics and tactical operations / activities.
    c. When appropriate, the tactics and tactical operations / activities should be capable of being implemented and completed within the designated "Operational Period."
9. Monitor tactical operations / activities at the incident.
    a. Evaluate performance and determine whether the tactics and tactical operations / activities are accomplishing the Incident Objectives in an effective, efficient and expeditious manner.
    b. Make appropriate modifications when necessary.
10. Ensure tactical operations are performed in a safe manner; and, that adequate force protection, security, health and safety measures are implemented.
11. Determine the required number, *Kind* and *Type* of resources; and, request the appropriate authority to have the required resources promptly respond to the designated location, i.e., Staging Area(s).
12. After proper "*Check-In*", appropriately organize arriving resources and resources that initially responded directly to the incident scene:
    a. Single Resources,
    b. Resource Teams,
    c. Special Response Teams.
13. Assign and deploy arriving resources and resources that initially responded directly to the incident scene to appropriate incident related tactical operations, functions and activities; and / or, retain them at the Staging Area(s) in an *Available status* awaiting assignment.
    a. Ensure there are adequate reserves.

OPERATIONS SECTION CHIEF (continued)

14. Organize the Operations Section based upon:
    a. Span of control; and / or
    b. Geographical boundaries; and / or
    c. Function; and / or
    d. Agency Core Competencies / functions; and / or
    e. Agency / jurisdictional responsibilities / authority.
15. When appropriate, organize the Operations Section in any of the following ways:
    a. Resources report directly to the Operations Section.
    b. Resources report to Sectors, and Sectors report to the Operations Section (geographical).
    c. Resources report to Groups, and Groups report to the Operations Section (functional).
    d. Resources report to Sectors and Groups; and, Sectors and Groups report to the Operations Section (functional / geographic).
    e. Sectors and / or Groups report to Branches; and, the Branches report to the Operations Section (Span of Control).
    f. Functional / Agency Core Competency Branches report to the Operations Section (functional).
    g. Agency / Jurisdiction Branches report to the Operations Section (Agency / jurisdictional responsibilities).
    h. Geographic Branches report to the Operations Section (geographical).
16. Manage appropriate tactical resources:
    a. Deploy existing resources.
    b. When appropriate, redeploy existing resources.
    c. Maintain adequate reserves.
    d. When necessary, request the appropriate authority to order / request additional resources to promptly respond to the designated location, i.e., Staging Area(s).
    e. Approve release of resources from active tactical assignments, but do not approve release / demobilization from the incident.
17. Continually monitor / evaluate the organizational structure and effectiveness of the Operations Section; and, the performance of the Deputy(ies), Branch Directors, Sector / Group Supervisors, Team Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
18. Maintain close communication with the Command Element.
19. Coordinate actions, maintain close liaison and continually communicate with the Intelligence / Investigations function.
    a. If an Intelligence / Investigations Section is activated, a member of the Operations Section should be assigned to the Intelligence / Investigations Section Post to act as a liaison; and, a member of the Intelligence / Investigations Section should be assigned to the Operations Section Post to act as a liaison.

OPERATIONS SECTION CHIEF (continued)

b. Depending upon the significance of the intelligence / investigative component of the incident and after conferral with the Intelligence / Investigations Section chief, the member of the Operations Section assigned to the Intelligence / Investigations Post and the member of the Intelligence / Investigations Section assigned to the Operations Section Post to act as liaisons may be supervisors.

20. Communicate and coordinate actions with the Command Staff, General Staff, Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, appropriate governmental agencies, non-governmental organizations and private entities / individuals.
21. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
22. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
23. Participate in planning meetings when appropriate.
24. Assist in the development of the Incident Action Plan.
    a. Ensure that the tactical aspects of the Incident Action Plan are properly formulated and implemented.
    b. Provide advice to the Planning Section regarding the tactical aspects of the Demobilization Plan.

OPERATIONS SECTION CHIEF (continued)

25. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Operations Section functions / activities.
26. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related tactical and resource issues.
    b. Recommend to the Command Element, any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
27. Manage all law enforcement related operations, functions and activities including summonses, summons processing, arrests, prisoners, arrest verification, prisoner security / safeguarding, prisoner identification, arrest processing, photographing prisoners, prisoner confinement, prisoner transportation, prisoner release / arraignment, etc.
28. Activate and control all Staging Areas.
    a. A Staging Area is a temporary location / facility for situating and organizing resources that are in *Available status* and may be deployed to incident assignments. It may contain temporary fueling and sanitation facilities. **A Staging Area was formerly referred to as a Mobilization Point.**
    b. Pursuant to CIMS, there may be more than one Staging Area. However, absent unusual circumstances, there should be only one NYPD Staging Area for NYPD resources. Nevertheless, there may be more than one NYPD Staging Area if:
        (1) Specialized units, personnel, vehicles, equipment or other specialized resources are required at the incident, e.g., Emergency Services Unit, Mounted Unit, Highway District; or,
        (2) The incident area is extraordinarily large; or,
        (3) An extremely large number of personnel, vehicles, equipment or other resources are required at the incident; or,
        (4) A significant amount of large specialized equipment is required at the incident; or,
        (5) Confidential / sensitive resources are required at the incident; or,
        (6) There have been several Operational Periods and the incident has not been resolved and incident operations will continue for a prolonged period of time; or,
        (7) There are other circumstances that require the activation of more than one Staging Area.

OPERATIONS SECTION CHIEF (continued)

c. Pursuant to CIMS, depending upon the circumstances, different Agencies may have one or more separate Staging Areas; or, different functional / Core Competency Branches may have one or more separate Staging Areas.

d. Resources situated at a Staging Area(s) may be in *Available status* awaiting a tactical and / or investigative assignment, and should be prepared for assignment / deployment within three minutes. A Staging Area(s) should be used to organize Single Resources into Resource Teams and / or Special Response Teams.

e. *Out-of-Service* resources should not be situated at a Staging Area(s); and, Logistics functions should not be performed at a Staging Area(s).

f. When necessary, activate a Staging Area(s) for watercraft.

g. If more than one Staging Area is required then ensure an appropriate number of Staging Areas are activated; and, that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

h. A location will be chosen that is a reasonable and appropriate distance from the incident; and, will permit the expeditious deployment of staged resources to the incident and / or area of assignment; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, will provide adequate work space and utility / communications service; and, will permit continuous operations. The location chosen should be sufficiently large; and, should allow for expansion; and, should accommodate the responding resources and the required reserves; and if possible, should have sufficient space for expansion in order to accommodate a Level 3 or Level 4 mobilization.

i. A Staging Area(s) may be relocated when necessary.

j. A Staging Area(s) may be deactivated when appropriate.

k. Ensure adequate safety, health, security and force protection measures are implemented regarding the Staging Area(s).

l. When it is activated, a Staging Area(s) must be clearly marked and be readily identifiable. A Staging Area(s) will be given a name that describes its general location. A Staging Area(s) may be in the vicinity of or adjacent to other Incident Facilities; but, must have its own separate location and name.

m. The initial boundaries of the Staging Area(s) should be identified and communicated to the Command Element, Communications Section dispatcher and / or supervisor, Command Staff positions, General Staff Sections and each appropriate Supporting Agency / Agency Representative. Additionally, response routes / directions to the Staging Area(s) should be communicated to the responding resources by the Communications Section dispatcher and / or supervisor; or, when necessary, directly by the appropriate incident management organizational element / personnel; or, in any other appropriate manner.

OPERATIONS SECTION CHIEF (continued)

n. Determine the appropriate number, *Kinds* and *Types* of resources that will be situated at the Staging Area(s); and / or, retained / maintained as reserves at the Staging Area(s).

o. Retain / maintain adequate resource reserves at the Staging Area(s), and increase or decrease the reserves when necessary.

p. When necessary, request the appropriate authority to have additional required resources respond to the Staging Area(s) for deployment to incident related assignments, or to maintain adequate reserves, or for any other appropriate purposes.

q. Designate a Staging Area Manager to control each of the Staging Areas.

r. Inform each of the Staging Area Managers of the following:
   (1) The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).
   (2) Communications procedures, devices, channels, equipment, frequencies and measures that will be utilized.
   (3) Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained / maintained as reserves at the Staging Area(s).
   (4) Directions regarding organizing Single Resources into Resource Teams and / or Special Response Teams.
   (5) Procedures for requesting / ordering additional resources.
   (6) Estimated length of time the Staging Area(s) will be activated / utilized.
   (7) Procedures for requesting / ordering logistics service and support.

s. Ensure that personnel arriving at the Staging Area(s) "*Check-In*" with the Resources Unit; and, supplies and equipment delivered to the Staging Area(s) are receipted for by the Supply Unit. If the Resources Unit and / or the Supply Unit are not activated, ensure that the Staging Area Manager(s) provides appropriate direction regarding arriving personnel and / or delivered supplies / equipment.

t. Each of the Staging Area Managers will:
   (1) When appropriate and authorized, organize Single Resources into Resource Teams and / or Special Response Teams.
   (2) Dispatch resources at the direction of the Operations Section chief, or the Command Element if the Operations Section has not been activated.
   (3) Request / order Logistics Section service / support as necessary.
   (4) Monitor and track the number, *Kinds, Types* and *status* of resources situated at the Staging Area.

OPERATIONS SECTION CHIEF (continued)

(5) Notify the Operations Section chief, or the Command Element if the Operations Section has not been activated, when additional resources should be ordered / requested in order to be deployed to incident related assignments, and / or to maintain adequate reserves, and / or for any other appropriate purposes.

(6) Ensure that adequate safety, health, security and force protection measures have been implemented regarding the Staging Area.

(7) Frequently inform the Operations Section chief, or the Command Element if the Operations Section has not been activated, regarding the activities / functions occurring at the Staging Area so as to enable the Operations Section chief, or the Command Element if the Operations Section has not been activated, to ensure that the activities / functions at each of the Staging Areas are performed in a coordinated manner.

29. Manage and direct tactical and logistical / support air operations and aviation / aircraft resources including helicopter (rotary-wing), airplane (fixed-wing) and blimp (air-ship) aircraft.

a. Ensure an appropriate number of Helibases are activated, and that the activities / functions occurring at each Helibase are performed in a coordinated manner, and that a NYPD Helibase Manager is designated to supervise and manage each Helibase.

(1) Ensure each Helibase is situated at an appropriate location and is properly managed;

(2) Ensure each Helibase Manager is situated and operates on the ground at the Helibase.

(3) Ensure adequate safety, health, security, and force protection measures are implemented regarding each Helibase.

(4) Absent extraordinary circumstances, only one Helibase will be activated; and it will be situated at the NYPD Special Operations Division, Aviation Unit located at Floyd Bennett Field, Brooklyn.

b. Ensure an appropriate number of Helispots are activated, and that the activities / functions occurring at each Helispot are performed in a coordinated manner, and that a NYPD Helispot Manager is designated to supervise and manage each Helispot.

(1) Ensure each Helispot is situated at an appropriate location and is properly managed;

(a) When appropriate, each Helispot may be deactivated and / or relocated.

(2) Absent unusual circumstances, ensure each NYPD Helispot Manager is either a Police Officer or supervisor assigned to the Emergency Services Unit.

OPERATIONS SECTION CHIEF (continued)

(a) Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager.

(3) Ensure each Helispot Manager is situated and operates on the ground at the Helispot;

(4) Ensure adequate safety, health, security and force protection measures are implemented regarding each Helispot.

30. Coordinate the actions of the aviation / aircraft resources regarding rooftop observers; Field Observers; Weather Observers; ground units; surface and underwater marine units; Primary Agency(ies); Supporting Agency(ies); Coordinating Agency; and other appropriate resources at the incident, and when applicable, at appropriate off incident sites.

31. Implement Site Management Operations by organizing and deploying the appropriate number, *Kind* and *Type* of resources, e.g., personnel (uniformed, plainclothes and undercover), vehicles, (marked, unmarked, nondescript), barriers (fixed / moveable), watercraft, aircraft, equipment, etc., to create perimeters, roadblocks / checkpoints, security / guard posts, surveillance / counter surveillance teams, sniper / counter sniper teams, interdiction teams, heavy weapons teams, etc.

32. When implementing Site Management Operations:

a. Resources may be organized and deployed as Single Resources, Resource Teams and / or Special Response Teams; and,

b. Resources may be organized utilizing Sectors and / or Groups and / or Branches.

33. When appropriate, implement one or more of the following specific types of Site Management Operations:

a. <u>Force Protection / Security</u>

(1) Prevent intrusive and non-intrusive ("stay behind") attack(s) directed at incident personnel, e.g., improvised explosive devices, snipers, vehicle borne improvised explosive devices, suicide bombers, CBRN / HazMat devices, etc.

(2) Prevent unauthorized individuals from infiltrating into the incident site(s); and, when required, remove unauthorized persons.

(3) Prevent individuals from collecting intelligence, performing reconnaissance, conducting surveillance operations, etc., regarding strategic, operational, tactical, investigative, and support incident management plans, procedures, functions and activities.

(4) Specifically, provide security, safety and force protection at the Incident Command Post, Operations Section Post, Intelligence / Investigations Section Post, and any other General Staff Section Post(s) that are not co-located with the Incident Command Post.

OPERATIONS SECTION CHIEF (continued)

(5) Specifically provide security, safety and force protection at all activated Incident Facilities including all Staging Areas, all Helispots, Helibase(s) and any other appropriate types of Incident Facilities; and, if activated, the Incident Base and all Camps.

b. Site Access Control / Outer Perimeter
   (1) Control vehicular traffic.
      (a) Stop / divert vehicular traffic.
      (b) Prevent unauthorized access of vehicles; and, when required, have unauthorized vehicles removed.
      (c) Provide access / egress to properly identified emergency vehicles; and, other appropriate and necessary properly identified vehicles whose occupants are properly credentialed.
   (2) Control pedestrian traffic.
      (a) Stop / divert pedestrian traffic.
      (b) Prevent unauthorized access of individuals; and, when required, remove unauthorized individuals.
      (c) Provide access / egress to appropriate and necessary personnel who are properly credentialed.

c. Evacuation / Shelter
   (1) When appropriate, evacuate individuals from an area, building, structure, watercraft, railcar, bus, mass transit station / stop / facility, or any other applicable structure / location.
   (2) When appropriate, inform individuals to "shelter in place" or "take shelter" because evacuation would be hazardous.

d. Crowd Control
   (1) When necessary, disperse and / or control loitering individuals, groups, crowds, etc., i.e., bystanders, onlookers, spectators.
   (2) When appropriate, disperse and / or control disorderly individuals, groups, crowds, etc.

e. Investigative Perimeter
   (1) Secure Crime Scene(s)
   (2) Secure Investigative Scene(s).

f. Inner Perimeter
   (1) Containment and security area established at one or more locations due to the presence of one or more threats / conditions involving a dangerous individual(s), device(s) and / or situation(s), e.g., sniper, hostage taker, improvised explosive device, barricaded person, CBRN / HazMat device, armed emotionally disturbed person, vehicle borne improvised explosive device.

OPERATIONS SECTION CHIEF (continued)

(2) No one will be permitted to enter the Inner Perimeter
- (a) Without a protective vest, helmet and other necessary PPE appropriate for the actual or potential threat / condition; **and**,
- (b) Without the approval of the
  1. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element; or,
  2. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if there is no NYPD Incident Commander or NYPD Agency Incident Commander; or,
  3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander and no NYPD Operations Section chief or NYPD Agency Operations Section chief;

g. Safety Perimeter
- (1) CBRN / Haz-Mat exclusion zones, i.e., hot zone, warm zone, cold zone.
- (2) Health hazards exclusion zones, e.g., decaying human remains, unsafe air quality, body fluids, vectors, infectious diseases, polluted water, etc.
- (3) Physical hazards exclusion zones, e.g., falling debris, explosives, weakened structures, exposed electrical wires, unstable rubble, slippery surfaces, confined spaces, etc.

h. Property Security Perimeter
- (1) Secure and protect areas, buildings, premises, structures, personal property, merchandise, vehicles, etc., from theft, vandalism, looting and other loss, damage or destruction.

34. When necessary, request the appropriate mass transit Agency(ies) to:
- a. Stop mass transit from entering the incident area(s).
- b. Have mass transit continue to travel through the incident area(s), but avoid one or more designated mass transit stations, stops, facilities, etc.
- c. Discharge and / or board passengers at one or more designated mass transit stations, stops, facilities, etc., either within the incident area(s) or outside of the incident area(s).
- d. Reroute mass transit to avoid entering the incident area(s).

35. When necessary, request the appropriate Agency(ies) to stop all vehicular / pedestrian traffic from entering one or more designated bridges and / or tunnels.

OPERATIONS SECTION CHIEF (continued)

36. When appropriate, request the Operations Unit, or if activated, the NYPD Emergency Operations Center, to have Transportation Bureau resources, other appropriate Department resources, and / or resources from any appropriate governmental agencies, non-governmental organizations and private entities / individuals deployed outside of the Site Access Control / Outer Perimeter in order to:
    a. Direct traffic away from the incident area(s); and, prevent and / or minimize traffic congestion that may be caused by the incident.
    b. Establish access and egress routes for emergency personnel, vehicles, equipment, etc., responding to or leaving from the incident area(s).
    c. When necessary, provide an escort and establish, post, staff, safeguard, secure, etc., appropriate routes to and / or from the incident area(s) to one or more designated areas and / or facilities located at an off incident site(s), e.g., airport, Police Laboratory, Bomb Squad Explosives Disposal facility, NYC Department of Health and Mental Hygiene Public Health Laboratory, military base.
37. Implement Emergency Credentialing / Site Access Control procedures and operations after consultation with the Primary Agency(ies) and OEM.
38. Implement the Corporate Emergency Access System (CEAS) when directed by the Mayor.

PURPOSE To outline the duties of the Planning Section chief in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Planning Section chief are:

PLANNING SECTION CHIEF

1. Assume command as the Planning Section chief as part of the Incident Management Team; and, manage strategic, operational and tactical planning activities.
2. When applicable, evaluate the current Incident Action Plan, and if necessary, recommend to the Command Element any required modifications.
3. Determine whether the planning process is adequate for the current Operational Period and the subsequent Operational Period(s), and if necessary, implement any required modifications.
4. To ensure that the required resources and support will be available, and the Incident Action Plan is completed and disseminated / distributed at an appropriate time prior to the start of each subsequent Operational Period, establish a Planning Cycle; and, develop a Planning Schedule / Sequence; and, commence the planning process for each subsequent Operational Period at an appropriate time.
   a. The Planning Cycle and /or Planning Schedule / Sequence may change as the incident / event progresses and evolves; and, the length of the current Operational Period and the next subsequent Operational Period(s) change
5. Confer with the Command Element, General Staff, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency and appropriate governmental agencies, non-governmental organizations and private entities / individuals regarding relevant planning activities and the preparation of the Incident Action Plan for each Operational Period.
6. Conduct, facilitate and direct planning meetings.
   a. Identify appropriate planning meeting attendees in consultation with the Command Element.
   b. Ensure maps, charts, matrices, photos / images, timelines, spreadsheets and other planning aids and tools are available.
   c. Ensure briefing is provided regarding current:
      (1) Incident situation, conditions and occurrences;
      (2) Operational activity, i.e., Life Safety, Site Management, Investigations, Recovery / Restoration;
      (3) Resources and support;
      (4) Environmental conditions;
      (5) Appropriate intelligence / information / data.
   d. Ensure that threat and risk assessment information is provided.

PLANNING SECTION CHIEF (continued)

e. Ensure resource and support needs / requirements are provided.
f. Ensure all relevant policy, legal, administrative, fiscal, jurisdictional constraints and limitations are provided.
g. Provide estimates / forecasts regarding future incident related conditions / occurrences; future incident related issues / problems; the development / evolution of the incident; the effects of incident management operations; incident potential; environmental conditions; etc.
h. Assist in the formulation of the Incident Objectives, Strategies, Tactical Direction, tactics and assignments.
i. Assist in determining the required resources and support.
j. Assist in identifying priorities.
k. Develop contingency / alternative Strategies and Tactical Direction.
l. Assist in determining appropriate locations to situate Incident Facilities.
m. Prepare and maintain the Planning Matrix.
n. Plot all appropriate information on a map(s) of the incident area(s), e.g., Sector / Group / Branch boundaries and assignments, Incident Facilities, Site Management Operations perimeters, emergency egress/ access routes.
o. Provide information regarding inter-agency interoperable communications procedural and technological measures.

7. When necessary, develop contingency and alternative plans.
8. When appropriate, conduct long range planning beyond the next several subsequent Operational Periods.
9. Supervise preparation of the Incident Action Plan for each Operational Period.
   a. The Incident Action Plan may be verbal or written.
      (1) The Incident Action Plan must be written if there:
         (a) Is a Unified Command – Command Element; or,
         (b) Will be more than one Operational Period.
   b. The length of an Operational Period is determined by the length of time needed to achieve the Incident Objectives; and, may change as the incident develops, progresses and evolves.
   c. Ensure that the Incident Action Plan:
      (1) Adequately addresses the mission, jurisdiction, policies, constraints, responsibilities, etc., of each of the Primary Agencies that are a part of the Unified Command - Command Element; and,
      (2) Provides adequate coordination between the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and other appropriate governmental agencies, non-governmental organizations and private entities / individuals.

PLANNING SECTION CHIEF (continued)

d. Ensure that the Incident Action Plan includes:
   (1) Statement of Incident Objectives.
      (a) When appropriate describe Strategies and Tactical direction.
   (2) Organization
      (a) Incident management organizational elements, i.e., Organizational Chart, and
      (b) Identities of the specific management and supervisory personnel.
   (3) Tactics, assignments, resources, reserves and support; and required resources / support.
   (4) Map(s) and Supporting Plans and Supporting Material / Attachments
      (a) Map(s) of the appropriate area(s).
      (b) Supporting Plans, e.g., Medical Plan, Health and Safety Plan, Communications Plan, Traffic Plan, Intelligence / Investigations Plan, Logistics Plan, Prisoner Processing Plan, Air Operations Plan.
      (c) Supporting Material, e.g., risk assessments, threats, medical surveillance information, structural design information, geological data, meteorological data, utilities design / operations data, public works design / operations data, criminal intelligence, geospatial data and, when appropriate, unclassified intelligence community information.
      (d) Supporting Attachments, e.g., additional maps, spreadsheets, charts, photos / images, timelines, matrices.
      (e) Ensure that the Incident Action Plan incorporates applicable incident management "Best Practices" and "Lessons Learned."

10. Have the approved Incident Action Plan prepared and reproduced for each Operational Period.
11. Prior to the start of each Operational Period, disseminate and / or distribute the Incident Action Plan for each Operational Period to all supervisors and other appropriate personnel in the appropriate manner, i.e., verbal briefings and / or distribution of a written document.
12. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related planning, current situation, resource *Check-In / status*, information collection / dissemination, documentation, demobilization and Technical Specialist issues.

PLANNING SECTION CHIEF (continued)

b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, planning activities, documentation, demobilization, information collection / dissemination, etc.

c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

13. Continually monitor / evaluate the organizational structure and effectiveness of the Planning Section; and, the performance of the Deputy(ies), Unit Leaders and assigned personnel.
    a. Make appropriate modifications when necessary.
14. Select an appropriate location to establish the Planning Section.
    a. Absent unusual circumstances, the Planning Section will be located at the Incident Command Post.
15. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
16. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
17. Manage the *"Check-In"* of all resources including arriving resources and resources that initially responded directly to the incident scene.
    a. Assign *"Check-In Recorders"* to all locations and / or facilities where resources may *Check-In*:

PLANNING SECTION CHIEF (continued)

(1) Staging Area(s)
(2) Incident Command Post
(3) When applicable, Intelligence / Investigations Section Post. When applicable, investigative resources will *Check-In* at the Intelligence / Investigations Section Post.
(4) Helibase(s). Absent extraordinary circumstances, *Check-In* will not occur at a Helibase(s).
(5) Incident Base. Absent extraordinary circumstances an Incident Base will not be activated in NYC.
(6) Camp(s). Absent extraordinary circumstances a Camp(s) will not be activated in NYC.

b. Pursuant to CIMS, absent extraordinary circumstances, resources must formally *Check-In* before reporting to the Operations Section or Sectors or Groups or Branches for assignment.
c. Ensure resources that *Check-In* are properly recorded on **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)** or other appropriate *Check –In* forms, logs, records, etc.
d. Efforts should be made to electronically record / document resources that *Check-In*.
e. Determine the frequency and implement a schedule for the *Check-In Recorders* to provide / report *Check-In* information to the appropriate incident management organizational element / personnel.

18. Collect, process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate resource related information / data including the number, *Type* and *Kind* of *Assigned*, *Available*, *Out of Service*, requested, allocated, responding, required, etc., resources.
19. Implement a conventional, analog or digital system to document, monitor and track the current location, *status*, quantity, *Kind*, *Type*, assignment, etc., of all resources.
20. Maintain conventional, analog or digital records, documents and files, indicating the location, *status*, quantity, *Kind*, *Type*, assignment, etc., of all resources.
    a. Maintain a "master list" of all resources.
21. Determine the current and estimate / forecast future needs and requirements regarding routine and specialized resources.
22. Identify and collect required current situation information including information involving the condition / progress of the incident, incident operations and environmental conditions.
    a. Utilize Field Observers, Weather Observers, Intelligence / Investigations Liaison, Technical Specialists, and any other appropriate incident personnel or personnel located at off incident sites.
    b. Maintain close liaison with the Public Information officer.
    c. Maintain close liaison with other Command Staff positions and General Staff Sections.
    d. Utilize appropriate technical methods / techniques.

PLANNING SECTION CHIEF (continued)

e. Utilize any other appropriate incident resources or resources located at off incident sites.

23. Process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate all current situation information.

24. Identify and collect from various sources required routine and specialized information, intelligence and data, including risk assessments, threats, medical surveillance information, structural design information, geological data, meteorological data, utilities design / operations data, public works design / operations data, criminal intelligence, geospatial data and, when appropriate, intelligence community information.
    a. Maintain close liaison with the Intelligence / Investigations function irrespective of whether it is organized as a Section, Branch, Group or Command Staff position.
    b. Utilize Field Observers, Weather Observers, Intelligence / Investigations Liaison, Technical Specialists, and any other appropriate incident personnel or personnel located at off incident sites.
    c. Maintain close liaison with the Public Information officer.
    d. Maintain close liaison with other Command Staff positions and General Staff Sections.
    e. Utilize appropriate technical methods / techniques.
    f. Utilize any other appropriate incident resources or resources located at off incident sites.

25. Process, organize, analyze, evaluate, document, monitor, prepare summaries, display and disseminate appropriate incident related information, intelligence and data.

26. Coordinate with the Operations Section, the Intelligence / Investigations function and other appropriate General Staff Sections and Command Staff positions to ensure that all planning activities are reconciled with and do not compromise intelligence, investigative, support, operational, etc., confidentiality or security.

27. Implement procedures, plans, activities, etc., to ensure:
    a. Classified information is
        (1) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
        (2) Communicated to and received by personnel specifically selected by the Command Element who have the appropriate "clearance level" / "access", i.e., Top Secret, Secret, SCI, and authorization, i.e., "need to know".
    b. Information that is restricted unclassified information, e.g., Law Enforcement Sensitive (LES), Official Use Only (OUO), Sensitive But Unclassified (SBU), personal, originator controlled, export controlled, personnel related, proprietary, etc., is

PLANNING SECTION CHIEF (continued)

(1) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc; and,

(2) Communicated to and received by appropriate authorized personnel.

28. Confer with the Command Element and, when appropriate, the Intelligence / Investigations function, regarding the development, implementation and management of intelligence / information / data security and operational security procedures, plans, activities, etc.
29. Report any significant changes in the current incident situation, or the incident progress, development and evolution.
30. Maintain records / documents and prepare analyses, evaluations, summaries and displays concerning estimates / forecasts regarding future incident related conditions / occurrences; future incident related issues / problems; the development / evolution of the incident; the effects of incident management operations; incident potential; environmental conditions; etc.
31. Provide duplication services for incident personnel.
32. Ensure required incident related records / documents are prepared and the incident and all appropriate incident related activity is properly documented utilizing appropriate conventional, analog and digital techniques / methods.
    a. Prepare and maintain required conventional, analog and digital incident related documents, reports, forms, logs, records, files, etc.
    b. Maintain records / documents regarding the major steps taken to resolve the incident.
33. Ensure that conventional, analog and digital incident records / documents are properly prepared, maintained, safeguarded, filed, secured, stored, etc., for analytical, historical, legal and other appropriate purposes.
34. Maintain Incident Command Post Log containing:
    a. Summary of personnel deployment.
    b. Chronological listing of significant occurrences, conditions, operations, activities, etc.
    c. Chronological listing of essential information, e.g., crimes, arrests, injuries, fatalities.
    d. Results of periodic survey of incident area(s).
    e. Transfer(s) of Command.
    f. Information regarding the significant operations, actions, decisions, activities, etc., taken to resolve the incident.
    g. Other appropriate information / data.
35. Maintain maps, status boards, spreadsheets, matrices, charts, photos / images, timelines and other appropriate displays / visual aids regarding:
    a. Sector boundaries and Group deployments.
    b. Current resource deployments and estimated / forecasted future deployments.

PLANNING SECTION CHIEF (continued)

c. Locations of Incident Facilities, i.e., Incident Command Post, Operations Section Post, Intelligence / Investigations Post, Staging Area(s), Helispots, etc.
d. Locations of past, current and estimated / forecasted future major incidents / events, e.g., disorderly groups, building collapses, fires, power outages.
e. Perimeters implemented as part of Site Management Operations.
f. Critical infrastructure, hazardous locations, sensitive locations and other appropriate areas / facilities.
g. Appropriate emergency access / egress, evacuation, traffic, etc., routes.
h. If applicable, appropriate mass transportation stations, terminals, routes, facilities, etc.
i. CBRN / HazMat exclusion zones, if applicable.
j. Current resources and estimated / forecasted future resource needs.
k. Any other relevant or necessary information that could be better understood or analyzed if it was visually displayed.

36. Supervise preparation of the Demobilization Plan.
    a. Ensure Demobilization planning commences at an appropriate time during the incident.
    b. Recommend Demobilization release priorities to the Command Element for approval based upon continuing resource / support needs and requirements both at the incident, and when applicable, at appropriate off incident sites.
    c. Include specific instructions for all personnel and resources that will be demobilized.
    d. Ensure the Demobilization Plan is expeditiously disseminated / distributed in the appropriate manner at the incident, and when applicable, at appropriate off incident sites.
37. Manage the utilization, assignment and deployment of Technical Specialists, e.g., meteorologist, chemist, engineer, computer technician, epidemiologist, accountant, attorney, veterinarian, toxicologist, biologist, criminalist, physicist, medical doctor, etc.
    a. Technical Specialists may:
        (1) Report directly to the Planning Section chief;
        (2) Report to any activated Unit / function within the Planning Section;
        (3) Be assigned to a separate specific Technical Specialists Unit within the Planning Section;
        (4) Be assigned to one or more General Staff Sections;
        (5) Be assigned to one or more Command Staff positions as an Assistant(s);
        (6) Be designated as one or more additional separate Command Staff officers.

`PLANNING SECTION CHIEF (continued)

38. Determine whether to activate or deactivate a Unit within the Planning Section. If a Unit is not activated or is deactivated, the Planning Section chief is responsible for performing / managing that Unit's functions.
    a. The number of personnel assigned to a particular Unit will be determined by the Planning Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
39. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
40. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Planning Section functions / activities.
41. When necessary, activate or deactivate any of the following Units:
    a. Resources Unit
    b. Situation Unit
    c. Documentation Unit
    d. Demobilization Unit.

FORMS AND REPORTS ***DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)***

PURPOSE To outline the duties of the Logistics Section chief in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Logistics Section chief are:

LOGISTICS SECTION CHIEF

1. Assume command as the Logistics Section chief as part of the Incident Management Team; and, with the exception of logistics / support air operations and aviation / aircraft resources, manage all logistics service and support functions at the incident, and when applicable, at appropriate off incident sites.
2. Determine whether to activate or deactivate a Unit within the Logistics Section. If a Unit is not activated or is deactivated, the Logistics Section chief is responsible for performing / managing that Unit's functions. The number of personnel assigned to a particular Unit will be determined by the Logistics Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
3. Ensure logistics "Service" functions are properly performed.
   a. Communications
      (1) Manage all incident related communications functions and activities, i.e., voice / audio, data, image, text.
      (2) Engage in communications planning functions / activities; and, prepare the Communications Plan. The Communications Plan may be verbal or written.
      (3) When necessary, activate, operate and supervise the Incident Communications Center.
      (4) Request / order, obtain, receive, document, process, provide, record, install, test, distribute, maintain, service, safeguard, repair, replace, secure, store, recover, etc., analog and digital, and mobile / wireless and wire / landline, communications devices, equipment, systems and networks, i.e., voice / audio, data, image, text, including radios; landline telephones; wireless cellular and push-to-talk telephones; desk top, lap top and handheld digital computer communications hardware, software, peripherals, accessories, etc.; public address devices / systems; bullhorns; facsimile devices; pagers; mobile digital terminals; blackberries; pocket digital assistants; etc.
      (5) Identify and provide necessary NYPD Borough / Citywide "repeated" radio frequencies and / or tactical "point-to-point" radio frequencies for operational, command, tactical, investigative, support, aviation, etc., communications; and, provide any other additional required NYPD radio frequencies.

LOGISTICS SECTION CHIEF (continued)

(6) Provide inter-agency interoperable communications procedural and technological measures; and when appropriate, provide Borough / Citywide "repeated" interoperable radio frequencies, and / or tactical "point-to-point" interoperable radio frequencies.

(7) When appropriate and necessary, provide the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency.

(8) When appropriate, provide radio / mobile phone interconnect systems at incidents requiring additional support to ensure interoperable / shared communications.

(9) Provide all required communication links to appropriate off incident sites.

NOTE *Logistics Section Chief may have to work with other agencies communications.*

b. Medical

(1) Generally not activated in NYC. However, a Medical Unit may be activated during a large incident that will continue for a significant period of time, or for a CBRN / HazMat incident.

(2) Responsible for all medical service / support involving incident personnel at the incident, and when applicable, at appropriate off incident sites including providing medical care / treatment; vaccinations; prophylaxis; medical information; appropriate decontamination measures / treatment; emergency medical care / treatment; emergency and non-emergency transportation to appropriate medical facilities; mental, psychological, emotional and behavioral health services; privacy / security for hospitalized incident personnel; occupational health services; vector control / mitigation measures; assistance regarding personal and mortuary affairs for deceased incident personnel; required initial base-line physical / psychological medical examinations at the incident; required on-going physical / psychological medical monitoring / surveillance at the incident, etc.

(3) Ensure that the condition, location, treatment, prognosis, etc., of sick / injured incident personnel are monitored, documented, evaluated and tracked as they move from point of origin, to one or more care facilities and to the final destination / disposition.

(4) Collect, document, format, analyze, evaluate, secure / safeguard and file / store incident related health and safety data / information regarding injuries, illnesses, fatalities, accidents, CBRN /HazMat exposures, etc.; and, properly disseminate the data / information in compliance with applicable confidentiality / security procedures, policies, rules, regulations, statutes, etc., to the appropriate governmental agencies, non-governmental organizations and private entities / individuals.

LOGISTICS SECTION CHIEF (continued)

(5) Ensure post-incident medical physical and psychological health monitoring / surveillance, assessment /evaluation, treatment / counseling and assistance / support is provided when necessary.

(6) Prepare the Medical Plan including ground / air emergency medical transportation; countermeasures regarding actual / potential hazardous, unhealthy and unsafe activities and conditions; medical assistance capabilities at the incident and at appropriate off incident sites; and procedures, treatment / care and resources required to resolve emergency and non-emergency medical problems.

c. Food

(1) Generally not activated in NYC. However, a Food Unit may be activated during an extremely large incident that will continue for a significant period of time.

(2) Responsible for all food and water service / support involving incident personnel at the incident, and when applicable, at appropriate off incident sites including determining required routine and specialized food / water resources, service and support; planning menus; cooking / serving food; dispensing water; maintaining food / water service areas; ensuring food / water safety, health and security measures are implemented; etc.

(3) Manage, control and coordinate the activities, functions and efforts of the General Staff, Command Staff, Primary Agency(ies), Supporting Agency(ies), Coordinating Agency; and, appropriate governmental agencies, non-governmental organizations and private entities / individuals regarding providing food and water resources, service and support to incident personnel at the incident, and when applicable, at appropriate off incident sites.

4. Ensure logistics "Support" functions are properly performed.

a. Supply

(1) Request / order personnel resources. When applicable, personnel resources will be ordered from appropriate off incident sites.

(2) Except for aviation / aircraft resources, request / order, obtain, receive, document, process, provide, distribute, record, safeguard, store, secure, replace, recover, etc., incident related expendable and non-expendable tactical and support non-personnel resources including tools, supplies, vehicles, watercraft and equipment. When applicable, non-personnel resources will be ordered from appropriate off incident sites.

(3) Except for mobile ground equipment, vehicles and aviation / aircraft resources, maintain, service, fuel and repair incident related expendable and non-expendable tactical and support non-personnel resources including tools, supplies, watercraft and equipment.

LOGISTICS SECTION CHIEF (continued)

b. Ground Support
   (1) Maintain, safeguard, store, secure, service, repair and fuel all mobile ground equipment and vehicles.
   (2) Prepare required documentation and records regarding appropriate mobile ground equipment and vehicles at the incident, and when applicable, at appropriate off incident sites.
   (3) Provide ground transportation for personnel, supplies, and equipment. When appropriate, maintain a transportation pool consisting of vehicles suitable for transporting personnel, e.g., cars, vans, buses.
   (4) Record "usage time", and prepare required maintenance, service and repair records and any other required documentation / records regarding appropriate mobile ground equipment and vehicles at the incident, and when applicable, at appropriate off incident sites.
   (5) When necessary, develop and implement the Traffic Plan.

c. Facilities
   (1) Activate, maintain and demobilize Incident Facilities except the Helibase(s); Helispot(s); and incident management related airplane, blimp and other aviation / aircraft resource air field(s) not located at a conventional airport. Incident Facilities include:
      (a) Incident Command Post.
      (b) Staging Area(s).
      (c) Operations Section Post.
      (d) Intelligence / Investigations Section Post.
      (e) Incident Base. Absent extraordinary circumstances an Incident Base will not be activated in NYC. However, an Incident Base might be activated during an extremely large incident that will continue for an extended period of time.
      (f) Camp(s). Absent extraordinary circumstances a Camp(s) will not be activated in New York City. However, a Camp(s) might be activated during an extremely large incident that that will require incident personnel to be lodged for an extended period of time in the vicinity of the incident.
      (g) Any other facilities situated at the incident, and when applicable, at appropriate off incident sites that will be used for providing food / water, lodging, shower, sanitation, etc., services to incident personnel;

LOGISTICS SECTION CHIEF (continued)

(h) Any other facilities situated at the incident, and when applicable, at appropriate off incident sites that will be used for conducting appropriate support and / or service functions and activities, e.g., Mass Care (Triage / Treatment / Transportation), Mass Casualty Management, Mass Fatality Management / Temporary Morgue, Mass Decontamination, Family Assistance.

(2) When appropriate, existing structures in the vicinity of the incident may be used either partially or entirely as Incident Facilities.

5. When necessary, activate or deactivate any of the following Service Units:
   a. Communications Unit
   b. Medical Unit
   c. Food Unit.
6. When necessary, activate or deactivate any of the following Support Units:
   a. Supply Unit
   b. Ground Support Unit
   c. Facilities Unit.
7. When necessary, activate a Support Branch to manage Support Units and / or a Service Branch to manage Service Units at the incident, and when applicable, at appropriate off incident sites.
   a. Assign Branch Directors.
8. Communicate and coordinate with the NYPD Special Operations Division, Aviation Unit regarding logistics / support air operations and aviation / aircraft resources.
   a. In NYC, pursuant to CIMS, logistics / support air operations and aviation / aircraft resources are managed and controlled by a NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director, than logistics / support air operations and aviation / aircraft resources will be managed and controlled by the:
      (1) NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
      (2) NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
      (3) NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

LOGISTICS SECTION CHIEF (continued)

b. Outside of NYC, logistics / support air operations and aviation / aircraft resources are managed and controlled by the:
   (1) Air Support Group Supervisor if an Air Support is activated; or,
   (2) Air Operations Branch Director if the Air Support Group is not activated but an Air Operations Branch is activated; or,
   (3) Operations Section chief if the Air Operations Branch is not activated.

9. Participate in planning meetings when appropriate.
10. Assist in the development of the Incident Action Plan.
    a. When necessary, prepare the Communications Plan, Medical Plan, Traffic Plan and any other required logistics service / support related plans.
    b. Ensure that the logistic service and support aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the logistic service and support aspects of the Demobilization Plan.
11. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related logistics service and support issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategy, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, logistics service / support activities, communications, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
12. Continually monitor / evaluate the organizational structure and effectiveness of the Logistics Section, and the performance of the Deputy(ies), Unit Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
13. Confer with the Primary Agency(ies), Supporting Agency(ies), Coordinating Agency and other appropriate governmental agencies, non-governmental organizations and private entities / individuals to determine current and estimate / forecast future routine and specialized required logistic service and support at the incident, and when applicable, at appropriate off incident sites.
14. Expeditiously provide routine and specialized required logistic service and support at the incident, and when applicable, at appropriate off incident sites.
15. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Logistics Section functions / activities.

LOGISTICS SECTION CHIEF (continued)

16. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource status changes must be approved by the appropriate authority and communicated through the established Chain of Command.
17. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Confer with the Deputy Commissioner, Information Technology, Life – Safety Systems Division, Information Technology Services Division, Communications Division, Communications Section, Electronics Section, Telecommunications Unit, Technical Assistance and Response Unit, Counterterrorism Bureau, other appropriate NYPD Units; and, any appropriate governmental agencies, non-governmental organizations and / or private entities / individuals regarding communications functions and activities.
20. Ensure effective and efficient communications service and support is provided, i.e., voice / audio, data, image, text, at the incident, and when applicable, at appropriate off incident sites:
    a. Provide necessary analog and digital, and mobile / wireless and wire / landline, communications devices, equipment, systems and networks, i.e., voice / audio, data, image, text.
    b. Prepare the Communications Plan
        (1) Depending upon the circumstances, the Communications Plan may be verbal or written.

LOGISTICS SECTION CHIEF (continued)

c. When necessary, request the activation of a "Dual Dispatch System" and confer with the Communications Section supervisor regarding the appropriate notification protocols.
   (1) A Dual Dispatch System involves the routing of calls for service at the incident to incident personnel if it is high priority and to non incident personnel, i.e., precinct personnel, if it is low priority.

d. Ensure that the Communications Section Platoon Commander is notified regarding all Emergency Public Information and all recommended public health, safety and security related protective measures, e.g., evacuate, shelter in place, change clothes, wash, etc.; and, any other information that would be vital to disseminate to 911 callers, 311 callers, involved individuals, incident personnel, governmental agencies, non-governmental organizations and / or private entities / individuals.

e. Ensure borrowed or issued equipment / devices are returned at the appropriate time.

f. Confer with Deputy Commissioner, Information Technology, Life – Safety Systems Division, Information Technology Services Division, Communications Division, Communications Section, Electronics Section, Telecommunications Unit, Technical Assistance and Response Unit, Counterterrorism Bureau, other appropriate NYPD Units; and, any appropriate governmental agencies, non-governmental organizations and / or private entities / individuals regarding:
   (1) Required incident related communications service and / or support, e.g., Cell-on-Wheels (COW), priority cellular phones.
   (2) Any other appropriate voice / audio, image, text or data communications technical and / or non-technical needs, requirements, information, procedures, functions, issues, suggestions, problems, etc.

21. When appropriate, activate, operate and supervise the Incident Communications Center.
   a. The Incident Communications Center is used solely by resources at the incident, and when applicable, at appropriate off incident sites.
   b. The Message Center is a component of and is co-located with the Incident Communications Center.
   c. An Incident Dispatcher will be assigned and will be responsible for:
      (1) Assigning / dispatching resources at the incident, and when applicable, at appropriate off incident sites; and,
      (2) Receiving and transmitting radio, telephone, facsimile, computer, etc., messages; and,
      (3) Providing analog and digital, and mobile / wireless and wire / landline voice / audio, image, data, text, etc. communications service / support; and,
      (4) Providing other required incident dispatch services.

LOGISTICS SECTION CHIEF (continued)

d. If established, the Incident Communications Center should be located at the Incident Command Post.

22. Ensure that all requested resources respond promptly to the appropriate location. If requested resources have not promptly responded notify:
    a. Patrol Borough Office, Borough of occurrence when appropriate.
    b. Operations Unit.
    c. NYPD Emergency Operations Center if activated.
23. Select an appropriate location to establish the Logistics Section.
    a. Absent unusual circumstances, the Logistics Section will be located at the Incident Command Post.
    b. Outside of NYC, the Logistics Section is usually located at the Incident Base. However, absent extraordinary circumstances an Incident Base will not be established in NYC.

PURPOSE To outline the duties of the Finance / Administration Section chief in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Finance / Administration Section chief are:

FINANCE / ADMINISTRATION SECTION CHIEF

1. Assume command as the Finance / Administration Section chief as part of the Incident Management Team; and, manage all financial and administrative activities.
   a. The Finance / Administration function may be performed by a Technical Specialist assigned to the Planning Section instead of activating the Finance / Administration Section, if minimal Finance / Administration activity is required, e.g., tracking overtime costs and ensuring overtime is properly coded.
2. Collect, process, organize, analyze, evaluate, record, monitor, prepare summaries, display and disseminate financial, administrative, time, overtime, personnel records, procurement, contract / agreement obligation, compensation / claims and cost related information, statistics and data as needed.
3. When necessary, identify current and estimate / forecast future incident related financial, administrative, time, overtime, personnel records, procurement, contract / agreement obligation, compensation / claims and cost related requirements, issues, needs, problems, advantages, etc.
4. Manage the "Compensation for Injury" function involving all financial and administrative activities regarding incident related injuries, illnesses and / or deaths of incident personnel.
5. Manage the "Claims" function involving all financial and administrative activities regarding incident related damage to property owned, rented, leased, etc., by a Primary Agency(ies), a Supporting Agency(ies), Coordinating Agency and / or other governmental agency, non-governmental organization or private entity / individual involved in incident management operations, functions or activities.
6. Ensure proper and expeditious preparation, collection, processing and transmittal of incident related personnel time and overtime records.
7. Ensure proper overtime codes are being used by incident personnel.
8. When necessary, ensure proper preparation, maintenance and transmittal of applicable "personnel records" for incident personnel.
9. When appropriate, establish and operate an incident Commissary and designate a Commissary Manager.
10. Ensure that required resources are efficiently and expeditiously procured and manage all procurement related activities.
11. Manage all financial and administrative activities related to:
    a. Vendor contracts, obligations, leases, rental agreements, and other financial or administrative agreements.

FINANCE / ADMINISTRATION SECTION CHIEF (continued)

b. Inter-agency and inter-jurisdictional Memoranda of Understanding, Mutual Aid Agreements, Memoranda of Agreement and other compacts, agreements, obligations, grants, contracts, etc.

12. Record equipment "usage time," and costs involving equipment, fuel, parts, maintenance, service, repairs, etc.
13. Ensure all incident related contract / agreement obligation documents are properly prepared, approved, and executed.
14. Participate in planning meetings when appropriate.
15. Assist in the development of the Incident Action Plan.
    a. Prepare any required financial / administrative related plans.
    b. Ensure that the financial and administrative aspects of the Incident Action Plan are properly formulated and implemented.
    c. Provide advice to the Planning Section regarding the financial and administrative aspects of the Demobilization Plan.
16. Continually monitor performance, analyze data / information, evaluate incident operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related financial and administrative issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategy, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, financial and administrative activity.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
17. Continually monitor / evaluate the organizational structure and effectiveness of the Finance / Administration Section, and the performance of the Deputy(ies), Unit Leaders, Managers and assigned personnel.
    a. Make appropriate modifications when necessary.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Meet with each Supporting Agency / Agency Representative when necessary; and comply with each Supporting Agencies':
    a. Time, overtime, personnel records and other related financial and administrative policies and procedures.
    b. Equipment usage and other applicable equipment records/ documentation related financial and administrative policies and procedures.
    c. Compensation for injury and property claims related financial and administrative policies and procedures.
    d. Procurement and contract / agreement obligation related financial and administrative policies and procedures.

FINANCE / ADMINISTRATION SECTION CHIEF (continued)

e. Cost related financial and administrative policies and procedures.
f. Applicable and appropriate financial and administrative policies and procedures.

20. Confer with the Planning Section and Logistics Section to ensure that operational records are consistent with related financial and administrative records.
21. When necessary, collect, process, organize, evaluate, analyze, record, monitor, prepare summaries, display and disseminate appropriate incident related cost information, statistics and data.
22. When necessary, monitor costs to ensure compliance with applicable statutes, regulations, contracts, memoranda of understanding, grants, mutual aid agreements, etc.
23. When necessary, ensure that all activities involving financial reimbursements / obligations to and financial support / funds from one or more governmental agencies, non-governmental organizations and private entities / individuals are properly managed.
24. When necessary, provide immediate and contemporaneous, i.e., "real-time," monitoring of designated incident costs in order to determine any required additional funds that must be obtained in order to avoid adversely affecting overall or specific incident management operations, functions or activities.
25. Determine the current and estimate / forecast future incident related costs when requested.
26. If possible, identify current and future cost saving measures.
27. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
28. Prepare and maintain appropriate records, forms, logs, reports, etc., regarding the Finance / Administration Section functions / activities.
29. When necessary, confer with appropriate Agency / Headquarters finance / administrative personnel regarding incident related financial, administrative, procurement, contract / agreement obligation, time, overtime, personnel records, cost and compensation / claims information, data, problems, needs, requirements, issues, etc.
30. Select appropriate location for Finance / Administration Section.
    a. Finance / Administration Section may be located at the Incident Command Post; or,
    b. Finance / Administration Section may be situated at an off incident site, e.g., NYPD Headquarters – Office of the Deputy Commissioner Management and Budget, NYPD Operations Unit, NYPD Emergency Operations Center if activated.

FINANCE / ADMINISTRATION SECTION CHIEF (continued)

31. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.
        (2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
        (3) Function as a relief.
        (4) Be assigned specific tasks as requested by the principal.
    c. The Deputy may be a member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
        (1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
        (2) Currently is, or after a period of time, may be significantly affected by the incident.
32. Determine whether to activate or deactivate a Unit within the Finance / Administration Section. If a Unit is not activated or is deactivated, the Finance / Administration Section chief is responsible for performing / managing that Unit's functions.
    a. The number of personnel assigned to a particular Unit will be determined by the Finance / Administration Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.
33. When necessary, activate or deactivate any of the following Units:
    a. Time Unit
    b. Procurement Unit
    c. Compensation / Claims Unit
    d. Cost Unit.

ADDITIONAL DATA

If there is a Single Command – Command Element, the Incident Commander will designate the one Finance / Administration Section chief. When the NYPD is the Primary Agency in a Single Command - Command Element, if the Finance / Administration Section is activated, absent unusual circumstances, the Incident Commander will have a member of the NYPD designated as the Finance / Administration Section chief; or if that is not possible, designated as a Deputy to a non-NYPD Finance / Administration Section chief. Whenever possible, the Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Management and Budget to perform the functions of the Finance / Administration Section chief; or if that is not possible, to perform the functions of a Deputy to a non-NYPD Finance / Administration Section chief.

ADDITIONAL DATA (continued)

If there is a Unified Command – Command Element, all of the Agency Incident Commanders will jointly designate the one Finance / Administration Section chief. When the NYPD is one of the one Primary Agencies in a Unified Command – Command Element, if the Finance / Administration Section chief position is activated, absent unusual circumstances, the NYPD Agency Incident Commander should make every effort to have a member of the NYPD designated as the Finance / Administration Section chief; or if that is not possible, designated as a Deputy to a non-NYPD Finance / Administration Section chief. Whenever possible, the NYPD Agency Incident Commander should designate a member of service assigned to the Office of the Deputy Commissioner, Management and Budget to perform the functions of the Finance / Administration Section chief; or if that is not possible, to perform the functions of a Deputy to a non-NYPD Finance / Administration Section chief.

SCOPE ORGANIZATION OF INTELLIGENCE / INVESTIGATIVE FUNCTIONS

The investigative and intelligence aspects of incident management are significantly different from the tactical aspects and are not adequately addressed by the traditional Incident Command System (ICS) organizational model. Therefore, when there is a considerable investigative or intelligence component to the management or resolution of an incident, the Command Element should activate an Intelligence / Investigations Section as part of the General Staff.

In unusual situations, when the Intelligence / Investigations function is not a considerable component of the management or resolution of an incident, it may be organized as a Branch or Group within the Operations Section rather than as a separate General Staff Section. In extremely unusual situations when the Intelligence / Investigations function is minimal, it may be organized as a Command Staff position or Planning Section / Situation Unit function.

The Intelligence / Investigations function should be organized as a Section when the NYPD is the Primary Agency in a Single Command – Command Element, or when the NYPD is one of the Primary Agencies in a Unified Command – Command Element.

PURPOSE To outline the duties of the Intelligence / Investigations Section chief in CIMS.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Intelligence / Investigations Section chief are:

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF

1. Assume command as the Intelligence / Investigations Section chief as part of the Incident Management Team; and, manage investigative and intelligence operations.
2. Establish the Intelligence / Investigations Section Post at an appropriate location.
   a. The Intelligence / Investigations Section Post is the location where the Intelligence / Investigations Section chief, Deputy(ies) and appropriate staff will remain and manage / direct all of the intelligence and investigative functions, operations and activities.
   b. The Intelligence / Investigations Section Post generally will not be co-located with the Operations Section Post or the Incident Command Post. The Intelligence / Investigations Section Post will be established at a secure location within a reasonable distance from the Operations Section Post and the Incident Command Post.

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)

c. Choose a location that is a reasonable and appropriate distance from the incident; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Intelligence / Investigations Section Post will be located within the Site Access Control / Outer Perimeter.

d. If necessary, the Intelligence / Investigations Section Post may be relocated.

e. The Intelligence / Investigations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building.

f. Ensure that adequate safety, health, security and force protection measures are implemented.

3. Ensure appropriate investigative techniques are utilized.
4. Ensure assigned investigative leads / tasks are properly recorded.
5. Ensure assigned investigative leads / tasks are properly performed.
6. Ensure all appropriate follow-up actions are promptly identified, assigned, recorded and properly performed.
7. Ensure Investigative Scenes and Crime Scenes are identified, secured and processed.
   a. Determine the number, location, size, boundaries, configuration, etc., of the Crime Scenes and / or Investigative Scenes. The size of the Crime Scenes and / or Investigative Scenes will depend upon the circumstances of the incident. However, initially the size of the Crime Scenes and/ or Investigative Scenes should be large, and as time progresses and additional facts are discovered they may be reduced in size.
   b. In order to minimize / avoid the alteration, loss, contamination, degradation, destruction, etc., of physical evidence, ensure access to the Crime Scenes, and if applicable, the Investigative Scenes, are strictly controlled. Absent extraordinary circumstances and /or circumstances involving the life or safety of involved persons or the public, only appropriately trained and equipped personnel who are involved in the investigation of the incident and have an absolute need to enter will be allowed access within the Crime Scenes, and if applicable, the Investigative Scenes. Civilians and personnel representing involved governmental agencies, non-governmental organizations and private entities / individuals who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Crime Scenes, and if applicable, the Investigative Scenes.
   c. When appropriate authorize the release and relinquishment of control of the Crime Scenes and / or Investigative Scenes.

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)

8. Ensure forensic evidence and conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data) are properly and expeditiously collected, vouchered and analyzed / examined.
9. Ensure all investigative activity associated with telephone, computer and other types of electronic communications is properly performed.
10. Ensure intelligence information is collected in a timely manner.
11. Ensure threat information is expeditiously identified, processed, analyzed, evaluated, documented and disseminated to the Command Element, Operations Section, and appropriate Command Staff positions, General Staff Sections, governmental agencies, non-governmental organizations, private entities / individuals.
    a. Recommend appropriate alerting or non-alerting prevention, interdiction, disruption, denial, etc., countermeasures / techniques to the Command Element and Operations Section.
12. Ensure investigative and intelligence information is processed, organized, analyzed, evaluated, documented and appropriately disseminated.
    a. Implement procedures, plans, activities, etc., to ensure:
        (1) Classified information is:
            (a) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
            (b) Communicated to and received by personnel specifically selected by the Command Element who have the appropriate "clearance level" / "access", i.e., Top Secret, Secret, SCI, and authorization, i.e., "need to know."
        (2) Information that is restricted unclassified information, e.g., Law Enforcement Sensitive (LES), Official Use Only (OUO), Sensitive But Unclassified (SBU), personal, originator controlled, export controlled, personnel related, proprietary, etc., is:
            (a) Appropriately transmitted, received, documented, recorded, safeguarded, filed, maintained, secured, stored, etc.; and,
            (b) Communicated to and received by appropriate authorized personnel.
    b. Confer with the Command Element and, when appropriate, the Planning Section, regarding the development, implementation and management of intelligence / information / data security and operational security procedures, plans, activities, etc.
13. Ensure intelligence and investigative information is processed, documented, organized, recorded, summarized, presented and displayed in a manner that allows it to be easily visualized, analyzed, evaluated and understood, e.g., link analysis charts, organization / hierarchy charts, matrices, spreadsheets, maps, images / photos, charts, timelines, etc.

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)

14. Ensure all investigative activity associated with missing persons, unidentified aided persons and human remains is properly performed.
15. Ensure all operational and support resources are being efficiently and effectively utilized.
16. Ensure required legal advice, services and process, e.g., warrants, subpoenas, court orders, etc., are expeditiously obtained.
17. Ensure a chronological account of the significant investigative and, when appropriate, intelligence information, actions and results, is appropriately recorded, documented and displayed.
    a. Confer and coordinate with the Planning Section.
18. Develop and implement accountability, safety, health, force protection and security measures for personnel, vehicles, equipment, facilities and other resources.
19. Interact with any position within the incident management organization; however absent emergency circumstances, direction may only be given through the established Chain of Command. Additionally, absent extraordinary circumstances, resource orders / requests and resource *status* changes must be approved by the appropriate authority and communicated through the established Chain of Command.
20. Ensure appropriate records, forms, logs, reports, etc., regarding the Intelligence / Investigations Section functions / activities are properly prepared and maintained.
21. Ensure appropriate investigative and intelligence information is expeditiously communicated to the Command Element, Operations Section, Planning Section / Situation Unit and any other appropriate General Staff Sections and Command Staff positions:
    a. When the Intelligence / Investigations Section is activated, a member of the Operations Section should be assigned to the Intelligence / Investigations Section Post to act as a liaison; and, a member of the Intelligence / Investigations Section should be assigned to the Operations Section Post to act as a liaison.
    b. Depending upon the significance of the intelligence / investigative component of the incident and after conferral with the Operations Section chief, the member of the Operations Section assigned to the Intelligence / Investigations Section Post and the member of the Intelligence / Investigations Section assigned to the Operations Section Post to act as liaisons may be supervisors.
22. Direct and coordinate investigative and intelligence operations, functions and activities regarding all involved governmental agencies, non-governmental organizations and private entities / individuals, e.g., FBI, USSS, ATF, ICE, Customs and Border Patrol, US Park Police, US Postal Inspection Service, National Transportation Safety Board, Coast Guard, US DOD police / investigators, NYS Police, NYS DEC, MTAPD, PAPD, FDNY Fire Marshals, NYC DEP, NYC DPR Urban Park Service, NYC DS Police, NYC DOC, NYC DOHMH Epidemiologists, NYC Health and Hospitals Corporation security, private security, private investigators.

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)

23. Ensure investigative and intelligence activity is coordinated with the appropriate Command Staff positions and General Staff Sections.
    a. In particular, maintain close liaison, frequently communicate and continually coordinate tactical investigative and intelligence activity with the Operations Section, e.g., warrant executions, arrests, evidence searches / seizures, physical surveillance, electronic surveillance, surreptitious entries, non-alerting / ruse detentions, confidential informant / undercover operations, etc.
24. Participate in planning meetings when appropriate.
25. Assist in the development of the Incident Action Plan.
    a. Ensure that Investigative / Intelligence Operations and considerations, particularly those involving the processing of Crime Scenes and Investigative Scenes, are included in the Incident Objectives.
    b. Prepare the Intelligence / Investigations Plan and any other required intelligence / investigations related plans.
    c. Ensure that the intelligence and investigative aspects of the Incident Action Plan are properly formulated and implemented.
    d. Provide advice to the Planning Section regarding the investigative and intelligence aspects of the Demobilization Plan.
26. Continually monitor performance, analyze data / information, evaluate operations and resources, assess the current situation and evaluate the implementation of the Incident Action Plan.
    a. Provide advice and make appropriate recommendations to the Command Element regarding incident related intelligence and investigative issues.
    b. Recommend to the Command Element any necessary modifications to the current Incident Action Plan, including Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, resources, incident management operations, communications, Investigative / Intelligence Operations, etc.
    c. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
27. Continually monitor / evaluate the organizational structure and effectiveness of the Intelligence / Investigations Section, and the performance of the Deputy(ies), Group Supervisors and assigned personnel.
    a. Make appropriate modifications when necessary.
28. Designate a Deputy or Deputies when necessary.
    a. The Deputy is the counterpart of the principal. Therefore, the Deputy should have the same qualifications, i.e., knowledge, skills, experience, as the principal; and, must be capable of assuming the principal's position.
    b. The role of the Deputy is flexible and the Deputy may:
        (1) Collect incident related information, monitor performance, evaluate incident operations / resources and communicate with the principal, i.e., be the "eyes and ears" of the principal.

INTELLIGENCE / INVESTIGATIONS SECTION CHIEF (continued)

(2) Make important notifications, e.g., Bureau Chief, Patrol / Detective Borough Commander, Operations Unit, Emergency Operations Center if activated, Area Command if activated.
(3) Function as a relief.
(4) Be assigned specific tasks as requested by the principal.

c. The Deputy may be member of a different Agency / Jurisdiction than the principal. For example, the Deputy may be a member of an Agency / Jurisdiction that:
(1) Currently has, or after a period of time, may have significant resources involved in the incident management effort; or,
(2) Currently is, or after a period of time, may be significantly affected by the incident.

29. Determine whether to activate or deactivate a Group within the Intelligence / Investigations Section. If a Group is not activated or is deactivated, the Intelligence / Investigations Section chief is responsible for performing / managing that Group's functions.
a. The number of personnel assigned to a particular Group will be determined by the Intelligence / Investigations Section chief after conferring with the Command Element, and will depend upon the nature, size, complexity, location, duration, etc., of the incident.

30. When necessary, activate or deactivate the following Groups.
a. Investigative Operations Group
b. Intelligence Group
c. Forensic Group
d. Electronic Communications, Surveillance and Evidence Group
e. Missing / Unidentified Persons and Human Remains Group
f. Investigative Support Group

ADDITIONAL DATA

Depending upon the circumstances, personnel assigned to the Intelligence / Investigations Section may utilize some or all of the following investigative techniques:

a. Conduct canvasses, technical and non-technical.
b. Perform interviews and interrogations.
c. Process Crime Scenes and Investigative Scenes.
d. Collect, voucher and examine / analyze forensic evidence and conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data.)
e. Collect, process and analyze intelligence, i.e., unclassified, classified, open source.
f. Conduct physical and electronic surveillance.
g. Conduct searches and seizures.
h. Conduct apprehensions.
i. Conduct alerting and non-alerting stops / detentions.
j. Request directed enforcement operations, e.g., criminal, regulatory, civil, parole, probation.
k. Conduct identification procedures, i.e., lineups, photo arrays, PhotoManager photos.

ADDITIONAL DATA (continued)

l. Query Databases / Records.

m. Obtain, analyze and exploit telephone, computer and other types of electronic communications information / records, both historical and real time.

n. Utilize mail covers and trash covers.

o. Obtain and examine relevant records maintained by the NYPD and other governmental agencies, non-governmental organizations and private entitles/individuals (e.g., 911 tapes, 311 tapes, Communications Division tapes, ICAD Event Information reports, Investigative Case folders, Administrative Case folders, DMV photos).

p. Debrief prisoners.

q. Conduct undercover and confidential informant operations.

r. Utilize appropriate event / timeline reconstruction techniques.

s. Perform behavioral analysis and psychological profiling.

t. Conduct financial analyses.

u. When necessary, disseminate appropriate investigative information to other law enforcement agencies, the media and the public.

v. Utilize public "Hotlines / Tiplines."

w. Utilize polygraph examinations.

<u>INVESTIGATIVE SCENES AND CRIME SCENES</u>

An Investigative Scene is an area or areas where investigative information may be obtained by identifying / interviewing witnesses; performing canvasses; examining conventional, analog and digital documents / text, images / photos, audio and / or data; performing identification techniques; etc.

A Crime Scene is an area or areas that contain physical evidence that may have forensic, investigative, demonstrative or other probative value.

Crime Scenes and Investigative Scenes include:

a. "Body Collection Points" where human remains are gathered for investigative and forensic evidence processing.

b. "Casualty Collection Points" where ill / injured individuals are gathered for triage, emergency treatment, and transportation to the hospital.

c. Decontamination areas where individuals are decontaminated using mass / gross, technical, emergency, etc., decontamination procedures.

d. Areas where forensic evidence or conventional, analog and / or digital investigative evidence (documents / text, images / photos, audio, data) is collected, processed, examined / analyzed, stored , safeguarded, etc.

All personnel assigned to the governmental agencies, non-governmental organizations and private entities / individuals involved in incident management activities are responsible for avoiding or minimizing disturbance of Investigative / Intelligence Operations, particularly the processing of Crime Scenes and Investigative Scenes. Individuals who are unauthorized or unnecessary, including unnecessary NYPD personnel, will not be allowed access within the Investigative Scene(s) and / or Crime Scene(s).

PATROL GUIDE

Section: Citywide Incident Management	Procedure No: 220-14		
CIMS: SUPPORTING AGENCIES AND AGENCY REPRESENTATIVES			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To understand the roles of a Supporting Agency / Agency Representative in CIMS.

DEFINITIONS SUPPORTING AGENCY - a governmental agency, non-governmental organization, and / or private entity whose resources, i.e., personnel, vehicles, equipment, subject matter expertise, etc., are deployed to an incident to support incident operations, and to assist the Primary Agency(ies) successfully resolve the incident. A Supporting Agency assists the Primary Agency(ies) accomplish the Incident Objectives by providing resources to the incident management efforts.

A Supporting Agency is not a Primary Agency in a Single Command – Command Element; nor is it one of the Primary Agencies in a Unified Command - Command Element. However, each Supporting Agency retains responsibility for it's resources; and retains its' jurisdictional, legal, functional, administrative, etc., authority.

There are two types of Supporting Agencies:

a. ASSISTING AGENCY - an Agency providing personnel, services or other resources to the Agency with direct responsibility for incident management; and / or, an Agency directly contributing tactical or service resources to another Agency, e.g., NYPD, FDNY, EMS, DSNY, DEP.

b. COOPERATING AGENCY - an Agency that supports the incident management efforts by providing assistance other than tactical resources; and / or, an Agency that supplies assistance other than direct operational or support functions or resources to the incident management efforts, e.g., Salvation Army, American Red Cross.

SUPPORTING AGENCY / AGENCY REPRESENTATIVE - each Supporting Agency will designate a "Supporting Agency / Agency Representative." A Supporting Agency / Agency Representative is an individual who has been given authority by the Supporting Agency to make decisions on matters affecting that Agency's efforts to assist the Command Element successfully resolve the incident. The Supporting Agency / Agency Representative must have the authority to make decisions, give direction and commit resources on behalf of their Supporting Agency. The Supporting Agency / Agency Representative is **not** a member of the Command Element.

PROCEDURE Upon arriving at the scene of an incident, the responsibilities of the Supporting Agency / Agency Representative are:

SUPPORTING AGENCY/ AGENCY REPRESENTATIVE

1. Assume the position of Supporting Agency / Agency Representative; and, report to the Liaison officer, or if not activated, the Command Element and obtain briefing.

SUPPORTING AGENCY/ AGENCY REPRESENTATIVE (continued)

2. Ensure all Supporting Agency resources have completed *Check-In* at the appropriate location(s).
3. Inform Supporting Agency personnel assigned to the incident that a Supporting Agency / Agency Representative has been designated; and, identify self as the designated Supporting Agency/ Agency Representative.
4. Attend planning meetings when appropriate; and, when applicable, assist in the development of the Incident Action Plan.
5. Inform the Liaison officer, or if not activated, the Command Element of current, anticipated or potential inter-organizational or inter-agency issues, problems, conflicts, etc.
6. Cooperate with the Command Element, Command Staff and General Staff regarding Supporting Agency involvement at the incident.
7. Assist the Primary Agency(ies) regarding the implementation of the Incident Action Plan.
8. Ensure accountability, safety, health, force protection and security measures are developed and implemented for personnel, vehicles, equipment, facilities, and other Supporting Agency resources assigned to the incident.
9. Inform the Liaison officer, or if not activated, the Command Element, of any special Supporting Agency specific needs, requirements, restrictions, limitations, etc.
10. Absent unusual circumstances, establish a work location at or in the vicinity of the Incident Command Post.
11. Inform the Liaison officer regarding:
    a. Current *status* of the Supporting Agencies' resources,
    b. Current number, *Kind*, *Type*, capabilities, limitations, etc., of the Supporting Agencies' resources,
    c. Availability of the Supporting Agencies' resources regarding current, anticipated or potential resource requests.
12. Report to the Supporting Agency Dispatcher and / or Headquarters on a pre-arranged schedule.
13. Ensure all required Supporting Agency records, forms, logs, reports, and documents are properly prepared.
14. When demobilization occurs, ensure:
    a. All of the Supporting Agencies' resources are properly accounted for and released.
    b. All incident related operations, assignments, tasks, etc., have been completed.
    c. All incident related logistics service and support functions and activities have been completed.
    d. All required incident related records, forms, logs, reports and other administrative activity have been completed.
    e. All borrowed equipment is returned to the appropriate location/Unit.
15. Attend debriefing session with the Liaison officer, or if not activated, the Command Element, prior to departure from the incident due to reassignment, end of tour, demobilization, etc.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-15	
CIMS: COORDINATING AGENCY			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 1

PURPOSE To understand the role of the Coordinating Agency in CIMS.

SCOPE The New York City Office of Emergency Management (OEM) is the designated Coordinating Agency. OEM may respond to multi-agency incidents and participate in a Unified Command or Single Command incident management organization.

PROCEDURE At multi-agency incidents OEM will:

OFFICE OF EMERGENCY MANAGEMENT

1. Ensure a CIMS incident management organization is implemented.
2. Coordinate resources supplied by Agencies involved in incident related response and recovery operations, functions and activities.
3. Provide information to the OEM Emergency Operations Center and to the Mayor.
4. Support logistics and communications needs.
5. Obtain subject matter expertise.
6. Facilitate transition of command.
7. Facilitate resolution of interagency differences.
8. Coordinate and support Recovery / Restoration Operations.

ADDITIONAL DATA ***DO NOT wait for a representative from OEM to arrive at the incident site to begin inter-agency coordination***.

In complex incidents where the Primary Agency designation is unclear, or the incident is not listed in the Primary Agency Matrix, or the Primary Agency designation changes as some or all of the Incident Objectives are achieved, OEM, based upon the CIMS Protocol, will identify the appropriate Primary Agency or Agencies.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-16	
CIMS: INTEGRATED COMMUNICATIONS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To ensure proper communications integration takes place between this Department and other agencies at an incident.

SCOPE Effective, efficient, integrated communications are essential in order to successfully resolve emergency incidents. Agencies participating in emergency response in New York City have implemented several procedural and technological measures to ensure that effective, efficient and integrated on-scene inter-agency communications can be achieved. Agencies will continue to evaluate communications best practices and evolving voice, image, text and data communications technologies to improve tactical and citywide inter-agency communications.

MEASURES

Procedural Measures

1. Ensuring that all ranking Agency members manage the incident from one single Incident Command Post;
2. Ensuring that Agency personnel operating at an incident use clear text for inter-agency communications, i.e., no agency-specific codes or jargon; and, communicate using standard CIMS terminology;
3. Ensuring that all incident personnel observe strict radio / telephone communications discipline and limit communications to essential information only;
4. Establishing criteria for implementing Borough / Citywide "repeated" interoperable radio frequencies and tactical "point-to-point" interoperable radio frequencies for coordination at the incident scene.

Technological Measures

1. Ensuring that all Agencies participating in emergency responses in NYC may utilize the NYC Agencies' Citywide "repeated" interoperable 800 MHz radio frequency;
2. Ensuring that first responder Agencies have other first responder Agencies' Borough / Citywide "repeated" interoperable radio frequencies in their command vehicles and their aviation and marine assets; and, that the Borough / Citywide "repeated" interoperable radio frequencies are appropriately utilized.
3. Utilizing tactical "point-to-point" interoperable radio frequencies for coordination at the incident scene; and
4. Deploying radio / mobile phone interconnect systems to incidents requiring additional support to ensure interoperable / shared communications.

MEASURES (continued)

Communications Plan

The Command Element will implement a Communications Plan that will identify the tactical "point-to-point" interoperable radio frequencies and Borough / Citywide "repeated" interoperable radio frequencies that will be used to manage the incident. The plan may be written or verbal depending upon the nature, location, size, complexity and duration of the incident.

The Communications Plan will be part of the Incident Action Plan for each Operational Period and will be disseminated / distributed to all Agencies participating in the response. When applicable, CIMS ICS form 205 may be used to assist in the formulation of the Communications Plan.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-17	
CIMS: TRANSFER OF COMMAND			
DATE ISSUED: 02/04/15	DATE EFFECTIVE: 02/04/15	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To describe the formal Transfer of Command process at an incident.

PROCEDURE Upon arriving at the scene of an incident, the ranking member of the service will either:

RANKING MEMBER OF THE SERVICE

1. Assume command if there is no Command Element; or,
2. Assume command from the current Command Element; or,
3. Make no change regarding the current Command Element; or,
4. Designate a third party to assume command from the current Command Element

NOTE *When there is a change in the Command Element, there must be a formal Transfer of Command process.*

TRANSFER OF COMMAND

5. "*Transfer of Command*" may take place:
   a. When a higher ranking person arrives at the scene and elects or has been appropriately designated to assume command. This is often associated with an expanding incident that recently occurred and is still in its initial stages of development. In this situation, because of the outgoing Command Element's specific knowledge / experience regarding the incident, the incoming Command Element may assign the outgoing Command Element to perform / manage a different incident related function, e.g., Operations Section chief.
   b. By transferring command to a less senior or less experienced person when an incident is stabilized, or has been reduced in size or severity, or is close to final mitigation, or will demobilize after a short period of time.
   c. When needed because personnel have been appropriately designated to assume command for a new Operational Period(s).
   d. To allow the Command Element to be dismissed at the end of the designated tour.
6. Over the course of an incident, as emergency conditions change or Incident Objectives are completed, the Primary Agency designation may also change and there may be a *Transfer of Command* from one or more Primary Agencies to a different Primary Agency or Agencies. The Primary Agency Matrix will be used to identify the appropriate Agency or Agencies to which command will be transferred.
7. *Transfer of Command* also involves the replacement of the General Staff Section chiefs and Command Staff officers, e.g., Operations Section chief, Planning Section chief, Public Information officer.

TRANSFER OF COMMAND (continued)

Transfer of Command Process

8. The *Transfer of Command* process must include a briefing that captures all of the essential information required to ensure continuing effective and efficient command. This information should be recorded and displayed for easy retrieval and subsequent briefings.
9. A *Transfer of Command* checklist should be used and it should include at least the following:
   a. Has an appropriate CIMS incident management organization been implemented, and is appropriate CIMS terminology being used at the incident?
   b. Has one single Incident Command Post been established?
   c. If possible, will *Transfer of Command* take place face-to-face?
   d. If possible, will the incoming Command Element personally perform a detailed assessment of the incident situation with the outgoing Command Element?
   e. Will the outgoing Command Element provide a comprehensive briefing to the incoming Command Element?
   f. Has an appropriate time been chosen for the formal *Transfer of Command* to occur?
   g. Has the incoming Command Element formally accepted command?
   h. Have notifications been made to the appropriate entities, i.e., General Staff, Command Staff, Primary Agencies, Coordinating Agency, Supporting Agencies, Communications Section dispatcher and / or supervisor, all incident supervisors, etc.?
10. The *Transfer of Command* briefing should include:
    a. Concise history of the incident.
    b. Current incident situation status.
    c. Incident Objectives, Strategy and priorities.
    d. Incident Action Plan.
    e. Current organizational structure.
    f. Resource assignments.
    g. Resources enroute, ordered and / or required.
    h. Status of current and planned tactical operations / activities.
    i. Status of current and planned investigative operations / activities.
    j. Current incident related intelligence including any threat information and / or risk assessments.
    k. Status of Incident Facilities.
    l. Status of communications and Communications Plan.
    m. Any operational constraints or limitations.
    n. Current concerns, problems, issues, etc.
    o. Estimate / prediction of the future progress of the incident and potential concerns, problems, issues, etc.
    p. "Delegation of Authority" issues.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-18	
CIMS: INCIDENT SEQUENCE			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 3

PURPOSE To describe the general CIMS Incident Sequence.

PROCEDURE When responding to an incident, generally, the following Incident Sequence will occur:

CIMS INCIDENT SEQUENCE

1. Depending upon the incident type, one or more Agencies will respond. The first arriving units assess the scene and, if capable, initiate Life Safety and Site Management Operations. The Command Element (Single or Unified) is established with the Primary Agency or Agencies determined by the Primary Agency Matrix. The Command Element assumes overall incident management responsibility; establishes an Incident Command Post at a safe and secure location near the incident site; and establishes General Staff Sections (Operations, Planning, Logistics, etc.) and / or Command Staff positions as needed.

2. If an Operations Section is activated, an Operations Section Post is established to direct tactical operations including Life Safety Operations and Site Management Operations.

3. If a Unified Command - Command Element is managing the incident, then a Unified Operations Section is established. At every CBRN / HazMat incident a Unified Operations Section will be established.

4. If there is a CBRN / HazMat incident, until the NYPD determines that there is no actual or suspected criminal activity or terrorism, the NYPD will be the Primary Agency and will establish a Single Command – Command Element. If the NYPD determines that there is no actual or suspected criminal activity or terrorism, then a Unified Command – Command Element will be established, and the NYPD will designate an Agency Incident Commander. When determining whether there is actual or suspected criminal activity or terrorism, comply with the procedures contained in Patrol Guide 212-101, "Processing Unknown Substances Suspected of Being Chemical, Biological, Radiological, Nuclear (CBRN) / Hazardous Materials Evidence."

5. Absent extraordinary emergency circumstances including unacceptable personnel safety risks, operating personnel will continue rescue operations to completion, or until relief is required due to fatigue, equipment failure or need for additional resources.

NOTE *The Coordinating Agency will ensure that the Incident Command Post and Operations Section Post are established and appropriately staffed.*

CIMS INCIDENT SEQUENCE (continued)

6. Investigative Operations may be initiated concurrently with Life Safety Operations. However, absent extraordinary emergency circumstances, life safety concerns will take precedence over investigative considerations until Life Safety Operations are concluded.

7. During Investigative Operations, Recovery / Restoration Operations may be delayed to minimize disturbance to Investigative Scenes, Crime Scenes and other investigative / intelligence operations, activities, functions, etc. However, with the approval of the Command Element, in consultation with the Investigating Agency, Recovery / Restoration Operations may be initiated concurrently with Investigative Operations.

8. As part of Site Management Operations, the NYPD will consult with the Primary Agency(ies) directing Life Safety Operations and / or Investigative Operations. Based upon that consultation, the NYPD will establish appropriate perimeters as needed, and will exclude non-essential personnel from the incident site.

9. Recovery / Restoration Operations include final mitigation of the incident, and a return to non-emergency conditions. Recovery / Restoration Operations can be initiated concurrently with Life Safety and / or Investigative Operations with the approval of the Command Element.

NOTE *The Coordinating Agency will facilitate and support Recovery / Restoration Operations.*

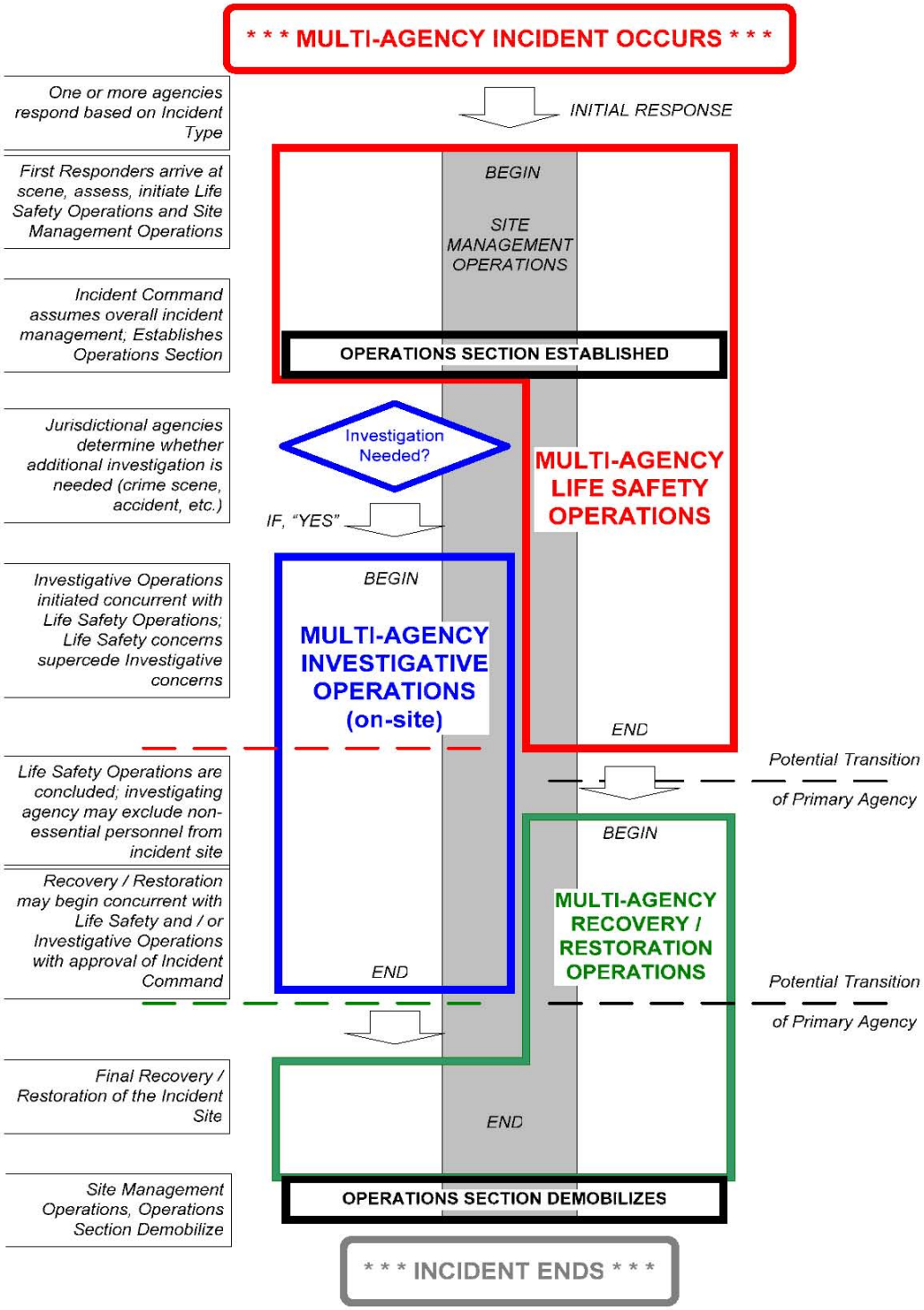
10. Upon completion of Recovery / Restoration and Site Management Operations, the Operations Section Post and the Incident Command Post are demobilized and the incident is concluded.

ADDITIONAL DATA *In practice, there may be further overlap between the various phases of the incident. For example, some Recovery / Restoration activities, such as restoration of power or telephone service, may begin concurrently with Life Safety and Investigative Operations, provided that the Recovery / Restoration Operations support and do not conflict with other incident site operations.*

Appendix "A" on the following page is a diagram illustrating the CIMS Incident Sequence.

ADDITIONAL DATA (continued)

Appendix "A"



PURPOSE To define and describe CIMS Incident Facilities.

PROCEDURE When responding to an incident where CIMS has been implemented, Incident Facilities will be defined and described as follows:

DEFINITIONS

INCIDENT COMMAND POST

The Incident Command Post is the location where the Command Element, i.e., Single Command, Incident Commander or Unified Command, Agency Incident Commanders, will **remain** and perform the command function. The Incident Command Post provides a central coordination point from which the Command Element, Command Staff, each appropriate Supporting Agency / Agency Representative, Coordinating Agency, General Staff planning functions and certain General Staff support functions will normally operate.

The Command Element, necessary members of the Command Staff, necessary members of the General Staff, each required Supporting Agency / Agency Representative and Coordinating Agency, will report to the Incident Command Post as soon as possible; **remain together**; develop the Incident Objectives, Strategies, Tactical Direction, tactics, assignments, priorities, etc.; and, formulate one single Incident Action Plan.

Depending upon the nature, size, complexity, location, duration, etc., of the incident, some members of the General Staff may be situated / operating at other locations. However, they will attend planning meetings conducted at the Incident Command Post and will remain in close contact with the Command Element.

There is only one single Incident Command Post for an incident irrespective of whether there is a Single Command – Command Element or a Unified Command – Command Element. The Incident Command Post will be identified by the name of the incident.

The Command Element will select an appropriate location to establish the Incident Command Post (ICP). If there is a Unified Command - Command Element, Agency Incident Commanders will jointly select an appropriate location to establish the Incident Command Post.

Initially, the Incident Command Post will be wherever the Command Element is located. The Incident Command Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. The Incident Command Post should be large enough to provide adequate work space for the assigned personnel. The Incident Command Post should contain situation information and resource *status* displays and other planning related information. Adequate safety, health, security and force protection measures will be implemented regarding the Incident Command Post.

DEFINITIONS (continued)

The Incident Communications Center is often located within or adjacent to the Incident Command Post.

A location will be chosen for the Incident Command Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate workspace and utility / communications service. Generally, the Incident Command Post will be located within the Site Access Control / Outer Perimeter.

Whenever possible, the Incident Command Post should not be relocated. However, it may be necessary to relocate the Incident Command Post if the incident evolves / progresses and circumstances or conditions change. For example, during the initial stages of an incident the situation may rapidly change and the Incident Command Post may have to be relocated one or more times; or, the Incident Command Post may have to be relocated if an Operations Section Post is activated; or, a change in incident size / location may require relocation of the Incident Command Post in order to improve command, operations, communications, etc.; or, relocation of the Incident Command Post may be required in order to resolve safety, health, security or force protection issues.

Outside of NYC, under NIMS ICS, the Incident Command Post may be located at the Incident Base. However, absent extraordinary circumstances, in NYC an Incident Base will not be established.

Once the Incident Command Post is established, appropriate notifications will be made regarding the location of the Incident Command Post. Additionally, a flag, banner, beacon, sign or other distinctive marker will be used to identify the location of the Incident Command Post.

OPERATIONS SECTION POST

The Operations Section Post is the location where the Operation Section chief / Agency Operations Section chiefs, Deputy(ies) and appropriate staff will remain and manage / direct all of the tactical functions, operations and activities.

If there is a Unified Operations Section, Agency Operations Section chiefs will jointly select an appropriate location to establish the Operations Section Post

The Operations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. Adequate safety, health, security and force protection measures will be implemented regarding the Operations Section Post.

DEFINITIONS (continued)

The Operations Section Post generally will not be co-located with the Intelligence / Investigations Section Post or the Incident Command Post. The Operations Section Post will be established at a secure location within a reasonable distance from the Intelligence / Investigations Section Post and the Incident Command Post.

A location will be chosen for the Operations Section Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate work space and utility / communications service. Generally, the Operations Section Post will be located within the Site Access Control / Outer Perimeter.

If necessary, the Operations Section Post may be relocated.

INTELLIGENCE / INVESTIGATIONS SECTION POST

The Intelligence / Investigations Section Post is the location where the Intelligence / Investigations Section chief, Deputy(ies) and appropriate staff will remain and manage / direct all of the intelligence and investigative functions, operations and activities.

The Intelligence / Investigations Section Post can be any type of facility that is available and appropriate, e.g., vehicle, trailer, tent, open area, room in a building. Adequate safety, health, security and force protection measures will be implemented regarding the Intelligence / Investigation Section Post.

The Intelligence / Investigations Section Post generally will not be co-located with the Operations Section Post or the Incident Command Post. The Intelligence / Investigations Section Post will be established at a secure location within a reasonable distance from the Operations Section Post and the Incident Command Post.

A location will be chosen for the Intelligence / Investigations Section Post that is a reasonable and appropriate distance from the incident site; and, will provide for safety, health, security and force protection; and, will provide easy and expeditious access and egress; and, is sufficiently large and will allow for expansion; and, will permit continuous operations; and, will provide adequate work space and utility / communications service. Generally, the Intelligence / Investigations Section Post will be located within the Site Access Control / Outer Perimeter.

If necessary, the Intelligence / Investigations Section Post may be relocated.

DEFINITIONS (continued)

INCIDENT BASE

Absent extraordinary circumstances, an Incident Base will not be activated in NYC. However, an Incident Base might be activated during an extremely large incident that will continue for an extended period of time.

Outside of NYC, under NIMS ICS, the Incident Base is the central location where all incident primary logistic service and support activities are situated and performed. Normally, the Incident Base is the facility where all uncommitted *Out-of-Service* personnel, equipment and tactical resources are located; and, support operations are situated.

If activated, there is only one Incident Base established for an incident. Adequate safety, health, security and force protection measures will be implemented regarding the Incident Base. The Incident Base will be identified by the name of the incident.

Absent unusual circumstances, the Incident Base will not be relocated.

When appropriate, the Incident Base may be deactivated.

If an Incident Base is activated, an Incident Base Manager will be designated. The Incident Base Manager will ensure that appropriate sanitation and facility management services are being provided at the Incident Base; and, that adequate safety, health, security and force protection measures have been implemented regarding the Incident Base.

The Incident Base Manager reports to the Facilities Unit Leader, or if that position is not activated, to the Logistics Section chief.

CAMP

Absent extraordinary circumstances, a Camp(s) will not be activated in NYC. However, one or more Camps might be activated during an extremely large incident that will require incident personnel to be lodged for an extended period of time in the vicinity of the incident.

Outside of NYC, under NIMS ICS, a Camp is a temporary location within the general incident area that is equipped and staffed to provide food, water, sanitation, shower and related lodging services to incident personnel. A Camp is separate and distinct from and will not be located at the Incident Base. However, all CIMS functional Unit activities that may be performed at the Incident Base may also be performed at a Camp.

There may be more than one Camp. If activated, each Camp will be identified by a geographic name or a number. Adequate safety, health, security and force protection measures will be implemented regarding each of the Camps.

DEFINITIONS (continued)

A Camp(s) may be at the same location for several days or for the entire duration of the incident. When necessary and depending upon the circumstances of the incident, a Camp(s) may be relocated.

When appropriate, a Camp(s) may be deactivated.

If activated, each Camp will have a Camp Manager assigned. Each Camp Manager is responsible for managing the activities occurring in the Camp, providing non-technical coordination, and coordinating the actions of all of the organizational Units situated within the Camp. Additionally, each Camp Manager will ensure that adequate safety, health, security and force protection measures have been implemented regarding the Camp.

One or more Logistics Section Units may be situated at one or more Camps. If a Logistics Section Unit(s) is situated at a Camp(s), it would be managed by an Assistant. Initially, personnel required to staff one or more Logistics Section Units situated at one or more Camps will be determined by the General Staff based upon the nature, size, complexity, location, duration, etc., of the incident and anticipated operations at the involved Camp(s). However, after a Camp(s) is activated, additional required personnel and support will be determined by the Camp Manager.

The Camp Manager(s) reports to the Facilities Unit Leader, or if that position is not activated, to the Logistics Section chief.

OTHER INCIDENT FACILITIES

Depending upon the circumstances, other additional Incident Facilities may be activated and situated within the incident area. These other additional Incident Facilities may be used for:

1. Conducting appropriate support and / or service functions and activities, e.g., Mass Care (Triage / Treatment / Transportation), Mass Casualty Management, Mass Fatality Management / Temporary Morgue, Family Assistance, Mass Decontamination.
2. Providing food, water, lodging, shower, sanitation, etc., services to incident personnel.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-20	
CIMS: INCIDENT FACILITIES - STAGING AREA			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To define and describe CIMS Incident Facilities – Staging Area.

PROCEDURE When responding to an incident where CIMS has been implemented, Incident Facilities - Staging Area will be defined and described as follows:

DEFINITIONS

STAGING AREA

A Staging Area is a temporary location / facility for situating and organizing resources that are in *Available status* and may be deployed to incident assignments. It may contain temporary fueling and sanitation facilities.

NOTE ***A Staging Area was formerly referred to as a Mobilization Point.***

Pursuant to CIMS, there may be more than one Staging Area. However, absent unusual circumstances, there should be only one NYPD Staging Area for NYPD resources. Nevertheless, there may be more than one NYPD Staging Area if:

1. Specialized units, personnel, vehicles, equipment or other specialized resources are required at the incident, e.g., Emergency Services Unit, Mounted Unit, Highway District; or,
2. The incident area is extraordinarily large; or,
3. An extremely large number of personnel, vehicles, equipment or other resources are required at the incident; or,
4. A significant amount of large specialized equipment is required at the incident; or,
5. Confidential / sensitive resources are required at the incident; or,
6. There have been several Operational Periods and the incident has not been resolved and incident operations will continue for a prolonged period of time; or,
7. There are other circumstances that require the activation of more than one Staging Area.

Pursuant to CIMS, depending upon the circumstances, different Agencies may have one or more separate Staging Areas; or, different functional / Core Competency Branches may have one or more separate Staging Areas.

If more than one Staging Area is required then the Operations Section chief, or Command Element if the Operations Section is not activated, will ensure that an appropriate number of Staging Areas are activated; and, that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

DEFINITIONS (continued)

Resources situated at a Staging Area(s) may be in *Available status* awaiting a tactical and / or investigative assignment, and should be prepared for assignment / deployment within three minutes. A Staging Area(s) should be used to organize Single Resources into Resource Teams and / or Special Response Teams. *Out-of-Service* resources should not be situated at a Staging Area(s). Logistics functions should not be performed at a Staging Area(s).

A Staging Area(s) can be situated at any appropriate location in the incident area. The following factors should be considered when choosing a location to situate a Staging Area(s):

1. The need to be a reasonable and appropriate distance from the incident.
2. The need to have staged resources prepared for expeditious deployment to the incident and / or area of expected assignment. Absent unusual conditions and depending upon the circumstances of the incident, generally, a Staging Area(s) should be located approximately five minutes travel time to an area of anticipated need, assignment, deployment, etc.
3. The need to have a sufficiently large area in order to accommodate the responding resources and the required reserves; and, to have sufficient space to allow for expansion; and, if possible, to have sufficient space for expansion in order to accommodate a Level 3 or Level 4 mobilization.
4. The need to provide adequate workspace and utility / communications service.
5. The need to permit continuous operations.
6. The need to have sufficient access and egress routes and to be easily accessible.
7. The ability to effectively and efficiently implement safety, health, security and force protection measures.

When a Staging Area(s) is activated it must be clearly marked and be readily identifiable. Adequate safety, health, security and force protection measures will be implemented regarding the Staging Area(s).

A Staging Area(s) will be given a name that describes its general location.

A Staging Area(s) may be in the vicinity of or adjacent to other Incident Facilities; but, must have its own separate location and name.

The initial boundaries of the Staging Area(s) should be identified and communicated to the Command Element, Communications Section dispatcher and / or supervisor, Command Staff positions, General Staff Sections and each appropriate Supporting Agency / Agency Representative. Additionally, response routes / directions to the Staging Area(s) should be communicated to the responding resources by the Communications Section dispatcher and / or supervisor; or, when necessary, directly by the appropriate incident management organizational element / personnel; or, in any other appropriate manner.

DEFINITIONS (continued)

A Staging Area(s) may be established for watercraft.

A Staging Area(s) may be relocated when necessary. A Staging Area(s) may also be deactivated when appropriate.

All Staging Areas are under the direction and control of the Operations Section chief, or the Command Element if the Operations Section has not been activated. The Operations Section chief will ensure that the activities / functions occurring at each of the Staging Areas are performed in a coordinated manner.

The Operations Section chief will:

a. Determine the appropriate number, *Kinds* and *Types* of resources that will be situated at the Staging Area(s); and / or, retained and maintained as reserves at the Staging Area(s).
b. Retain and maintain adequate resource reserves at the Staging Area(s), and increase or decrease the reserves when necessary to meet current needs and / or anticipated demands and / or unanticipated contingencies.
c. When necessary, request the appropriate authority to have additional required resources respond to the Staging Area(s) for deployment to incident related assignments, or to maintain adequate reserves, or for any other appropriate purposes.

The Operations Section chief will ensure that adequate safety, health, security and force protection measures will be implemented regarding the Staging Area(s).

The Operations Section chief will designate a Staging Area Manager to control each of the Staging Areas. The Operations Section chief will inform each of the Staging Area Managers of the following:

a. The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).
b. Communications procedures, devices, channels, equipment, frequencies and measures that will be utilized.
c. Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained and maintained as reserves at the Staging Area(s).
d. Directions regarding organizing Single Resources into Resource Teams and / or Special Response Teams.
e. Procedures for requesting / ordering additional resources.
f. Estimated length of time the Staging Area(s) will be activated / utilized.
g. Procedures for requesting / ordering logistics service and support.

Each of the Staging Area Managers will:

a. When appropriate and authorized, organize Single Resources into Resource Teams and / or Special Response Teams.
b. Dispatch resources at the direction of the Operations Section chief, or the Command Element if the Operations Section has not been activated.

DEFINITIONS (continued)

c. Request / order Logistics Section service / support as necessary.

d. Ensure adequate safety, health, security and force protection measures are implemented regarding the Staging Area.

e. Monitor and track the number, *Kinds*, *Types* and *status* of resources situated at the Staging Area.

f. Notify the Operations Section chief, or the Command Element if the Operations Section has not been activated, when additional resources should be ordered / requested in order to be deployed to incident related assignments, and / or maintain adequate reserves, and / or for any other appropriate purposes.

g. Frequently inform the Operations Section chief, or the Command Element if the Operations Section has not been activated, regarding the activities / functions occurring at the Staging Area so as to enable the Operations Section chief, or the Command Element if the Operations Section has not been activated, to ensure that the activities / functions at each of the Staging Areas are performed in a coordinated manner.

Personnel arriving at the Staging Area(s), will "*Check-In*" with the Resources Unit, and supplies and equipment delivered to the Staging Area(s), will be receipted for by the Supply Unit. If the Resources Unit and / or the Supply Unit are not activated, the Staging Area Manager(s) will give appropriate direction regarding arriving personnel and / or delivered supplies / equipment.

PURPOSE To define and describe CIMS Incident Facilities – Air Operations.

PROCEDURE When responding to an incident where CIMS has been implemented, Incident Facilities – Air Operations will be defined and described as follows:

DEFINITIONS

HELIBASE

The main location within the general incident area that will be utilized for:

1. Parking, fueling, repairing, servicing, storing, maintaining, safeguarding / securing, etc., helicopters; and,
2. Loading and unloading helicopters with personnel, equipment, supplies and / or other resources required for incident operations, functions and activities; and,
3. Filling helicopters with water, insecticides, retardants, pesticides, chemicals and / or other substances required for incident operations, functions and activities.

The NYPD will activate and manage all Helibases. Absent extraordinary circumstances, only one Helibase will be activated; and, it will be situated at the NYPD Special Operations Division, Aviation Unit facility located at Floyd Bennett Field, Brooklyn. However, pursuant to CIMS and depending upon the circumstances, more than one Helibase may be activated, e.g., very large incidents; incidents with a significant number of aviation / aircraft resources; incidents that require a substantial number of tactical and logistical / support air operations. The NYPD will ensure that an appropriate number of Helibases are activated; and, that the activities / functions occurring at each Helibase are performed in a coordinated manner. The NYPD will ensure that each Helibase is properly situated at an appropriate location and that adequate health, safety, security and force protection measures are implemented regarding each Helibase.

If more than one Helibase is activated, usually each additional Helibase will be situated at a location that is pre-designated and approved by the NYPD Aviation Unit, e.g., JFK airport, LaGuardia airport, Police Academy Firearms and Tactics Section Rodmans Neck Range facility, Brooklyn Navy Yard Development Corporation facilities. However, if more than one Helibase is activated, each additional Helibase may be situated at any appropriate location approved by the NYPD Aviation Unit that will:

1. Provide easy and expeditious approach, departure, landing and takeoff helicopter flight paths / routes that do not intrude into or over sensitive, restricted, prohibited, unsafe, etc., areas / airspace; and,
2. Provide safe, flat, clean, unobstructed, conspicuous, etc., landing and takeoff areas; and,
3. Provide adequate work space and utility / communications service; and,

DEFINITIONS (continued)

4. Permit continuous operations; and,
5. Allow for expansion; and,
6. Provide easy and expeditious access and egress regarding Logistics Section service and support; and,
7. Provide adequate safety, health, security and force protection; and
8. Be large enough to accommodate the required aviation / aircraft resources and reserves; and, the required service / support related personnel, equipment, vehicles, supplies and resources.

If there is only one Helibase activated, the Helibase will be identified by the name of the incident. If there is more than one Helibase activated, each Helibase will be identified by the name of the incident and a number.

Absent unusual circumstances, a Helibase(s) will not be relocated.

A Helibase(s) may be deactivated when appropriate.

A NYPD "Helibase Manager" will be designated to manage and supervise each Helibase. Each NYPD Helibase Manager will be designated by and report directly to the NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director, then each NYPD Helibase Manager will be designated by and report directly to the:

1. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
2. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Each NYPD Helibase Manager will:

1. Be situated and operate on the ground at the Helibase;
2. Implement adequate safety, health, security and force protection measures regarding the Helibase;
3. Review and evaluate the Incident Action Plan including the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;
    a. When appropriate, recommend any necessary modifications to the current Incident Action Plan;
    b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.

DEFINITIONS (continued)

4. When appropriate, participate in planning meetings and assist in the development of the Incident Action Plan particularly the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*.
5. Ensure the Helibase is situated at an appropriate location;
6. Be responsible for all helicopters during takeoff and landing activities at the Helibase, and while situated on the ground at the Helibase;
7. Manage personnel, equipment, vehicles, supplies and other resources situated at the Helibase;
8. Document, monitor and track the number, *Kinds*, *Types* and *status* of resources situated at the Helibase;
9. Ensure required routine and specialized resources are requested from the appropriate authority and are expeditiously provided;
10. Ensure required Logistics Section service / support is provided;
11. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented;
12. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions;
13. Ensure the operations, functions and activities of the pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites are properly coordinated.
14. Implement appropriate night flight / aviation procedures and measures;
15. Implement appropriate air traffic control procedures and measures;
16. Ensure helicopter landing and takeoff procedures and measures are properly implemented;
17. Ensure helicopter parking, fueling, repairs, service, storage, maintenance, safeguarding / security is properly performed;
18. Ensure the loading and unloading of helicopters with personnel, equipment, supplies and / or other resources is properly performed
    a. Ensure the sling / net loading and unloading of helicopters is properly performed;
19. Ensure the filling of helicopters with water, insecticides, retardants, pesticides, chemicals and / or other substances is properly performed;
20. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures;
21. Ensure appropriate records, forms, logs, reports, etc. are prepared;
22. Ensure helicopter "flight / operating / usage time" is accurately documented in compliance with the appropriate specific procedures of the involved Agency(ies);
23. Ensure aviation / aircraft resources related procedures, functions, occurrences, conditions, protocols, measures, activities, etc., are frequently discussed with pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites; and, comments and recommendations are obtained and documented; and, any required actions are expeditiously implemented.

DEFINITIONS (continued)

When necessary, each NYPD Helibase Manager may activate and supervise the following additional NIMS ICS Helibase subordinate incident management positions and designate the NYPD personnel who will perform the duties of each position:

a. Deck Coordinator
b. Loadmaster
c. Parking Tender
d. Takeoff and Landing Controller
e. Helibase Radio Operator
f. Helicopter Timekeeper.

When necessary, a NYPD Helibase Manager(s) will activate one or more Helispots; and, designate a NYPD Helispot Manager to manage and supervise each Helispot. A NYPD Helibase Manager(s) will ensure that an appropriate number of Helispots are activated; and, that the activities / functions occurring at each Helispot are performed in a coordinated manner. A NYPD Helibase Manager(s) will ensure that each Helispot is properly situated at an appropriate location; and, ensure that adequate safety, health, security and force protection measures will be implemented regarding each Helispot.

HELISPOT

A Helispot is a temporary location at the incident where helicopters can land and take off in order to load and unload personnel, equipment, supplies and / or other resources required for incident operations, functions and activities.

The NYPD will activate and manage all Helispots. There may be more than one Helispot. The NYPD will ensure that an appropriate number of Helispots are activated; and, that the activities / functions occurring at each Helispot are performed in a coordinated manner. The NYPD will ensure that each Helispot is properly situated at an appropriate location; and, that adequate safety, health, security and force protection measures will be implemented regarding each Helispot.

Usually, each Helispot that is activated will be situated at a location that is pre-designated and approved by the NYPD Aviation Unit. However, when necessary, each Helispot that is activated may be situated at any appropriate location approved by the Aviation Unit that will:

1. Provide easy and expeditious approach, departure, landing and takeoff helicopter flight paths / routes that do not intrude into or over sensitive, restricted, prohibited, unsafe, etc., areas / airspace; and,
2. Provide safe, flat, clean, unobstructed, conspicuous, etc., landing and takeoff areas; and,
3. Provide adequate safety, health, security and force protection; and
4. Be large enough to accommodate the required aviation / aircraft resources and reserves; and, the required service / support related personnel, equipment, vehicles, supplies and resources.

DEFINITIONS (continued)

Each Helispot will be identified by a name or a number.

Each Helispot may be relocated when necessary.

Each Helispot may be deactivated when appropriate.

A NYPD "Helispot Manager" will be designated to manage and supervise each Helispot. Each NYPD Helispot Manager will be designated by and report directly to a NYPD Helibase Manager if a Helibase(s) has been activated. If a Helibase(s) has not been activated or there is no NYPD Helibase Manager(s), then each NYPD Helispot Manager will be designated by and report directly to the NYPD Air Operations Branch Director if an Air Operations Branch has been activated. If an Air Operations Branch has not been activated or there is no NYPD Air Operations Branch Director then each NYPD Helispot Manager will be designated by and report directly to the:

1. NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,
2. NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or,
3. NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Absent unusual circumstances, each NYPD Helispot Manager will be either a Police Officer or supervisor assigned to the Emergency Services Unit. Usually, Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager. Each NYPD Helispot Manager will ensure adequate health, safety, security and force protection measures are implemented regarding the Helispot.

Each NYPD Helispot Manager will:

1. Be situated and operate on the ground at the Helispot;
2. Implement adequate safety, health, security and force protection measures regarding the Helispot;
3. When necessary, review and evaluate the Incident Action Plan including the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;
    a. When appropriate, recommend any necessary modifications to the current Incident Action Plan;
    b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate

DEFINITIONS (continued)

4. Ensure the Helispot is situated at an appropriate location;
5. Be responsible for all helicopters during takeoff and landing activities at the Helispot, and while situated on the ground at the Helispot;
6. Manage personnel, equipment, vehicles, supplies and other resources situated at the Helispot;
7. Ensure required routine and specialized resources are requested from the appropriate authority and are expeditiously provided;
8. Ensure required Logistics Section service / support is provided;
9. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented;
10. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions;
11. Ensure the operations, functions and activities of the pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites are properly coordinated.
12. Implement appropriate air traffic control procedures and measures;
13. Implement appropriate night flight / aviation procedures and measures;
14. Ensure helicopter landing and takeoff procedures and measures are properly implemented;
15. Ensure the loading and unloading of helicopters with personnel, equipment, supplies and / or other resources is properly performed
    a. Ensure the sling / net loading and unloading of helicopters is properly performed;
16. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures;
17. Ensure appropriate records, forms, logs, reports, etc. are prepared;
18. Ensure aviation / aircraft resources related procedures, functions, occurrences, conditions, protocols, measures, activities, etc., are frequently discussed with pilots, ground personnel, other appropriate incident personnel, and when applicable, personnel located at appropriate off incident sites; and, comments and recommendations are obtained and documented; and, any required actions are expeditiously implemented.

INCIDENT MANAGEMENT RELATED AIRPLANE, BLIMP AND OTHER AVIATION / AIRCRAFT RESOURCE AIR FIELD THAT IS NOT LOCATED AT A CONVENTIONAL AIRPORT

The NYPD supervisor managing and directing the tactical and logistical / support air operations and aviation / aircraft resources function will ensure each incident management related airplane, blimp and other aviation / aircraft resource air field that is not located at a conventional airport is situated at an appropriate location; and, is properly managed; and, adequate safety, health, security and force protection measures are implemented.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-22	
CIMS: DEMOBILIZATION			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To effectively and efficiently demobilize NYPD resources at an incident / event.

PROCEDURE When demobilizing NYPD resources from an incident / event:

COMMAND ELEMENT

1. Prior to demobilizing NYPD resources, direct Operations Section chief to have the incident area and associated areas surveyed and:
   a. Report results to the Command Element.
   b. Enter results in the Incident Command Post Log.

OPERATIONS SECTION CHIEF

2. Prior to demobilizing NYPD personnel and resources, obtain approval from:
   a. The Command Element
   b. If appropriate, the Operations Unit; or if activated, the NYPD Emergency Operations Center.
3. Notify NYPD:
   a. Operations Unit, or if activated, the NYPD Emergency Operations Center.
   b. Precinct Desk Officer.
   c. Patrol Borough Command concerned.
   d. Communications Section. Notify Communications Section Dispatcher and / or Supervisor regarding:
      (1) Dual dispatching system / procedures that have been in effect; or,
      (2) Citywide and / or tactical interoperable / shared radio frequencies that have been activated and / or utilized.
      (3) Other relevant information.
4. Ensure accountability by having a return roll call conducted for all assigned NYPD personnel.

NOTE *Generally, prior to release from the incident, Resource Teams and Special Response Teams that were created / organized at the incident from responding Single Resources, should be disassembled; and, the Single Resources should be restored to their original resource designation, configuration and organization. This will assist in accounting for all resources by ensuring that resources are released from the incident with the same resource designation, configuration and organization they had upon arrival.*

5. Ensure all incident related operations, functions, assignments, tasks, etc., have been completed.
6. Ensure all required incident related forms, reports and documents have been prepared, and other administrative activity has been completed.
7. Have a summary of enforcement activity prepared.
8. Have personnel identified who have performed in a substandard manner or an exceptional manner, and document the performance for subsequent action.
9. Have personnel directed to return borrowed equipment to the appropriate location / Unit.

OPERATIONS SECTION CHIEF (continued)

10. Have NYPD personnel directed to turn their portable radios from the detail frequency back to their standard frequency.
11. Have NYPD personnel debriefed and instructed regarding dismissal procedures. Have NYPD personnel directed to:
    a. Report directly to their respective desk officers for reassignment; or,
    b. Conclude their tour if appropriate; or,
    c. Confer with their incident / event supervisor and / or permanent command supervisor, if there are any questions or problems regarding dismissal procedures or post dismissal actions.

COMMAND ELEMENT

12. Conduct After-Action Review of operations with appropriate members of the Command Staff and General Staff in order to identify and document:
    a. Successes and failures.
    b. Tactics that were successful or require evaluation / modification.
    c. Required changes to Department procedures, the Citywide Incident Management System and / or inter-Agency procedures involving command, tactics, operations, support, investigations, aviation, communications, etc.
    d. Incident management "Best Practices" and "Lessons Learned."
13. Have appropriate entries made in the Incident Command Post Log and ensure all appropriate forms, summaries, reports and other appropriate documentation is prepared.
14. Ensure all appropriate equipment, supplies, vehicles, etc., are properly accounted for and returned to the appropriate units; or, if appropriate, properly discarded, i.e., expendable supplies.
15. Have Incident Command Post Log, Incident Command Post vehicle(s), Incident Command Post flag / banner / beacon, appropriate Incident Command Post equipment / supplies, Incident Action Plan(s), **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)**, **UNUSUAL OCCURRENCE REPORTS (PD370-152)** and other incident related forms, reports, logs, documents, etc., delivered / returned to the appropriate Unit(s).
16. Provide Operations Unit, or if activated, the NYPD Emergency Operations Center, with a summary of the significant incident related occurrences.
17. When appropriate, confer with the Office of the Chief of Department, Operations Division, regarding the need to conduct a NYC Office of Emergency Management (OEM), multi-agency "Joint After-Action Review."
18. Order demobilization of Incident Facilities, including the Operations Section Post, and if activated, the Intelligence / Investigations Post.
19. Order the demobilization of the Command Staff positions and General Staff Sections, as appropriate.
20. Demobilize the Incident Command Post and the Command Element.

FORMS AND REPORTS

DETAIL ROSTER / ASSIGNMENT SHEET (PD406-141)
UNUSUAL OCCURRENCE REPORT (PD370-152)

PURPOSE To describe Air Operations in CIMS.

PROCEDURE In NYC, the NYPD directs incident management related tactical and logistical/support air operations involving helicopter, airplane, blimp and other aviation / aircraft resources. Therefore, absent unusual circumstances, in NYC, the NIMS ICS Air Operations Branch structure will not be utilized. However, during major incidents to which state and / or federal aviation resources are deployed, the NIMS ICS Air Operation Branch structure, or other appropriate organizational structure, may be used to integrate state and federal aviation resources with NYPD tactical and logistical / support air operations and aviation / aircraft resources.

In NYC, tactical and logistical / support air operations and aviation / aircraft resources will be managed and directed by the:

(1) NYPD Operations Section chief in a Single Operations Section, or NYPD Agency Operations Section chief in a Unified Operations Section, if the Operations Section has been activated; or,

(2) NYPD Incident Commander in a Single Command – Command Element, or NYPD Agency Incident Commander in a Unified Command – Command Element, if the Operations Section has not been activated; or

(3) NYPD Supporting Agency / Agency Representative if there is no NYPD Incident Commander or NYPD Agency Incident Commander; **and,** no NYPD Operations Section chief or NYPD Agency Operations Section chief.

Upon arriving at the scene of an incident that requires Air Operations or aviation / aircraft resources, the following procedures will be followed:

OPERATIONS SECTION CHIEF

1. Manage and direct tactical and logistical /support air operations and aviation / aircraft resources including helicopter (rotary-wing), airplane (fixed-wing) and blimp (airship) aircraft.
2. When necessary, activate an Air Operations Branch within the Operations Section and designate a NYPD Air Operations Branch Director to manage and direct tactical and logistical / support air operations and aviation / aircraft resources.
   a. A NYPD Air Operations Branch Director will select an appropriate location to remain and manage / direct all of the tactical and logistical / support air operations and aviation / aircraft resources, functions and activities:
      (1) Be situated and operate on the ground at the incident;
      (2) Absent unusual circumstances, be situated at the Operations Section Post.
   b. When necessary, a NYPD Air Operations Branch Director may designate a Deputy or Deputies.
      (1) The Deputy is the counterpart of the principal;

OPERATIONS SECTION CHIEF (continued)

(2) The Deputy may be member of a different Agency / Jurisdiction than the principal.

c. If unusual circumstances exist, when necessary, additional Air Operations Branch subordinate incident management organizational elements may be activated, e.g., Air Tactical Group, Air Support Group; and, additional NYPD Air Operations Branch subordinate incident management positions may be designated, e.g., Air Tactical Group Supervisor, Air Support Group Supervisor, Helicopter Coordinator(s), Fixed-Wing Coordinator(s).

3. Request tactical and logistical / support air operations and aviation / aircraft resources in accordance with the applicable NYPD procedures in the following manner:
   a. A request for assistance that requires an immediate response to support the incident management related operations, functions and activities of the NYPD, will be made to the Communications Section dispatcher and / or supervisor.
   b. A request for assistance that does not require an immediate response to support the incident management related operations, functions and activities of the NYPD, will be made to the Operations Unit or, if activated, the NYPD Emergency Operations Center.
   c. If exigent circumstances exist, a request for assistance to support the incident management related operations, functions and activities of the FDNY, DEP, DOHMH and / or other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals, will be made to the Communications Section dispatcher and / or supervisor.
   d. If no exigent circumstances exist, a request for assistance to support the incident management related operations, functions and activities of the FDNY, DEP, DOHMH and / or other appropriate governmental agencies, non-governmental organizations and / or private entities / individuals, will be made to the Operations Unit or, if activated, the NYPD Emergency Operations Center.
4. Ensure adequate safety, health, security and force protection measures are implemented regarding the tactical and logistical / support air operations and aviation / aircraft resources.
5. When necessary, notify the Operations Unit, or if activated, the NYPD Emergency Operations Center, and request one or more appropriate Temporary Flight Restrictions (TFRs) be approved / implemented by the Federal Aviation Administration (FAA).
6. Ensure an appropriate number of Helibases are activated, and that the activities / functions occurring at each Helibase are performed in a coordinated manner, and that a NYPD Helibase manager is designated to supervise and manage each Helibase.
   a. Ensure each Helibase is situated at an appropriate location and is properly managed;

OPERATIONS SECTION CHIEF (continued)

b. Ensure each Helibase Manager is situated and operates on the ground at the Helibase;
c. Ensure adequate safety, health, security and force protection measures are implemented regarding each Helibase;
d. Absent extraordinary circumstances, only one Helibase will be activated; and, it will be situated at the NYPD Special Operations Division, Aviation Unit facility located at Floyd Bennett Field, Brooklyn.

7. Ensure an appropriate number of Helispots are activated, and that the activities / functions occurring at each Helispot are performed in a coordinated manner, and that a NYPD Helispot Manager is designated to supervise and manage each Helispot.
   a. Ensure each Helispot is situated at an appropriate location and is properly managed;
      (1) When appropriate, each Helispot may be deactivated and / or relocated.
   b. Absent unusual circumstances, ensure each NYPD Helispot Manager is either a Police Officer or supervisor assigned to the Emergency Services Unit.
      (1) Patrol Services Bureau personnel will be utilized to assist each Emergency Services Unit Helispot Manager.
   c. Ensure each Helispot Manager is situated and operates on the ground at the Helispot.
   d. Ensure adequate safety, health, security and force protection measures are implemented regarding each Helispot.
8. Ensure each incident management related airplane, blimp and other appropriate aviation / aircraft resource air field that is <u>not</u> located at a conventional airport is situated at an appropriate location and is properly managed;
   a. Ensure adequate safety, health, security and force protection measures are implemented.
9. Maintain a liaison and coordinate with each incident management related airplane, blimp and other appropriate aviation / aircraft resource air base that is located at a conventional airport.
10. Review and evaluate the Air Operations Plan and, if applicable, the *Air Operations Summary Worksheet – ICS 220*;
    a. When appropriate, recommend any necessary modifications;
    b. Modifications may be implemented during the current Operational Period or prior to the start of the subsequent Operational Period as appropriate.
11. Ensure there are sufficient helicopter, airplane, blimp and other appropriate aviation / aircraft resources;
    a. Estimate / forecast <u>future</u> helicopter, airplane, blimp and other appropriate aviation / aircraft resources requirements.
12. Ensure there are sufficient personnel, equipment, supplies and other routine and / or specialized resources, service and support;

OPERATIONS SECTION CHIEF (continued)

a. Estimate / forecast <u>future</u> personnel, equipment, supplies and other routine and / or specialized resources, service and support requirements.

13. Ensure adequate aviation / aircraft resource reserves are maintained, and the resource reserves are increased or decreased when necessary.
14. Ensure the number, *Kinds* and *Types* of aviation / aircraft resources; and, the *status*, capabilities and limitations of aviation / aircraft resources is accurately documented, monitored and tracked.
15. Ensure appropriate communications procedures, devices, protocols, equipment, frequencies, systems, networks, etc., are utilized, and proper communications technological and procedural measures are implemented.
16. Implement measures to identify and prevent / eliminate actual and potential hazards and unsafe activities, functions and conditions.
17. Implement adequate crash, fire suppression, rescue and other safety related procedures and measures.
18. Ensure appropriate air traffic control procedures and measures are implemented.
19. Ensure aviation / aircraft resource flight, approach, departure, landing, takeoff, loading, unloading, filling, parking, fueling, repairs, service, storage, maintenance, safeguarding / security, etc., procedures and measures are properly implemented.
20. Ensure tactical and logistical / support air operations and aviation / aircraft resources are properly coordinated at the incident, and when applicable, at appropriate off incident sites.
21. Ensure sufficient aviation / aircraft resources are continuously available to perform emergency operations, functions and activities.
22. When necessary, ensure only approved / authorized non incident management related aviation aircraft resources are permitted to enter the incident areas / airspace.
23. Investigate incidents and resolve conflicts regarding tactical and logistical / support air operations and aviation / aircraft resources.
24. Ensure any incident related aviation / aircraft resource accidents and / or potential accidents that were barely avoided, i.e., "near misses" are properly investigated.
25. Ensure appropriate records, forms, logs, reports, etc. are prepared.
26. Ensure aviation / aircraft resource "flight / operating / usage time" is accurately documented in compliance with the appropriate specific procedures of the involved Agency(ies).
27. Continually monitor / evaluate the organizational structure and effectiveness of the tactical and logistical / support air operations and aviation / aircraft resources function, and the performance of the Deputy(ies), Managers, Supervisors, Coordinators and assigned personnel.
    a. Make appropriate modifications when necessary.

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-24	
CIMS: "CHECK IN" PROCESS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To describe the *"Check In"* process at an event.

PROCEDURE When responding to an incident, the following *"Check In"* process will be followed:

DEFINITION *"CHECK-IN"* PROCESS-

1. The *"Check-In"* process formally records personnel and equipment as being present at and assigned to the incident; and, provides important basic information that will be used for tracking the number, location and *status* of the resources. The *Check-In* process assists the Command Element by enhancing the incident management organization's ability to easily:
   a. Ensure resource accountability.
   b. Track and identify the number, location and *status* of resources.
   c. Assign and reassign resources.
   d. Locate personnel for emergency notifications.
   e. Prepare accurate time and overtime records.
   f. Plan for demobilization.
   g. Demobilize and release resources.

2. The Resources Unit will perform the *Check-In* function at designated incident locations. If the Resources Unit has not been activated, the Planning Section chief will perform the *Check-In* function. If the Planning Section has not been activated, the Command Element will perform the *Check-In* function.

3. A *"Check-In Recorder"* will be assigned to each location where Resources will *Check-In*. The *Check-In Recorder*:
   a. Must have an adequate supply of *Check-In* forms / **DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141),** or other appropriate *Check-in* forms, logs, records, etc.
   b. Must be informed regarding the frequency and schedule for providing / reporting *Check-In* information to the Resources Unit.
   c. Should determine if resources that *Check-In* can be electronically recorded / documented.

4. Within NYC pursuant to CIMS, there are four locations where *Check-In* may occur:
   a. Staging Area(s)
      Resources should *Check-In* with the Resources Unit at the Staging Area(s). If the Resources Unit is not activated, resources should *Check-In* with the Staging Area Manager.

DEFINITION (continued)

b. Incident Command Post
Resources should *Check-In* with the Resources Unit at the Incident Command Post.

c. When applicable, Intelligence / Investigations Section Post.
When applicable, investigative resources will *Check-In* at the Intelligence / Investigations Section Post with the Resources Unit that will be co-located with the Investigative Support Group, if activated. If the Resources Unit is not activated, investigative resources will *Check-In* at the Intelligence / Investigations Section Post with the Investigative Support Group, if activated, if neither the Resource Unit nor the Investigative Support Group are activated, investigative resources should *Check-In* with the Intelligence / Investigations Section chief.

d. Helibase(s)
In NYC, *Check-In* may be performed at a Helibase(s); however absent extraordinary circumstances, *Check-In* will not occur at a Helibase(s).

5. Outside NYC, under NIMS ICS, there are an additional two locations where *Check-In* may occur:
   a. Incident Base
   Absent extraordinary circumstances an Incident Base will not be activated in New York City.
   b. Camp(s)
   Absent extraordinary circumstances a Camp(s) will not be activated in New York City.

6. Pursuant to CIMS, absent extraordinary circumstances, resources must formally *Check-In* before reporting to the Operations Section or Sectors or Groups or Branches for assignment.

FORMS AND REPORTS

DETAIL ROSTER / ASSIGNMENT SHEETS (PD406-141)

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-25	
CIMS: RESOURCES			
DATE ISSUED: 07/19/16	DATE EFFECTIVE: 07/19/16	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To define and describe CIMS Resources.

PROCEDURE When responding to an incident, Resources will be defined and described as follows:

DEFINITIONS RESOURCES - personnel, teams, equipment, supplies, vehicles, aircraft, watercraft and facilities that are available or potentially available for assignment or allocation to support incident management and emergency response activities.

NOTE *Non-law enforcement resources, particularly firefighting resources, have been formally categorized by "Kind" and "Type." Law enforcement resources have NOT been formally categorized by "Kind" and "Type." However, an effort currently is underway to develop appropriate metrics and to formally categorize law enforcement resources by Kind and Type.*

a. "Kind": Kind refers to broad classes that characterize similar resources, such as teams, personnel, equipment, supplies, vehicles, watercraft, facilities and aircraft. The term may also be used to specifically categorize a particular resource, e.g., marked patrol car, unmarked car, nondescript car, undercover car, van, truck, tractor trailer, two wheeled scooter, three wheeled scooter or motorcycle.

b. "Type": Refers to the level of resource capability based upon its power, size or capacity. Resource *Type* is designated by a Roman numeral with I representing the greatest capability and IV representing the least capability. The *Type* assigned to a resource or a Component is based on a minimum level of capability described by the identified metric(s) for that resource. In some cases, a resource may have less than or more than four *Types*; and, additional *Types* will be identified or the *Type* will be described as "not applicable."

Resources are categorized as:

SINGLE RESOURCE – A Single Resource may perform a particular assignment and includes:

Single resources include:
a. A single vehicle including the operator / crew;
b. A single watercraft including the operator / crew;
c. A single aircraft including the operator / crew;
d. A single item of equipment including the operator / crew;
e. Single personnel;
f. Single personnel and an animal, i.e., dog, horse;
g. A formally pre-designated "team" of two or more personnel, including an identified work supervisor, i.e., "Squad", "Mobile Field Force."

NOTE *Appendix "A", lists examples of NYPD Single Resources.*

DEFINITIONS (continued)

RESOURCE TEAM - a combination of the **same** "*Kinds*" and "*Types*" of Single Resources assembled to perform a particular tactical assignment.

A Resource Team must have:

a. A designated Leader; and,
b. Appropriate transportation if necessary; and,
c. Common communications between
   (1) The respective resources, and
   (2) The respective resources and the Leader, and
   (3) The Leader and the Leader's designated supervisor, e.g., Group Supervisor, Sector Supervisor, Branch Director, Section chief.

NOTE *When assembling a Resource Team, CIMS Span of Control principles should not be violated.*

SPECIAL RESPONSE TEAM - any combination and number of **different** "*Kinds*" and "*Types*" of Single Resources assembled to perform a particular tactical assignment.

A Special Response Team must have:

a. A designated Leader; and,
b. Appropriate transportation if necessary; and,
c. Common communications between:
   (1) The respective resources, and
   (2) The respective resources and the Leader, and
   (3) The Leader and the Leader's designated supervisor, e.g., Group Supervisor, Sector Supervisor, Branch Director, Section chief.

NOTE *When assembling a Special Response Team(s), CIMS Span of Control principles should not be violated.*

STATUS CONDITIONS

In order to maintain accurate current information regarding resource utilization and resource needs, all resources must be assigned a specific defined "*status*" condition. The three specific *status* conditions that are used for tracking resources at an incident are:

1. *Assigned*: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident that are performing work tasks at the incident under the direction of a supervisor; or, in the case of equipment and facilities, resources that are performing a function supporting incident operations.
2. *Available*: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident that are ready for an assignment / deployment; or, in the case of equipment and facilities,

DEFINITIONS (continued)

resources that are ready for a specific function. Resources in "*Available*" *status* awaiting a tactical or investigative assignment should be ready for deployment within three minutes.

3. <u>*Out-of-Service*</u>: Resources (personnel that have *Checked-In* and equipment that has been receipted for) assigned to an incident, that are not able to be assigned to a work task / function or *Available* for assignment to a work task / function due to mechanical, rest, illness, injury, staffing, environmental, financial, etc., reasons; or, because their condition makes them unusable. An *Out-of-Service* resource is not ready / capable of being in the *Available* or *Assigned status*.

<u>RESOURCE *STATUS* CHANGES</u> - Resource *status* is maintained and changed by the supervisor to whom the respective resource is assigned. Changes in resource *status* may be made by:

1. Command Element
2. Operations Section chief(s)
3. Branch Director(s)
4. Sector Supervisor(s)
5. Group Supervisor(s)
6. Resource Team and / or Special Response Team Leader(s)
7. When applicable Intelligence / Investigations Section chief
8. When applicable Intelligence / Investigations Section Group Supervisor(s)
9. Unit Leader(s)
10. Manager(s)

NOTE *Any change in resource status that is longer than several minutes must be communicated to the appropriate CIMS organizational element. Absent extraordinary circumstances, the individual changing the status of the resource will ensure that the status change is promptly communicated through the appropriate chain of command to the individual or incident management organizational element responsible for maintaining / tracking the status of resources assigned to the incident.*

<u>RESOURCE STATUS TRACKING SYSTEMS</u>

a. Manual Records / Forms
b. Pre-formatted Resource Information Cards
c. Magnetic Symbols and Maps
d. Magnetic Symbols and Status Boards
e. Electronic Status Boards
f. Computer Applications, i.e., Spreadsheets, Databases, etc.

<u>PLANNING SECTION / RESOURCES UNIT</u> - All changes in the number, location and *status* of resources are promptly reported to the Resources Unit; or if not activated, the Planning Section chief; or if not activated, the Command Element.

ADDITIONAL DATA

Appendix "A"
Examples of NYPD Single Resources:

Non-Supervisory uniformed member of the service, i.e., Officer

Supervisory uniformed member of the service, i.e., Sergeant, Lieutenant, Captain, etc.

Non-Supervisory civilian member of the service, i.e., School Safety Officer, Traffic Enforcement Agent, Motor Vehicle Operator, Police Administrative Aide, Police Communications Technician, etc.

Supervisory civilian member of the service, i.e., Traffic Supervisor Level I, Traffic Supervisor Level II, School Safety Agent Level III, Supervisor of School Security, Associate Supervisor of School Security, Senior Police Administrative Aide, Principal Administrative Associate, etc.

Squad: 1 Sergeant + 8 Police Officers

Mobile Field Force: 2 Squads to 6 Squads

Strategic Response Group / Mobile Field Force

Radio Motor Patrol Auto (RMP) + 2 Officers

Marked Van + crew

Scooter + operator

Patrol Wagon + crew

NYPD Ambulance + crew

Highway RMP + crew (1 Highway District Officer or 2 Highway District Officers)

Highway Motor Carrier Safety Unit RMP + crew

Motorcycle + operator

Motorcycle Squad: Usually 1 Highway District Sergeant + 5 Highway District Officers on Motorcycles

Mounted Unit Horse + Mounted Unit Officer

Mounted Unit Squad: Usually 1 Mounted Unit Sergeant + 5 Mounted Unit Officers on horses

Patrol Canine + K-9 Officer

Narcotics Detecting Canine + handler

ADDITIONAL DATA (continued)

Appendix "A" (continued)

Explosives Detecting Canine (EDC) + handler

Bomb Squad Robot / Remote Mobile Investigator (RMI) + crew

Total Containment Vessel (TCV): 1 ESU REP + crew towing 1 TCV

Bomb Squad Response Team: Van + 2 Bomb Squad Officers + EDC + Bomb Squad RMI

ESU Radio Emergency Patrol Vehicle (REP) + 2 ESU Officers

ESU Truck + crew

ESU Breathing Apparatus Truck (BAT) + crew

ESU Mobile Light Generator Truck (MLG) + crew

ESU Mobile Alternative Light Truck (MALT) + crew

ESU Photo Observation Truck (POT) + crew

ESU Construction Accident Response Vehicle (CARV) + crew

ESU Bearcat Armored Vehicle + crew

ESU Peace Keeper Armored Vehicle + crew

ESU Entry Team: 1 ESU Sergeant and 7 to 8 ESU Officers + appropriate vehicle(s)

ESU Counter Assault Car (CAT Car): Non descript Suburban vehicle + 1 ESU Sergeant and 4 ESU Officers

ESU Apprehension Team (A Team): Unmarked Truck + 1 ESU Sergeant and 7 to 10 ESU Officers

ESU Tactical Robot / Remote Mobile Investigator (RMI) + 2 ESU Officers

Aviation Unit Helicopter + crew

Harbor Unit Launch + crew

Technical Assistance Response Unit (TARU) Vehicle + crew

Barrier Truck + crew

Box Truck + crew

Tractor Trailer + crew

PATROL GUIDE

Section: Citywide Incident Management		Procedure No: 220-26	
CIMS: RESOURCE ASSIGNMENTS			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To specify where arriving resources will initially be assigned at an incident.

PROCEDURE **<u>After formal *"Check In"*,</u>** arriving resources will initially be assigned to the following locations at an incident:

STAGING AREA

<u>Assignment to a Staging Area(s)</u>

1. After formal *Check-In*, incoming resources may be assigned to a Staging Area(s) for the following reasons:
   a. Resources may be assigned / deployed during the current Operational Period.
   b. Resources are needed to provide a reserve.
   c. Single Resources may be organized into Special Response Teams and / or Resource Teams prior to assignment / deployment.
2. As part of the planning process, the Operations Section chief will decide what number, *Kinds* and *Types* of resources will be situated at the Staging Area(s). This decision is based upon the need to retain and maintain adequate reserves to meet current needs and / or anticipated demands and / or unanticipated contingencies.
3. The Operations Section chief will brief the Staging Area Manager(s) regarding how the Staging Area(s) should be managed. This briefing should include:
   a. The number, *Kinds* and *Types* of resources that will be responding to the Staging Area(s).
   b. Communications procedures, devices, frequencies and measures that will be used.
   c. Minimum number of resources and specific *Kinds* and *Types* of resources that must be retained and maintained as reserves.
   d. Procedures for ordering / requesting additional resources.
   e. Estimated length of time the Staging Area(s) will be activated / utilized.
   f. Procedures for ordering / requesting logistics service and support.
4. The Staging Area Manager(s) must monitor the *status* of resources in the Staging Area(s), and inform the Operations Section chief :
   a. When minimum levels of resources are about to be reached;
   b. If any additional resources should be requested / ordered.
5. The Operations Section chief must be concerned about the cost, morale, and political implications of retaining and maintaining resources for long periods of time at one or more Staging Areas. This is particularly true regarding expensive equipment and personnel that have been rented / leased from private entities and resulting significant costs may possibly be incurred.

STAGING AREA (continued)

6. After Check-In at a Staging Area, Single Resources will often be organized into Resource Teams and / or Special Response Teams, and deployed / assigned to incident related functions, operations and activities. The number, composition and deployments / assignments of the Resource Teams and Special Response Teams may continue for the entire incident, or they may change based upon incident needs.
7. Resource Teams and Special Response Teams created / organized at the incident should always be disassembled prior to release from the incident. In order to ensure proper resource accountability, each resource should be demobilized and leave the incident with the same resource designation, configuration and organization that the resource had upon arrival.

SECTORS OR GROUPS

Assignment to Sectors or Groups or Branches

1. After formal *Check-In*, during rapidly expanding incidents, tactical resources may immediately be assigned to the Operations Section; or, if activated, Sectors or Groups or Branches. In these situations, the tactical resources must always immediately report to the Operations Section chief or a designated Sector Supervisor or designated Group Supervisor or designated Branch Director to be given a specific assignment.
2. Outside of NYC, under NIMS ICS, during rapidly expanding incidents, prior to formal *Check-In*, tactical resources may be assigned directly to the Operations Section; or, if activated, directly to Sectors or Groups or Branches. In these situations, the tactical resources must report directly to a designated Sector Supervisor or designated Group Supervisor or designated Branch director to be given a specific assignment; and, formal *Check-In* will occur at a later time when the resource is assigned to a Staging Area or is in *Out-of Service status*. NIMS ICS acknowledges that this is not the preferred way of deploying arriving additional resources.

INCIDENT BASE

Assignment to the Incident Base

1. Absent extraordinary circumstances, an Incident Base will not be activated in New York City.
2. Outside of NYC, under NIMS ICS, after formal *Check-In*, tactical resources are often assigned to the Incident Base when the resources are not scheduled for use during the current Operational Period.
3. Outside of NYC, under NIMS ICS, for resources that have traveled a significant distance, are assigned to the Incident Base in an *Out-of-Service status* in order to provide time for briefings and rest / rehabilitation prior to being deployed to an assignment during the subsequent Operational Period.

Section: Citywide Incident Management		Procedure No: 220-27	
CITYWIDE INCIDENT MANAGEMENT SYSTEM (CIMS) - 201 INCIDENT BRIEFING FORM (ICS FORM 201)			
DATE ISSUED: 08/01/13	DATE EFFECTIVE: 08/01/13	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE To properly document the response and summarize the actions taken at the scene of an emergency incident in which the Citywide Incident Management System (CIMS) has been implemented.

SCOPE Proper preparation of the **CIMS 201 Incident Briefing Form** (see Appendix "A" and form attached) provides basic information regarding the emergency incident and the resources allocated to the emergency incident. The Form will serve as a reference document for the initial emergency incident response, summarize the actions taken at the scene and will be the source document that will be used to prepare a written Incident Action Plan (IAP), if a written IAP is necessary. The Incident Briefing Form will not be a component of the IAP for preplanned events.

PROCEDURE When managing an emergency incident under *Patrol Guide 220 Series, "Citywide Incident Management System"*:

INCIDENT COMMANDER

1. Direct and ensure the **CIMS 201 Incident Briefing Form** is prepared on all emergency incidents when:
   a. Directed by a captain or above based on the magnitude, type, severity and duration of the emergency incident
   b. It is likely that the emergency incident will extend beyond one "Operational Period"
   c. The response to emergency incident exceeds four hours and results in the allocation of significant resources and or personnel
   d. A Unified Command-Command Element is established
   e. The NYPD is the Incident Commander in a Single Command-Command Element; and several Supporting Agencies are significantly involved in the emergency incident management efforts
   f. An Incident Management Team (IMT) is activated to manage the emergency incident.
2. Attach a copy of the **CIMS 201 Incident Briefing Form** to the **UNUSUAL OCCURRENCE REPORT (PD370-152)** or **Typed Letterhead**, if prepared.
   a. If **UNUSUAL OCCURRENCE REPORT** or **Typed Letterhead** is not prepared, file **CIMS 201 Incident Briefing Form** at the precinct of occurrence.

NOTE *The information from the **CIMS 201 Incident Briefing Form** can be used as a reference or source document for the preparation of a written **Incident Action Plan (IAP)**.*

*The following describes how the four pages of the **CIMS 201 Incident Briefing Form** can be used in future forms or documents:*

Page 1- *Map/Sketch: may be used as the Situation Map.*

NOTE (continued)

Page 2- *Incident Objectives: may be used to prepare **CIMS 202 Incident Objectives Form**.*
*Summary of Current Actions: may be used to continue tracking the response actions and as a reference document for the **CIMS 215 Operational Planning Worksheet**.*

Page 3- *Current Organization: may be used as a reference document for the **CIMS 203 Organization Assignment List** and/or **CIMS 207 Organizational Chart**.*

Page 4- *Resources Summary: may be used to continue tracking resources assigned to the incident.*

ADDITIONAL DATA

*After the initial briefing of the Command Element (Single or Unified), Command Staff officers and General Staff Section chiefs, the **CIMS 201 Incident Briefing Form** shall be duplicated and distributed as necessary to the Branch Directors, Sector/Group Supervisors and appropriate Planning and Logistics Section Unit Leaders.*

*The sketch map and summary of current action portions (pages 1, 2) of the **CIMS 201 Incident Briefing Form** will be provided to the Planning Section / Situation Unit, if activated.*

The Current Organization and Resources Summary portions (pages 3, 4) will be provided to the Planning Section / Resource Unit, if activated.

*All completed original forms **MUST** be forwarded to the Planning Section / Documentation Unit, if activated.*

*Copies of all **Incident Action Plans** will be forwarded to and archived at the Office of the Chief of Patrol.*

RELATED PROCEDURES

Citywide Incident Management System (CIMS) (P.G. 220 Series)
Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

CIMS 201 Incident Briefing Form (ICS Form 201)
CIMS 202 Incident Objectives Form
CIMS 203 Organization Assignment List
CIMS 207 Organizational Chart
CIMS 215 Operational Planning Worksheet
Incident Action Plan (IAP)
Typed Letterhead
UNUSUAL OCCURRENCE REPORT (PD370-152)

APPENDIX "A"

Preparation of CIMS 201 Incident Briefing Form (ICS Form 201)

Caption #	Caption Title	Instructions
1.	Incident Name	Enter the name assigned to the incident.
2.	Date	Enter date prepared (month, day, and year).
3.	Time	Enter time of incident.
4.	Incident Location	Enter incident location.
5.	Precinct	Enter Precinct of incident.
6.	Box	Fire box number and location.
7.	Map/Sketch	Show the total Area of Operations, the incident site, etc.
8.	Prepared by	Enter the name and position of the person completing the form.
9.	Date Time	Enter date prepared (month, day, and year). Enter time prepared (24-hour clock).
10.	Initial Incident Objectives	Enter short, clear, concise statements of the objectives, for managing the initial response.
11.	Summary of Current Actions	Enter the actions taken in response to the incident, including the time and note any significant events or specific problem areas.
12.	Current Organization	Enter, on the organization chart, the names of the individuals assigned to each position. Modify the chart as necessary, using additional boxes in the space provided under the Sections. Utilize the blank lines provided for a Unified Command for adding other agencies or responsible parties.
13.	Resource Summary	Enter the following information about the resources allocated to the Incident:
	Resources Needed	Description of the resource needed.
	Time Ordered	Time ordered (24-hour clock).
	Resource Identifier	Identifier for the resource (e.g., radio call-sign, vessel name, vendor name, license plate, etc.).
	ETA	Estimated time for the resources to arrive at the staging area.
	On-Scene	"X" Upon the resource's arrival.
	Location/Assignment	Location of the resource, the actual assignment, the status of the resource (if other than working) and the contact name and number of resource.

NOTE *Additional pages may be added to the **CIMS 201 Incident Briefing Form**, if needed. All copies of the **CIMS 201 Incident Briefing Form** should be attached to the **UNUSUAL OCCURRENCE REPORT**.*

INCIDENT BRIEFING

CIMS
Citywide Incident Management System

1. Incident Name	2. Date	3. Time
4. Incident Location	5. Precinct	6. Box

7. Map Sketch
(Include maps drawn here or attached, showing the total area of operations, the incident site / area, affected areas and / or other graphics depicting situational and response status)

8. Prepared By	9. Date / Time Prepared

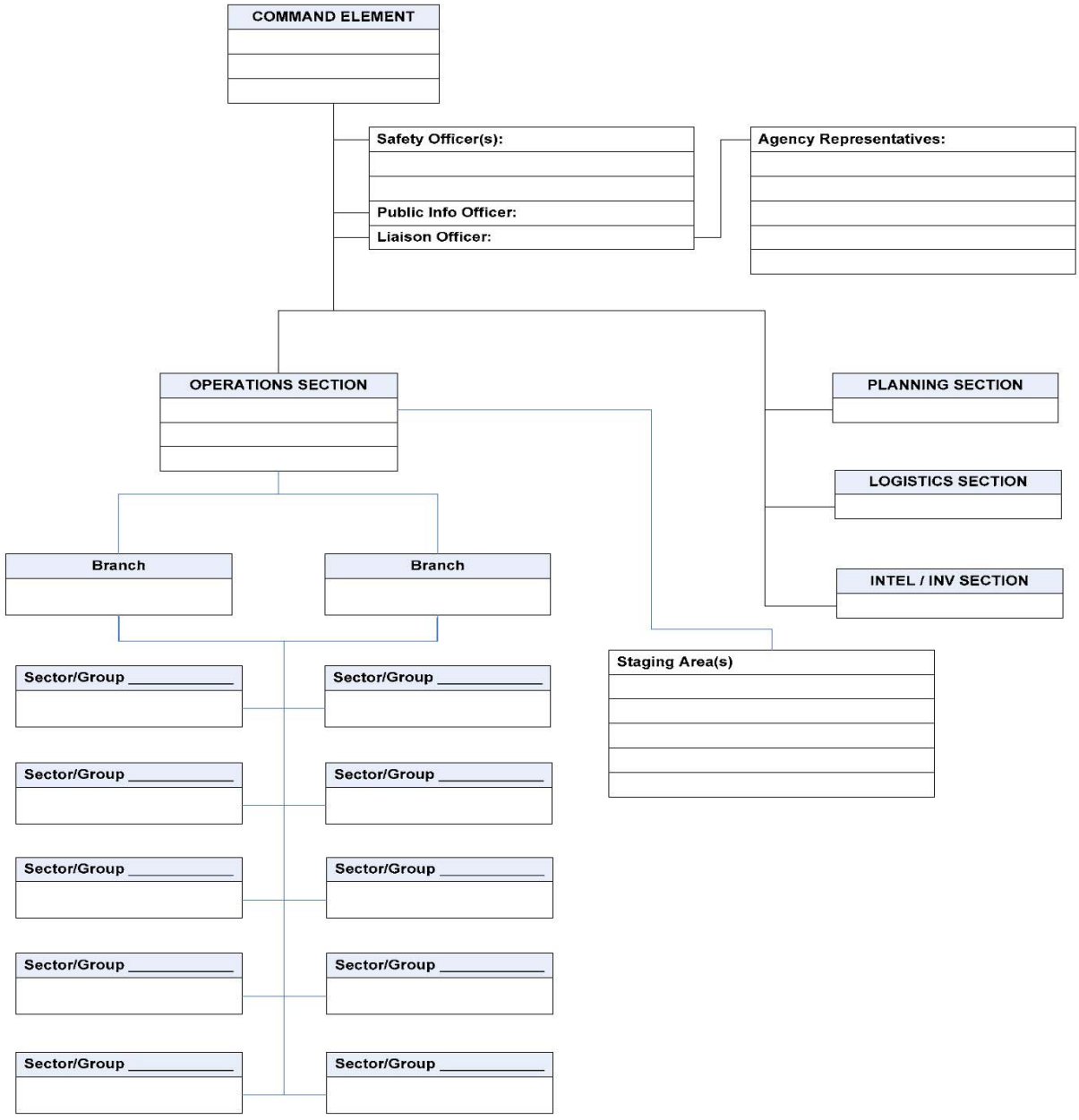
1. Incident Name	2. Date	3. Time
4. Incident Location	5. Precinct	6. Box

10. Initial Incident Objectives

11. Summary of Current Actions	
Time	Action / Note

1. Incident Name	2. Date	3. Time
4. Incident Location	5. Precinct	6. Box

12. Current Organization



8. Prepared By	9. Date / Time Prepared

1. Incident Name	2. Date	3. Time
4. Incident Location	5. Precinct	6. Box

13. Resources Summary

Resources Ordered	Resource Identification	ETA	On-Scene ☑	Location / Assignment

PATROL GUIDE

Section: Citywide Incident Management	Procedure No: 220-28

CITYWIDE INCIDENT MANAGEMENT SYSTEM (CIMS) INCIDENT MANAGEMENT TEAM (IMT) ACTIVATION/DEPLOYMENT PROTOCOL

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
08/01/13	08/01/13		1 of 3

PURPOSE To activate and deploy an Incident Management Team (IMT) at an emergency incident or planned event.

SCOPE When managing an emergency incident or planned event under *Patrol Guide 220 Series, "Citywide Incident Management System:"*

a. A NYPD Citywide Incident Management Team may be activated by the Police Commissioner, First Deputy Commissioner or the Chief of Department, based on the size, complexity and duration of the emergency incident or planned event.

b. A NYPD Borough Incident Management Team may be activated by the Chief of Patrol, or Patrol Borough Commander concerned, for an emergency incident or planned event occurring within their jurisdiction, or in his / her absence the Duty Chief, based on the size, complexity and duration of the emergency incident or planned event.

c. A NYPD Transit Bureau Incident Management Team may be activated by the Chief of Transit concerning an emergency incident or planned event occurring within the Transit jurisdiction, or in his / her absence the Duty Chief, based on the size complexity and the duration of the emergency incident or planned event.

d. A NYPD Housing Bureau Incident Management Team may be activated by the Chief of Housing concerning an emergency incident or planned event occurring within the Housing jurisdiction, or in his / her absence the Duty Chief, based on the size, complexity and the duration of the emergency incident or planned event.

DEFINITIONS INCIDENT MANAGEMENT TEAM (IMT) – The Command Element and the appropriate Command Staff and General Staff personnel assigned to an incident. (NIMS)

COMMAND ELEMENT – The individual(s) responsible for performing the Command function in an incident management organization. (CIMS)

COMMAND STAFF – The Command Staff consists of:

- Public Information officer
- Safety officer
- Liaison officer

DEFINITIONS (continued)

GENERAL STAFF – The General Staff consists of:

- Operations Section chief
- Planning Section chief
- Logistics Section chief
- Finance / Administration Section chief
- Intelligence / Investigations Section chief

INCIDENT ACTION PLAN (IAP) – Contains Incident Objectives reflecting the overall incident strategy and specific tactical actions and supporting information for the next Operational Period. The Plan may be oral or written. When written, the Plan may have a number of forms as attachments (e.g., traffic plan, safety plan, communications plan, map, etc.).

OPERATIONAL PERIOD – The period of time scheduled for execution of a given set of operation actions as specified in the Incident Action Plan. Operational Periods can be of various lengths, although usually not over twenty-four hours. (CIMS)

ADDITIONAL DATA

The following is a list of situations that may require the activation / deployment of a Citywide, Borough or Bureau IMT:

a. The Department activates "Stand Alone" protocols according to the type, severity and the anticipated duration of an emergency incident or planned event. The Police Commissioner may activate the Citywide IMT to act as the Area Command at the Emergency Operations Center (ECO), and the affected Borough(s) or Bureau(s) may activate their Borough or Bureau IMT(s).

b. It is likely an emergency incident or planned event will extend into multiple Operational Periods (beyond twenty-four hours). A formal written Incident Action Plan (IAP) will be required.

NOTE

In all cases where emergency incident or planned event extends into multiple Operational Periods (beyond twenty-four hours), a formal written Incident Action Plan (IAP) will be required.

c. A Unified Command – Command Element is established, utilizing resources from multiple agencies in the mitigation of an incident and the duration is expected to exceed twenty-four hours.

d. A Declaration of Disaster has been made, as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) as amended.

e. A National Special Security Event is scheduled to occur in New York City (e.g., UNGA, RNC).

ADDITIONAL DATA (continued)

f. An Incident of National Significance occurs outside New York City that could have a substantial impact on New York City (e.g., terrorist attack, prolonged utility outages in the surrounding region, mass transportation interruptions).

g. Substantial resources are required from city, state and / or federal agencies to manage an emergency incident.

h. A natural disaster occurs that affects New York City or the surrounding areas and requires the coordination of substantial resources (e.g., hurricane, floods).

i. An incident occurs that creates a significant health risk to a large segment of the population of New York City or the surrounding areas (e.g., Pandemic Influenza, HazMat, CBRN).

j. A civil disturbance type incident occurs and requires significant Department resources to manage the incident.

RELATED PROCEDURES

Mobilizations/Emergency Incidents (P.G. 213 Series)
Rapid Mobilization (P.G. 213-03)
Citywide Incident Management System (CIMS) (P.G. 220 Series)
CIMS: Command Element (P.G. 220-05)
CIMS: Public Information Officer (P.G. 220-06)
CIMS: Safety Officer (P.G. 220-07)
CIMS: Liaison Officer (P.G. 220-08)
CIMS: Operations Section Chief (P.G. 220-09)
CIMS: Planning Section Chief (P.G. 220-10)
CIMS: Logistics Section Chief (P.G. 220-11)
CIMS: Finance/Administration Section Chief (P.G. 220-12)
CIMS: Intelligence/Investigations Section Chief (P.G. 220-13)

FORMS AND REPORTS

Incident Action Plan (IAP)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-01
FORCE GUIDELINES		
DATE EFFECTIVE: 07/06/21	LAST REVISION: I.O. 66	PAGE: 1 of 4

SCOPE

The primary duty of all members of the service (MOS) is to protect human life, including the lives of individuals being placed in police custody. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. All members of the service at a police incident must use reasonable force, employ less lethal alternatives, and prioritize de-escalation, whenever possible. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy.

When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, MOS will use only the reasonable force necessary to gain control or custody of a subject. The use of deadly physical force against a person can only be used to protect MOS and/or the public from imminent serious physical injury or death.

In determining whether the use of force is reasonable, members of the service should consider the following:

a. The nature and severity of the crime/circumstances
b. Actions taken by the subject
c. Duration of the action
d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
e. Whether the subject is actively resisting custody
f. Whether the subject is attempting to evade arrest by flight
g. Number of subjects in comparison to the number of MOS
h. Size, age, and condition of the subject in comparison to the MOS
i. Subject's violent history, if known
j. Presence of hostile crowd or agitators
k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

All MOS are responsible and accountable for the proper use of force. The application of force must be consistent with existing law and with the New York City Police Department's policies, even when Department policy is more restrictive than state or federal law. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against MOS when force is deemed excessive, wrongful, or improperly applied.

SCOPE (continued)

Excessive force will not be tolerated. MOS who use excessive force will be subject to Department discipline, up to and including dismissal.

Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.

NOTE

Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.

DEFINITIONS

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 MOS 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, to reduce or eliminate the necessity to use force.

OBJECTIVELY REASONABLE STANDARD - The reasonableness of the use of force is based upon the totality of the circumstances known by the MOS at the time of the use of force. The Department examines the reasonableness of force viewed from the perspective of a member with similar training and experience placed into the same circumstances as the incident under investigation.

EXCESSIVE FORCE - Use of force deemed by the investigating supervisor as greater than that which a reasonable officer, in the same situation, would use under the circumstances that existed and were known to the MOS at the time force was used.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow.

VEHICLE RAMMING ATTACK (VRA) – A form of attack in which a perpetrator deliberately rams a motor vehicle into a crowd of people or building.

PROCEDURE

To provide members of the service with the Department's force/restraint and firearm prohibitions:

PROHIBITIONS

UNIFORMED MEMBER OF THE SERVICE

1. Uniformed members of the service are authorized under New York State law to discharge a firearm to prevent or terminate the unlawful use of force that may cause death or serious physical injury, taking into account the below prohibitions imposed by the Department.
   Members of the service **SHALL NOT**:
   a. Discharge a firearm when, in the professional judgment of a reasonable member of the service, doing so will unnecessarily endanger innocent persons
   b. Discharge firearms in defense of property
   c. Discharge firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to the MOS or another person present
   d. Fire warning shots
   e. Discharge firearm to summon assistance, except in emergency situations when someone's personal safety is endangered and no other reasonable means to obtain assistance is available
   f. Discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle
   g. Discharge firearm at a dog or other animal, except to protect a member of the service or another person present from imminent physical injury and there is no opportunity to retreat or other reasonable means to eliminate the threat
   h. Cock a firearm. Firearms must be fired double action at all times.

NOTE *Drawing a firearm prematurely or unnecessarily limits a uniformed member of the service's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm. The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. Members of the service, when feasible, should issue an appropriate verbal warning, consistent with personal safety, to the intended subject and other members of the service present prior to discharging a firearm. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable.*

2. Members of the service **SHALL NOT**:
   a. Use a chokehold
   b. Use any level of force to punish, retaliate or coerce a subject to make statements
   c. Use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape or to overcome active physical resistance or assault

NOTE *A Conducted Electrical Weapon (CEW) should never be used in CARTRIDGE or DRIVE STUN mode on a rear-cuffed prisoner as per P.G. 221-08, "Use of Conducted Electrical Weapons (CEW)."*

UNIFORMED MEMBER OF THE SERVICE (continued)

d. Connect or tie rear-cuffed hands to cuffed or restrained ankles or legs

e. Transport a subject facedown

f. Use force to prevent a subject from swallowing alleged controlled substance or other substance, once a subject has placed suspected controlled substance in his or her mouth, or forcibly attempt to remove substance from subject's mouth or other body cavity.

NOTE *Members who are subject to investigation, the subject of disciplinary action, civil action, or a civilian complaint related to a violation of the above prohibitions may submit a request for review of the circumstances to the Use of Force Review Board. The Use of Force Review Board will review the facts and circumstances and make a final determination of whether the force used was reasonable under the circumstances and within guidelines. The review may find that under exigent or exceptional circumstances, the use of the prohibited action may have been justified and within guidelines (e.g., a "vehicle ramming attack" is a type of extraordinary event that this clause is intended to address. The objectively reasonable use of deadly physical force to terminate a mass casualty terrorist event would be legally justified and within Department guidelines).*

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.

PURPOSE To provide guidelines for members of the service (MOS) regarding the use of force, and ensure that each use of force is properly reported and documented.

DEFINITIONS

DE-ESCALATION - Taking action to stabilize the 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 MOS 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, to reduce or eliminate the necessity to use force.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION - Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE - Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

RESISTING ARREST (NYS PENAL LAW) - A person is guilty of resisting arrest when he intentionally prevents or attempts to prevent a police officer or peace officer from effecting an authorized arrest of himself or another person.

PROCEDURE When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with *P.G. 221-01, "Force Guidelines"* and:

UNIFORMED MEMBER OF THE SERVICE

1. Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody.
2. Utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, and increase the likelihood of gaining the subject's voluntary compliance.
3. Isolate and contain the subject, if appropriate.
4. Immediately request a supervisor to respond, as soon as appropriate and safety permits.
5. Request additional members, as necessary, to control situation.
6. Request the response of the Emergency Service Unit, if appropriate.

NOTE *MOS should consider whether a subject's lack of compliance is a deliberate attempt to resist, or alternatively, an inability to comply, resulting from factors including, but not limited to, medical condition, mental impairment, developmental disability, physical limitation, language barrier, and/or drug interaction.*

UNIFORMED MEMBER OF THE SERVICE (continued)

7. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* if the subject is acting in a manner that would lead the member of service to believe that the subject is emotionally disturbed or under the influence of a mind-altering substance.

SUPERVISOR ON SCENE

8. Assume command of the incident and coordinate the use of de-escalation techniques, if appropriate and consistent with officer safety.
9. Direct tactics to minimize the possibility of injury to members of the service, the subject, or bystanders.

UNIFORMED MEMBER OF THE SERVICE/ SUPERVISOR ON SCENE

10. If the use of de-escalation and conflict negotiation techniques fail to persuade an uncooperative subject to cooperate, the supervisor/members of the service present should, if appropriate and consistent with officer safety:
    a. Advise the offender that he/she will be charged with the additional offense of resisting arrest
    b. Devise a tactical plan with members present to restrain the subject while minimizing the possibility of injury to members of the service, the subject, and bystanders
    c. Advise the offender that physical force or other devices (e.g., O.C. pepper spray, shield, baton/asp, etc.) will be used to handcuff/restrain him/her before applying such force, if appropriate.

NOTE *Members of the service should not use O.C. Pepper Spray, Conducted Electrical Weapon, or impact weapons on persons who are passively resisting.*

11. Apply no more than the reasonable force necessary to gain control.
    a. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.
12. Assess the situation continually and adjust the use of force as necessary.

NOTE *All members of the service must intervene to stop another member of the service from using excessive force. Failure to intervene in the use of excessive force, or report excessive force, or failure to request or to ensure timely medical treatment for an individual is serious misconduct that may result in criminal and civil liability and will result in Department discipline, up to and including dismissal. If a member of the service becomes aware of the use of excessive force or failure to request or to ensure timely medical treatment for an individual, the member must report such misconduct to the Internal Affairs Bureau Command Center. This report can be made anonymously.*

NOTE (continued) *Obtaining a Confidential Identification Number from the Command Center investigator will satisfy the member's reporting responsibility, if the information is accurate and complete. Subsequent or ongoing reporting is encouraged to ensure the information is timely and complete and may be made by referencing the Confidential Identification Number.*

UNIFORMED MEMBER OF THE SERVICE

13. Rear-cuff the subject, 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, 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 allow the subject to be safely rear-cuffed with minimal force.

NOTE *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.*

14. Position the subject to promote free breathing, as soon as safety permits, by sitting the person up or turning the person onto his/her side.
15. Observe the subject closely for injuries, signs of serious illness, or difficulty breathing.
16. Whenever any level of force is used, inquire if subject requires medical attention and document response to inquiry in digital **Activity Log**.
17. If the subject is injured or ill, ensure subject receives proper medical attention.
18. Ensure subject receives immediate medical attention and provide first aid, if appropriate and properly trained, if subject is having difficulty breathing or demonstrates any potentially life-threatening symptoms or injuries.
19. If the location of the police action is poorly lit, use a flashlight or other source of illumination to maintain a clear view of the subject at all times.
20. Notify immediate supervisor regarding the type of force used, the reason force was used, and injury to any person involved.
21. Document use of force in digital **Activity Log**.

IMMEDIATE SUPERVISOR

22. Perform duties of the "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when notified or after becoming aware of any use of force incident.

RELATED PROCEDURES

Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Force Guidelines (P.G. 221-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)

FORMS AND REPORTS	***STOP REPORT (PD383-151)***
	ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
	MEDICAL TREATMENT OF PRISONER (PD244-150)
	AIDED REPORT

Section: Tactical Operations		Procedure No: 221-03
REPORTING AND INVESTIGATION OF FORCE INCIDENT OR INJURY TO PERSONS DURING POLICE ACTION		
DATE EFFECTIVE: 07/06/21	LAST REVISION: I.O. 67	PAGE: 1 of 11

PURPOSE To properly record and investigate certain use of force incidents by members of the service/auxiliary members, and/or injuries to persons sustained as a result of police action, or while in police custody.

SCOPE Use of force and injury incidents as defined herein involving members of the service, including use of force by members of the service, suspected or alleged excessive force, and injuries/fatalities sustained by civilian non-members of the service or bystanders during police action, while an individual is in police custody, during apprehension or immediately prior to police custody.

DEFINITIONS SUBJECT - An individual who is the target, or focus, of police action, including a suspect, perpetrator, or prisoner, and any person that a member is attempting to direct or maintain custody or control over (i.e., disorderly person/group, emotionally disturbed person, etc.).

CIVILIAN/NON-MEMBER/BYSTANDER - Any non-employee of the Department who is not the intended subject of police action but is inadvertently injured by the actions of the police.

IMMEDIATE SUPERVISOR - An available supervisor, who was not involved in the incident, from same command as member(s) of the service involved in the use of force/injury incident. The immediate supervisor must be at least one rank higher than all involved members. In the event that no supervisor in an appropriate rank is available, the duty captain will determine who will be responsible for being the immediate supervisor.

INVESTIGATING SUPERVISOR - For Level 2 incidents, the commanding officer/executive officer of the command concerned, or duty captain as directed by the Internal Affairs Bureau Command Center, will supervise the investigation. For Level 3 incidents, the ranking officer from the Internal Affairs Bureau will supervise the investigation. For Level 4 incidents, the ranking officer from the Force Investigation Division will supervise the investigation.

PHYSICAL ILLNESS/INJURY - Impairment of physical condition, and/or substantial protracted pain, including: minor swelling, contusions, lacerations, and/or abrasions.

SERIOUS PHYSICAL INJURY/ILLNESS - Physical injury or illness that creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of function of any bodily organ/limb. For the purposes of this procedure, the following conditions apply:

DEFINITIONS (continued)

a. Broken/fractured bone(s)
b. Aneurysm
c. Injury requiring hospital admission
d. Heart attack, stroke
e. Other life threatening illness or injury.

CHOKEHOLD - A chokehold shall include, but is not limited to, any pressure to the throat, carotid artery or windpipe, which may prevent or hinder breathing, or reduce intake of air or blood flow.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

FORCE INCIDENT LEVELS

LEVEL 1

a. Hand strikes and foot strikes
b. Forcible take-downs
c. Wrestling/grappling with subject who is actively resisting
d. Discharge of Oleoresin Capsicum (O.C.) pepper spray
e. Use of a mesh restraining blanket
f. Use, or discharge, of a Conducted Electrical Weapon (CEW) in "cartridge mode"
g. Physical injury to any subject, and/or civilian, non-member, or bystander that resulted from police action.

LEVEL 2

The commanding officer/executive officer/duty captain must respond and investigate the following (unless superseded by the authority of the Internal Affairs Bureau, or Force Investigation Division):

a. Intentional striking of a person with any object (e.g., baton, other equipment, vehicle, etc.)
b. Police canine bite
c. Use, or discharge, of Conducted Electrical Weapon (CEW) in "Drive Stun" mode
d. Any prohibited act as outlined in *P.G. 221-01, "Force Guidelines,"* other than the alleged or suspected use of a chokehold, or those that result in a serious physical injury (Level 3), or involve the discharge of a firearm (Level 4)
e. Allegations or suspicions of excessive force (whether or not an injury is apparent)
f. Attempted suicide by prisoner, whether or not an injury is apparent (unless prisoner sustains a serious physical injury)

DEFINITIONS (continued)

g. Physical injury to any subject, and/or civilian, non-member or bystander consistent with the application of Level 2 force (e.g., contusions indicative of baton strikes, etc.)
h. Unconsciousness, loss of a tooth/teeth, application of stitches/staples.

NOTE *The commanding officer/executive officer/duty captain may utilize the Patrol Borough or Bureau Investigations Unit to assist with investigation, when appropriate. If the commanding officer/executive officer/duty captain is not able to complete all necessary investigative steps, and/or determines that additional investigation is required, the case will be assigned to the appropriate investigations unit by the Internal Affairs Bureau.*

LEVEL 3

Internal Affairs Bureau investigators must respond, conduct investigation, and complete required reports for the following (unless superseded by the investigative authority of the Force Investigation Division):

a. Use of force that is readily capable of causing death or serious physical injury (other than a police firearm discharge)
b. Alleged or suspected use of a chokehold
c. Allegations or suspicion of excessive force resulting in a serious physical injury
d. Attempted suicide by prisoner resulting in serious physical injury
e. Serious physical injury to any subject, and/or civilian, non-member of the service, bystander that resulted from police action.

LEVEL 4

Force Investigation Division must respond, conduct investigation and complete required reports for the following:

a. All firearms discharges by uniformed members of the service (including intentional discharges, unintentional discharges and self-inflicted gunshot wounds)
b. Any discharge of a uniformed member of the service's firearm fired by someone other than the uniformed member of the service
c. All incidents in which a subject of police action, and/or civilian/non-member of the service/bystander is seriously injured and likely to die or dies while in police custody, during apprehension, or immediately prior to police custody, including:
    (1) Police force or restraint may be a factor in death
    (2) Suicide (e.g., prisoner commits suicide in holding cell, etc.)
    (3) Accidental (e.g., drug overdose or reaction to medicine, etc.)
    (4) Apparent natural causes (e.g., heart failure, asthma attack, other natural causes, etc.).

NOTE *The precinct detective squad will respond to incidents involving police firearm discharges, as well as incidents in a which a person is seriously injured and likely to die, or dies, in police custody, during apprehension, or immediately prior to police custody and commence the investigation. The Force Investigation Division (FID) supervisor will coordinate the transition of investigation with the precinct detective squad supervisor. FID is responsible for all aspects*

NOTE (continued) *of the firearm discharge investigation, including identifying, arrest processing, debriefing and enhancement of all suspects. Until arrival of an FID supervisor, the highest ranking member of the Detective Bureau will be in command of investigation. The Detective Bureau is responsible for the investigation of a homicide of a member of the service.*

PROCEDURE When a member of the service uses any level of reportable force, excessive force is suspected or alleged, and/or a subject, civilian, non-member of the service or bystander sustains an injury as defined herein in connection with police action including, but not limited to:

a. Subjects who sustain a self-inflicted injury during apprehension or while in the custody of the Department
b. Subjects who are injured or die during apprehension
c. Subjects who are injured or die while in the care and custody of the Department (e.g., injured in prisoner holding cell, injured while being transported in Department vehicle, etc.)
d. Subjects who attempt suicide, or die by suicide while in Department custody
e. Any civilian, non-member of the service or bystander who sustains an injury or dies as a result of police action
f. Any subject or civilian, non-member of the service or bystander who sustains an injury or dies prior to custody when custody is being contemplated or attempted (e.g., emotionally disturbed person who jumps from an elevated structure, perpetrator falls from window during search warrant entry, etc.).

MEMBER OF THE SERVICE

1. Comply with *P.G. 221-02, "Use of Force,"* if applicable.
2. Take appropriate action to stabilize situation and/or apprehend perpetrators.
3. Obtain medical attention for any person injured.
4. Notify immediate supervisor regarding type of force used, reason force was used, and injury to any person involved, if applicable.
5. Document any use of force and/or injury in digital **Activity Log**.

IMMEDIATE SUPERVISOR

6. Review facts and circumstances surrounding incident, and provide pertinent details to desk officer.
7. Make prompt assessment of circumstances and determine level of force and/or type of injury for purposes of reporting and appropriate investigation required.
8. Establish crime scene for Level 3 and Level 4 force incidents as per *P.G. 212-04, "Crime Scene,"* if necessary.
9. Obtain and secure body-worn cameras from all members of the service who were on scene for Level 3 and Level 4 force incidents.
   a. Deliver body-worn cameras to Internal Affairs Bureau or Force Investigation Division ranking member on scene, as appropriate.
   b. Upload body-worn camera footage as directed by ranking member assigned to Internal Affairs Bureau.

IMMEDIATE SUPERVISOR (continued)

10. Reserve **THREAT, RESISTANCE OR INJURY INCIDENT REPORT** number from Finest Online Records Management System, (FORMS) – T.R.I. application utilizing a Department mobile device for Level 1 incidents.
    a. Complete all mandatory fields.
    b. List all members of the service/subjects/civilians/bystanders involved.

NOTE *The immediate supervisor will be responsible for completion of all investigative steps for all Level 1 force incidents. For Level 2, 3, and 4 force incidents, the immediate supervisor will be guided by the investigating supervisor.*

11. Direct members involved to complete their **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** for every reportable use of force and subject or civilian injury being reported.
    a. If member is incapacitated, complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at the time.
    b. If an individual makes an allegation of force, but the member of the service claims that no force was used, or no member can be identified, prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at the time.
12. Question subject(s) and/or civilians, non-members of the service or bystanders regarding possible injuries.
    a. Ensure that subjects who appear ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention as per *P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment."*
13. Take digital photographs with Department issued smartphone of visible injuries to subject, civilian, non-member of the service or bystander, and member of the service, or any location where an injury is claimed, but not visible for all Level 1 force incidents.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
    b. A member of the same sex should take photographs, when appropriate.
    c. Photographs should be taken of any pre-existing injuries.
    d. Upload digital photographs to **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** utilizing FORMS – T.R.I. application.
14. Interview witness(es), if available.
15. Review body-worn camera video of Level 1 force incidents to evaluate nature of event and actions of members involved.
16. Document which videos were viewed under the narrative caption of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.

NOTE *Immediate supervisors will be guided by the investigating supervisor (e.g., commanding officer, executive officer, duty captain) in regard to the viewing of body-worn camera footage for Level 2 incidents. Body-worn camera footage concerning Level 3 and 4 force incidents will not be viewed by the immediate supervisor. Immediate supervisors will safeguard body-worn cameras in connection to Level 3 and Level 4 force incidents and await direction from a ranking member on scene from either the Internal Affairs Bureau or Force Investigation Division.*

Immediate supervisors will also be guided by the investigating supervisor/unit regarding the capture of digital photographs of injuries resulting from Level 2, 3 and 4 force incidents.

IMMEDIATE SUPERVISOR (continued)

17. Question involved member of the service regarding reason for using force and type of force used.
    a. Ensure that members who appear ill or injured receive medical attention, as needed.
18. Make determination as to whether force incident requires further investigation.
19. Notify desk officer, precinct/PSA/transit district of occurrence and provide details of incident, level of force used, and/or type of injury or illness.
    a. If level of force/nature of injury indicates that a Level 2, 3 or 4 investigation is required, request that desk officer notify appropriate unit/investigating supervisor.

NOTE *The Force Investigation Division will complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** for incidents in which a subject of police action, and/or a civilian, non-member of the service, or bystander is seriously injured and likely to die, or dies, while in police custody, during apprehension, or immediately prior to police custody (Level 4 force incidents). The Force Investigation Division will complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** for all firearms discharges. A supervisor assigned to the Force Investigation Division will ensure that each member of the service who discharges a firearm completes the corresponding **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)** for the incident. In the event that a member of the service is physically incapacitated and unable to complete the report, the assigned investigators from the Force Investigation Division will complete the report. In all cases, the report must be completed within 48 hours of the incident. The Force Investigation Division will be responsible for electronic signoff of any reports prepared by their personnel.*

20. Determine if there are any tactical recommendations, or creative approaches, that should be considered to improve safety or better resolve use of force incident, after consultation with involved member of the service and review of relevant documentation.
    a. Note recommendations in "Details of Incident" narrative section of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** regarding ineffectiveness of tactics, or equipment (e.g., ineffective CEW, or CEW that fails to deploy).

IMMEDIATE SUPERVISOR (continued)

21. Complete, and electronically sign-off, **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** for Level 1 incidents prior to completion of tour, unless exceptional circumstances exist.

DESK OFFICER PRECINCT/PSA /TRANSIT DISTRICT OF OCCURRENCE

22. Notify following for Level 2, 3, or 4 force incidents:
    a. Patrol borough command
    b. Operations Unit
    c. Internal Affairs Bureau Command Center
        (1) Obtain Internal Affairs Bureau log number and ensure it is entered in appropriate field of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**
    d. Precinct detective squad, as appropriate
    e. Commanding officer/executive officer, if available.

PATROL BOROUGH COMMAND

23. Notify duty captain, if commanding officer/executive officer is not available for all Level 2, 3 and 4 force incidents.

OPERATIONS UNIT

24. Notify Force Investigation Division for all Level 4 force incidents.

DETECTIVE SQUAD SUPERVISOR/ MEMBER CONCERNED

25. Initiate investigation pending arrival of Force Investigation Division or Internal Affairs Bureau personnel, as appropriate for all Level 3 and 4 force incidents.
26. Conduct criminal investigation and enhance arrests any time a member of the service is the victim of a crime.
27. Process any prisoner that has assaulted a member of the service in accordance with *D.G. 502-30, "Electronic Recording of Custodial Interrogations."*

INVESTIGATING SUPERVISOR

28. Conduct investigation of reported Level 2, 3, or 4 force incident, and prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
    a. Conduct canvass for witnesses and possible video of incident.
    b. Interview, as appropriate, and if available:
        (1) Subject(s)
        (2) Civilians/non-members of the service/bystander(s)
        (3) Witnesses.
29. Review body-worn camera video(s) to evaluate nature of event and actions of members involved.
    a. Document which videos were viewed under appropriate fields of **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
30. Interview involved members of the service to assess whether use of force was necessary and reasonable, if applicable.

INVESTIGATING SUPERVISOR (continued)

31. Ensure immediate supervisor has taken digital photographs of subject, civilian, non-member of the service or bystander, and member of the service with Department issued smartphone of visible injuries, including any location on the body where an injury is claimed, but not visible.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
    b. A member of the same sex should take photographs, when appropriate.
    c. Photographs should be taken of any pre-existing injuries.
    d. Ensure that digital photographs of subject, civilian/non-member of the service or bystander and member of the service have been uploaded to **THREAT, RESISTANCE OR INJURY (T.R.I.)** folder utilizing FORMS – T.R.I. application.
32. Report findings and recommendations to Internal Affairs Bureau Command Center.

NOTE *Only one **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** will be prepared for an incident, regardless of the number of members of the service involved, or number of subjects/civilians/bystanders involved.*

33. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORTS** prior to completion of tour.
    a. Electronically sign off on **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.

COMMAND TRAINING SERGEANT

34. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** and **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORTS** for command.
35. Identify recommendations from the immediate supervisor for creative, or innovative approaches/tactics to improve safety, or better resolve use of force incidents.
    a. Submit recommendations on a report on **Typed Letterhead** to precinct/PSA/transit district commanding officer, including all T.R.I. incident numbers corresponding to recommendations concerned.

COMMANDING OFFICER

36. Review all **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** completed by members of command, by querying the FORMS – T.R.I. application.
    a. Ensure use of force incidents, and/or type of injury/illness were properly documented, categorized and investigated on **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS**.
37. Review reports from command training sergeant for creative or innovative approaches/tactics to improve safety, or better resolve use of force incidents.
38. Submit report with recommendations to the Training Bureau for consideration and possible adaptation into Department's training curriculum.

BUREAU/ BOROUGH ADJUTANT

39. Be responsible for compliance and oversight of reporting and investigation requirements.

ADDITIONAL DATA

In addition to other required actions, members of the service receiving or becoming aware of allegations of unnecessary force will also comply with P.G. 207-31, "Processing Civilian Complaints."

If video of incident is identified, it should be retrieved and invoiced as investigatory evidence. If the immediate/investigating supervisor identifies video evidence, but is unable to retrieve it without risk of corruption, that supervisor should request the Borough/Bureau Investigations Unit to assist in retrieving and invoicing the video. If video is available, but not accessible at time of investigation, the Borough/Bureau Investigations Unit will be notified immediately. The notifying supervisor will inform the Borough/Bureau Investigations Unit of the location of the video, and when the earliest opportunity to retrieve it will be.

*THE FOLLOWING INCIDENTS ARE NOT REPORTABLE USES OF FORCE AND WILL NOT BE RECORDED ON A **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** OR INVESTIGATED PURSUANT TO THIS PROCEDURE:*

a. Ordering a person to lie on the ground, guiding a person to the ground in a controlled manner, or the mere use of equipment (e.g., Velcro straps, polycarbonate shield, etc.) to restrain a subject, unless an injury is sustained

b. A subject or civilian/non-member of the service or bystander with a pre-existing illness or injury who requires treatment in a hospital emergency room shall be recorded as per P.G. 210-04, "Prisoners Requiring Medical/Psychiatric Treatment," or P.G. 216-01, "Aided Cases – General Procedure," as appropriate. This includes an emotionally disturbed person for whom the only condition being treated is as a result of the subject being emotionally disturbed. This procedure will be followed if a person alleges that a pre-existing illness or injury was aggravated or worsened by police action

c. Injuries that occur to a person while in the care and custody of another agency (e.g., Department of Correction, etc.)

d. Department vehicle collisions, unless:

(1) A person in police custody is injured or dies as a result of the Department vehicle collision (e.g., collision occurred while transporting a prisoner to court, etc.)

(2) Any person is injured, or dies, as a result of a Department vehicle pursuit

(3) Any person is injured, or dies, as a result of a member of the service attempting to stop a vehicle, or apprehend a suspect.

ADDITIONAL DATA (continued)

USE OF FORCE – SUPERVISORY REVIEW

FORCE INCIDENT LEVEL	***QUALIFYING CRITERIA***	***REVIEWING SUPERVISOR/ UNIT***
Level 1	• *Hand/Foot Strikes* • *Forcible Take-downs* • *Wrestling/Grappling* • *Discharge of O.C. Spray* • *Use of a Mesh Restraining Blanket* • *Discharge of a CEW in CARTRIDGE mode* • *Physical injury to a Subject/Civilian/Non-Member of the Service/Bystander resulting from police action.*	*Immediate Supervisor* *(if **not** involved in force incident)*
Level 2	• *Use of any object as an impact weapon* • *Police Canine Bite* • *Use or Discharge of a CEW in DRIVE STUN mode* • *Prohibited acts outlined in P.G. 221-01, "Force Guidelines" (excluding the alleged or suspected use of a chokehold, or those that result in a serious physical injury, or those related to the discharge of a firearm)* • *Alleged or Suspected Excessive Force (whether or not injury is apparent)* • *Attempted Suicide by a Prisoner, whether or not an injury is apparent (excluding incidents that result in serious physical injury)* • *Physical injury to a Subject/Civilian/Non-Member of the Service, Bystander consistent with application of Level 2 force that results in unconsciousness, loss of a tooth/teeth, or the application of stitches/staples.*	*Commanding Officer/Executive Officer/Duty Captain and Borough Investigations Unit*

ADDITIONAL DATA (continued)

Level 3	• *Force readily capable of causing death/serious injury (excluding a firearm discharge)* • *Alleged or suspected use of a chokehold* • *Alleged or Suspected Excessive Force (Serious Physical Injury)* • *Attempted Suicide by Prisoner (Serious Physical Injury)* • *Serious Physical Injury to a Subject/Civilian/Non-Member of the Service/Bystander resulting from police action.*	*Internal Affairs Bureau*
Level 4	• *ALL firearm discharges by UMOS* • *Any discharge of a UMOS's firearm fired by someone other than UMOS* • *Subject/Civilian/Non-Member of the Service/Bystander dies,* ***OR*** • *Seriously injured and Likely to Die.*	*Force Investigation Division*

RELATED PROCEDURES

Processing Civilian Complaints (P.G. 207-31)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Aided Cases General Procedure (P.G. 216-01)
Force Guidelines (P.G. 221-01)
Use of Force (P.G. 221-02)
Firearms Discharge by Uniformed Member of the Service (P.G. 221-04)
Person Dies or Sustains Injury and is Likely to Die in Police Custody or in Connection with Police Action (P.G. 221-05)
Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Electronic Recording of Custodial Interrogations (D.G. 502-30)

FORMS AND REPORTS

THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-04	
FIREARMS DISCHARGE BY UNIFORMED MEMBERS OF THE SERVICE			
DATE ISSUED: 09/11/20	DATE EFFECTIVE: 09/13/20	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE To record and evaluate incidents in which a uniformed member of the service's firearm is discharged by any person.

SCOPE A firearms discharge does not include a discharge during an authorized training session or while lawfully engaged in target practice or hunting. Additionally, it does not include a firearms discharge into a firearms safety station within a New York City Police Department facility, Department of Correction facility or Health and Hospitals Corporation facility.

PROCEDURE When a firearm belonging to the Department, or belonging to, or in possession of, a uniformed member of the service is discharged by any person, either on or off-duty:

UNIFORMED MEMBER OF THE SERVICE

1. Call for ambulance and render assistance to injured, if necessary.
2. Request patrol supervisor, precinct of occurrence and safeguard scene.
3. If firearm is discharged outside of New York City, notify local police authorities immediately, and Operations Unit within 6 hours of discharge.
4. Complete **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)** within 48 hours of incident.

NOTE *Pursuant to the investigation of these incidents, investigating supervisors may use Department vehicles without obtaining prior permission, if responding outside the City but within the residence counties.*

PATROL SUPERVISOR

5. Respond to scene and assume command.
6. Assess if involved members have sustained injuries.
   a. Direct seriously injured members be transported to nearest trauma center.
   b. Direct members sustaining minor injuries (e.g., tinnitus, etc.) to be transported to nearest hospital after conferring with commanding officer/duty captain, if available.
7. Establish crime scene as per *P.G. 212-04, "Crime Scene."*

NOTE *The proper establishment and security of the crime scene is paramount to facilitate the investigation of the incident. In such, all involved vehicles (Department and private) must remain in their original positions at the time of the discharge. All precautions should be made not to alter their positions, which include doors that are ajar/closed.*

8. Inspect and secure firearms of members of the service involved for evidence of recent discharge.
9. Secure body worn cameras from all members of the service on scene at the time of incident.
10. Notify desk officer.

PATROL SUPERVISOR (continued)

11. Request the immediate response of precinct detective squad through desk officer.
12. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

DESK OFFICER

13. Notify precinct/police service area/transit district commanding officer/ executive officer, Operations Unit, patrol borough command, Internal Affairs Bureau Command Center and precinct detective squad, without waiting for details.
    a. Ensure a supervisor is responding directly to hospital where injured member is receiving treatment.

PATROL BOROUGH COMMAND

14. Notify duty captain, duty inspector, and Borough Investigations Unit, if available.

OPERATIONS UNIT

15. Notify duty chief and Force Investigation Division (FID).

COMMANDING OFFICER/ EXECUTIVE OFFICER/DUTY CAPTAIN

16. Respond to scene, confer with ranking supervisors, and assume command.
17. Confer with patrol supervisor, if on scene, prior to transportation of injured member, and direct injured member be transported to nearest trauma center/hospital, as appropriate.

DETECTIVE SQUAD MEMBER

18. Immediately respond to scene, confer with ranking supervisors, and assume command of investigation.
    a. Ensure crime scene is properly established and make adjustments to the size of crime scene, if necessary.
    b. Ascertain and secure witness(es) and video, if available.
    c. Transition all investigative steps taken to FID personnel upon arrival.

NOTE

The FID supervisor will coordinate the transition of investigation with the precinct detective squad supervisor. The FID is responsible for <u>all</u> aspects of the firearms discharge investigation, including the identifying, arrest processing, debriefing and enhancement of all suspects. Until arrival of FID supervisor, the highest ranking member of the Detective Bureau will be in command of investigation.

First Platoon Response: The FID Night Watch Team will lead the investigation with the assistance of the Detective Borough Night Watch Team and Internal Affairs Bureau (IAB) Group 9. Once FID resources are on the scene and operational, all investigative responsibilities will be transferred to FID.

DUTY INSPECTOR/ DUTY CHIEF

19. Respond to scene, confer with ranking supervisors, and assume command.

FORCE INVESTIGATION DIVISION SUPERVISOR

20. Respond to scene, confer with detective squad supervisor and ranking patrol executives and assume command of investigation.
21. Perform duties of "investigating supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action"* and:
    a. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTON REPORTS**
    b. Sign-off on pending **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** prepared by FID personnel.
    c. Ensure **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE** is completed within 48 hours and included in case file, as required.
22. Prepare **UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE**, if discharging member is incapacitated.
23. Conduct investigative debriefing with all investigative units on scene to:
    a. Review investigative steps taken,
    b. Develop an investigative plan, and
    c. Direct and coordinate all investigative activity.
24. Request the assistance of personnel assigned to:
    a. Detective Bureau,
    b. Internal Affairs Bureau,
    c. Deputy Commissioner, Public Information,
    d. Community Affairs Bureau, and
    e. Deputy Commissioner, Legal Matters, etc., when appropriate.
25. Notify appropriate prosecutorial agency (e.g., District Attorney's Office, New York State Attorney General's Office, etc.) in all shooting cases.
    a. Confer with representative of prosecutorial agency with jurisdiction over incident, before interviewing uniformed member(s) of the service.
26. Notify Commanding Officer, Force Investigation Division, if unresolved issues with a prosecutorial agency exist.
27. Interview:
    a. Witnesses
    b. Other persons involved
    c. Uniformed member of the service concerned, if appropriate.
28. Ensure patrol supervisor inspected firearms for evidence of recent discharge.
    a. Have Firearms Analysis Section notified if firearm was discharged.

FORCE INVESTIGATION DIVISION MEMBER

29. Supply discharging member with a temporary replacement firearm, if required.
30. Transport discharged firearm to Firearms Analysis Section.

BUREAU CHIEF/ DEPUTY COMMISSIONER CONCERNED

31. Assign uniformed member(s) of the service involved, temporarily, to patrol borough office of assignment, or counterpart, for a minimum of three consecutive scheduled tours (exclusive of sick time or regular days off), if firearms discharge causes death or injury.
32. Notify Operations Unit, patrol borough command and command of assignment, of details of investigation and temporary assignment of uniformed member concerned, if such assignment was made.

COMMANDING OFFICER, FORCE INVESTIGATION DIVISION

33. Prepare an initial report on **Typed Letterhead**, upon completion of firearms discharge investigation, addressed to First Deputy Commissioner, as per the *Force Investigation Division Manual*.
    a. Include findings as to whether firearms discharge was within or outside Department guidelines, and whether the tactics used by the involved members of the service were consistent with Department guidelines, if investigation is completed, and
    b. Include findings as to whether other actions related to the event were within or outside guidelines, and
    c. Include any recommendations that may improve Department policy and/or training, and
    d. Include any recommendations, as per the following schedule:
        (1) FINDINGS
            (a) Intentional discharge - no violation of Department firearms guidelines
            (b) Intentional discharge - violation of Department guidelines
            (c) Unintentional discharge - violation
            (d) Unintentional discharge - no violation.
        (2) RECOMMENDATIONS
            (a) No corrective action to be taken
            (b) Member concerned to review the law and instructions
            (c) Member concerned to have additional firearms instructions
            (d) Retraining in tactics re: _____
            (e) Current assignment of member be reviewed
            (f) Other (Command Discipline, Charges and Specifications, etc.) re: _____ .

NOTE *In many cases the investigating supervisor's determination about the shooting being "within/outside" the Department's guidelines will be reserved for the future when the investigation is completed (e.g., following the interview of uniformed member concerned [see P.G. 206-13, "Interrogation of Members of the Service,"] presentation to grand jury, or completion of a criminal trial.) However, other co-relative decisions will not be postponed. For example, regarding behavior or violations of Department guidelines, immediate action will be taken when the member's behavior is unusual (e.g., refer to Psychological Services, if appropriate) or derelictions are uncovered (e.g., initiate disciplinary actions). These actions will be described in the initial report.*

COMMANDING OFFICER, FORCE INVESTIGATION DIVISION (continued)

34. Review and sign report.
    a. Forward original report with a copy to First Deputy Commissioner, with additional copies for:
        (1) Chief of Department,
        (2) Chief of Staff,
        (3) Deputy Commissioner, Strategic Initiatives,
        (4) Deputy Commissioner, Legal Matters,
        (5) Chief of Training,
        (6) Deputy Commissioner, Internal Affairs,
        (7) Chief of Detectives,
        (8) Chief of Patrol,
        (9) Chief of Personnel,
        (10) Chief of Transportation, if appropriate,
        (11) Chief of Housing, if appropriate,
        (12) Chief of Transit, if appropriate,
        (13) Chief of Community Affairs,
        (14) Patrol Borough Commander, and
        (15) Commanding officer, member concerned.

COMMANDING/ EXECUTIVE OFFICER OF MEMBER CONCERNED

35. Conduct assessment of uniformed member(s) concerned, after initial investigation is completed.
    a. Inquire about uniformed member's well-being.
    b. Offer any assistance deemed appropriate, including the services of the Counseling Services Unit, Family Assistance Section, Employee Assistance Unit (EAU) and Police Organization Providing Peer Assistance (POPPA).
36. Conduct a follow-up assessment of uniformed member concerned within twenty-four to forty-eight hours.
    a. Observe uniformed member's post trauma reaction.
    b. Repeat offer of the services of Counseling Services Unit, Family Assistance Section, Employee Assistance Unit (EAU), and Police Organization Providing Peer Assistance (POPPA).

BUREAU CHIEF/ DEPUTY COMMISSIONER CONCERNED

37. Prepare report on **Typed Letterhead**, after three working days, to First Deputy Commissioner, through channels, making recommendation regarding member of the service's temporary assignment.
    a. Recommend continuance or discontinuance, as appropriate.
    b. Note whether member has been interviewed by members of the Medical Division and attended the tactical briefing at the Firearms and Tactics Section.

NOTE *Uniformed member(s) of the service involved in such incidents will not be returned to permanent command without prior approval of the First Deputy Commissioner.*

COMMANDING OFFICER, FORCE INVESTIGATION DIVISION

38. Conduct a full investigative briefing for Police Commissioner for intentional discharge – adversarial conflicts, when directed.

39. Prepare a final report, on **Typed Letterhead**, addressed to the First Deputy Commissioner, upon completion of investigation and conferral with appropriate prosecutorial agency, as per *Force Investigation Division Manual*.
    a. Include, in final report, all information not available at the time of initial report, and:
        (1) Findings and recommendations,
        (2) Medical Examiner's report,
        (3) Ballistics report,
        (4) Department gunsmith's report (unintentional discharges),
        (5) Synopsis of uniformed member(s) statements,
        (6) Statement that Communications Section tapes were audited and are consistent or not consistent with uniformed member(s)/witnesses' statements,
        (7) Prosecutorial agency/grand jury findings, if applicable, and
        (8) Internal Affairs Bureau findings, if applicable.

COMMANDING OFFICER, OFFICE OF MANAGEMENT ANALYSIS AND PLANNING

40. Compile, with assistance of the Commanding Officer, Force Investigation Division, data on firearms discharges for each year, and include in annual **USE OF FORCE REPORT**, as required by the New York City Administrative Code and New York City Local Law 1 of 2009.

ADDITIONAL DATA

FIREARMS DISCHARGE BY UNIFORMED MEMBERS OF THE SERVICE

If a person is killed as a direct result of police action, the uniformed member of the service involved will not be assigned to identify the body at the morgue. Another uniformed member of the service, who can identify the body, will be assigned.

While a firearms discharge into a safety station within a New York City Police Department facility, Department of Correction facility, or Health and Hospital Corporation facility is not considered a firearm discharge, it does require a report on ***Typed Letterhead*** *by the uniformed member's commanding officer to the Police Academy, Firearms and Tactics Section outlining circumstances of the discharge. A* ***THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT*** *will not be completed in these instances.*

All uniformed members of the service who discharge a firearm, on or off duty, at other than an approved firing range or while lawfully engaged in target practice or hunting, will attend a tactics review session conducted by the Firearms and Tactics Section. The dates, times, locations, required equipment, and other provisions governing the review sessions will be the subject of a yearly Department directive.

RELATED PROCEDURES

Crime Scene (P.G. 212-04)
Repair/Replacement of Authorized Firearms (P.G. 204-12)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
Line of Duty Injury or Death - Outside City in Residence Counties (P.G. 205-06)
Trauma Counseling Program (P.G. 205-08)
Interrogation of Members of the Service (P.G. 206-13)
Removal and Restoration of Firearms (P.G. 206-17)

FORMS AND REPORTS

THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
UNIFORMED MEMBER OF THE SERVICE REPORT OF FIREARMS DISCHARGE (PD324-140)
USE OF FORCE REPORT
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-05

PERSON DIES OR SUSTAINS A SERIOUS INJURY AND IS LIKELY TO DIE IN POLICE CUSTODY OR IN CONNECTION WITH POLICE ACTION

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
09/09/20	09/09/20		1 of 5

PURPOSE To establish command responsibility and notification requirements when a person dies, is seriously injured and likely to die in police custody or immediately prior to custody.

DEFINITIONS POLICE IN-CUSTODY DEATH OR PERSON IS LIKELY TO DIE - Any death or serious injury and the person is likely to die while in police custody including the following:

a. Police force or restraint may be a factor in death
b. Suicide (e.g., prisoner dies by suicide in holding cell)
c. Accidental (e.g., drug overdose or reaction to medicine)
d. Apparent natural causes (e.g., heart failure, asthma attack, or other natural causes).

POLICE PRE-CUSTODY DEATH OR PERSON IS LIKELY TO DIE - Any death or serious injury and the person is likely to die that occurs immediately prior to or during apprehension, including the following:

a. Police use of force or restraint (e.g., police firearms discharge, etc.)
b. Suicide (e.g., barricaded subject dies by suicide, etc.)
c. Accidental (e.g., person falls from a building, killed in a vehicle accident while eluding police, etc.)
d. Apparent natural causes (e.g., heart failure, asthma attack, or other natural causes).

NOTE *The above examples are not all-inclusive and only represent the common types of incidents that may occur which may result in a subject's death.*

PROCEDURE When a person dies or is seriously injured and likely to die while in police custody or immediately prior to police custody:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain medical attention for any person injured.
2. Safeguard possible crime scene.
3. Immediately request the response of patrol supervisor, precinct of occurrence.
   a. Notify patrol supervisor regarding type of force used, reason force was used, and injury to any person involved, if applicable.
4. Make every attempt to shield the body from public view if person dies, and it will not harm the integrity of the crime scene, if feasible.

PATROL SUPERVISOR

5. Respond to scene and assess situation.
6. Notify desk officer, precinct of occurrence.
7. Establish crime scene as per *P.G. 212-04, "Crime Scene,"* if necessary.

PATROL SUPERVISOR (continued)

8. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
   a. Ensure that a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is completed.

DESK OFFICER

9. Make following notifications:
   a. Patrol Borough Command,
   b. Operations Unit,
   c. Internal Affairs Bureau, Command Center,
   d. Precinct detective squad, and
   e. Commanding officer/executive officer, if available.

OPERATIONS UNIT

10. Notify duty chief and Force Investigation Division (FID).

PATROL BOROUGH COMMAND

11. Notify duty inspector.
12. Notify duty captain, if commanding officer/executive officer is not available.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN/ DUTY INSPECTOR

13. Respond to scene, confer with ranking member on scene and assume command.
14. Confer with FID supervisor, Detective Bureau and Internal Affairs Bureau duty captain.

FORCE INVESTIGATION DIVISION SUPERVISOR

15. Perform duties of "investigating supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action"* and:
   a. Complete **THREAT RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT and THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT**
   b. Sign-off on pending **THREAT RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORTS** prepared by FID personnel.

DUTY CHIEF

16. Respond to scene and assume command.
17. Confer with Commanding Officer, Force Investigation Division, duty inspector, and commanding officer/executive officer/duty captain.

COMMANDING OFFICER, FORCE INVESTIGATION DIVISION

18. Respond to scene and assume command of investigation.
19. Confer with duty chief, duty inspector, and commanding officer/executive officer/duty captain.
20. Conduct investigative debriefing with all investigative units on scene to:
    a. Review investigative steps taken,
    b. Develop an investigative plan, and
    c. Direct and coordinate all investigative activity.
21. Prepare a report of the preliminary investigation on **Typed Letterhead**, addressed to the First Deputy Commissioner, with additional copies for:
    a. Police Commissioner,
    b. Chief of Department,
    c. Chief of Staff,
    d. Deputy Commissioner, Strategic Initiatives,
    e. Deputy Commissioner, Legal Matters,
    f. Deputy Commissioner, Intelligence and Counterterrorism,
    g. Deputy Commissioner, Internal Affairs,
    h. Deputy Commissioner, Risk Management Bureau, and
    i. Chief of Detectives.
22. Evaluate member's duty status, after preliminary investigation.
23. Conduct full investigative briefing for Police Commissioner, when directed.

NOTIFICATION TO NEXT OF KIN WHEN A PERSON DIES IN CONNECTION WITH POLICE ACTION

PATROL BOROUGH COMMANDER/ DESIGNEE

24. Confer with Commanding Officer, Force Investigation Division prior to contacting next of kin.
25. Ensure timely notification is made to next of kin in cases where a person dies in police custody.
    a. Have a member of the Community Affairs Bureau assist with notification, if appropriate.
       (1) Notification should be made by a member in the rank of lieutenant or above.
    b. Have an investigator accompany member making notification, unless it is deemed inappropriate by patrol borough commander/designee and Commanding Officer, Force Investigation Division.
       (1) Notification will not be delayed an inordinate period of time pending availability of investigator.

NOTIFYING MEMBER

26. Notify next of kin upon approval from involved patrol borough commander/designee and Commanding Officer, Force Investigation Division.
    a. Notification should be made within a reasonable amount of time.
27. Notify Office of the First Deputy Commissioner and Office of the Chief of Department upon successful notification, and provide following details:
    a. Time of notification,
    b. Location of notification,

NOTIFYING MEMBER (continued)

c. Name of person notified,
d. All members of the service present, and
e. Any other pertinent information.

28. Enter details of notification in appropriate precinct, PSA or transit district Command Log.

ADDITIONAL DATA

DEPARTMENT POLICY

The Force Investigation Division is responsible for all investigations when a person dies or is likely to die while in police custody or immediately prior to police custody.

The Commanding Officer, Force Investigation Division may utilize investigators from other bureaus (e.g., Detective Bureau, Internal Affairs Bureau, etc.) to assist in the investigation (i.e., canvass for video, conduct interviews, etc.), as necessary.

When, in the course of an investigation (i.e., investigate DOA), a member of the Detective Bureau becomes aware that a death or serious injury was, or may have been in connection with a police action, the precinct/police service area/transit district commanding officer/duty captain, the Internal Affairs Bureau Command Center, and the Force Investigation Division will be immediately notified.

The New York State Correction Law Section 47(2) mandates that a report be made to the New York State Commission of Correction whenever a death occurs while a prisoner is in police custody while lodged in a detention or holding cell, being transported to the borough courthouse for arraignment after having been in a detention or holding cell, or at the hospital after having been lodged in a detention or holding cell. If a death occurs prior to a prisoner having been in a detention or holding cell, a notification to the New York State Commission of Correction is not necessary.

*Whenever a reportable death occurs while in custody, the Commanding Officer, Force Investigation Division will ensure the form entitled, "**Report of Inmate Death to State Commission of Correction (SCOC M187)**" is prepared. Only items "one through thirty-six" will be completed on the form. Whenever a question does not apply or an answer is not available, the letters "DNA" will be entered in the allotted space on the form. The FID supervisor will then fax the form directly to the New York State Commission of Correction within six hours of the death, and immediately follow-up with the New York State Commission of Correction to confirm receipt of the faxed copy of the **Report of Inmate Death to State Commission of Correction (SCOC M187)**. The Commanding Officer, Force Investigation Division will ensure the form is also mailed within ten days of the death to the New York State Commission of Correction, Attention: Medical Review Board.*

The Criminal Justice Bureau acts as the liaison between this Department and the New York State Commission of Correction. This includes, but is not limited to:

1. Providing documents as requested, excluding documents regarding prisoner deaths in custody, and
2. Coordinating the inspections of detention cells, holding cells, and juvenile rooms by members of the New York State Commission of Correction.

ADDITIONAL DATA (continued)

Documents regarding prisoner deaths in custody will be provided upon request to the New York State Commission of Correction by the Force Investigation Division, after consultation with the Legal Bureau.

All copies of documentation related to a prisoner death in custody, including the ***Report of Inmate Death to State Commission of Correction (SCOC M187)****, will be forwarded to the Criminal Justice Bureau, upon request.*

Any questions regarding the State Commission of Correction should be directed to the Criminal Justice Bureau.

RELATED PROCEDURES

Crime Scene (P.G. 212-04)
Use of Force (P.G. 221-02)
Force Guidelines (P.G. 221-01)
Reporting and of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Interrogation of Members of the Service (P.G. 206-13)

FORMS AND REPORTS

THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
Typed Letterhead
Report of Inmate Death to State Commission of Correction (SCOC M187)

PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-06

MEMBER OF THE SERVICE SUBJECTED TO FORCE WHILE PERFORMING LAWFUL DUTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		1 of 5

PURPOSE To record and evaluate incidents when a member of the service is subjected to force while performing lawful duty, either on or off-duty, or auxiliary members that are subjected to force while on duty.

DEFINITIONS FORCE - When used against a member of the service, for the purpose of this procedure, is defined as any physical harassment, assault, reckless endangerment, or menacing, including shots fired at a member, the brandishing of a weapon directed at a member, and the throwing of items at members of the service, whether or not it resulted in injury.

ACTIVE RESISTING - Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

NOTE *A **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** will not be prepared when a subject merely verbally signals an intention to avoid or prevent being taken into or retained in custody.*

IMMEDIATE SUPERVISOR - An available supervisor, who was not involved in the incident, from the same command as member(s) of the service involved in use of force/injury incident. The immediate supervisor must be at least one rank higher than all involved members. If no supervisor in an appropriate rank is available, the duty captain will determine who will fulfill the role of immediate supervisor.

PROCEDURE When a member of the service is subjected to force while performing lawful duty, or sustains an injury that results from attempting to apprehend a subject or control an individual or individuals, or encounters active resistance from a subject, either on or off-duty:

MEMBER OF THE SERVICE

1. Take appropriate action to stabilize situation and/or apprehend perpetrators.
2. Obtain medical attention for any person injured.
3. Request response of immediate supervisor.
4. Make appropriate entry in digital **Activity Log**.
5. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** prior to completion of tour, unless exceptional circumstances exist.

NOTE *Each incident will be assigned one Threat, Resistance or Injury (T.R.I.) incident number in the FORMS – T.R.I. application, regardless of the number of members of the service involved, or the number of subjects or civilians involved.*

IMMEDIATE SUPERVISOR

6. Respond to scene and conduct preliminary investigation.

NOTE *Immediate supervisors must distinguish between an injury that results from a member being subjected to force, or is sustained while attempting to apprehend a subject, rather than an injury sustained during other police operations. Supervisors will be guided by P.G. 205-05, "Line of Duty Injury or Death Occurring Within City" or P.G 205-06, "Line of Duty Injury or Death Outside City in Residence Counties," rather than this procedure, in the latter circumstance.*

7. Notify desk officer of facts.
   a. If member is seriously injured or dies, or removed to a hospital for medical treatment, request the desk officer to notify the commanding officer/executive officer or the patrol borough command to request the duty captain to respond, if commanding officer/executive officer is not available.
8. Notify precinct detective squad to respond and investigate, if there are any outstanding suspects or further investigation is required.
9. Ensure **COMPLAINT REPORT (PD313-152)** is prepared for offense committed against member, and/or additional charge is added to an arrested subject's **ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**.
10. Ensure that **LINE OF DUTY INJURY REPORT (PD429-154)** is completed by designated supervisor(s), and ensure duties are performed as per *P.G. 205-05, "Line of Duty Injury or Death Occurring Within City"* or *P.G. 205-06, "Line of Duty Injury or Death Outside City in Residence Counties,"* if necessary.
11. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* as appropriate.

NOTE *If a member of the service sustains a serious injury, is likely to die, or dies, the commanding officer/executive officer/duty captain will assume control of the situation and ensure all responsibilities of the immediate supervisor are completed.*

Injuries sustained by members of the service are independent of the criteria used to categorize a force incident as outlined in P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"(e.g., level 1 force incident, level 2 force incident, etc.). Force incident levels, as found in P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," will not be applied to injuries sustained by members of the service. Instead, this procedure, along with P.G. 205-05, "Line of Duty Injury or Death Occurring Within City" will be adhered to regarding the determination of the appropriate investigating supervisor.

12. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and recommend appropriate follow-up, as necessary.

IMMEDIATE SUPERVISOR (continued)

13. Instruct members involved to complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** for every subject/civilian interaction being reported.
    a. If member is incapacitated, complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** using information known at time.
14. Make digital **Activity Log** entry of details of the incident including **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** number (once obtained).

DESK OFFICER

15. Ensure arresting officer charges defendant with appropriate below listed charges when force is used against member of the service:
    a. Resisting Arrest (Section 205.30, Penal Law),
    b. Assault 2nd degree (Section 120.05, Penal Law, sub.3),
    c. Assault on a Peace Officer, Police Officer, Fireman, or Emergency Medical Services Professional (Section 120.08, Penal Law), or
    d. Aggravated Assault Upon a Police Officer or a Peace Officer (Section 120.11, Penal Law).
16. Have criminal history check completed for every prisoner arrested for the above charges.
    a. If prisoner has been arrested for any charge listed in step "15" more than once within the past five years (i.e., a prisoner arrested for the second time within five years for any charge listed in step "15"), the prisoner shall be deemed a "Resisting Recidivist."
        (1) Request detective squad supervisor to enhance arrest, interview subjects, and canvass for video and witnesses.
17. Notify commanding officer/duty captain and patrol borough command without waiting for details, if member is seriously injured, or removed to a hospital for medical treatment.

DETECTIVE SQUAD SUPERVISOR

18. Ensure detective squad members are performing duties related to enhancing arrests, interviewing subjects, and canvassing for video and witnesses.
    a. 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.
    b. Process any prisoner that has assaulted a member of the service in accordance with *D.G. 502-30, "Electronic Recording of Custodial Interrogations."*

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

19. Respond and conduct an investigation, if member sustains a serious physical injury, is likely to die, or dies.

NOTE *If the member of the service's injury or death is related to a force incident, as per P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," the "investigating supervisor," as defined in that procedure, will conduct the force investigation concurrently with the supervisor designated to investigate the member's injury as per this procedure.*

COMMANDING OFFICER/ EXECUTIVE OFFICER/DUTY CAPTAIN (continued)

20. Ensure **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** and **LINE OF DUTY INJURY REPORT** are properly prepared.
21. Ensure detective squad members are performing duties related to enhancing arrests, interviewing subjects, and canvassing for video and witnesses.

DESK OFFICER

22. Notify commanding officer/executive officer/duty captain, if Assistant District Attorney refuses to charge defendant as determined by investigation.

COMMANDING OFFICER/ EXECUTIVE OFFICER/ DUTY CAPTAIN

23. Confer with desk officer/immediate supervisor.
    a. If not satisfied with resolution of the matter, notify the Deputy Commissioner, Legal Matters.
        (1) The Deputy Commissioner, Legal Matters may be contacted directly, Monday through Friday, 0700 to 2300 hours.
        (2) During midnight tours and on weekends, the Deputy Commissioner, Legal Matters may be contacted through the Operations Bureau.
    b. Document all conferrals in Telephone Record.
24. Prepare report on **Typed Letterhead**, addressed to First Deputy Commissioner, if member is seriously injured or dies, including the nature of injury and charges filed, if any.
    a. Forward copies of report, through channels.
    b. Forward copies of report to the involved member's commanding officer, if necessary.

<u>IF MEMBER OF THE SERVICE WAS ASSAULTED</u>

COMMANDING OFFICER OF ARRESTING OFFICER

25. Follow-up with arresting officer and Assistant District Attorney regarding the status of case.
26. Confer with a supervisory District Attorney regarding the matter, if the District Attorney's Office inappropriately declines to prosecute the charges, or the charges are reduced or dismissed inappropriately at subsequent hearings.
    a. Ensure a notification is made to the Deputy Commissioner, Legal Matters.

ADDITIONAL DATA

*The **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is the primary method used by the Department to gather intelligence information regarding subjects who actively resist custody and incidents that are life threatening for members of the service. The effectiveness of tactics training in identifying dangerous new criminal practices and in promoting best practices by members depends upon the accuracy and completeness of these reports.*

RELATED PROCEDURES

Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
Line of Duty Injury or Death Outside City in Residence Counties (P.G. 205-06)
Arrests – General Processing (P.G. 208-03)
Force Guidelines (P.G. 221-01)
Use of Force (P.G. 221-02)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Electronic Recording of Custodial Interrogations (D.G. 502-30)

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
LINE OF DUTY INJURY REPORT (PD429-154)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-07	
USE OF OLEORESIN CAPSICUM PEPPER SPRAY DEVICES			
DATE ISSUED: 10/07/19	DATE EFFECTIVE: 10/08/19	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To inform uniformed members of the service of circumstances under which Oleoresin Capsicum (O.C.) pepper spray may be intentionally discharged and to record instances where O.C. pepper spray has been discharged, intentionally or unintentionally.

SCOPE Use of O.C. pepper spray constitutes physical force under the New York State Penal Law. Use of O.C. pepper spray is proper when used in accordance with Article 35 of the Penal Law and Department procedures. O.C. pepper spray may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of the service, or other persons. O.C. pepper spray may be used in arrest or custodial restraint situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance. O.C. pepper spray shall not be used in situations that do not require the use of physical force.

In many cases, O.C. pepper spray will reduce or eliminate the need for physical force to effect an arrest or gain custody. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and it should be regarded as a possible alternative to such force and restraint, where practical.

DEFINITIONS PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PROCEDURE When necessary to use O.C. pepper spray device:

NOTE *In an effort to gain voluntary compliance, members of the service should advise the offender that O.C. pepper spray will be used to handcuff/restrain him/her before applying such force, if feasible.*

UNIFORMED MEMBER OF THE SERVICE

1. Hold O.C. pepper spray in an upright position, aim and discharge O.C. pepper spray into a subject's eyes for maximum effectiveness, using two, one second bursts, at a minimum distance of three feet, and only in situations when the uniformed member of the service reasonably believes that it is necessary to:
   a. Gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression
   b. Prevent individuals from physically injuring themselves, members of the service, or other persons
   c. Establish physical control of a subject attempting to flee from arrest or custody
   d. Establish physical control of an emotionally disturbed person (EDP)
   e. Control a dangerous animal, by deterring an attack, to prevent injury to persons or animals present.
2. Effect arrest of criminal suspect against who O.C. pepper spray was used and charge with crime which initiated use of the O.C. pepper spray.
   a. Add resisting arrest charge, when appropriate.
   b. Comply with *P.G. 210-13, "Release Of Prisoners - General Procedure,"* if it is determined that arrested person did not commit the crime or that no crime was committed.
   c. Comply with *P.G. 221-13, "Mentally Ill Or Emotionally Disturbed Persons*," when appropriate.

NOTE *Do <u>not</u> use O.C. pepper spray on subjects who passively resist (i.e., minimal physical action to prevent a member from performing their lawful duty). If possible, avoid using O.C. pepper spray on persons who appear to be in frail health, young children, women believed to be pregnant, or persons with known respiratory conditions. Avoid discharging O.C. pepper spray indiscriminately over a large area for disorder control. (Members who are specifically trained in the use of O.C. pepper spray for disorder control may use O.C. pepper spray in accordance with their training, and within Department guidelines, and as directed by supervisors.). In addition, avoid using O.C. pepper spray in small contained areas such as automobiles and closets.*

3. Request response of Emergency Medical Service (EMS) once the situation is under control.
   a. Advise person sprayed that EMS is responding.
4. Remove the subject from the contaminated area and expose to fresh air while awaiting the arrival of EMS, or transportation to hospital/ stationhouse, if tactically feasible.
   a. Determine whether the person sprayed is wearing contact lenses. (It is strongly recommended that contact lenses be removed as soon as possible after exposure to O.C. pepper spray.)
5. Position subject on his/her side or in a sitting position to promote free breathing.
   a. The subject should <u>never</u> be maintained or transported in a face down position.
   b. Avoid actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe.

UNIFORMED MEMBER OF THE SERVICE (continued)

6. Provide assistance to subject as follows:
   a. When consistent with member's safety, and provided a source of water is readily available, the uniformed member should flush the contaminated skin area of a subject with profuse amounts of water
   b. Repeat flushing at short intervals, if necessary, until symptoms of distress subside
   c. Continue flushing the contaminated skin of the subject in custody at the stationhouse, as needed
   d. Commence the flushing of a subject's contaminated skin upon arrival at the stationhouse, if this has not already been done.

NOTE *Do not rub or touch skin of contaminated person, as the initial effect of O.C. pepper spray does not dissipate for 15-30 minutes. Also, do not use salves, creams, ointments, commercial eyewashes or bandages.*

7. Transport prisoner immediately to the emergency room of the nearest hospital if he/she is demonstrating difficulty breathing, or exhibiting signs of severe stress, hyperventilation, etc.
   a. Windows of transport vehicle should be kept open.
   b. Members who come in contact with persons who have been exposed to O.C. pepper spray must thoroughly wash their hands afterward and avoid having any contaminated clothing make contact with their face.
   c. Advise hospital staff that O.C. pepper spray has been used on prisoner/EDP.
8. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** and **MEDICAL TREATMENT OF PRISONER (PD244-150)** in arrest situations.
9. Complete the **AIDED REPORT** in non-arrest situations (e.g., EDP) and:
   a. Check box "O.C. Spray Used"
   b. List the time, doctor's name, and diagnosis under "Details" caption, when applicable.
10. Notify immediate supervisor regarding the use of O.C. pepper spray.
11. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT**, and comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

IMMEDIATE SUPERVISOR

12. Perform duties of the "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

DESK OFFICER

13. Ensure prisoners who have been sprayed with O.C. pepper spray receive appropriate first aid, if needed, upon arrival at stationhouse.
14. Ensure prisoners who have been sprayed with O.C. pepper spray are properly observed throughout the arrest process, and that they receive prompt medical attention if they need or request it.

DESK OFFICER (continued)

15. Make Command Log entry stating whether the prisoner has had his/her skin flushed with water, been examined by EMS, or been transported to the hospital.

COMMANDING OFFICER, FIREARMS AND TACTICS SECTION

16. Analyze situations where O.C. pepper spray was utilized to evaluate its effectiveness.
    a. As appropriate, modify existing training/tactics relative to the use of O.C. pepper spray.
17. Compile a list of O.C. pepper spray usage on a monthly basis and forward a report on usage to the First Deputy Commissioner (through channels).
18. Incorporate relevant information into tactical training.

ADDITIONAL DATA

The only O.C. pepper spray authorized for use is the type issued to all uniformed members through the Firearms and Tactics Section.

Current authorized O.C. pepper spray uses technology where the O.C. pepper spray solution is contained in a bag within the metal canister. This allows it to be sprayed at any angle and it is no longer necessary to shake the O.C. pepper spray to mix the solution. O.C. pepper spray contains approximately ten one-second bursts and should be replaced when half empty or after five one-second bursts have been used.

O.C. pepper spray will not automatically stop all subjects, and even when it does incapacitate, the effects are temporary. Members should therefore be ready to use other appropriate force options and tactics.

When performing duty in uniform, the O.C. pepper spray shall be carried in its holster attached to the non-shooting side of the gun belt. When performing enforcement duty in civilian clothes the O.C. pepper spray must be carried in the holster attached either to a belt or in another appropriate manner. Undercover members may opt not to carry the O.C. pepper spray.

Members of the service may carry the O.C. pepper spray device during off duty hours.

RELATED PROCEDURES

Lost or Damaged Uniform (P.G. 204-07)
Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Release of Prisoners - General Procedure (P.G. 210-13)
Hazardous Material (P.G. 212-37)
Hostage/Barricaded Person(s) (P.G. 221-14)
Aided Cases - General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Loss or Theft of Department Property (P.G. 219-20)

FORMS AND REPORTS

AIDED REPORT
MEDICAL TREATMENT OF PRISONER (PD244-150)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT

PURPOSE To inform members of the service (MOS) of circumstances under which a Conducted Electrical Weapon (CEW) may be intentionally used and to record instances when a Conducted Electrical Weapon has been used.

SCOPE A Conducted Electrical Weapon (CEW) can be an effective means of subduing aggressive suspects and emotionally disturbed persons (EDPs). A CEW is classified as a less lethal device and is intended to augment and provide a greater margin of safety for MOS who might otherwise be forced to physically subdue a dangerous subject. The use of a CEW is classified as a significant intermediate use of force option such as O.C. pepper spray or impact techniques.

A CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. It will often reduce the potential for injuries to members and suspects that may result from physical restraint and should be regarded as a possible alternative to such force and restraint, where practical. It is prohibited to use a CEW in situations that do not require the use of physical force.

DEFINITIONS CONDUCTED ELECTRICAL WEAPON (CEW) – A hand held device designed to use propelled wires and/or direct contact to conduct an electrical charge which primarily affects motor functions and/or the sensory nervous system.

SPARK TEST – The mandatory function check of a CEW issued by the desk officer or designated supervisor. CEWs must be unloaded (without a cartridge in the loading bay) when the test is performed. Upon assignment of a CEW, a spark test must be conducted into a firearms safety station that is under direct observation of a supervisor.

ACTIVATE (ACTIVATION) – To arm the CEW by releasing the safety. When the safety switch is shifted up, the laser and LED illuminators turn on (depending on illumination status), the Central Information Display (CID) will show the calculated percentage of battery life and the CEW will discharge when the trigger is depressed.

LASER WARNING – Pointing and placing the laser dot of an activated CEW on a subject in order to attempt to achieve voluntary compliance. When feasible, a verbal warning, consistent with personal safety, should be given to the intended subject in conjunction with a laser warning.

DISCHARGE – Depression of a CEW's trigger resulting in the flow of an electric charge. A Discharge will result in arcing (no cartridge in loading bay) or probes being fired (cartridge is present).

DEFINITIONS (continued)

WARNING ARC – The activation and discharge of a CEW with the cartridge removed that displays a visible and audible arcing of electricity between the front electrodes of the CEW. The purpose of a warning arc is to receive voluntary compliance from an intended subject. When feasible, and consistent with personal safety, a verbal warning should be issued to the intended subject in conjunction with a warning arc.

CARTRIDGE – Refers to the Department authorized extended probe cartridge, specifically for use with an approved Department CEW.

CARTRIDGE PROBES – Two barbed probes designed to penetrate the skin that are connected to copper clad steel, insulated from the replaceable cartridge attached to the loading bay of the CEW.

CARTRIDGE MODE/PROBE DEPLOYMENT – The primary mode of operation that utilizes compressed nitrogen gas to propel two probes on copper clad steel insulated wires from the replaceable cartridge attached to the front of the CEW.

DRIVE STUN – When the front electrodes on the CEW, or an expended cartridge attached to the front of the CEW, are brought into immediate, direct, or close proximity contact with a subject's body or clothing. The drive stun mode may be used to supplement the effectiveness of a close probe spread (Three Point Contact), or to complete the circuit in the event of a single probe contact, or as a countermeasure to gain separation between officers and the subject so that officers can consider another force option. Drive stun mode should not be the primary method of use unless exceptional circumstances exist.

ACTIVE RESISTING – Includes physically evasive movements to defeat a member of the service's attempt at control, including bracing, tensing, pushing, or verbally signalling an intention to avoid or prevent being taken into or retained in custody.

ACTIVE AGGRESSION – Threat or overt act of an assault (through physical or verbal means), coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.

PASSIVE RESISTANCE – Minimal physical action to prevent a member from performing their lawful duty. For example, a subject failing to comply with a lawful command and stands motionless and/or a subject going limp when being taken into custody.

CEW EFFECTIVENESS – Any immediate reaction, even if momentary, that causes a change in an actively aggressive subject's or emotionally disturbed person's physical actions and/or psychological behavior as the result of a pre-deployment verbal warning, activation, laser warning, warning arc, or discharge of a CEW.

PROCEDURE To provide for control, accountability, issuance, use, and investigation of the use of Conducted Electrical Weapons (CEWs):

COMMANDING OFFICER

1. Designate a secure area under the control of the desk officer or appropriate supervisor for the storage of all CEWs, cartridges, holsters, and batteries assigned to command.
2. Designate a location for the firearms safety station in an area where the desk officer is able to observe the loading/unloading of firearms and the performance of CEW spark tests.
3. Ensure availability, operability, and distribution of CEWs assigned to the command on all tours. All CEWs must be readily available behind the desk area.
4. Ensure that all supervisors performing patrol duties in the command are trained in the use of CEWs.
   a. ONLY authorized uniformed members of the service will be assigned to handle or carry CEWs.
5. Ensure that all unintentional discharges are recorded on a **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.
6. Prepare a report on **Typed Letterhead** for all unintentional CEW discharges addressed to the Commanding Officer, Firearms and Tactics Section.
   a. Include the details, factors that contributed to the unintentional discharge, and the corrective/training measures that were taken as a result and forward as follows:
      i. Commanding Officer, Firearms and Tactics Section (original THROUGH CHANNELS)
      ii. Copy via email to FTS@nypd.org.

NOTE *When requesting a replacement or loaner CEW, replacement battery, cartridge, desk CEW or holsters, commanding officers are required to prepare and deliver a report on **Typed Letterhead** with item(s) needing replacement, to the Commanding Officer, Firearms and Tactics Section within 72 hours.*

*When requesting replacement cartridges that were unintentionally discharged, commanding officers shall deliver a report on **Typed Letterhead** addressed to the Commanding Officer, Firearms and Tactics Section and shall attach a copy of the related **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**.*

DESK OFFICER/ UNIT SUPERVISOR

7. Account for all CEWs and cartridges assigned to the command at the commencement of each tour.
   a. Make a Command Log entry, include serial numbers.
   b. Commands that do not maintain a Command Log will account for CEWs and cartridges in an appropriate Department log.
   c. Notify commanding officer if any CEW is found inoperable or defective.
   d. Ensure all CEWs are stored in desk holsters with the cartridge removed from the cartridge bay.

DESK OFFICER/ UNIT SUPERVISOR (continued)

8. Assign CEWs to authorized uniformed members of the service at the commencement of each tour in priority order as follows:
   a. One operable CEW must be maintained at the desk.
   b. One operable CEW will be assigned to each uniformed and plainclothes supervisor performing patrol duty.
   c. One CEW should be assigned to an authorized UMOS in each RMP.
   d. One CEW should be assigned to an authorized UMOS per foot post location.
   e. Any remaining CEWs should be assigned to a second authorized UMOS in an RMP.

NOTE *Any CEW that becomes available during the tour of duty will be immediately reassigned using the priority listed above, issuing supervisors will ensure the exchange of CEWs between incoming and outgoing platoons does not interfere with adequate distribution. Operable CEWs should never remain unassigned if authorized UMOS on patrol remaining unequipped, unless those devices are being held for odd-tour personnel.*

9. Observe authorized uniformed member of the service perform mandatory spark test without a cartridge in the loading bay.
   a. CEW cartridges will not be issued until the mandatory spark test has been completed by the assigned member and observed by platoon commander, desk officer, or designated supervisor.
10. Assign primary CEW cartridge to authorized uniformed member of the service and observe its proper placement in the CEW cartridge bay.
11. Assign secondary CEW cartridge to authorized uniformed member of the service.

NOTE *CEWs will only be issued by the platoon commander, desk officer, or designated supervisor.*

A CEW may be assigned with a single cartridge while the replacement of a discharged cartridge is pending. If a CEW is assigned with a single cartridge in this manner, a command log entry will be made noting that the issued CEW is "pending cartridge replacement."

The command log entry must include the CEW serial number, T.R.I. incident number (if applicable), as well as the date and time the cartridge was discharged.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE

12. Indicate rank, name, shield number/tax number, as applicable, of assigned member(s) in the Command Log.
    a. Make entry on roll call, identifying member(s) assigned a CEW for tour by notating "CEW" next to the assigned member(s) name.
13. Notify commanding officer of the following circumstances:
    a. Any unintentional discharge of a CEW.
    b. Any instance in which a CEW is found to be inoperable or defective.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

14. Be responsible for CEW while in your custody and control.
15. Carry CEW only when authorized by the Firearms and Tactics Section.
    a. CEW holster must be attached to the duty belt on the support side, opposite the firearm.
    b. Cross drawing of a CEW is prohibited.
    c. Emergency Service Unit members and canine handlers will carry CEW in a holster and in a manner approved by Commanding Officer, Firearms and Tactics Section.

NOTE *Only CEWs authorized by the Commanding Officer, Firearms and Tactics Section will be carried by members of the service. Carrying or use of any other unauthorized CEW may result in disciplinary action.*

MOS who have been issued a Department CEW holster are required to maintain their holster and replace it, at their own expense, when it is no longer serviceable. CEW holsters and belt clips are available for purchase at the Equipment Section.

16. Upon assignment of CEW, perform a full five (5) second spark test to ensure operability.
    a. Spark tests will only be performed into a firearms safety station, under the observation of a supervisor.
    b. The cartridge is not to be held in either hand, nor placed in the immediate vicinity of the safety station while performing the spark test.
    c. Notify desk officer/immediate supervisor if CEW has low battery percentage, a fault icon, or is inoperable.

NOTE *Unintentional discharges will occur if a cartridge is inserted into the CEW's cartridge bay while conducting a spark test or warning arc. Cartridges must be removed and secured away from the CEW prior to conducting a spark test. Unintentional discharges resulting in injuries may occur if a cartridge is left attached to the CEW while conducting a spark test.*

Members are reminded that the time, date, temperature, duration and remaining battery percentage are recorded in the CEW's internal memory. Therefore, whenever a CEW is discharged (including a spark test), such discharge must be recorded in the member's digital ***Activity Log****, Command Log, or other appropriate Department record.*

17. Upon completion of spark test, request cartridge from platoon commander/desk officer/designated supervisor.
18. Inspect and insert cartridge into CEW's cartridge bay and holster CEW.
    a. Ensure secondary cartridge is secured, as appropriate.
19. Make digital **Activity Log** entry and include:
    a. Results of inspection.
    b. Serial numbers of CEW and cartridge.
    c. Name of platoon commander/desk officer/designated supervisor notified if CEW is inoperable.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

20. Upon completion of tour, return CEW, two cartridges, and Department holster to the desk officer.
    a. Do not return CEW holster if personally assigned.
    b. UMOS will not exchange a CEW with one another at the change of tours.

USE OF CONDUCTED ELECTRICAL WEAPON (CEW)

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE

21. Assess situation and determine if use of a CEW would be appropriate.
22. Consider totality of circumstances when deciding the reasonable amount of force necessary to overcome resistance when effecting an arrest or when taking a mentally ill or emotionally disturbed person into custody. Some factors to consider when determining the appropriate use of force include, but are not limited to:
    a. The nature and severity of crime/circumstances,
    b. Actions taken by subject,
    c. Duration of action,
    d. Immediacy of perceived threat or harm to subject, members of the service, and/or bystanders,
    e. Whether the subject is actively resisting custody,
    f. Whether the subject is attempting to evade arrest by flight,
    g. Number of subjects in comparison to number of MOS,
    h. Size, age, and condition of subject in comparison to MOS,
    i. Subject's violent history, if known,
    j. Presence of hostile crowd or agitators, and/or
    k. Subject apparently under influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

NOTE *CEWs should only be used against persons who are actively resisting, exhibiting active aggression or to prevent individuals from physically injuring themselves or other person(s) actually present. Members of the service are reminded of the availability of Emergency Service Unit.*

23. When feasible, issue an appropriate verbal warning, consistent with personal safety, to the intended subject and other members of the service present prior to discharging CEW.
    a. The verbal warning may be used in conjunction with laser/arc warnings in order to gain voluntary compliance and prevent the need to use force.

NOTE *The recommended point of aim is lower center mass for frontal discharges (below the chest) and below the neck area for discharges at a suspect's back. Avoid discharging at an individual's head, neck, and chest, if possible. When practical, discharge the CEW at the subject's back. The CEW should not be intentionally aimed at an individual's groin.*

Members should <u>not</u> intentionally discharge two CEWs simultaneously on a subject.

Fleeing should not be the sole justification for using a CEW against a subject. Members should consider the severity of the offense, the subject's threat level to others, and the

NOTE (continued) *risk of serious injury to the subject before deciding to use a CEW on a fleeing subject. Members should use a CEW for one standard cycle (five seconds) while constantly assessing the situation to determine if subsequent cycles are necessary. Members should consider that exposure to the CEW for longer than fifteen seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. All applications must be independently justifiable, and the risks should be weighed against other force options.*

A CEW should never be used in CARTRIDGE or DRIVE STUN mode on a rear-cuffed prisoner.

It is strictly prohibited to use the CEW on persons as a form of coercion or punishment and on persons who passively resist (e.g., going limp, offering no active physical resistance).

The CEW should generally not be used on children, the elderly, obviously pregnant females, the frail, against subjects operating or riding on any moving device or vehicle (e.g., motorists, bicyclists, skateboarders) where the subject may fall while it is in motion or in situations where the subject may fall from an elevated surface.

The CEW should not be used when combustible gases or flammable liquids are present.

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

24. Restrain individual, and secure CEW.
    a. Effect arrest of criminal suspect against whom CEW was used.
    b. Comply with *P.G. 210-13, "Release of Prisoner – General Procedure,"* if arrested person did not commit the crime or no crime was committed.
    c. Comply with *P.G. 221-13, "Mentally Ill or Emotionally Disturbed Persons,"* when appropriate.
25. Request response of FDNY Emergency Medical Service (EMS), if person received a CEW discharge.
    a. Any person who has been struck by a CEW probe or who has had a CEW used on him or her in drive stun mode must be examined at a medical facility.
26. Render reasonable aid as necessary.
27. Break CEW cartridge wire by hand approximately four to six inches from probe, taking into account circumstances, including status of subject.
    a. Any probe that has penetrated the skin of any person will only be removed by medical personnel.

NOTE *If a CEW was discharged and the probe did not make any contact with subject (e.g., skin, clothing, etc.), the wire connecting probe to the cartridge may be broken by hand. The probe portion shall be disposed of in a "sharps" container and the spent cartridge may be disposed of in the trash and not invoiced. An investigation will still be conducted by the investigating supervisor regarding the use of the CEW.*

28. Safeguard CEW cartridge.

NOTE *Spent CEW cartridges used by Emergency Service Unit personnel will be safeguarded and invoiced, when appropriate, by command of record for subject on whom CEW was used.*

AUTHORIZED UNIFORMED MEMBER OF THE SERVICE (continued)

29. Notify immediate supervisor of any discharge or drive stun.

NOTE *As per P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action," when there is an incident that involves the discharge of a Conducted Electrical Weapon, the immediate supervisor must be in the next higher rank.*

30. Complete **THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT** and comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

IMMEDIATE SUPERVISOR

31. Review facts and circumstances surrounding incident.
32. Notify desk officer, precinct of occurrence.
33. Assign member of the service to ride in body of ambulance with prisoner or aided.

ASSIGNED UNIFORMED MEMBER OF THE SERVICE

34. Inform hospital staff that a CEW has been used on the individual.
    a. Record name of person notified in digital **Activity Log**.
35. Prepare **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-150)** and **MEDICAL TREATMENT OF PRISONER (PD244-150)** in arrest situations.
36. Complete **AIDED REPORT** in non-arrest situations.
37. Prepare **PROPERTY CLERK INVOICE WORKSHEET (PD521-141a)** for spent CEW cartridge.
    a. Spent cartridge used will be placed in a Plastic Security Envelope and delivered to desk officer.
    b. Ensure **PROPERTY CLERK INVOICE** number is documented on appropriate Department forms prepared.

NOTE *Probes will not be vouchered but should be disposed of in a "sharps" container by medical personnel. Members of the service should refrain from handling a probe that has been removed from a subject, as it is a contaminated sharp. Deployed CEW cartridges must be vouchered whenever one (or more) probes, or the electrodes of the cartridge (drive stun) come into contact with an individual.*

IMMEDIATE SUPERVISOR

38. Perform duties of "immediate supervisor" as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
39. Take digital photographs of points of contact on subject's body resulting from CEW probes or drive stun.
    a. Photos should be taken in a manner to maintain privacy, when appropriate (e.g., behind curtain, private room, etc.).
    b. After **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT** is entered into the FORMS – T.R.I. application, upload any digital photographs that were taken in connection.

IMMEDIATE SUPERVISOR (continued)

40. Notify Firearms and Tactics Section:
    a. Obtain "FTS CEW Log Number".
    b. Enter "FTS CEW Log Number" and name of person notified in Telephone Record.
41. Deliver copies of reports prepared in connection with CEW usage to desk officer.

DESK OFFICER

42. Make required command log entries and notifications as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*

INVESTIGATING SUPERVISOR

43. Conduct investigation and prepare and forward report(s) as per *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action."*
    a. Forward additional copy of report(s) to Commanding Officer, Firearm and Tactics Section (DIRECT).

NOTE *If during the course of the investigation data from the CEW is required to be downloaded, the Borough Investigations Unit will be notified.*

COMMAND TRAINING SERGEANT

44. Ensure all UMOS that are responsible for unintentional discharges attend mandatory retraining sessions offered by the Firearms and Tactics Section.
    a. UMOS must be scheduled to attend the "CEW Safe Handling Course" via the TACTICS system within five business days of an unintentional discharge.

COMMAND OPERATIONS COORDINATOR

45. Maintain an inventory file of all CEWs, cartridges, holsters and batteries assigned to command.
    a. Conduct a monthly inspection of all equipment to ensure operability and availability.
        i. Advise commanding officer of the results of inspection.
    b. Prepare, quarterly, a CEW inventory report, and forward to appropriate bureau training coordinator upon completion.
    c. If equipment is missing or unaccounted for, conduct an investigation as per *P.G. 219-20, "Loss or Theft of Department Property."*
46. Ensure all requests for replacement/loaner CEWs, and replacement batteries, cartridges, or Department holsters are delivered with applicable report(s) to the Firearms and Tactics Section (Rodmans Neck Outdoor Range) on the second platoon, within 72 hours.

COMMANDING OFFICER, FIREARMS AND TACTICS SECTION

47. Maintain a log /database for CEW usage.
48. Query FORMS – T.R.I. application to analyze the use of CEWs.
49. Compile data regarding use and effectiveness of CEWs used by members of the Department and forward monthly reports on usage to the First Deputy Commissioners (through channels).

FIRST DEPUTY COMMISSIONER

50. Incorporate relevant information into tactical training.
51. Review adequacy of investigations and appropriateness of CEW usage.

ADDITIONAL DATA

Any cartridge that has been discharged or damaged MUST be replaced within 72 hours.

CEWs will only be used by authorized uniformed members of the service. Additionally, all supervisors performing patrol duties are to carry a CEW, if available. CEWs should be carried in an authorized holster attached to the belt of members of the service performing patrol duty in uniform and should be available for use by members of the service performing patrol duty in civilian attire.

CEWs are not to be personally assigned to any MOS on a continual basis without authorization from Commanding Officer, Firearms and Tactics Section.

If a CEW has been seized for investigative purposes, it is the responsibility of the investigative unit to ensure a notification is made to the Commanding Officer, Firearms and Tactics Section. Commands which have had a CEW seized for investigative purposes will be responsible for retrieving the CEW upon the conclusion of the investigation.

RELATED PROCEDURES

Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)
Release of Prisoner – General Procedure (P.G. 210-13)
Aided Cases - General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Invoicing Property – General Procedure (P.G. 218-01)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)
Force Guidelines (P.G. 221-01)

FORMS AND REPORTS

PROPERTY CLERK INVOICE WORKSHEET (PD521-141A)
AIDED REPORT
ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD255-159)
MEDICAL TREATMENT OF PRISONER (PD244-159)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
THREAT, RESISTANCE OR INJURY (T.R.I.) INTERACTION REPORT
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-09	
USE OF TEAR GAS			
DATE ISSUED: 06/01/16	DATE EFFECTIVE: 06/01/16	REVISION NUMBER:	PAGE: 1 of 2

PURPOSE To provide for the use of tear gas.

SCOPE Tear gas is an effective device when used judiciously in selected tactical situations. Its use by the Emergency Service Unit is designed to minimize, rather than increase, the potential for serious physical injury. However, such use carries with it the danger of physical injury or material damage regardless of the care exercised in its application. Therefore, it is imperative that measures be established for the judicious use of tear gas by members trained for this purpose while at the same time providing for the decontamination of those affected, whether civilian or police personnel.

PROCEDURE When circumstances indicate the use of tear gas may be warranted:

RANKING UNIFORMED MEMBER OF THE SERVICE AT SCENE

1. Notify radio dispatcher and request the following to respond to the scene:
   a. Precinct commander/duty captain
   b. Borough commander or designee
   c. Emergency Service REP Unit and truck
   d. Emergency Service Unit supervisor.

NOTE *The ultimate decision concerning use of tear gas rests with the patrol borough commander or designee. Technical decisions concerning amount of gas and method of application will be made by the ranking member of the Emergency Service Unit at the scene.*

BOROUGH COMMANDER/ DESIGNEE AND EMERGENCY SERVICE UNIT SUPERVISOR

2. Prior to use of tear gas, develop an operational plan to include, but not be limited to, the following:
   a. Establish a designated mobilization point.
   b. Station all police personnel not actively engaged in using the gas at a safe distance from its contaminating effects.
   c. Evacuation of all civilians from premises and away from areas likely to be affected by police operations, if such can be accomplished safely.
   d. Request Communications Section to direct the following to respond to the designated mobilization point and stand by thereat:
      (1) Fire Department company
      (2) Emergency Medical Service ambulance
      (3) Emergency Medical Service borough supervisor
      (4) Hazardous Material Decontamination Trailer and Support Vehicle
      (5) Department Patrol Wagon.

ADDITIONAL DATA *The use of tear gas generally will result in contamination of persons and clothing to varying degrees. Since tear gas adheres to clothing, persons exposed to the gas may contaminate others in their proximity. Therefore, ALL persons exposed to the gas should be isolated from public contact, if possible, and afforded necessary treatment, including medical evaluation, when indicated.*

ADDITIONAL DATA (continued)

First aid procedures call for the immediate removal of persons from the contaminated area to an open and upwind position. Eyes should be kept open and facing the wind and, if feasible, flushing the face, eyes and exposed skin with copious amounts of fresh, cool water is recommended. As noted above and if time allows, the Decontamination Trailer should be activated and brought to the mobilization point for this purpose. When the decision is made to use tear gas, the Decontamination Trailer should be made operative and positioned so that affected individuals can be decontaminated immediately. This method can be used to remove virtually all tear gas residue and should prevent unnecessary contamination of hospital emergency rooms if further treatment is necessary. Contaminated clothing should be removed at the scene, if practicable, and replaced by a disposable polylaminated tyvex suit, supplied by the Emergency Medical Service, or, if unavailable, a loosely draped blanket. Tight clothing should not be worn. Contaminated clothing or uniforms should be thoroughly aired and washed with soap and water before being worn. Dry cleaning will NOT remove tear gas residue.

If discomfort persists, the person affected should be removed to a New York City hospital designated by the Emergency Medical Service supervisor on the scene for medical attention.

When a person contaminated with tear gas is seriously ill or injured and hospital treatment is indicated, the Emergency Medical Service borough supervisor will direct the ambulance crew to respond to the designated city hospital. As directed by the Emergency Medical Service borough supervisor, on-scene decontamination procedures should be performed to the extent that such are medically feasible. Emergency Medical Service supervisors will be responsible for establishing liaison with the designated hospital administrator or deputy. Members of the service will comply with the directions of the Emergency Medical Service supervisor PRIOR to entering the facility with contaminated persons. If immediate medical attention is necessary, the Emergency Medical Service supervisors may designate any nearby medical facility. The final determination on which medical facility to use rests with the Emergency Medical Service borough supervisor.

If the injured person being removed is under arrest, a uniformed member of the service will accompany the prisoner to the hospital. Patrol Guide procedure 210-04, "Prisoners Requiring Medical/Psychiatric Treatment" and related procedures will be complied with.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Prisoners Requiring Medical/Psychiatric Treatment (P.G. 210-04)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-10	
USE AND ISSUANCE OF SHOTGUNS/ LONG GUNS/AUTOMATIC WEAPONS			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To provide guidelines for the use of shotguns/long guns/automatic weapons and to maintain security and control the issuance of such weapons.

PROCEDURE When a uniformed member of the service is issued a shotgun/long gun/automatic weapon:

DEFINITION SPECIAL WEAPONS - Refers to shotguns/long guns/automatic weapons.

NOTE *The following guidelines are to be followed by all uniformed members of the service; however, more restrictive and/or specific guidelines may be imposed by a bureau chief, in addition to those listed below.*

DESK OFFICER

1. Maintain a log in a department record book, consisting of three sections, entitled "Special Weapons Record:"
   a. The first section, twenty pages labeled "QUALIFICATION SECTION," will be captioned on a single page as follows:

MEMBER'S RANK NAME	TAX REGISTRY NUMBER	DATE QUALIFIED	DATE QUALIFIED	DATE QUALIFIED

   b. The second section labeled "ISSUANCE SECTION" will be captioned, across a double page, as follows:

LEFT PAGE

DATE	TIME OUT	RANK	NAME	SIGNATURE	SHIELD NUMBER	CURRENT DATE QUALIFIED	REASON

RIGHT PAGE

SPECIAL WEAPON SERIAL NO.	SIGNATURE OF SUPERVISOR AUTHORIZING USE	TIME RETURNED	SIGNATURE OF VERIFYING SUPERVISOR

   c. Third section, last four pages labeled "MAINTENANCE SECTION" will be captioned across a double page, as follows:

LEFT PAGE

DATE RECEIVED SPECIAL WEAPON	SPECIAL WEAPON SERIAL NUMBER	DATE REMOVED FROM COMMAND	REASON	MOS SIGNATURE

RIGHT PAGE

SIGNATURE OF SUPERVISOR AUTHORIZING REMOVAL	DATE RETURNED	SIGNATURE OF SUPERVISOR VERIFYING RETURN OF SPECIAL WEAPON	DATE INSPECTED BY FIREARMS UNIT

NOTE *The Special Operations Division has separate guidelines for the issuance of special weapons.*

2. Have unissued special weapons stored in the locked gun cabinet.

NOTE *Special weapons should be wiped down and lubricated periodically by an authorized person at the command of issuance.*

DESK OFFICER (continued)

3. Verify that member concerned is currently qualified by the Department in the use of special weapons to be used.

NOTE *Under no circumstances will a special weapon be issued to, or handled by a member whose range qualifications are not current.*

4. Make required entries in "Special Weapons Record".
5. Issue special weapon to qualified member concerned.

NOTE *A shotgun is a mandated item of equipment when one officer sector patrol vehicles are utilized and for use by solo Highway District personnel.*

6. Make a Command Log entry at the beginning of each tour indicating the disposition of all special weapons assigned to command.

UNIFORMED MEMBER OF THE SERVICE

7. Make required entries in "Special Weapons Record".
8. Load/unload the special weapon at the safety station maintained at command.

NOTE *Uniformed members of the service shall only carry special weapons and ammunition authorized and issued by this Department while on duty.*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO DESIGNATED SECTOR AS A SOLO UNIT:

UNIFORMED MEMBER OF THE SERVICE

9. Lock and secure windows, doors, and place shotgun in the locking device of RMP in all of the following situations:
   a. When leaving shotgun in an unoccupied vehicle
   b. When responding to a scene where other members are present, unless extraordinary circumstances dictate the need for shotgun.
10. Immediately return shotgun to precinct of issuance, if defective.

DESK OFFICER

11. Have defective shotguns/other special weapons delivered to Department Gunsmith at the Outdoor Range, for repairs or replacement, during the second platoon, Monday through Friday.
12. Notify patrol supervisor and Communications Section of any change in the status of a solo RMP unit.

NOTE *In all cases where a solo RMP unit, assigned to a designated sector, is converted to a solo SP10, solo summons unit or any other one or two officer unit, the shotgun must be immediately returned to the command.*

ADDITIONAL DATA

Uniformed members of the service should not unnecessarily display special weapons. Their use should be limited to those situations where the officer would ordinarily carry his firearm in his hand for the purpose of safety and the tactical situation indicates use of a special weapon clearly outweighs the use of the handgun. The actual use of the special weapon should only be in a situation where the circumstances spell out a potential case of justifiable use of deadly physical force, as a last resort after all other means have been exhausted. All provisions of the Patrol Guide and other Department directives regarding the use of firearms are also applicable use of special weapons.

The following additional guidelines regarding the issuance and utilization of special weapons for various Department units are to be complied with in addition to the preceding procedures:

DETECTIVE BUREAU:

Detective Bureau personnel shall utilize the special weapons and tactical expertise of Emergency Service personnel for pre-planned events. If there is insufficient time or other compelling factors are present, a captain or above may authorize the issuance of special weapons when all the following circumstances exist:

a. A tactical plan is formulated
b. It is a potential arrest situation
c. An arrest or search warrant has been issued.
d. There is a history of violence on the part of the perpetrator.

Special weapons may be issued when other circumstances would lead a reasonable person to believe that the use of special weapons would be prudent and necessary. A captain or above must accompany those members issued such weapons on their assignments and maintain firearms control. A captain or above will insure that all members are wearing a protective vest and the special weapon is unloaded, opened and encased while being transported to scene and upon conclusion of assignment. The special weapon will not be loaded until arrival at scene of incident. Special weapons shall not be used without the direction of the captain or above except in those situations which require immediate action to prevent serious bodily injury or death and then only if the lives of innocent people are not unnecessarily endangered.

When services of Emergency Service Unit are utilized in connection with a pre-planned tactical operation, only members of Emergency Service Unit will carry shotguns/special weapons.

EMERGENCY SERVICE UNIT/HARBOR UNIT:

The use of special weapons will be limited to specific instances as outlined below:

a. When a barricaded criminal, hostage taker or emotionally disturbed person possesses a firearm or the member has reasonable grounds to believe such person possesses a firearm.
b. When a hostage taker is armed with a weapon and is threatening the life of a hostage and it may become necessary to use deadly physical force to protect the life of the hostage.
c. When conducting searches for armed perpetrators or when it is believed such perpetrators are armed, including the executions of warrants.
d. When engaged in VIP escorts and protection.

ADDITIONAL DATA (continued)

e. When guarding dangerous criminals in conjunction with the New York City Department of Corrections.

f. When guarding payrolls, narcotics or weapons transfers.

g. When a captain or above deems a special weapon appropriate for the situation at hand.

h. When a spontaneous incident takes place which requires immediate action to prevent serious bodily injury or death, and then only if the lives of innocent people are not unnecessarily endangered.

i. Special weapons shall not be utilized in restraining an emotionally disturbed person unless the circumstances of sub-division "a" exist.

Authorized members of the service assigned to Highway Units can be issued special weapons under circumstances described in sub-divisions "d" and "e" above.

A special weapon is issued to a member for his own protection and will, as a general rule, only be employed in the defense of his own life, another officer's life, or the life of an innocent civilian.

Uniformed members of the service that have not been trained in specialized tactics utilized by Emergency Service Unit personnel should not be used as their replacements.

RELATED PROCEDURE

Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)

PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-11

GUIDELINES AND APPROVAL PROCESS PERTAINING TO THE USE OF DISTRACTION DEVICES

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/13/21	01/13/21		1 of 2

1. A distraction device is a less lethal hand-held apparatus which generates startling sound and light energy when deployed into a confined area. Its purpose is to provide short-term tactical cover for officers making high risk tactical entries. These devices are less lethal and are only authorized for use by trained members of the Emergency Services Unit to minimize the risk of physical injuries to all persons present. Use of these devices may be considered during a search warrant execution tactical plan meeting, or may develop ad hoc at the scene of an emotionally disturbed person, a perpetrator search, etc. Circumstances which may support the use of these devices include but are not limited to; the possible presence of firearms, dangerous animals, known violent subjects, multiple subjects and/or the history of the location.

2. Effective immediately, distraction devices may only be utilized upon the specific approval of the Chief of Department. There are NO exceptions to this requirement.

3. A distraction device will not ordinarily be employed during search warrant executions or similar tactical entries, except in those situations where its use is clearly necessary. When the Captain or above concerned believes that ensuring the safety of all persons concerned requires the use of a distraction device, the following approval process will be adhered to:

4. Situations involving the execution of Search Warrants:

   a. The Captain or above concerned will contact the Borough Executive Officer and request permission to utilize the device.

NOTE *If the Borough Executive Officer is unavailable, information will be forwarded to the Borough Commanding Officer. When exigent circumstances exist, the Duty Chief may be contacted for approval.*

   b. Borough Executive Officer will review request and if he/she concurs, will confer with the Chief of Department for final approval.

NOTE *In those exigent circumstances involving the execution of search warrants, where conditions exist that would preclude the notification and approval process, the Captain or above contemplating the use of a distraction device will request the approval of the Chief of Department direct, via the Operations Unit.*

5. Situations involving emotionally disturbed person(s), perpetrator searches or other exigent circumstances:

   a. The captain or above concerned will notify the Duty Inspector regarding the situation and request approval.

   b. If the Duty Inspector concurs, he/she will request the approval of the citywide Duty Chief.

c. If the Duty Chief, after considering all available alternatives, agrees that the use of the device is necessary, he/she will contact the Chief of Department via Operations Unit for final approval of the use of a distraction device.

AT EVERY LEVEL, THE CIRCUMSTANCES SUPPORTING THE PROPOSED USE OF THIS DEVICE WILL BE EXAMINED AND ALL OTHER ALTERNATIVES WILL BE CONSIDERED BEFORE RECOMMENDING APPROVAL OF ITS USE.

A DISTRACTION DEVICE MAY NOT BE UTILIZED WITHOUT THE PRIOR DIRECT KNOWLEDGE AND APPROVAL OF THE CHIEF OF DEPARTMENT.

6. Upon conclusion of the incident during which a distraction device was used, the Captain concerned will notify the Emergency Service Unit (E.S.U.) Desk Officer and obtain a Distraction Device Utilization Control Number. He/she will prepare a ***Typed Letterhead*** report outlining the circumstances, which justified the use of this device and the names of all persons notified. This report will be forwarded through channels to the Chief of Department.

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-12	
ACTIVE SHOOTER RESPONSE PROTOCOL			
DATE ISSUED: 09/10/20	DATE EFFECTIVE: 09/10/20	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To properly respond to and neutralize an active shooter threat.

SCOPE Members of the service may be called upon to respond to a critical incident involving an individual or individuals intent on killing as many innocent civilians and first responders as possible. This type of incident has historically occurred within a variety of locales and buildings including movie theaters, hotels, schools, shopping malls and office buildings, but also has the potential to occur within myriad other locations.

Due to the varied nature of such incidents, it is difficult to plan or train for every possible contingency, but it is imperative that members of the service not only understand basic response principles that may save lives, but also be cognizant of certain emergency protocols at the building or other location that may have been activated by administrators or private security staff prior to the arrival of police personnel (e.g., evacuation, lockdown, shelter-in-place, etc.). Such familiarity will facilitate a safer and more effective response to the assignment.

DEFINITIONS ACTIVE SHOOTER - An individual actively engaged in killing or attempting to kill people in a confined and populated area. Active shooters use firearms, explosives, fire or other deadly weapons and there is often no pattern or method to their selection of victims.

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

DEFINITIONS (continued)

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

HOSTAGE SITUATION - A hostage situation begins the moment a suspect takes a person under his or her control and subjects that person to the risk of bodily harm for the purpose of furthering a criminal act or facilitating an escape.

RESCUE TASK FORCE – An interagency Rescue Task Force (RTF) is deployed to provide lifesaving medical treatment to victims in a Warm Zone. The RTF composition will be dependent on police personnel force protection and available Emergency Medical Service (EMS) and New York City Fire Department (FDNY) units on the scene. An NYPD supervisor will be the RTF-leader with overall command of the RTF. However, FDNY officers shall maintain immediate supervision over FDNY members and defer to the highest-level medical expertise for patient care.

ZONE THREAT DESIGNATIONS:

HOT ZONE – Areas of a known hazard, where an active shooter(s) is roaming free, or is engaged by police personnel. Improvised Explosive Device(s) (IEDs) may be present. EMS or FDNY personnel are NOT to operate within designated Hot Zones.

WARM ZONE – A cleared area that has been deliberately searched by police personnel, contains no identifiable threats, but has not been declared a Cold Zone. FDNY and EMS personnel may be deployed for life safety operations only and shall be escorted by police personnel, operating under their security. More than one Warm Zone may be designated by police personnel.

WARM CORRIDOR – A route that has been cleared and under police personnel control for escorted entry and egress of responders, and to remove victims from a Warm Zone.

COLD ZONE – Areas where there is normal risk due to geographic distance from the threat, or the area has been secured by police personnel. The command post, operations post, staging areas, and medical triage, treatment, and transportation areas shall be located within designated Cold Zone.

PROCEDURE When a uniformed member of the service receives a call for, or comes upon an incident involving a confirmed active shooter:

NOTE *During an active shooter incident, responding members must immediately assess conditions as they develop and implement a proper response. A delay in action may result in the loss of life.* ***The number one priority of the responding uniformed members of the service is to make contact with the suspect and stop him/her from killing people.***

UNIFORMED MEMBER OF THE SERVICE

1. Ensure radio dispatcher has requested the response of the patrol supervisor, Emergency Service Unit (ESU), Strategic Response Group (SRG), Critical Response Command (CRC), Hostage Negotiation Team (HNT), Technical Assistance and Response Unit (TARU), Bomb Squad, and Emergency Medical Service (EMS), if not previously requested by Communications or other responders.
   a. Be prepared to be deployed as a member of the Rescue Task Force (RTF), when directed by competent authority.
2. Park vehicle at location accessible for use as cover, while not impeding arrival of further emergency units, if responding in a vehicle.
3. Upon arrival, attempt to liaise with administrators, private security or anyone who may have prior knowledge of the building's emergency protocols and procedures, if time allows.
   a. Obtain details concerning the nature of the threat (e.g., time of entry, location of shooters, number of shooters, etc.).
   b. Obtain details on the building's response protocol and if it has been activated.
   c. Inquire as to whether video surveillance is available, and if time permits, review video surveillance quickly to ascertain pertinent details.
   d. Transmit any information obtained to other responding units, if possible.
4. Enter location using all possible tactical caution, if situation is determined to involve an active shooter and loss of further innocent life is imminent.
   a. Initial responders should form Contact Teams of two to four uniformed members of the service and move toward the suspect(s).
5. Utilize available means to gain entry if doors to location are locked (e.g., crowbar, sledgehammer, etc.).
6. Notify radio dispatcher of existing conditions and exact entrance used to enter the building.
   a. If unable to gain entry, notify radio dispatcher of "blocked" entrance location and cause.
      (1) Responding units may have the tools needed to gain entry.
   b. Continue searching for ways to gain entrance into the building. Gaining entry is imperative in order to stop the shooter from killing people.
7. Ensure doors are left open and/or unlocked upon entry to allow for continued uniformed response to incident.

UNIFORMED MEMBER OF THE SERVICE (continued)

8. Commence tactical advancement into the location.
   a. Be cognizant of the danger of crossfire and coordinate police response accordingly.
   b. **First priority is to make contact with the suspect(s) and to prevent loss of life and/or limit movement of suspect(s).**
   c. When practicable, identify self in a loud clear voice and state, "Police! Don't move."
9. Be cognizant of victims that may be hiding, confused and frightened, and who may not respond to directions from uniformed members of the service.
   a. Note location and type of injuries to victims.
10. Communicate location of victim(s) and/or those sheltered in place to radio dispatcher and incident commander.
11. Be aware that other on-duty or off-duty police officers or armed security personnel may be present in location.
   a. When directed by competent authority, on-duty or off-duty plainclothes members, or security personnel, will be instructed to exit the location (via Warm Corridor, if established) and advise incoming personnel of any pertinent information.
   b. Notify radio dispatcher that plainclothes personnel/security personnel are exiting the building.
12. Maintain communication with radio dispatcher, updating advancement into the location and location of suspect(s) and victim(s), when tactically possible.
13. Comply with *P.G. 221-14, "Hostage/Barricaded Person(s),"* if a hostage situation exists or if suspect is contained.
   a. Active shooter encounters are often fluid situations which may rapidly transition between hostage and non-hostage events. If the situation transitions from a hostage situation back to an active shooter situation, the responding uniformed member of the service must make every attempt to make contact with the shooter and prevent continued violence.
   b. Maintain cover and attempt to isolate and contain subject and the hostage.
   c. Establish and maintain firearms control during the course of the hostage/barricaded situation.
   d. Notify radio dispatcher of exact location of barricaded subject.

INITIAL SUPERVISOR ON SCENE

14. Confirm through radio dispatcher that ESU, SRG, CRC, HNT, TARU, Bomb Squad and EMS are responding.
15. Request response of precinct commander/duty captain.
16. Assess best means to stop deadly action.
17. Tactically enter the building with first responding uniformed members of the service or regroup with uniformed members already in location and advance towards the active shooter.
18. Notify radio dispatcher of entry and location.
   a. If entering in plainclothes, make every effort to display items identified as police equipment (e.g., shield, gunbelt, NYPD windbreaker, etc.).

INITIAL SUPERVISOR ON SCENE (continued)

b. Advise radio dispatcher of entry and clothing worn, if in civilian attire.
c. Advise radio dispatcher of any aided encountered when advancing or of any sheltering persons in need of assistance.

SECOND SUPERVISOR ON SCENE

19. Assume the role of Incident Commander.
20. Establish and secure a Cold Zone.

INCIDENT COMMANDER

21. Establish an Incident Command Post within designated Cold Zone.
22. Assign uniformed members of the service to direct responding personnel to Command Post.
23. Establish exterior site management control and, if site has multiple exits, coordinate with other responding supervisors and control evacuation and site management of additional exits.
24. Establish a secure location perimeter.
    a. Designate a staging area outside the secure location perimeter within designated Cold Zone for EMS response.
25. Establish a casualty collection point within designated Cold Zone and ensure that force protection is being provided.
    a. Request activation of Critical Incident Response Capacity (CIRC) through Operations Unit after conferral with ESU supervisor on scene.
26. Communicate and coordinate with other responding units in regard to additional personnel placement, status of shooter and presence of other shooters, if applicable.
27. Communicate with interior personnel to determine if additional resources are needed.
    a. Direct responding units to move swiftly and safely to neutralize the continued threat of violence, if requested.
28. Do not permit plainclothes members of service to enter the location, except in exigent circumstances.
    a. If plainclothes members of service or security personnel are known to be in location, notify radio dispatcher of number of persons and physical description including attire, if known.
29. Continue to liaise with building administrators to gather more detailed information on incident and individuals involved.
30. Ensure corridors are open and available for continued response of emergency units including ESU.
31. Account for members of the service already deployed to aid in deconfliction for organized search or rescue operation.
32. Form and deploy Contact Team(s) for removal of victim(s) and/or civilians sheltered in place, once adequate Contact Team(s) are deployed and addressing the threat.
33. Form and deploy interagency Rescue Task Force (RTF) to escort EMS/FDNY personnel through Cold Zones, Warm Zones and Warm Corridors, and only to provide lifesaving medical treatment and removal of victims in such zones.

INCIDENT COMMANDER (continued)

a. EMS or FDNY personnel are NOT to operate within designated Hot Zones.

34. Designate a uniformed member of the service to maintain radio contact with the radio dispatcher, so that the dispatcher and responding personnel are kept apprised of the situation as it develops.
35. Assign uniformed members of the service to detain all persons leaving incident location, if feasible.
    a. Do not assume all persons exiting location are victims.
36. Assign uniformed members of the service to prevent entry of unnecessary persons into evacuated areas.
37. Confer with Emergency Service Unit personnel upon their arrival to evaluate situation. Ensure ESU personnel are apprised of all known members of the service inside of active shooter location.
38. Confirm radio dispatcher has notified the Operations Unit and that the Bomb Squad is responding and comply with *P.G. 212-40, "Bomb Threats/Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes,"* if suspected explosive device is found.
39. Comply with *P.G. 221-14, "Hostage/Barricaded Person(s),"* when appropriate, if active shooter is isolated and contained with no further imminent risk to innocent victims.
40. Coordinate with incoming EMS and medical personnel.
41. Survey streets and roadways around incident location and establish an emergency access lane for rapid removal of injured victims.
42. Keep desk officer, precinct of occurrence, and Operations Unit apprised of situation.

ADDITIONAL DATA

OPERATIONAL CONSIDERATIONS

Off-duty uniformed members of the service or members in civilian attire should refrain from entering an active shooter location to avoid any confrontational situation with uniformed members of the service present, unless the loss of life is imminent.

Off-duty members already inside a shooting location should call 911 (if capable) and relay all available information, including off-duty attire, and attempt to make contact with the suspect(s) to end the threat. Off-duty members must be aware of the fact that uniformed members are responding and the potential for a confrontation situation exists. To the full extent possible, off-duty members should display their shield and/or identification card, verbally identify themselves as a police officer, and comply with all directions of responding uniformed officers.

RELATED PROCEDURES

Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Force Guidelines (P.G. 221-01)
Hostage/Barricaded Person(s) (P.G. 221-14)
Bomb Threats/Unattended Articles – Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-13	
MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS			
DATE ISSUED: 09/10/20	DATE EFFECTIVE: 09/10/20	REVISION NUMBER:	PAGE: 1 of 7

PURPOSE To safeguard a mentally ill or emotionally disturbed person who does not voluntarily seek medical assistance.

SCOPE The primary duty of all members of the service is to preserve human life. The safety of all persons involved is paramount in cases involving emotionally disturbed persons. If such person is dangerous to himself or others, force may be used when it is reasonable to prevent serious physical injury or death. Members of the service will use only the reasonable force necessary to gain control or custody of a subject. When there is time to negotiate, all the time necessary to ensure the safety of all individuals will be used.

DEFINITIONS EMOTIONALLY DISTURBED PERSON (EDP) - A person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

DEFINITIONS (continued)

ZONE OF SAFETY - The distance to be maintained between the EDP and the responding member(s) of the service. This distance should be greater than the effective range of the weapon (other than a firearm), and it may vary with each situation (e.g., type of weapon possessed, condition of EDP, surrounding area, etc.). A minimum distance of 20 feet is recommended. An attempt will be made to maintain the "zone of safety" if the EDP does not remain stationary.

PROCEDURE

When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others:

UNIFORMED MEMBER OF THE SERVICE

1. Request "EDP location history" from dispatcher prior to arrival on scene, when responding to a call for service involving a possible EDP.
   a. Request "EDP location history" when receiving a pick-up of a possible EDP, if time allows.

NOTE *Communications Section will automatically alert responding units if location has prior EDP history that resulted in Emergency Service response and support.*

2. Request Communications Section to contact the complainant while enroute to location, if possible, to obtain additional information.
3. Transmit radio code signal "10-84" upon arrival on scene.

NOTE *A "10-84" requirement extends equally to patrol personnel, as well as, members assigned to specialty units (e.g., Emergency Service Unit [ESU], Hostage Negotiation Team [H.N.T.], Technical Assistance Response Unit [T.A.R.U.], etc.).*

4. Comply with *P.G. 212-123, "Use of Body-Worn Cameras,"* if assigned a Body-Worn Camera.
5. Carry three foot polycarbonate shield with door bag (door rope/door wedge) affixed, if available.
   a. Utilize for protection, as necessary.
6. Request and/or ensure the response of:
   a. Patrol supervisor
   b. Additional personnel/equipment (e.g., Emergency Service Unit, etc.), if necessary
   c. Ambulance.

NOTE *Communications Section will automatically direct the patrol supervisor and Emergency Service Unit to respond to scene in such cases.*

7. Assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service.

UNIFORMED MEMBER OF THE SERVICE (continued)

8. Attempt to gather information that will aid in tactical considerations (e.g., history of EDP, physical layout of location, individuals present, potential escape routes, etc.).
9. Attempt to slow the pace of the incident and establish dialogue with the EDP while awaiting arrival of specialized personnel, if necessary.
   a. When there is time to de-escalate, all time necessary to ensure the safety of all individuals concerned will be used. The safety and well-being of the EDP, as well as, all persons present is of paramount concern.
   b. Avoid any action which might agitate or provoke the EDP, if possible.
10. Attempt to isolate and contain the EDP while maintaining a zone of safety until arrival of patrol supervisor and Emergency Service Unit personnel.
    a. Utilize door rope or door wedge to isolate and contain EDP, when necessary and equipped.
       (1) Secure door with only one door rope at any given time using recommended girth hitch knot.
       (2) If another individual is present with EDP, door rope or door wedge should only be used in exigent circumstances.
       (3) Do not remove door rope or door wedge without authorization of uniformed supervisor at the scene or at direction of Emergency Service Unit personnel, unless exigent circumstances exist.

PATROL SUPERVISOR

11. Respond to location unless EDP has been removed from scene.
    a. If unavailable, another uniformed supervisor (e.g., platoon commander, etc.) will respond and assume control of situation.
    b. Respond to location even if a supervisor from another police agency is present.
12. Transmit radio code signal "10-84" upon arrival on scene.
13. Establish firearms control.
14. Verify that Emergency Service Unit is responding, if required.
    a. Cancel response of Emergency Service Unit if services not required.
       (1) Response of Emergency Service Unit may only be canceled by a uniformed supervisor in the rank of sergeant or above.

EDP'S ACTIONS CONSTITUTE IMMEDIATE THREAT OF SERIOUS PHYSICAL INJURY OR DEATH TO THEMSELVES OR OTHERS:

UNIFORMED MEMBER OF THE SERVICE

15. Take reasonable measures to terminate or prevent such behavior.
    a. Deadly physical force will be used only as a last resort to protect the life of persons or officers present.

UNIFORMED MEMBER OF THE SERVICE (continued)

16. Make every effort to de-escalate the situation through tactical communication, if feasible and consistent with personal safety.
    a. Use crisis communication techniques to gain voluntary compliance.

NOTE *Damaging of property would <u>not</u> necessarily constitute an immediate threat of serious physical injury or death.*

<u>EDP IS UNARMED, NOT VIOLENT, AND WILLING TO LEAVE VOLUNTARILY:</u>

UNIFORMED MEMBER OF THE SERVICE

17. Take EDP into custody without the specific direction of a supervisor.
18. Comply with steps "39" through "49."

<u>WHEN EDP IS ISOLATED/CONTAINED BUT WILL NOT LEAVE VOLUNTARILY:</u>

UNIFORMED MEMBER OF THE SERVICE

19. Request response of H.N.T. and coordinator and T.A.R.U. through Communications Section and comply with *P.G. 221-14, "Hostage/Barricaded Person(s),"* where appropriate.
20. Comply with steps "39" through "49," when EDP is safeguarded and restrained.

PATROL SUPERVISOR

21. Use Crisis Intervention Team (CIT) trained members as contact officers when appropriate and available.
    a. If a non-CIT trained officer has established a rapport with the subject, allow that officer to continue communications. In those situations, CIT trained officers can support the non-CIT trained officer, when necessary.
22. Employ less lethal devices when necessary to ensure the safety of all present.
    a. Use Conducted Electrical Weapon (CEW), if necessary, in accordance with *P.G. 221-08, "Use of Conducted Electrical Weapons (CEW)."*
    b. Comply with *P.G. 221-03, "Reporting and Investigation of Force Incident or Injury to Persons During Police Action,"* when a less lethal device is used.
23. Direct removal of door rope or door wedge if EDP's actions constitute immediate threat of serious physical injury or death to themselves or others and take reasonable measures to terminate or prevent such behavior.
24. Request response of commanding officer/duty captain.
25. Notify desk officer that H.N.T. and coordinator, and T.A.R.U. have been notified, and commanding officer/duty captain has been requested.
26. Request Emergency Service Unit on scene to have Emergency Service Unit supervisor respond.

PATROL SUPERVISOR (continued)

27. If necessary, request assistance of:
    a. Interpreter, if language barrier
    b. Subject's family or friends
    c. Local clergyman
    d. Prominent local citizen
    e. Any public or private agency deemed appropriate for possible assistance.
28. Take no additional action without authorization of commanding officer or duty captain at the scene, if EDP is contained and is believed to be armed or violent but due to containment poses no immediate threat of danger to any person.

EMERGENCY SERVICE UNIT SUPERVISOR

29. Report to and confer with ranking patrol supervisor on scene.
    a. If there is no patrol supervisor present, request response forthwith, and perform duties of patrol supervisor pending his/her arrival.
30. Evaluate the need and ensure that appropriate Emergency Service Unit personnel and equipment are present at the scene to deal with the situation.
31. Verify that H.N.T. and coordinator are responding, when necessary.
32. Devise plans and tactics to deal with the situation, after conferral with ranking patrol supervisor on scene.
33. Direct use of EDP Mesh Restraining Device, when appropriate.

DESK OFFICER

34. Notify Operations Unit and patrol borough command of facts.

COMMANDING OFFICER/ DUTY CAPTAIN

35. Assume command, including firearms control.
36. Confer with ranking Emergency Service Unit supervisor on scene and discuss plans and tactics to be utilized.
37. Direct whatever further action is necessary, including use of negotiators.
38. Direct use of alternate means of restraint, if appropriate, according to circumstances.

<u>WHEN EDP HAS BEEN RESTRAINED</u>:

UNIFORMED MEMBER OF THE SERVICE

39. Remove property that is dangerous to life or will facilitate escape.
40. Have EDP removed to hospital in ambulance.
    a. Restraining equipment including handcuffs may be used if EDP is violent, resists, or upon direction of a physician examiner.
    b. When possible, a female EDP being transported should be accompanied by another female or by an adult member of her immediate family.
41. Ride in body of ambulance with EDP.
    a. At least two uniformed members of the service will safeguard if more than one EDP is being transported.
42. Transport EDP to hospital by RMP if able to do so with reasonable restraint at the direction of a supervisor, if an ambulance is not available.

UNIFORMED MEMBER OF THE SERVICE (continued)

a. Under no circumstances will an EDP be transported to a police facility.

43. Inform examining physician upon arrival at hospital of use of less lethal devices used on EDP, if applicable.
44. Unload firearm(s) at firearm safety station, if available, when entering psychiatric ward of hospital (see *P.G. 216-07, "Firearms Safety Stations at Psychiatric Wards and Admitting Areas"*).
45. Safeguard EDP at hospital until examined by psychiatrist.
    a. Inform relieving uniformed member of circumstances if safeguarding extends beyond expiration of tour.
46. Inform psychiatrist of circumstances which brought EDP into police custody.
47. Enter details in digital **Activity Log** and prepare **AIDED REPORT**.
    a. Indicate on **AIDED REPORT**, name of psychiatrist.
    b. Check "CIT Trained UMOS on Scene" caption and complete "Name/Tax Number of CIT Trained UMOS on Scene" section, when applicable.
    c. If FORMS becomes disabled, the uniformed member of the service will utilize the "Narrative" section of the **AIDED REPORT WORKSHEET (PD304-152b)** to document if a CIT trained uniformed member of the service responded, as well as, their name and tax number.
48. Finalize EDP radio run using the appropriate radio code in the following instances:
    a. "10-97E3" - ESU Assisted in Removing EDP
    b. "10-97E4" - Voluntary Surrender to ESU or Hostage Negotiation Team
    c. "10-97E5" - ESU Removal Less Than Lethal Used
    d. Use other appropriate radio codes, as necessary, to finalize EDP radio run.
49. Submit **AIDED REPORT** to desk officer.

ADDITIONAL DATA

*Provide persons who voluntarily seek psychiatric treatment with an **NYC WELL PALM CARD (PD154-181)**.*

Prior to interviewing an EDP confined to a facility of the NYC Health and Hospitals Corporation, a uniformed member of the service must obtain permission from the hospital administrator who will ascertain if the EDP is mentally competent to give a statement.

Upon receipt of a request from a qualified psychiatrist, or from a director of a general hospital or his/her designee, uniformed members of the service shall take into custody and transport an apparently emotionally disturbed person from a facility licensed or operated by the New York State Office of Mental Health which does not have an inpatient psychiatric service, or from a general hospital which does not have an inpatient psychiatric service, to a hospital approved under Section 9.39 of the Mental Hygiene Law.

ADDITIONAL DATA (continued)

Uniformed members of the service will also comply with the above procedure upon direction of the Commissioner of the Department of Health and Mental Hygiene or his/her designee.

Training sergeants and/or operations coordinators will maintain an updated list at the desk of members assigned to their command who are CIT trained. This list must be updated on a weekly basis.

Desk officers will be responsible for ensuring this list is maintained at the desk at all times.

Immediate supervisors of members of the service that have tactical recommendations regarding interactions with an EDP will prepare a report on ***Typed Letterhead*** *to the command's training sergeant. The training sergeant will compile recommendations on a quarterly basis and forward (through channels) to the Chief of Training.*

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)
Person Threatening to Jump From Structure (P.G. 212-54)
Unlawful Evictions (P.G. 214-12)
Aided Cases General Procedure (P.G. 216-01)
Preparation of Aided Report (P.G. 216-02)
Mental Health Removal Orders (P.G. 216-06)
Firearms Safety Stations at Psychiatric Wards and Admitting Areas (P.G. 216-07)
Inspection of Department Vehicles Each Tour by Operator (P.G. 219-01)
Hostage/Barricaded Person(s) (P.G. 221-14)
Use of Conducted Electrical Weapons (CEW) (P.G. 221-08)
Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)

FORMS AND REPORTS

AIDED REPORT
AIDED REPORT WORKSHEET (PD304-152b)
NYC WELL PALM CARD (PD154-181)
THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT
UNUSUAL OCCURRENCE REPORT (PD370-152)
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-14	
HOSTAGE/BARRICADED PERSON(S)			
DATE ISSUED: 09/10/20	DATE EFFECTIVE: 09/10/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To handle hostage/barricaded persons' situations with maximum safety to all persons concerned.

DEFINITIONS HOSTAGE SITUATION - A hostage situation begins the moment a suspect takes a person under his or her control and subjects that person to the risk of bodily harm for the purpose of furthering a criminal act or to facilitate escape. There are two broad categories of hostage situations:

a. The classic hostage situation, in which the hostage-taker is contained within a room, building, store, or other physically segregated area;
b. The mobile hostage situation, in which the hostage-taker is on the street or another location where he or she is not restricted by clear physical boundaries.

OUTER PERIMETER - Area sufficiently removed from actual scene of incident to ensure the safety of all spectators, including members of the news media. The establishment of outer perimeters dictates the evacuation of all civilians and unnecessary police personnel from this area.

INNER PERIMETER - Frozen area, encompassing the incident location. No one will be permitted in this area without a protective vest appropriate to the level of threat present. No one will be allowed to enter the Inner Perimeter except:

a. Patrol borough commander or duty chief;
b. Chief of Special Operations, and personnel under his/her command;
c. Commanding Officer, Emergency Service Unit, and personnel under his/her command;
d. Hostage Negotiating Coordinator and personnel under his/her command;
e. Technical Assistance Response Unit (TARU) supervisor and personnel under his/her command;
f. Bomb Squad supervisor and one technician, when bomb is present or suspected;
g. Ranking patrol duty supervisor from affected operational bureau (Patrol Services, Housing or Transit) depending on location of incident;
h. Any other person(s) with the permission of the patrol borough commander or duty chief.

MASS REFLEXIVE RESPONSE - Sometimes referred to as "contagious shooting," mass reflexive response is the phenomenon which occurs when a shot fired by one officer sets off a chain reaction of shooting by other personnel on the scene. It involves reacting based on one's instinct rather than on a rational assessment of the situation.

DEFINITIONS (continued)

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

PROCEDURE

When responding to the scene of an incident in which persons are being held hostage or barricaded persons will not voluntarily surrender, or when persons are taken hostage during the course of an ongoing police incident, pursuit, etc.

UNIFORMED MEMBER OF THE SERVICE

1. Request through communications dispatcher that the patrol supervisor, Emergency Services Unit (ESU), Hostage Negotiation Team (H.N.T.) and the Technical Assistance Response Unit (T.A.R.U.) respond to the incident.
2. Seek cover and attempt to isolate and contain the subject and the hostage.

NOTE

When there is time to negotiate, all the time necessary to ensure the safety of all individuals concerned will be used. Once a hostage or hostages are taken, all members of the service at the scene will attempt to contain the subject(s) and hostage(s) and implement hostage negotiation procedures. Note that the safety and well-being of the hostage as well as all persons present is our paramount concern. Any action which endangers the hostage will be avoided, if possible.

3. Be cognizant of the danger of "Mass Reflexive Response."
   a. The first officers on the scene will immediately establish and maintain firearms control.

NOTE *Uniformed members of the service should be aware that, although the New York State Penal Law and Department procedures may authorize the use of deadly physical force in a given situation, they will not be subject to criticism or disciplinary action for choosing not to discharge their firearms.*

UNIFORMED MEMBER OF THE SERVICE (continued)

4. Be cognizant of the danger of crossfire and coordinate police response accordingly.
5. Attempt to slow the pace of the incident and establish a dialogue with the subject while awaiting the arrival of specialized personnel.
   a. Any action which might agitate or provoke the subject should be avoided.
6 Refrain from any action which would unnecessarily jeopardize the safety of the hostage.
7. Establish police lines to control subject's mobility and to prevent uninvolved persons from entering the area.

NOTE *Street situations, or mobile hostage situations, present added hazards. The ability to control the subject's movement, and the prevention of uninvolved persons unwittingly entering the inner perimeter, are limited by the setting in which the incident occurs. The proper deployment of personnel will aim to control access to the inner perimeter as well as to control the subject's mobility. Natural boundaries, such as fences, building lines, parked cars, and walls, should be used to contain the subject. Department vehicles, strategically placed, can be used to contain the incident or to block escape routes.*

PATROL SUPERVISOR

8. Assume command of the situation.
9. Ensure that all members of the service present are directed to maintain firearms control.
   a. As soon as circumstances permit, designate one or more uniformed members of the service who will act as the designated shooter(s) if the use of deadly physical force becomes unavoidable.
   b. Designate a uniformed member of the service to maintain radio contact with the Communications Section dispatcher, so that the dispatcher and responding personnel are kept apprised of the situation as it develops.

NOTE *The ranking officer in charge will personally assume responsibility for firearms control. To maintain firearms control, he or she must be able to immediately assess conditions as they develop, and to give appropriate direction instantaneously. Therefore, the ranking officer in charge will assume a position within the inner perimeter, at the focal point of the situation.*

10. Assess situation and ensure sufficient patrol response pending arrival of Emergency Service Unit.
11. Verify through the communications dispatcher that ESU, H.N.T. and T.A.R.U. are enroute to the incident scene and if not, request their immediate response.

NOTE *Only the ranking patrol duty incident commander (i.e., patrol borough commander/duty inspector/duty captain) has the authorization to cancel the services of the H.N.T. and T.A.R.U. via the communications dispatcher. The communications dispatcher is NOT authorized to cancel the services of H.N.T. and/or T.A.R.U. without the aforementioned consent of the ranking patrol duty incident commander on the scene.*

PATROL SUPERVISOR (continued)

12. Request response of precinct commander/duty captain.
13. Implement hostage negotiation procedures, beginning with the establishment of inner and outer perimeters.
    a. The inner perimeter should contain only those personnel necessary to accomplish the mission; all others will be directed to the outer perimeter.
    b. Uninvolved civilians should be evacuated, if safety permits. They should be properly identified and detained for questioning to obtain pertinent information about the incident.
    c. Once the inner perimeter is established, only authorized personnel will be permitted to enter it.
    d. An outer perimeter will be established to serve as a staging area for additional police personnel and for other agencies (i.e., Fire Department, Emergency Medical Service, etc.)
    e. The Communications Section should advise all units responding to the incident to avoid the inner perimeter, and not to use lights and sirens as they approach the scene.
14. Confer with the Emergency Service Unit upon their arrival to evaluate location and coverage of inner and outer perimeters, as well as necessity for evacuation of area.
    a. Request response of Emergency Service Unit supervisor, if not present.
15. Establish field command post outside of inner perimeter and the potential line of fire.
16. Have desk officer, precinct of occurrence, and Operations Unit apprised of situation and provide telephone numbers of field command post.

NOTE *The ranking patrol supervisor on the scene is in command and will coordinate police operations. If a barricaded person is contained and poses no immediate threat or danger to any person, no additional action will be taken without the authorization of the precinct commander/duty captain at the scene.*

PRECINCT/ PSA/DISTRICT COMMANDER/ DUTY CAPTAIN

17. Assume command of the incident.
18. Ascertain that firearms control has been established.
19. Confer with patrol supervisor and Emergency Service Unit Supervisor to determine if sufficient personnel are present to maintain inner and outer perimeters.
20. Ensure that field command post is established outside inner perimeter and potential line of fire.
21. Assign sufficient personnel to maintain outer perimeter.
22. Have duty inspector and patrol borough commander or duty chief notified to respond in verified hostage or barricade situation.

EMERGENCY SERVICE UNIT SUPERVISOR

23. Ensure that a clearly delineated inner perimeter has been established.
24. Ensure that only properly equipped and designated personnel enter the inner perimeter.

PATROL BOROUGH COMMANDER/ DUTY INSPECTOR/ DUTY CAPTAIN

25. Assume overall command and ascertain that the outer perimeter and inner perimeter have been established.
26. Ensure through the communications dispatcher that H.N.T. (with coordinator) and T.A.R.U. are enroute to or are already present at the incident scene and if not, then request their immediate response.
27. Ensure that detective borough commander is notified.
28. Attempt to establish contact with the person holding hostages or the barricaded person, pending arrival of hostage negotiator(s).
    a. Determine who may speak to hostage taker or barricaded person.

HOSTAGE NEGOTIATION COORDINATOR

29. Report to ranking patrol duty incident commander present.
30. Commence hostage/barricaded persons procedures.

ADDITIONAL DATA

Although the primary goals in a developing hostage situation are to isolate and contain the subject, the safety of the hostage, and of all persons present, is the overriding concern. The Communications Section must be kept apprised of the situation as it develops so that information can be relayed to personnel at the scene as well as others who may be responding. It is impossible to create a set of guidelines which will cover all potential hostage situations. These basic guidelines must be tailored to the situation at hand. However, in any hostage situation, there are three constants:

a. When there is time to negotiate, all the time necessary to ensure the safety of all concerned will be used
b. Deadly physical force will be used only as a last resort to protect the life of persons present
c. The overriding goal is the safe release of the hostage.

Uniformed members of the service are reminded that, although the New York State Penal Law and Department procedures may authorize the use of deadly physical force in a given situation, they will not be subject to criticism or disciplinary action for choosing not to discharge their weapons. Hostage-takers often maintain close physical proximity to their hostage(s). For that reason, uniformed members of the service must be especially aware of the risk involved in attempting to shoot a small, moving target, and the possibility of further jeopardizing the safety of the hostage.

In addition to the above, uniformed members of the service in the ranks of captain and above will be cognizant of the provisions of the Department tactical manual entitled, "Hostage Negotiations - Organizational and Tactical Guide."

RELATED PROCEDURES

Mentally Ill or Emotionally Disturbed Persons (P.G. 221-13)
Metal Health Removal Orders (P.G. 216-06)
Citywide Incident Management System (P.G. 220 Series)
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Unusual Occurrence Reports (P.G. 212-09)
Evictions, Repossessions, and Other Civil Process (P.G. 214-13)
Unlawful Evictions (P.G. 214-12)
Bomb Threats/Unattended Articles - Suspected/Reported Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-15	
VEHICLE PURSUITS			
DATE ISSUED: 05/17/17	DATE EFFECTIVE: 05/17/17	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To determine the necessity of commencing a vehicle pursuit and the method to be employed in conducting such a pursuit.

DEFINITIONS
PRIMARY VEHICLE - vehicle initiating pursuit.
SECONDARY VEHICLE - first additional unit assisting in pursuit.
VEHICLE RAMMING ATTACK (VRA) - A form of attack in which a perpetrator deliberately rams a motor vehicle into a crowd of people or building.

PROCEDURE Upon observing a vehicle which is to be stopped or there is a likelihood that vehicle pursuit may be imminent:

UNIFORMED MEMBER OF THE SERVICE, PRIMARY VEHICLE

1. Initiate vehicle stop when feasible.
2. Determine the necessity for commencing and continuing a vehicle pursuit by considering the following:
   a. Nature of offense
   b. Time of day
   c. Weather condition
   d. Location and population density
   e. Capability of Department vehicle
   f. Familiarity with area.

NOTE *Department policy requires that a vehicle pursuit be terminated whenever the risks to uniformed members of the service and the public outweigh the danger to the community if suspect is not immediately apprehended. If chase is terminated, members will attempt to obtain sufficient information to effect apprehension.*

3. Notify radio dispatcher at start of pursuit and provide the following information:
   a. Your location
   b. Type of vehicle, color and direction of travel
   c. Nature of offense
   d. Registration number and state of registration
   e. Occupants
   f. Any other pertinent information.
4. Maintain contact with radio dispatcher but do not depress transmitter key unnecessarily.
   a. Keep radio transmissions brief and speak in normal tones.
5. Utilize vehicle's emergency signaling devices intelligently.
   a. Do not use the "constant" position on siren, since it tends to distort transmissions and blot out the sound of approaching vehicles.
6. Inform radio dispatcher if vehicle changes direction.
   a. Give last location of vehicle, speed, and direction of travel.
7. Notify radio dispatcher if pursued vehicle is lost or pursuit is terminated.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

8. DIRECT AND CONTROL THE PURSUIT AND THE APPREHENSION EFFORT.
   a. Monitor radio transmissions
   b. Keep radio dispatcher informed of location
   c. Limit involvement and control radio use of other units.

NOTE *Units other than the primary vehicle, secondary vehicle and supervisor's unit shall stay off the air except in extreme emergencies and stay clear of the pursuit but remain alert to its progress. They will not join in or interfere with the pursuit vehicles.*

9. Request other units to respond to strategic locations to apprehend the vehicle.
   a. Primary and secondary units will be the only units to operate in close pursuit of the pursued vehicle.
   b. Additional units may be requested by the officers in the primary unit or by a supervisor, if it appears that the officers in the vehicle involved would not be able to safely effect the apprehension of the suspects. Vehicles shall not caravan behind pursuing vehicles.
10. Terminate the pursuit, if necessary.
11. Coordinate a search of the vicinity where pursued vehicle last observed.

RADIO DISPATCHER, COMMUNICATIONS SECTION

12. Notify Communications Section platoon commander/uniformed supervisor of pursuit.
13. Direct other units to assist and support the pursuing vehicles, as directed by the patrol supervisor.
    a. If the registration plate number is known, inform members concerned whether the vehicle is wanted on an alarm or not.

NOTE *When a vehicle pursuit results from another assignment, status code 10-88 will be utilized in ICAD. Pick-up vehicle pursuits will be entered as 10-60I.*

PLATOON COMMANDER/ UNIFORMED SUPERVISOR, COMMUNICATIONS SECTION

14. Monitor pursuit.
    a. Control and direct the apprehension effort, in the absence of active patrol supervisor. Terminate pursuit if warranted.

UNIFORMED MEMBER OF THE SERVICE, SECONDARY VEHICLE

15. Acknowledge assignment as secondary vehicle.
    a. Allow at least five car lengths distance from primary pursuit vehicle.
    b. Do not pass primary vehicle unless requested by that unit, or if other circumstances exist such as a collision, mechanical malfunction, etc.

PATROL SUPERVISOR, PRECINCT ORIGINATING PURSUIT

16. Immediately after pursuit, prepare **VEHICLE PURSUIT REPORT (PD371-153)**.
17. Forward report to commanding officer, precinct originating pursuit.

NOTE *If pursuit is initiated by other than Patrol Services Bureau personnel, the immediate supervisor of those officers will perform the duties of the patrol supervisor.*

COMMANDING OFFICER, PRECINCT ORIGINATING PURSUIT

18. Review and endorse patrol supervisor's report (include statement regarding disciplinary action) and have copies forwarded, as follows:
    a. Personnel Safety Desk (original and copy through channels)
    b. Borough Safety Officer
    c. Commanding officers of members involved in pursuit (attach **SUPERVISOR'S COMPLAINT REPORT (PD468-123)**, if prepared).

COMMANDING OFFICER OF MEMBER INVOLVED IN PURSUIT

19. Determine and take appropriate disciplinary action (command discipline, charges and specifications, etc.) and notify Borough Safety Officer.
20. Have a copy of all reports prepared placed in personal folder of members involved.

PERSONNEL SAFETY DESK

21. Have a number assigned to report, upon receipt.
    a. Numbers will start with 0001 for the first incident reported each year.

NOTE *The Personnel Safety Desk will maintain a chronological file of all reported vehicle pursuits.*

22. Have a copy of report forwarded to:
    a. Commanding Officer, Driver Education and Training Unit
    b. Personnel Services Unit.

PERSONNEL SERVICES UNIT

23. Have report placed in the personal folder of officers involved.

DIRECTOR, INFORMATION TECHNOLOGY SERVICES DIVISION

24. Prepare and forward a monthly report of <u>all</u> vehicle pursuits to the appropriate Borough Safety Officer.

BOROUGH SAFETY OFFICER

25. Insure that a vehicle pursuit report has been prepared for all pursuits identified by Communications Section.
26. Review and report data regarding vehicle pursuits to patrol borough commanding officer.

ADDITIONAL DATA *The following tactics are generally prohibited and should not be used in an attempt to stop a vehicle:*

a. Ramming
b. Placing moving Department vehicle in a position to be struck by the pursued vehicle
c. Driving alongside the pursued vehicle
d. Roadblocks (unless specifically directed by supervisory personnel).

ADDITIONAL DATA (continued)

If a vehicle is being used in a vehicle ramming attack, uniformed members of the service will take reasonable measures to stop the vehicle.

Any violations of the above prohibitions may be reviewed on a case-by-case basis by the Use of Force Review Board to determine whether, under the circumstance, the actions were reasonable and justified. The review may find that, under exigent or exceptional circumstances, the use of a prohibited action may have been justified and within guidelines (i.e., a "vehicle ramming attack" is the type of extraordinary event that this clause is intended to address. The objectively reasonable use of deadly physical force to terminate a mass casualty event would be legally justified and within Department guidelines).

Unmarked Department vehicles will limit pursuits.

Department vans and scooters (2 and 3 wheel) will not be used in pursuits.

Two wheel motorcycles will limit pursuits and terminate pursuit when a four wheel Department vehicle has joined pursuit.

RELATED PROCEDURES

Vehicle Collisions - General Procedure (P.G. 217-01)
Vehicle Collisions Which Result in Death, Serious Injury and Likely to Die, or Critical Injury (P.G. 217-02)

FORMS AND REPORTS

SUPERVISOR'S COMPLAINT REPORT (PD468-123)
VEHICLE PURSUIT REPORT (PD371-153)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-16	
VEHICLE CHECKPOINTS			
DATE ISSUED: 01/28/21	DATE EFFECTIVE: 01/28/21	REVISION NUMBER:	PAGE: 1 of 4

PURPOSE To establish the criteria by which members of the service can conduct a safe, legal, and effective vehicle checkpoint program.

SCOPE Authorized checkpoints must be designated by the commanding officer of a patrol borough, Traffic Operations District, precinct, police service area, transit district, highway district/unit, or Strategic Response Group, and overseen by uniformed personnel. Motor vehicle operators are to be stopped in a non-arbitrary manner (e.g., every third vehicle, etc.), as directed by the commanding officer concerned, and appropriately documented on a **VEHICLE CHECKPOINT FORM (PD371-143)**. Unauthorized or non-compliant checkpoints are prohibited.

Vehicle checkpoints must be set up to include adequate warnings to motorists of their existence. Uniformed members of the service assigned to the checkpoint may lawfully establish reasonable temporary restrictions on movement of vehicles in order to facilitate the flow of vehicular traffic through the checkpoint (e.g., prohibit parking, standing, stopping, or turning, etc.) by such means as signs, barriers, traffic cones, etc. A motorist who violates these temporary restrictions or any other traffic rule may similarly be stopped. An example would be a motorist, who after entering a checkpoint, attempts to avoid it by backing their vehicle out.

It should be emphasized that motorists who avoid a checkpoint by lawful means may not be stopped. If police have not blocked off a side street within a checkpoint, and a motorist turns down it, the motorist may not be stopped unless another lawful reason exists to stop the motorist.

DEFINITION VEHICLE CHECKPOINT – A vehicle checkpoint is a temporary site on a roadway that impedes the normal flow of traffic for the systematic stop and inspection of driven vehicles. Unlike routine car stops, uniformed members of the service are not required to articulate an individualized suspicion for each vehicle stopped pursuant to a vehicle checkpoint. Checkpoints are only to be used for inquiry into vehicle and/or driver documentation, driving under the influence, or for any emergency exceptions.

PROCEDURE Whenever a vehicle checkpoint is to be established:

COMMANDING OFFICER CONCERNED

1. Establish vehicle checkpoints for the primary purpose of a DWI check or vehicle safety check. Vehicle checkpoints for all other purposes other than in emergency circumstances cannot be conducted without prior written approval from the Deputy Commissioner, Legal Matters.
2. Prepare **VEHICLE CHECKPOINT FORM.**
3. Ensure the **VEHICLE CHECKPOINT FORM** is affixed to the interior right side of a legal size manila file folder.

COMMANDING OFFICER CONCERNED (continued)

4. Give the directive and file folder to the supervisor in charge of the checkpoint and discuss tactics and safety concerns.
5. Ensure that safety equipment is utilized when warranted and ordered from the Quartermaster Section, when necessary.

NOTE *If the vehicle checkpoint is established by a command other than a precinct, the commanding officer concerned shall confer with the precinct concerned before implementing the checkpoint.*

SUPERVISOR IN CHARGE OF CHECKPOINT

6. Comply with the captions on the **VEHICLE CHECKPOINT FORM** as completed by the commanding officer.
7. Discuss tactics, including appropriate and lawful questioning techniques, and apprise personnel of the primary purpose of the operation.
8. Ensure personnel are familiar with and have reviewed the contents of the **VEHICLE CHECKPOINT FORM** as provided by the commanding officer.
9. Remain at the checkpoint location for the entire operation.

NOTE *Supervisors in charge of vehicle checkpoints are reminded that the safety of the public and members of the service is paramount. Reflective vests or luminous traffic belts are to be worn during hours of darkness. Additionally; safety equipment, including turret lights, flares, traffic cones, signs, and/or barriers will be utilized to enhance safety and to warn motorists of the existence of the checkpoint.*

10. Utilize at least two Department vehicles while conducting the checkpoint and employ appropriate safety equipment.
11. Assign a "point person", in the rank of police officer, whose sole responsibility is to maintain the commanding officer's established procedure for stopping vehicles and to advise the vehicle operators that their vehicles are being stopped, and the reason why.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO CHECKPOINT

12. Stop vehicles as directed by the supervisor in charge of the vehicle checkpoint.
13. Courteously and clearly identify yourself by stating your rank, name, shield number and command.
14. Provide explanation of the purpose of the vehicle checkpoint, unless such explanation will impair investigation.

NOTE *After stopping a vehicle, it is permissible to request the driver's license, registration, and insurance card. It is also permissible to conduct a license and VIN check. The VIN check must be conducted from the outside of the car. Reaching inside the car to uncover the VIN plate is not permitted even if the VIN plate is covered or obstructed; however, the member may request that the motorist uncover the VIN plate. Additionally, the driver's failure to produce a license or insurance card does not provide the basis to enter the car and conduct a further search. However, the driver's failure to produce a license or insurance card does allow for the issuance of a summons or other appropriate enforcement action. If the documentation produced is appropriate, the driver must be allowed to proceed unless reasonable suspicion is developed during the stop.*

NOTE (continued) *Do not request consent to search unless you have at least a founded suspicion of criminality (Level 2 Encounter – Common Law Right of Inquiry) in accordance with the provisions of P.G. 212-11, "Investigative Encounters: Requests for Information, Common Law Right of Inquiry and Level 3 Stops."*

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO CHECKPOINT (continued)

15. Take summary action, when necessary.
16. Offer vehicle operator a **RIGHT TO KNOW BUSINESS CARD (PD142-012)** or **RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)**.
    a. Comply with *P.G. 203-09, "Public Contact – General,"* as appropriate.
17. Record the identity (e.g., name, address, telephone, etc.) and statements of witnesses in digital **Activity Log**, whenever an arrest is made in connection with a vehicle checkpoint.

NOTE *If as a result of the vehicle checkpoint, an arrest is effected, the **VEHICLE CHECKPOINT FORM** prepared for that particular vehicle checkpoint shall be reproduced for the District Attorney's Office.*

SUPERVISOR IN CHARGE OF CHECKPOINT

18. Ensure that a record is kept of:
    a. The number of summonses issued;
    b. The number of arrests made;
    c. The number of vehicles stopped; and
    d. Any other information relevant to the checkpoint.
19. Complete the remaining sections of the **VEHICLE CHECKPOINT FORM** at the conclusion of the vehicle checkpoint.
20. Record other pertinent information in digital **Activity Log**.
21. Deliver the completed file folder to the commanding officer of command conducting checkpoint.
    a. Vehicle checkpoints will be sequentially numbered beginning with the number one at the beginning of each calendar year.
    b. Forward copy of **VEHICLE CHECKPOINT FORM** to commanding officer, precinct concerned.

CLERICAL STAFF

22. Maintain files as per Department retention schedule.

ADDITIONAL DATA *In case of inclement weather the supervisor in charge may cancel the vehicle checkpoint. Furthermore, traffic congestion and other risk factors may also be taken into consideration when determining whether or not a checkpoint should remain in place. In any event, regardless of conditions, a vehicle checkpoint should not exceed two hours at a location. Commanding officers may draft specific procedures for vehicle checkpoints that meet the needs of their command, using this general procedure as a guide. When appropriate, written material such as flyers, or pamphlets related to the purpose of the checkpoint shall be distributed to motorists who are stopped.*

RELATED PROCEDURES *Public Contact – General (P.G. 203-09)*

FORMS AND REPORTS ***RIGHT TO KNOW BUSINESS CARD (PD142-012)***
RIGHT TO KNOW BUSINESS CARD – GENERAL (PD142-013)
VEHICLE CHECKPOINT FORM (PD371-143)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-17	
SEARCH WARRANT EXECUTION			
DATE ISSUED: 07/10/18	DATE EFFECTIVE: 07/10/18	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To provide the guidelines necessary when executing a search warrant:

PROCEDURE Upon obtaining a search warrant:

UNIFORMED MEMBER OF THE SERVICE CONCERNED

1. Submit the following to commanding officer:
   - **a.** ***Search Warrant***
   - b. ***Search Warrant Affidavit***, if available
   - c. **Typed Letterhead** prepared by supervisor reviewing initial application as directed by *P.G. 212-75, "Search Warrant Applications."*

CAPTAIN OR ABOVE, UNIT/ COMMAND EXECUTING WARRANT

2. Ensure that search warrants are only executed between 0600 and 2100 hours, unless the issuing court specifically authorizes nighttime execution.
3. Ensure that search warrants are executed within ten calendar days of date of issuance, including weekends and holidays.
   - a. Notify Intelligence Bureau, Sensitive Data, by telephone, if the search warrant expires before its execution.
4. Ensure that the **WARRANT TRACKING SYSTEM–PRE-WARRANT DATA ENTRY FORM (PD374-143)** has been prepared and faxed or e-mailed to the Intelligence Bureau, Sensitive Data Unit for input into the centralized search warrant database; AND an Intelligence Data System (IDS) record number has been obtained. (See *ADDITIONAL DATA* section "*Notification to the Intelligence Bureau, Sensitive Data Unit*" for special procedures and exceptions).
   - a. Confirm receipt of **WARRANT TRACKING SYSTEM–PRE-WARRANT DATA ENTRY FORM** by the Intelligence Bureau, Sensitive Data Unit.
5. Ensure that all information used to obtain search warrant is still valid, including:
   - a. Re-interviewing any confidential informants/civilian witnesses
   - b. Verifying target location prior to execution
   - c. Any other elements of probable cause contained in the **Search Warrant Application** are still valid.
6. Evaluate any circumstances that suggest the search warrant must be executed as soon as possible (e.g., a large cache of firearms or drugs is present and is about to be moved).
7. Notify Operations Unit of the following:
   - a. Bureau/command responsible for securing and executing warrant
   - b. Time and location of tactical meeting
   - c. IDS record number.
8. Comply with *P.G. 221-11, "Guidelines and Approval Process Pertaining to the Use of Distraction Devices,"* when use of a distraction device (e.g., flash bang) is contemplated.

CAPTAIN OR ABOVE, UNIT/ COMMAND EXECUTING WARRANT (continued)

9. Make necessary notifications to commands and/or bureaus affected as outlined in *ADDITIONAL DATA* section, "*Protocol For Executing Warrants Outside of Command of Origin*."
   a. Document notifications in case folder.
10. Designate a member to prepare a **SEARCH WARRANT PLAN PRE-EXECUTION (PD 374-150)**, commonly referred to as a "Tactical Plan."
11. Conduct a tactical plan briefing with all units concerned.
    a. Ensure that all members involved in the execution of the warrant are present.
    b. Review the warrant and ensure that all members understand its scope and any special instructions listed thereon.
    c. Carefully consider and inform participants of any conditions that may have changed since the warrant was issued.
    d. Designate the assignment of personnel, including search responsibilities, recording responsibilities, security, hospital auto, etc.
    e. Ensure that hazards and special considerations are discussed and thoroughly understood.
    f. Review the intended use of specialized tools and tactical devices.
    g. Detail the specific duties of Emergency Service Unit personnel, if utilized.
    h. Ensure firearms control.
    i. Have members articulate their roles in the execution to be certain they understand their duties and responsibilities.

EXECUTION OF THE WARRANT

CAPTAIN OR ABOVE, UNIT/ COMMAND EXECUTING WARRANT

12. Notify the patrol borough duty captain of the pending search warrant execution.
13. Personally supervise the execution of the search warrant according to the tactical plan, ensuring that:
    a. Entry team announces authority and purpose to occupant of premises unless the issuing judge endorsed warrant for "no-knock" execution.
14. Obtain medical attention if necessary.
15. Notify Chief of Department immediately, through the Operations Unit, when an unusual circumstance is encountered (e.g., warrant executed at an incorrect location, etc.).
16. Strictly limit access to the uniformed members of the service designated as the search team after the target premises has been rendered safe.
17. Seize contraband or evidence not specified in the warrant pursuant to the "Plain View Doctrine" (see Legal Bulletins Vol. 13, No. 5 and Vol. 17, No. 6 for an explanation of the "Plain View Doctrine") if:
    a. The incriminating nature of the seized item is immediately apparent, and
    b. The discovery of the item is inadvertent.

CAPTAIN OR ABOVE, UNIT/ COMMAND EXECUTING WARRANT (continued)

18. Secure premise.
    a. Ensure that any door damaged during the course of a warrant execution is secured/repaired prior to the release of the premises from police custody, regardless of the outcome of the search warrant.
    b. Ensure *P.G. 214-20, "Repair of Entrances Damaged During Forced Warrant Entry into Wrong Premises or During an Entry Made During Exigent or Other Unusual Circumstances"* is complied with when necessary.
19. Ensure before and after photos are taken of premises to record any corrective action taken and final condition of premises.
20. Remain at scene until all prisoners are removed from premises.
21. Ensure that an appropriate supervisor is designated to oversee the orderly and methodical search of the premise as authorized in the search warrant prior to leaving the scene.
22. Notify the Operations Unit of results.

UNIFORMED MEMBER OF THE SERVICE

23. Show a copy of the search warrant, upon request, safety permitting.
    a. In New York State, members of the service do not have a legal obligation to show an occupant of a premise a copy of a search warrant unless requested to do so, safety permitting.
24. Prepare **PROPERTY CLERK INVOICE (PD521-141)** for any property seized.
25. Prepare two detailed copies of **Receipt for Property Taken Under Search Warrant (Court Form 155)**.
    a. Deliver one copy to occupant or leave in a conspicuous place if occupant is not present.
    b. File second copy with affidavit.
26. Prepare the required **WARRANT TRACKING SYSTEM–POST-WARRANT DATA ENTRY FORM (PD374-143A)** and submit to the Intelligence Bureau, Sensitive Data Unit via fax or email, no later than fifteen days after the date that the search warrant was issued whenever a search warrant is executed or has expired and was not executed.
    a. Confirm receipt of **WARRANT TRACKING SYSTEM–POST-WARRANT DATA ENTRY FORM** by the Intelligence Bureau, Sensitive Data Unit by telephone.

CLERICAL STAFF

27. Return warrant and copy of **PROPERTY CLERK INVOICE** listing property seized, to issuing court, without unnecessary delay.
28. Prepare **SEARCH WARRANT PLAN POST-EXECUTION (PD374-150A).**

ADDITIONAL DATA

NOTIFICATIONS TO THE INTELLIGENCE BUREAU, SENSITIVE DATA UNIT

The notification to the Intelligence Bureau, Sensitive Data Unit shall apply to all units obtaining search warrants (Patrol Services, Detective Bureau, Joint Task Forces, etc.). However, should a specific legal concern arise with respect to entering search warrant information into the database, the member concerned shall confer with the Legal Bureau prior to contacting the Intelligence Bureau, Sensitive Data Unit. In the event the advice

ADDITIONAL DATA (continued)

is provided by the Legal Bureau not to make data entry, such consultation shall be noted in the case file along with the specific basis for the advice, e.g., Grand Jury action. Additionally, in situations where a search warrant is based on extremely sensitive information, e.g., counterterrorism, internal investigations, etc., in order to exclude the search warrant from inclusion in the database, the member of the service must receive written permission from the Bureau Chief/Deputy Commissioner concerned. This documentation will be included in the case file.

In instances where a member of this Department, assigned to specialized units including but not limited to a Joint Task Force or a District Attorney's Office Squad, may participate in the execution of a search warrant but not be an affiant to a search warrant application affidavit, such member is required to follow the contents of this procedure. If a member of this Department, assigned to a Joint Task Force, etc., is directed by a supervisor from another agency not to make the notifications required by this directive, such member shall immediately notify the Bureau Chief/Deputy Commissioner concerned.

<u>PROTOCOL FOR EXECUTING WARRANTS OUTSIDE OF COMMAND OF ORIGIN</u>

Whenever a unit from any bureau executes a search warrant, the precinct commander (and P.S.A. commander if a Housing Authority location is involved) having geographical jurisdiction where the warrant is being executed, must be notified at least 24 hours prior to the tactical briefing. Additionally, the patrol borough commanding officer/executive officer where the search warrant is being executed must be notified at least 24 hours prior to the tactical briefing.

If warrant is to be executed by a Patrol Services Bureau command in another patrol borough, the approval of <u>both</u> borough commanding officers is necessary. In the event of a disagreement, the Chief of Patrol will make the final determination. When a command in any other bureau is executing a search warrant in another jurisdictional borough, the executive officer/counterpart of that borough must be consulted with (e.g., Manhattan North Narcotics is applying to execute a search warrant in the Bronx, the executive officer/counterpart of Manhattan North Narcotics will consult with the executive officer/counterpart of Bronx Narcotics).

In all cases, specialized units (i.e., Narcotics Borough concerned, Firearms Investigation Unit, etc.) will be conferred with prior to the execution of a warrant when the subject of the warrant falls within their functional jurisdictions.

Excluding exigent circumstances, the aforementioned notifications will be made at least 24 hours prior to the tactical meeting. The exact location of the proposed search warrant execution will be revealed only on a need to know basis to ensure safety and to avoid compromising the pending operation.

When a search warrant is executed by a unit outside its normal geographical area of responsibility, the command where the search warrant is being executed will provide liaison personnel to assist in the planning and execution of the search warrant.

ADDITIONAL DATA (continued)

INVESTIGATIONS UNITS

All Patrol Boroughs, Transit Bureau, Housing Bureau and Detective Bureau will ensure their respective investigations units conduct periodic inspections of pre-operational tactical meetings to assess their adequacy and completeness.

RELATED PROCEDURES

Confidential Informants (P.G. 212-68)
Repair of Entrances Damaged During Forced Warrant Entry into Wrong Premises or During an Entry Made During Exigent or Other Unusual Circumstances (P.G. 214-20)
Search Warrant Applications (P.G. 212-75)
Search Warrant Post-Execution Critique (P.G. 212-106)
Guidelines and Approval Process Pertaining to the Use of Distraction Devices (P.G. 221-11)

FORMS AND REPORTS

SEARCH WARRANT PLAN PRE-EXECUTION (PD 374-150)
SEARCH WARRANT PLAN POST-EXECUTION (PD374-150A)
WARRANT TRACKING SYSTEM – PRE-WARRANT DATA ENTRY FORM (PD374-143)
WARRANT TRACKING SYSTEM – POST-WARRANT DATA ENTRY FORM (PD374-143A)
PROPERTY CLERK INVOICE (PD521-141)
Search Warrant
Search Warrant Application
Search Warrant Affidavit
Typed Letterhead
Receipt for Property Taken Under Search Warrant (Court Form 155)

PURPOSE To inform uniformed members of the service of circumstances under which the Department's canine teams may be utilized.

SCOPE AUTHORIZED TACTICAL USES: PATROL CANINES

a. Search buildings where a possible break-in is indicated or where a suspect may be hiding, providing non-suspects are not present in the building.
b. Track suspects or missing persons.
c. Locate lost/abandoned articles or hidden implements of crime.
d. Assist in effecting arrest or preventing escape of person who police officer has probable cause to believe committed a felony.
e. Protect police officers and other persons from injury and death.
f. Assist in the service of arrest/search warrants.
g. Safeguard police equipment and designated facilities, as needed.
h. Perform cadaver searches for deceased humans or body part(s).
i. Locate persons trapped or buried in a building collapse or search and rescue situation.
j. Perform searches for felony suspects within the transit system, including subway tracks.

NOTE *Tactical use of canine teams not specifically authorized is prohibited without prior approval of the borough commander concerned.*

PROCEDURE When necessary to request utilization of a Department canine team:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor to respond to the scene.

NOTE *Canine teams are available for duty upon request from any command/unit within the Department.*

PATROL SUPERVISOR

2. Determine if circumstances warrant use of canine team.
3. Request response of canine team through radio dispatcher.
4. Consult with canine handler(s) prior to directing the tactical use of canine team(s) to determine if required task can be performed.
5. Establish appropriate perimeter around area to be searched.
   a. Avoid contamination of the scene with human scent created by the presence of unnecessary persons, including police personnel, when searching a building or tracking.
6. Notify commanding officer/duty captain concerned of any incident of physical injury caused by a canine.
   a. Comply with *P.G. 221-03*, "*Reporting and Investigation of Force Incident or Injury to Persons During Police Action*."

UNIFORMED MEMBER HANDLING CANINE

7. Notify member's commanding officer/duty captain and canine supervisor immediately when canine injures anyone or is involved in any incident that may cause civil liability to the City of New York, on or off-duty, regardless of incident location.

PRECINCT COMMANDER/ DUTY CAPTAIN CONCERNED

8. Investigate any incident of physical injury caused by a canine.
   a. Comply with *P.G. 221-03,* "*Reporting and Investigation of Force Incident or Injury to Persons During Police Action*."
9. Ensure immediate notifications are made to canine supervisor/coordinator after any canine incident.
10. Prepare report on **Typed Letterhead** detailing tactical uses of canine teams within the command and maintain appropriate records.
    a. Forward copy of report to canine coordinator through the Special Operations Division.

NOTE *The precinct commanding officer or duty captain assigned will supervise the preparation of written reports of canine incidents resulting in injuries to anyone, other than the handler. A copy of such report will be forwarded to the canine coordinator through the Special Operations Division.*

11. Determine if request(s) for extra-jurisdictional tactical use of canine teams are proper.
    a. Request approval of patrol borough commander.
    b. Make required notifications.

ADDITIONAL DATA *Canine teams will not be used for crowd control or as a deterrent at peaceful demonstrations. Request for use of canine teams at other than peaceful demonstrations requires the prior approval of the Chief of Patrol.*

The Canine Program is under the jurisdiction of the Patrol Services Bureau with program staff supervision and training provided by the Commanding Officer, Special Operations Division.

Any requests for canine team services from agencies outside this Department will be directed to the Operations Unit.

AUTHORIZED USES: DEPARTMENT BLOODHOUNDS

A bloodhound has the unique ability to discriminate between scents and usually will not be sidetracked by other scents crossing a search path. When a scent is fresh, a patrol canine will normally be sufficient to perform the search and should be utilized first.

When it is determined that a search for a live person(s) requires the unique scent discrimination ability of a bloodhound and the search cannot be handled by a patrol canine, a request will be made to the Operations Unit which will transmit the request to the bloodhound handler. The determination and request will be made by a supervisor from the Special Operations Division or Emergency Service Unit on the scene after consultation with the duty captain and a uniformed member of the Canine Unit.

ADDITIONAL DATA (continued)

Prior to requesting a Department bloodhound, it must be determined that a good, uncontaminated scent article has been identified and will be safeguarded until the arrival of the bloodhound handler. The article is not to be handled by anyone, including members of the service. If it must be moved or collected, consult with a canine handler for instructions prior to removal. Scent articles can consist of any uncontaminated material (blood, clothing, etc.) that has been recently in contact with the person being sought. Washed clothes are not acceptable.

A bloodhound will only trail from an uncontaminated scent article toward a person (living or dead). They are not trained to trail from a person (living or dead) to the origin of the trail (backtrack).

Uniformed members of the service requesting a bloodhound should be aware that the bloodhound handler does not have the same protection as a patrol canine handler since a bloodhound is trained to track only, and will not defend the handler or assist in apprehending a subject.

RELATED PROCEDURES

Reporting and Investigation of Force Incident or Injury to Persons During Police Action (P.G. 221-03)

FORMS AND REPORTS

Typed Letterhead

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-19	
THREATS AGAINST MEMBERS OF THE SERVICE			
DATE ISSUED: 03/18/19	DATE EFFECTIVE: 03/18/19	REVISION NUMBER:	PAGE: 1 of 6

PURPOSE To ensure that threats against uniformed members of the service are documented and investigated properly.

PROCEDURE Whenever a uniformed member of the service receives or is notified of a threat to the member concerned or to any other uniformed member of the service:

MEMBER OF THE SERVICE RECEIVING THREAT

1. Attempt to gather as much information as possible regarding the identity of:
   a. Uniformed member of the service being threatened, and
   b. Person making the threat.

IF THREAT IS RECEIVED BY TELEPHONE:

MEMBER OF THE SERVICE RECEIVING THREAT

2. Attempt to keep the caller on the line as long as possible and record:
   a. Telephone number of the telephone on which the threat has been received
   b. Exact time the call commenced and terminated.
3. Attempt to obtain from caller as much information as possible, including:
   a. Name of threatened uniformed member of the service
   b. All information regarding the member concerned known by the caller
   c. Motive or reason for threat
   d. Manner in which the threat is to be carried out
   e. Identity of caller (including any nickname or street name)
   f. Location from which the call is being made.
4. Inquire if threatened uniformed member has arrested the caller and/or if caller has been previously arrested.
   a. Attempt to ascertain date and place of previous arrest or any incident of contact between the caller contact and threatened member, if applicable.
5. Be alert for any identifiable background noises that may pinpoint the location of the call, while engaged in conversation with the caller.

NOTE *If available and time permits, recording devices should be utilized to record a threat received by telephone, or any part thereof. In addition, in all cases of threats received by telephone, available features such as "*57" and "*69" should be utilized immediately after contact is broken. The "*57" feature instructs the telephone company computer to "trap" and make a record of the originating telephone number of the immediately preceding call. The number can then be retrieved by an investigator through contact with the NYNEX Security Office. The "*69" feature automatically dials the originating telephone number of the immediately preceding call. This feature allows re-establishment of the connection in the event of a hang-up, thereby providing another opportunity to gather further information from the caller. These features do not operate on telephones that require an access code to obtain an outside line (i.e., dialing "9").*

IF THREAT IS RECEIVED IN WRITING

MEMBER OF THE SERVICE RECEIVING THREAT

6. Avoid unnecessary handling of envelope, if any, or document.
7. Place document into plastic security envelope as soon as possible.
   a. Preserve for fingerprints and/or handwriting analysis, as appropriate.

NOTE *If biological evidence appears to be present, item should be placed into a paper envelope or other suitable paper container. Do not write on the container after the evidence or item has been placed therein.*

8. Record:
   a. Whether document was delivered by U.S. Mail or other delivery service
   b. Identity, if possible, of postal service or delivery service employee.
9. Ascertain all available pedigree information, if delivered by private individual.
   a. Interview individual to ascertain origin of writing, including complete description of person from whom the writing was obtained, if applicable.

IF THREAT IS RECEIVED BY FAX

MEMBER OF THE SERVICE RECEIVING THREAT

10. Record:
    a. Precise date and time of receipt
    b. Telephone number of receiving FAX machine.
11. Obtain transmission report from FAX machine, if machine is so equipped.

IF THREAT IS MADE IN PERSON

MEMBER OF THE SERVICE RECEIVING THREAT

12. Ascertain all available information from the individual making the threat including:
    a. Identity of uniformed member of the service threatened
    b. Motivation of the threat
    c. Full pedigree of threatener.

NOTE *If individual making the threat is not in custody at time of threat, and there is probable cause to believe the threatener has committed a crime, effect summary arrest and immediately notify supervisor of circumstances.*

13. Notify supervisor immediately, whenever a threat is received as outlined in steps 1 through 12, above.

SUPERVISORY MEMBER

14. Have threatened uniformed member notified of occurrence if threatened member is not the receiving member.

NOTE *If threatened member is off duty at time of threat, the threatened member will be directed to contact the precinct detective squad concerned, as soon as possible, and the Intelligence Bureau, Criminal Intelligence Section immediately (available twenty-four hours a day) for debriefing and assessment of threat precautions to be implemented, if necessary.*

SUPERVISORY MEMBER (continued)

15. Direct all involved persons to remain at scene or report to stationhouse for debriefing.
16. Direct preparation of **COMPLAINT REPORT (PD313-152)** and refer **REPORT**, if necessary (see "NOTE," following step 37).
    a. Do not include information regarding the identity and residence of the threatened uniformed member of the service in the **COMPLAINT REPORT**.
    b. Mark **COMPLAINT REPORT** as "OPEN," in all cases and refer to precinct detective squad for further investigation.
17. Notify the following of occurrence:
    a. Precinct commanding officer/duty captain,
    b. Precinct detective squad, and
    c. Intelligence Bureau, Public Security Section.
18. Prepare report, on **Typed Letterhead**, addressed to the Chief of Department, detailing:
    a. Circumstances of threat
    b. Identity and other pertinent information regarding threatener
    c. Identity of uniformed member threatened.
19. Forward copies of report, as follows:
    a. One copy - DIRECT
    b. One copy - THROUGH CHANNELS
    c. One copy and copy of **COMPLAINT REPORT** to Intelligence Bureau, Public Security Section - DIRECT.

ASSIGNED DETECTIVE

20. Interview all persons involved in threat including:
    a. Receiving member of the service
    b. Threatened uniformed member of the service, if other than receiving member
    c. Any person involved in the delivery of the threat, i.e., U.S. Postal Delivery person, or person receiving telephone threat, or person acting as an informant, etc.
    d. Arrested or suspected threatener.
21. Conduct full background check of all principals involved, i.e., criminal history and warrant status of suspected threatener, arrest activity of threatened member of the service, etc.

DETECTIVE ASSIGNED, PUBLIC SECURITY SECTION

22. Respond to command of occurrence in cases where a specific uniformed member or group of members have been named as the target of the threat.
23. Review all reports in connection with incident.
24. Interview threatened uniformed member of the service.
25. Assess threat potential.
    a. Make preliminary recommendation regarding protective measures to ensure personal safety of threatened member.
26. Notify commanding officer concerned of preliminary recommended precautions.

NOTE *Preliminary recommendations made by detectives assigned to the Public Security Section regarding protective measures to be afforded to threatened uniformed members of the service include, but are not limited to:*

a. Providing a panic alarm, in appropriate cases
b. Providing a Department portable radio covering the frequency of the residence precinct of the member concerned
c. Establishing a system of directed patrol to the residence or other relevant location.

The precinct commander/duty captain will determine which of the recommendations, if any, are to be implemented, and allocate patrol personnel and resources accordingly. In addition, in appropriate cases, the precinct commanding officer should consider including the residence address of a threatened uniformed member of the service for inclusion on the Hazardous/Sensitive Location List, in accordance with A.G. 316-35, "Hazardous/Sensitive/ Hazardous Material Locations."

DETECTIVE ASSIGNED, PUBLIC SECURITY SECTION

27. Conduct follow-up investigation/assessment of threat.
    a. Determine if:
        (1) Threatened uniformed member has been the subject of previous threats
        (2) Threatener has made previous threats against uniformed members of the service
        (3) Threatener is a member of an identified criminal gang, group or association
        (4) Threat emanates from enforcement activity and motivation of threat.
28. Forward follow-up recommendations regarding security measures to Commanding Officer, Public Security Section.

COMMANDING OFFICER, PUBLIC SECURITY SECTION

29. Review recommended personal security measures.
    a. Forward, with additional recommendations if any, to Commanding Officer, Intelligence Bureau.

COMMANDING OFFICER, INTELLIGENCE BUREAU

30. Review recommended personal security measures.
    a. Forward final recommendations for protective measures to be implemented to commanding officer of member concerned and commanding officer of member's resident precinct, if appropriate.
    b. Consult with borough commander/counterpart of threatened member, where appropriate.
31. Direct periodic review and re-assessment of threat and personal protective measures by Public Security Section, as necessary.

BOROUGH COMMANDER/ COUNTERPART

32. Monitor progress of on-going investigations.
33. Consult with Commanding Officer, Intelligence Bureau, regarding continuing personal protective measures afforded uniformed members residing or assigned within borough.

BOROUGH COMMANDER/ COUNTERPART (continued)

34. Develop and coordinate, when appropriate, all necessary Departmental resources and/or targeted enforcement strategies to aid the investigation and protect the threatened member.
35. Coordinate use of all appropriate resources, including but not limited to, Detective Bureau, Fugitive Enforcement Division, Strategic Response Group and other patrol and specialized resources to attack the condition, criminal organization or enterprise from which the threat emanates, if applicable.

DETECTIVE ASSIGNED, PUBLIC SECURITY SECTION

36. Assist assigned detective in all phases of investigation.
37. Continue investigation until case is closed by arrest or otherwise.

NOTE *Upon conferral with the detective borough commander, a precinct detective squad commander may, in appropriate circumstances, refer an investigation of a threat to a uniformed member of the service to the Intelligence Bureau, Public Security Section. Upon such referral, the Public Security Section will assume both investigative and assessment responsibility, until final closure of the case.*

ADDITIONAL DATA *The continued safety of the member concerned is the first priority in any case involving a threat to a uniformed member of the service. Therefore, the* ***COMPLAINT REPORT*** *will be filed and primary investigative jurisdiction will be vested in the New York City precinct that bears the closest connection to the target of the threat, regardless of the location from which the threat originates or is received. For example, a telephonically transmitted threat targeting the on duty enforcement activities of a uniformed member of the service will be investigated, and the* ***COMPLAINT REPORT*** *filed, in the targeted uniformed member's precinct of assignment, regardless of the location of origin or receipt of the threat. In threat cases arising from the targeted uniformed member's off duty conduct, jurisdiction will be placed in the New York City precinct of residence, if the uniformed member resides within the City.*

In cases where the threat is not related to the targeted uniformed member's on duty activities, and the targeted uniformed member does not reside within the City, jurisdiction will be placed in the New York City precinct from which the threat originates (i.e., where the telephone call was made or the letter was mailed or in which received (i.e., where the letter is delivered or where the call is received). If both the location of origination and the location of receipt are within the City, the location of origin will take priority.

In cases where the threat neither originates nor is received within the City of New York, and the targeted uniformed member does <u>not</u> reside within the City, the Intelligence Bureau, Public Security Section, will be responsible for monitoring the investigation conducted by the police agency with jurisdiction and for coordinating the Department's assistance with the investigating agency.

ADDITIONAL DATA (continued)

The assigned member of the precinct detective squad bears the primary responsibility for the continuing investigation of the threat case until closure or referral. Intelligence Bureau, Public Security Section personnel will act in a support capacity with respect to the investigatory aspects of the case, and are available to offer investigative support and expertise.

In all cases, the Intelligence Bureau, Public Security Section, bears primary responsibility to evaluate the severity of the threat to the personal safety of the threatened uniformed member and to make recommendations regarding the protective measures necessary to ensure the safety of the threatened uniformed member to the greatest extent practicable. In all cases, recommendations regarding security measures are to be implemented by the commanding officer of the member concerned, and the commanding officer of the residence precinct of the member concerned, as appropriate, after conferral with the patrol borough commander/counterpart and the Commanding Officer, Intelligence Bureau, or as directed by higher authority.

*Whenever a person is arrested for threatening, harassing or menacing a uniformed member of the service, an elected official or any other city, state or federal employee a **DESK APPEARANCE TICKET** will **NOT** be issued. The arrest will be processed on-line.*

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)
Hazardous/Sensitive/Hazardous Material Locations (A.G. 316-35)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
DESK APPEARANCE TICKET (PD260-121)

PATROL GUIDE

Section: Tactical Operations		Procedure No: 221-20	
CONFRONTATION SITUATIONS			
DATE ISSUED: 09/10/20	DATE EFFECTIVE: 09/10/20	REVISION NUMBER:	PAGE: 1 of 5

PURPOSE To safely resolve confrontations between members of the service, both on and off duty.

SCOPE The type and circumstances of encounters between members of the service - whether in uniform or civilian clothes, both on and off duty - are so varied that they defy all-encompassing guidelines. In such encounters, the actions of the members in the first few seconds are of vital importance. It must be absolutely clear in the minds of all members of the service that in any confrontation, the burden of proving identity rests on the CONFRONTED OFFICER whether on or off duty. The CHALLENGING OFFICER, however, also has a responsibility to use sound tactics and judgment in approaching the situation.

DEFINITIONS CHALLENGING OFFICER – For the purpose of this procedure, the uniformed member of the service who comes upon the scene where an unidentified person states he/she is a police officer or whose actions may indicate he/she is taking police action (i.e., on duty or off duty uniformed member of the service or an enforcement officer from an outside criminal justice agency).

CONFRONTED OFFICER – The uniformed member of the service (usually civilian clothed) either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.

ESTABLISHING/MAINTAINING FIREARMS CONTROL – Uniformed members of the service (UMOS) will not discharge firearms against a person except to protect UMOS and/or the public from imminent serious physical injury or death. Utilize situational awareness to recognize and take immediate action to communicate and correct tactical concerns related to the use of firearms. Ensure muzzle and trigger finger discipline at all times. When possible, avoid crossfire situations and mass reflexive response while maintaining distance and cover from the threat(s).

CROSSFIRE – The unintentional placement of any person, including members of the service and bystanders, who are not the lawful subject of deadly physical force, in a position where they may be injured as the result of a firearms discharge. When faced with a threat of deadly physical force, members of the service must be cognizant of their own position and the position of other responding officers, the possibility that they may misidentify another member of the service or that they may be misidentified, and the possibility of mass reflexive response, and take all reasonable steps to mitigate these risks. Members of the service will not discharge a firearm when doing so will unnecessarily endanger innocent persons.

DEFINITIONS (continued)

CROSSFIRE AWARENESS – Being aware of the location of a threat(s) and what is in front of, around, and behind it. Upon arrival at the scene of an incident, and throughout the encounter, UMOS should always attempt to take a position that limits the chances of placing themselves, other UMOS, or innocent bystanders in the line of fire. Upon becoming aware of crossfire circumstances, immediately communicate that awareness to other UMOS at the scene by stating "crossfire."

PROCEDURE

When on duty personnel, whether uniformed or civilian clothed, respond to a scene and challenge an unidentified person who may be an on duty or off duty uniformed member of the service or an enforcement officer from an outside criminal justice agency:

CHALLENGING OFFICER

1. Immediately take cover to the rear, not to the side, of the person being challenged, if possible, and establish/maintain firearms control.
   a. Be cognizant of the danger of crossfire and coordinate police response accordingly.
   b. Utilize any cover available (e.g., car, garbage can, lamppost, mailbox, etc.).
      (1) Any object can be a form of concealment, although not every object offers ballistic protection.
2. Identify self in a loud clear voice and state *"Police! Don't move."*
   a. Avoid using slang terms such as "Freeze" or "Hold It."
   b. Avoid using directives which are contradictory and can cause confusion such as, "Don't move and raise your hands."
   c. Do not use stereotypes which are based on a person's race, color, ethnicity, hairstyle, clothing or physical appearance.
      (1) Members of the service are reminded that the Department is multicultural and stereotypes based on the above *WILL NOT BE USED TO JUSTIFY YOUR ACTIONS.*
      (2) Members of the service are reminded that racial and ethnic profiling is a violation of the Fourth Amendment to the United States Constitution, Article I Section 12 of the New York State Constituiton, Administrative Code Section 14-151, and other applicable laws.

CONFRONTED OFFICER

3. Remain motionless even if it means a fleeing suspect may escape.
   a. Do not turn body, especially if holding a firearm.
4. Obey all directions from the officer making the challenge.

CHALLENGING OFFICER

5. Request person to give exact location of identification and to produce I.D. slowly, in a controlled manner, if person states he/she is a police officer.

CONFRONTED OFFICER

6. Inform challenging officer of exact location of identification before moving.
7. Produce identification card slowly, in a controlled manner, without unnecessary movement.
   a. If requested to do so, remove identification card from wallet, holder, etc. and hand it to the challenging officer.

CHALLENGING OFFICER

8. Examine credentials to insure:
   a. Validity, and
   b. Photo or description (if any) fits individual.
9. Remain alert until you are completely satisfied as to the person's identity.
10. Return credentials, if satisfied with identification.
11. Make digital **Activity Log** entry.
12. Request the response of the patrol supervisor, precinct of occurrence and supervisory officer of the on duty member of the service confronted.

RESPONDING SUPERVISOR

13. Have members involved report to stationhouse of precinct of occurrence.
    a. Direct all members involved to report to the office of the commanding officer of the Department building/facility where confrontation occurred, if applicable.

COMMANDING OFFICER, PRECINCT OF OCCURRENCE/ DEPARTMENT BUILDING/ FACILITY

14. Determine duty status of members involved.
15. Confer with commanding officers of both on and off duty members involved, conduct joint investigation, and file joint report.

COMMANDING OFFICER PREPARING REPORT

16. Interview members involved.
17. Interview supervisory officers and witnesses, if appropriate.
18. Telephone facts to the Equal Employment Opportunity Division, during business hours, or the next business day, Monday through Friday, 0800 and 1800 hours. (If during non-business hours, leave message on answering machine and an Equal Employment Opportunity Division representative will contact caller.)
    a. Obtain Equal Employment Opportunity Division case number.
19. Confer with personnel officers and/or personnel assigned to Family Assistance Section, if appropriate.
20. Prepare report and include:
    a. Equal Employment Opportunity Division case number in subject
    b. Details of incident
    c. Results of interviews with all parties involved
    d. Statement of how problem was resolved
    e. Analysis and review of confrontation
    f. Summary of weaknesses and corrective measures taken.
21. Forward copy of report to:
    a. Equal Employment Opportunity Division, direct
    b. Commanding officer of each member involved.

COMMANDING OFFICER/ MEMBER INVOLVED

22. Inform member involved of results of investigation and counsel member on weaknesses and corrective measures taken.

MEMBER OF THE SERVICE INVOLVED

23. Inform commanding officer of dissatisfaction with final determination of investigation and request that the commanding officer of the next higher command review the matter, if applicable.

COMMANDING OFFICER/ NEXT HIGHER COMMAND

24. Notify the Equal Employment Opportunity Division immediately, by telephone, regarding review and:
    a. Give relevant Equal Employment Opportunity Division case number
    b. Inform of any change in final decision.
25. Forward report to the Equal Employment Opportunity Division within five business days detailing changes in final decision.

ADDITIONAL DATA

TACTICAL CONSIDERATIONS

Members of the service are reminded to deploy proper tactics and to use sound judgment when involved in confrontation situations. Members will remain on heightened alert until the member is completely satisfied as to the person's identity through verification of credentials.

Members of the service are reminded to immediately take cover to the rear, not to the side, of the person being challenged, if possible. A challenge from the rear allows more time for the challenging officer to evaluate the subject's reactions and also gives the challenging officer a tactical advantage. A challenge from the side reduces response time.

ON-DUTY ENFORCEMENT ACTION WHILE IN CIVILIAN ATTIRE

Members taking enforcement action while on-duty and in civilian attire shall, when practical, display their shield on their outermost garment in the area of their chest/upper torso. Members conducting non-enforcement duties in civilian attire (i.e., investigative duties, administrative duties, etc.) may display their shield on their belt (preferably adjacent to their holster), but should move and display their shield in the area of their chest/upper torso when enforcement action is anticipated. If time does not permit the movement of the shield, every effort should be made to expose the shield and holster while taking enforcement action.

OFF-DUTY ENFORCEMENT ACTION

Off-duty members are encouraged to carry their firearm in a holster attached to a belt around their waist. When taking enforcement action off-duty, members should make every effort to display their shield in the area of their chest/upper torso on their outermost garment in the same fashion as on-duty members in civilian attire. With this in mind, off-duty members of the service should carry their shield in a manner that would enable them to rapidly display it while holding a firearm, (i.e., in a pocket accessible by their non-shooting hand with a chain attached.)

ADDITIONAL DATA (continued)

OPERATIONAL CONSIDERATIONS

Supervisors of uniformed members of the service who perform enforcement duty in civilian clothes will ensure that their subordinates are made aware of the "color of the day" at the commencement of their tours of duty. In addition, members of the service performing duty in civilian clothes will ensure that the "color of the day" is displayed in a conspicuous manner.

DEPARTMENT POLICY

*The **IDENTIFICATION CARD (PD416-091)** is the primary form of identification for uniformed members of the Department and must always be carried. However, uniformed members of the service do not have to carry their shields when unarmed.*

PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-21

SCHOOL SAFETY AGENT - VICTIM OF AN OFFENSE WHILE PERFORMING DUTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
01/08/20	01/08/20		1 of 3

PURPOSE To report and record incidents in which school safety agents are victims of an offense while performing duty.

PROCEDURE When a school safety agent is the victim of an offense while performing duty, follow normal civilian work related injury reporting procedures (see "RELATED PROCEDURES") and:

SCHOOL SAFETY AGENT

1. Request a school safety supervisor and neighborhood coordination sergeant, precinct of occurrence, to respond.
2. Notify the principal of the incident as soon as possible.
3. Remain at scene unless hospitalization or medical attention is required.
4. Request witnesses to await arrival of the school safety supervisor and the neighborhood coordination sergeant/patrol supervisor.

NOTE *In cases where there is no school safety supervisor assigned to the school, a school safety supervisor MUST respond from the school safety borough office. In cases where the neighborhood coordination sergeant is unavailable, the patrol supervisor MUST respond.*

SCHOOL SAFETY SUPERVISOR

5. Ensure that the school principal has been notified.
6. Initiate investigation.
7. Interview school safety agent concerned.
8. Obtain the name of the hospital, attendant and doctor, if removed to a hospital.
9. Have school safety agent prepare, in own handwriting, if possible:
   a. Two copies of **Employee Option Form (DP2002)**
   b. Two copies of **Employee's Notice of Injury (WCD23)** (Law Department form #WCD23), and submit to commanding officer, precinct of occurrence.
10. Interview witness(es) and request that **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)** be prepared.
11. Prepare two copies of **Supervisor's Report of Injury (WCD201)**.
    a. Ensure that the injury is reported to the Employee Resources Section, Civilian Employee Services Unit immediately following the incident or by the next business day.
12. Prepare **COMPLAINT REPORT WORKSHEET (PD313-152a)**, if necessary, and refer to appropriate precinct detective squad.
13. Prepare a **Police Accident Report (MV104AN)**, if vehicle involved, or **AIDED REPORT**, in all other cases, and forward in normal manner.

NEIGHBORHOOD COORDINATION SERGEANT/ PATROL SUPERVISOR

14. Respond to scene and review actions taken by the school safety supervisor.
15. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
    a. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.

NOTE *This notification is in addition to, and does not preclude the requirement for other notifications to Operations as indicated elsewhere in this procedure.*

16. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I) INCIDENT REPORT**, if investigation reveals harassment, assault, reckless endangerment, or menacing against a school safety agent and comply with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty."*
17. Report details to desk officer.
    a. Indicate any negligence on the part of the school safety agent.
18. Prepare report on **Typed Letterhead** and forward to precinct commanding officer.
    a. Forward copy of report to the Commanding Officer, School Safety Division.

DESK OFFICER

19. Make Command Log entry regarding results of investigation, and specify:
    a. Whether injury was sustained in the line of duty
    b. Any negligence on the part of the school safety agent.
20. Notify:
    a. Employee Resources Section
    b. Operations Unit
    c. School Safety Division

SCHOOL SAFETY BOROUGH MANAGER

21. Forward, to the Employee Resources Section, Civilian Employee Services Unit:
    a. Two copies of report on **Typed Letterhead**
    b. Two copies of **Employee's Notice of Injury**
    c. **WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT**, if prepared.
    d. Two copies of the **Employee's Option Form**
    e. Two copies of the **Commanding Officer's Report of Injury (Form E)**
    f. Two copies of the **Supervisor's Report of Injury**.
22. Notify Employee Resources Section, Civilian Employee Services Unit when school safety agent returns to duty and every subsequent time that the agent reports sick and returns to duty as a result of injury.

ADDITIONAL DATA

Whenever a school safety agent, while performing official duties, claims an assault or is the subject of any other crime and the agent wishes to prefer charges, the neighborhood coordination sergeant concerned will determine if probable cause exists. Upon a determination that probable cause exists, the neighborhood coordination sergeant will direct the school safety agent to place the individual under arrest. If the agent (victim) is unable to effect the arrest (e.g., hospitalization, etc.), the neighborhood coordination sergeant will direct another school safety agent to effect the arrest. The school safety agent (victim) will be the complainant in such cases. Under no circumstances shall a school safety agent who is not a peace officer be directed to effect an arrest.

RELATED PROCEDURES

Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)
Aided Cases - General Procedure (P.G. 216-01)
Vehicle Collisions - General Procedure (P.G. 217-01)
Civilian Member - Injury (A.G. 319-15)

FORMS AND REPORTS

WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
COMPLAINT REPORT WORKSHEET (PD313-152a)
AIDED REPORT
THREAT, RESISTANCE OR INJURY (T.R.I) INCIDENT REPORT
Commanding Officer's Report of Injury (Form E)
Employee Option Form (DP2002)
Employee's Notice of Injury (Law Department Form WCD23)
Supervisor's Report of Injury (Law Department Form WCD201)
Police Accident Report (MV104AN)
Typed Letterhead

PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-22

TRAFFIC ENFORCEMENT AGENT VICTIM OF AN OFFENSE WHILE PERFORMING DUTY

DATE ISSUED:	DATE EFFECTIVE:	REVISION NUMBER:	PAGE:
10/07/19	10/08/19		1 of 2

PURPOSE To report and record incidents in which traffic enforcement agents are victims of an offense while performing duty.

PROCEDURE When a traffic enforcement agent is the victim of harassment, assault, reckless endangerment, menacing (H.A.R.M.), or any other circumstances that prevent them from performing their duties, follow normal civilian work related injury reporting procedures (see "*RELATED PROCEDURES*") and:

TRAFFIC ENFORCEMENT AGENT

1. Request the response of patrol supervisor, precinct of occurrence, and a Traffic Enforcement District supervisor.
2. Remain at scene unless hospitalization or medical attention is required.
3. Request witness(es) to await arrival of the patrol supervisor, precinct of occurrence.

NOTE *In cases involving offenses against traffic enforcement agents, the patrol supervisor, precinct of occurrence must respond to the scene and conduct the initial investigation. A Traffic Enforcement District supervisor must respond to the scene and assist in the investigation.*

PATROL SUPERVISOR

4. Investigate circumstances.
5. Interview traffic enforcement agent concerned.
   a. Ensure that proper enforcement action has been taken against any person harassing, assaulting, etc., a traffic enforcement agent, if warranted.
6. Obtain the name of the hospital, attendant and doctor, if removed to a hospital.
   a. Notify the Operations Unit promptly, if the member of the service injured requires hospital treatment.
   b. An additional notification to the Operations Unit is also required before final reports are prepared to update Operations of the status of the injured member of the service.
7. Have **COMPLAINT REPORT (PD313-152)** prepared, if necessary, and refer case to appropriate detective squad if suspect has fled the scene, or if there are other reasons why additional investigation is appropriate.
8. Ensure the preparation of a **Police Accident Report (MV104AN)**, if vehicle involved, or **AIDED REPORT,** in all other cases, and forward in normal manner.
   a. Interview witnesses and have them prepare a **WITNESS STATEMENT – INJURY TO MEMBER OF THE DEPARTMENT (PD 429-065)**.
9. Prepare an **UNUSUAL OCCURRENCE REPORT (PD370-152)**, and include a statement whether the traffic enforcement agent concerned was a victim of assault, (as defined in New York State Penal Law, Section 120), if injury is serious or if it is a newsworthy, significant incident, and forward to Chief of Transportation through channels.

PATROL SUPERVISOR (continued)

10. Prepare **THREAT, RESISTANCE OR INJURY (T.R.I.) INCIDENT REPORT**, if investigation reveals harassment, assault, reckless endangerment, or menacing against a traffic enforcement agent and comply with *P.G. 221-06, "Member of the Service Subjected to Force While Performing Lawful Duty."*

TRAFFIC ENFORCEMENT DISTRICT SUPERVISOR

11. Notify Traffic Enforcement District, Traffic Management Center, Employee Resources Section and Operations Unit.
12. Forward copies of all forms prepared to the Employee Resources Section, attention of the Civilian Employee Services Unit.

C.O./ TRAFFIC ENFORCEMENT AGENT INVOLVED

13. Comply with *Administrative Guide 319-15, "Civilian Member-Injury,"* when a traffic enforcement agent is injured while performing duty.

ADDITIONAL DATA

Whenever a traffic enforcement agent, while performing official duties, claims an assault or is the subject of any other crime by an individual, and the agent wishes to prefer charges, the patrol supervisor, precinct of occurrence will determine if probable cause exists. Upon that determination, an arrest may be affected and the traffic enforcement agent involved will be the complainant in such cases.

In all cases where traffic enforcement agents are injured on duty, notifications will be made by Communications Section to both the duty captain and to the Traffic Management Center. The Traffic Management Center will then notify a ranking member of the Traffic Enforcement District.

RELATED PROCEDURES

Member of the Service Subjected to Force While Performing Lawful Duty (P.G. 221-06)
Aided Cases - General Procedure (P.G. 216-01)
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PATROL GUIDE

Section: Tactical Operations	Procedure No: 221-23

ALCOHOL TESTING FOR UNIFORMED MEMBERS OF THE SERVICE INVOLVED IN FIREARMS DISCHARGES RESULTING IN INJURY, DEATH OR LIKELIHOOD OF INJURY OR DEATH OF A PERSON

DATE EFFECTIVE:	LAST REVISION:	PAGE:
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PURPOSE To ensure the highest levels of integrity at the scene of on or off duty police involved firearms discharges, which result in the reasonable possibility of injury or death of a person within New York City.

PROCEDURE When involved in, or responding to the scene of an on or off duty police involved firearms discharge which results in injury or death, or the likelihood of injury or death of a person within New York City:

UNIFORMED MEMBER OF THE SERVICE

1. Request immediate response of patrol supervisor.
2. Comply with the provisions of *P.G. 221-04, "Firearms Discharge by Uniformed Members of the Service."*

PATROL SUPERVISOR

3. Notify Operations Unit of shooting, immediately, and request response of Force Investigation Division (FID) personnel (including FID Zone Commander) and the Patrol Services Bureau duty inspector and duty captain.

DUTY CAPTAIN/ INSPECTOR

4. Inform uniformed member(s) of the service who discharged their firearm that they will be subject to alcohol testing.
5. Ensure involved member(s) of the service remain on the scene when feasible and consistent with safety (i.e., hospitalization not immediately required); pending arrival of FID personnel assigned to administer alcohol test.
6. Notify FID Wheel of location of involved member(s) of the service if they are removed from location of firearms discharge.

FID WHEEL

7. Notify assigned FID personnel and the Commanding Officer, FID of any pertinent information including any change of location of involved member(s) of the service.

FID ZONE COMMANDER

8. Respond to location and confer with duty captain/inspector on scene.
9. Advise the subject member that he or she may be tested by a number of different means, such as the Portable Breath Test (PBT) device and the Intoxilyzer.
10. Direct alcohol test be conducted, using a PBT device in a private setting, on uniformed member(s) of the service who discharged a firearm.
    a. Alcohol test will be conducted by FID supervisor at least one rank higher than that of the discharging member of service.
    b. Direct testing process be conducted in a private setting (e.g., nearest Department facility, Department auto being used by the supervisor concerned) in a dignified, respectful fashion.
11. If the reading on the PBT device is less than .08, and there is no indicia of intoxication, no further testing is required.

FID ZONE COMMANDER (continued)

12. If the reading on the PBT device is .08 or greater, which according to Section 1192 of the Vehicle and Traffic Law of the State of New York is indicative of intoxication, and/or there is any indicia of intoxication, immediately notify Highway Intoxicated Driver Testing Unit (IDTU) to respond to the closest IDTU testing location to test the subject member using the Intoxilyzer that is maintained at the IDTU facility (it should be emphasized that the Intoxilyzer test at the IDTU facility will be conducted by an IDTU technician).
    a. Member(s) involved will be transported to the IDTU testing facility by FID personnel.
    b. Inform IDTU technician that a member of the service is the subject of test.
    c. A Highway District supervisor must be present during all phases of the testing procedure.

NOTE *The IDTU technician will utilize a specially developed form entitled **Ordered Breath Test Instruction Sheet** to interview the subject member(s), and a specially developed checklist entitled **Intoxilyzer Operational Checklist** to conduct the test. The entire Intoxilyzer testing process, including the reading of the test results, will be videotaped by another member of the Highway District. In all cases, a copy of the videotape will be provided to the FID Zone Commander concerned, who will follow all applicable Departmental procedures to safeguard the tape for evidentiary purposes.*

13. In order to determine fitness for duty, record and then take into account the Intoxilyzer reading, the PBT reading, and any other related indicia of intoxication as indicated on **SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)**.
    a. If the member is apparently unfit for duty, be guided by the procedures contained in *P.G. 206-12, "Removal of Firearms from Intoxicated Uniformed Member of the Service"* and other appropriate Department procedures.
14. Notify Internal Affairs Bureau Command Center and obtain a log number if subject member is determined to be unfit for duty.

ADDITIONAL DATA *Members of the service are reminded of the contents of Administrative Guide 304-04, "Fitness For Duty" and Administrative Guide 305-07, "Firearms General Regulations" as they relate to the use of alcohol and possession of firearms while off duty.*

Members should be aware that it would be prudent not to ingest alcoholic beverages up to four hours prior to the commencement of their tour of duty.

Members of the service performing duty in an undercover capacity are reminded that it is best to avoid consuming alcoholic beverages while on duty. However, the Department recognizes that depending on the nature of the operation such consumption may be appropriate and necessary. Members are advised that no more than two alcoholic beverages may be consumed during a tour of duty, absent exigent circumstances related to the safety of the undercover or to the need not to compromise the undercover's assignment. Such circumstances will be evaluated on a case by case basis.

ADDITIONAL DATA (continued) *If an immediate determination cannot be made as to whether or not a discharged round caused injury or death because of circumstances such as weather conditions, darkness, late hour and/or an inability to account for all discharged rounds, Breathalyzer exams may be ordered when there is reasonable possibility that a person has been struck by a discharged police round.*

RELATED PROCEDURES *Firearms Discharge by Uniformed Members of the Service (P.G. 221-04)*
Removal of Firearms from Intoxicated Uniformed Member of the Service (P.G. 206-12)

FORMS AND REPORTS ***SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)***

Summary Department Manual Revisions

Patrol Guide section 202, "Duties and Responsibilities " and Administrative Guide section 303 "Duties and Responsibilities"

MODS has completed a holistic review of Patrol Guide section 202, "Duties and Responsibilities" and Administrative Guide section 303, "Duties and Responsibilities" in an effort to simplify and update the Manual and properly reflect the policies and practices of today's Department.

POLICY/PROCEDURE UPDATES		
UPDATE SUMMARY	**IMPACTED PROCEDURE(S)**	**REASON FOR UPDATE**
Roll call. Desk officer formerly conducted roll call. Now Patrol Supervisor will conduct roll call under supervision of Platoon Commander.	202-13, Platoon Commander 202-14, Desk Officer 202-17, Patrol Supervisor 212-01, Roll Call Formations	Updated the Manual to reflect every day practice.
Officer Involved Shootings. The Force Investigations Division (FID) is responsible for all officer involved shootings. Changes have been made to properly reflect this.	202-01b, Borough XO, Administration, 202-02, Borough Adjutant 202-10a, Commanding Officer, Investigations	Removed redundancies and conflicts that should have been resolved when FID was established.
Hourly calls. The requirement to call the desk each hour between 0200 and 0700 hours has been removed.	202-14, Desk Officer 202-21, Police Officer 202-23, RMP Recorder	Antiquated policy that technology has made unnecessary.
RMP Operator/Recorder Switch. The requirement to switch roles after 4 hours has been removed.	202-22, RMP Operator 202-23, RMP Recorder	Policy is not done in practice.
Radios. Multiple procedures have been amended to reflect that radios are issued to each UMOS and that UMOS are required to be equipped with said radio.	202-01d, Duty Inspector 202-08, Duty Captain 202-14, Desk Officer and others.	Updated to remove requirement to obtain radios from desk.
Commanding Officer. Removed steps that instructed CO to ensure a task be done by another supervisor and placed that responsibility with the duties of that specific supervisor.	202-09, Commanding Officer	To simplify procedure in plain language.

Summary Department Manual Revisions

Patrol Guide section 202, "Duties and Responsibilities " and Administrative Guide section 303 "Duties and Responsibilities"

Desk Officer. Added new scope statement to clarify a DO can be a UMOS in rank of Sgt. and above.	202-14, Desk Officer	To simplify procedure in plain language.
Patrol Supervisor. Added new scope statement to clarify a PS can be a UMOS in rank of Sgt. and above.	202-17, Patrol Supervisor	To simplify procedure in plain language.

POLICY/PROCEDURE REVOCATIONS	
PROCEDURE REVOKED	**REASON REVOKED**
202-37, Command Clerk	Position and title are not being removed, functions of a command clerk exist elsewhere in the Manual and will remain. However, this procedure is unnecessary.
212-07, Transporting Non-Members of the Service in Radio Motor Patrol Cars	Information contained in this procedure is being incorporated into 202-23, "RMP Recorder."
303-02, Patrol Assignments	Information contained in this procedure is being incorporated into 202-23, "RMP Recorder."
303-03, Radio Motor Patrol Sectors	This procedure describes a policy of assigning sectors that is no longer practiced.
303-09, Community Affairs	This procedure is specific to MOS assigned to Community Affairs. Information within this procedure will be made available as its own manual on the Department Intranet.
303-11, Staff Inspections	This procedure is verbose and redundant to a duty described in 202-09 Commanding Officer and has therefore been incorporated into that procedure.
303-22, Semi-Annual Conferrals with Subordinates	Procedure introduced in 1985 and has not been revised since. Practice is no longer necessary with today's evaluation system.

Summary Department Manual Revisions

Patrol Guide section 202, "Duties and Responsibilities " and Administrative Guide section 303 "Duties and Responsibilities"

POLICY/PROCEDURE REOGANIZATION	
CHANGE	**REASON REORGANIZED**
Several procedures from Patrol Guide 202 are being moved to the Administrative Guide 303.	These procedures are administrative in nature and are a better fit in the Administrative Guide.
Section 202 will be reorganized to reflect the order of rank. Police Officer will start the section at 202-01 and continue to 202- 34, "Duty Chief"	Police Officers represent the largest group of the Department, their duties appear more often than any others, and they are foundation and end users of the manual. Listing them first underscores their importance.