

P.G. 200-01 Foreword

Date Effective: 01-01-00

As the Police Department approaches a new century, we face fresh and more difficult challenges every day. The knowledge, skills and abilities of every member of the Department will be tested as we strive to provide superior police services to all communities throughout the City of New York. As we progress, we will continue to raise the standards of performance even higher, to maintain the gains we have recently achieved, and set new goals and objectives for the future. The development and publication of this newly revised PATROL GUIDE will provide a strong foundation to support a more dynamic law enforcement agency with the ability to recognize emerging crime problems and properly react to them.

The new DEPARTMENT MANUAL will consist of updated and revised copies of the ORGANIZATION GUIDE, PATROL GUIDE, and ADMINISTRATIVE GUIDE. The publication of the new Organization Guide and Patrol Guide mark the completion of Phase I. Existing editions of the Administrative Guide will remain in effect for an interim period, pending completion of Phase II of this project.

The Department Manual serves as a guide for ALL members of the service. Every member is expected to be familiar with its contents, and to remain current with all new and revised procedures. All supervisors are expected to be even more knowledgeable to facilitate their ability to lead, train, supervise and discipline subordinates. The Manual does not contain distinct instructions for every situation that may be encountered in the field. Procedures contained in the Manual provide additional guidance on the most common practices of the Department, and serve as performance expectations. Members are expected to perform their duties in accordance with the legal requirements of their position and the extensive training they have received. Members are also required to conform their conduct with their oath of office, and to the mission, values, strategies, objectives, policies, procedures and legal requirements of the Police Department. All members of the Department will be accountable for their actions and should maintain the highest professional standards.

Your ability to implement the policy and procedural guidelines provided by the Department make a very important impact on the lives of all New Yorkers. When we fulfill our duties with Courtesy, Professionalism and Respect, we strengthen the bonds between the police and the community. I know I can rely upon your commitment to our important mission, which must be achieved within the framework of our legal obligations. The reputation of "New York's Finest" must be earned every day.

POLICE COMMISSIONER

P.G. 200-02 Mission And Values Of The New York City Police Department

Date Effective: 01-01-00

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, reduce fear, and maintain order. The Department is committed to accomplishing its mission to protect the lives and property of all citizens of New York City by treating every citizen with courtesy, professionalism, and respect, and to enforce the laws impartially, fighting crime both through deterrence and the relentless pursuit of criminals.

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.

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Duties and Responsibilities

P.G. 202-01 Borough Commander

Date Effective: 01-01-00

BOROUGH COMMANDER

1. Utilize an Investigations Unit, Management and Control Section, and borough adjutant, borough administrator, borough operations commander to administer, assign, control, coordinate, discipline, evaluate, guide, motivate, supervise, and train, all borough personnel to efficiently deliver police services and ensure the mission of the command.

a. Develop plans, establish liaisons and implement strategies in the furtherance of achieving the mission of the command.

2. Visit Internal Affairs Bureau and Quality Assurance Division for a briefing upon assignment to command and semi-annually thereafter.

3. Develop plans and strategies for policing large public events.

4. Ensure that borough Operations Unit personnel are familiar with the major facilities in their respective boroughs.

5. Coordinate training for and implementation of Department mobilization procedures.

6. Assign personnel to direct, control, and regulate vehicular and pedestrian traffic, in conjunction with the Traffic Control Division.

7. Supervise performance, assignments and excusals of borough personnel in the rank of captain and above to ensure adequate coverage of duty charts, precincts and units within command.

a. If insufficient captains for full coverage, give priority to 1500 to 0700 hours.

8. Submit report Friday morning to bureau chief concerned showing proposed working schedule for Monday through Sunday of following week.

a. Include schedule of Executive Aide.

9. Submit monthly report to bureau chief concerned outlining:

a. Accomplishments of each captain during period

b. Disciplinary action taken

c. Schedule of captains' assignments for ensuing month.

10. Report changes in captains' assignments to bureau chief concerned immediately.

11. Provide formal two (2) day training indoctrination program for newly assigned precinct/district/police service area commanders, including precinct/district/police service area conditions, evaluation of personnel, etc.

12. Inspect each subordinate command's "Confidential Performance Profile", annually.

[I.O. 53 s 03] 13. Have duty captains, integrity control officers, patrol supervisors, and borough inspection teams make supervisory visits to areas where prisoners are secured/processed such as holding cells, detective holding cells, emergency rooms, and hospitalized prisoner rooms.

P.G. 202-02 Borough Adjutant

Date Effective: 01-01-00

BOROUGH ADJUTANT

1. Assist in the implementation of borough programs and achievement of overall mission.
2. Review report of investigation of death or serious injury by accident, violence or in discharge of duty of any uniformed member of the service, occurring within jurisdiction.
 - a. Commanding officer of deceased member will make required investigation if death occurred outside New York City in one of the residence counties.
3. Command patrol borough when designated.
4. Conduct investigations and perform other duty as directed by patrol borough commander.
5. Supervise and coordinate activities of administrator, operations commander and supervisor of patrol.
6. Oversee:
 - a. All disciplinary matters within patrol borough
 - b. Court and District Attorney liaisons
 - c. Efficient use of borough facilities.
7. Participate as member of all borough review panels and boards.
8. Prepare, review, and sign reports and endorsements for borough commander, when necessary.
9. Monitor, review and analyze overtime with the goal of maximum utilization of limited resources.
10. Review evaluation process for all personnel, including captains and above.
11. Review Civilian Complaint Review Board and corruption complaint reports.
12. Advise borough commander on all matters that contribute to improved borough operations and performance.

P.G. 202-03 Borough Operations Commander

Date Effective: 01-01-00

BOROUGH OPERATIONS COMMANDER

1. Oversee field operations conducted within borough jurisdiction, including:
 - a. Crime strategies for all commands
 - b. All major details, parades, demonstrations and policing of large scale events
 - c. Special projects and programs (community policing, civil enforcement, Area Police Private Security Liaison [A.P.P.L.], etc.)
 - d. Mobilization training and procedures.
2. Conduct investigations, prepare communications and perform other duty as directed by the borough commander.
3. Analyze all borough firearms discharge cases.
- [Rev 02-02] 4. Coordinate activities and resources of the borough task force, and borough anti-crime unit.
5. Confer with Pattern Identification Module supervisor daily.
- [I.O. 31 s 04] 6. Monitor the activities, and review the effectiveness of, the Street Narcotics Enforcement Units of subordinate commands.

P.G. 202-04 Borough Administrator

Date Effective: 01-01-00

BOROUGH ADMINISTRATOR

1. Oversee administrative functioning of borough jurisdiction, including:
 - a. Planning
 - b. Holiday, random and self-inspection programs
 - c. Arrest processing
 - d. Overtime programs
 - e. Civilian and corruption complaint reduction programs
 - f. Training programs
 - g. Evaluation process of all borough personnel, including captains and above
 - h. Communications process.
2. Prepare and review all reports and endorsements for the borough commander, including:
 - a. All communications
 - b. Line of duty reports
 - c. Bias reports
 - d. Firearms discharge reports
 - e. Applications for off-duty employment
 - f. Requests for transfer.
3. Study deployment of personnel and recommend redeployment when indicated.
4. Conduct investigations, prepare communications and perform other duty as directed by the patrol/transit/housing borough commander.
5. Supervise staff and coordinate:
 - a. Borough administrative, COMPSTAT, Pattern Identification Module, training and personnel staff
 - b. Community Affairs and Investigations Units
 - c. Schedules for captains and above, including leaves and requests for overtime.
6. Represent the borough adjutant as member of all borough review panels and boards and at other times, as necessary.
7. Act as liaison to Civilian Complaint Review Board, Internal Affairs Bureau, Quality Assurance Division, and Personnel Orders Section.
8. Coordinate efficient use of borough facilities.

9. Review all statistical reports and submit comments and recommendations to the borough adjutant.

10. Review administrative functions of precinct, task force and other borough subunits, in conjunction with the borough Investigations Unit.

a. Submit recommendations to borough commander to improve operations.

11. Study personnel needs and review requests of all precincts/units for personnel, equipment, programs and other resources.

a. Make recommendations to borough commander.

12. Conduct investigations and perform other duty as directed by the borough commander.

NOTE: Borough commanders/executive officers and administrator and counterparts within the Detective Bureau and Organized Crime Control Bureau will visit Internal Affairs Bureau, Quality Assurance Division and Personnel Orders Section for a briefing upon assignment to command and semi-annually thereafter.

P.G. 202-05 Patrol Borough School Safety Coordinator (Captain)

Date Effective: 01-01-00

PATROL BOROUGH SCHOOL SAFETY COORDINATOR (CAPTAIN)

1. Ensure information is properly collected and disseminated throughout borough commands.
2. Maintain a liaison with the Intelligence Division.
3. Develop interagency borough level school safety strategies.
4. Confer with the Patrol Borough Task Force commander and precinct commanders regarding truancy enforcement.
5. Maintain liaison with Detective Bureau, Organized Crime Control Bureau, Housing Bureau, and Transit Bureau commanders and Board of Education regarding on-going operations.
6. Conduct regular meetings with precinct commanding officers, precinct school safety sergeants and precinct youth officers.
7. Coordinate the use of borough resources to address conditions in and around schools, when necessary.
8. Establish a quality control and review mechanism in order to evaluate the success of programs and initiatives.
9. Ensure that accurate and timely statistics on school incidents are maintained.

P.G. 202-06 Patrol Borough Traffic Safety Coordinator

Date Effective: 01-01-00

PATROL BOROUGH TRAFFIC SAFETY COORDINATOR

1. Coordinate the activities of the precinct Traffic Safety Officers.
2. Review precinct Accident Prone Location and Enforcement Ratio Reports.
3. Forward Accident Prone Location and Enforcement Ratio reports to the Patrol Services Bureau by the tenth (10) day of the month.
4. Maintain a liaison with Department of Transportation regarding engineering concerns not resolved at the precinct level.
5. Conduct on-site meetings with the precinct Traffic Safety Team and Department of Transportation representatives to resolve and expedite engineering recommendations.
6. Conduct monthly meetings with the precinct Traffic Safety Officers.
7. Attend weekly Trafficstat meetings.
8. Address conditions reported on TRAFFIC INTELLIGENCE REPORTS (PD178-150) that cannot be corrected at the precinct level.
9. Monitor the following enforcement programs:
 - a. Stationary Radar
 - b. Pedestrian Safety Overtime
 - c. Aggravated Unlicensed Operator.
10. Maintain borough statistics for motor vehicle accidents, injuries and fatalities, as well as for summons enforcement.
11. Review construction permits received from the Traffic Management Center and forward copies to the precinct Traffic Safety Officer.
12. Maintain a liaison with various government agencies, community councils and the Borough President's Office regarding traffic concerns.
13. Attend community council and other public meetings to promote traffic safety.
14. Attend Traffic Safety Board meetings chaired by the Borough President.
15. Develop and participate in traffic plans for special events, demonstrations and motorcades.

NOTE: All Patrol Borough Traffic Safety Coordinators MUST become familiar with the "Procedural Manual for Traffic Safety Officers."

P.G. 202-07 Borough Auxiliary Police Coordinator

Date Effective: 01-01-00

BOROUGH AUXILIARY POLICE COORDINATOR

1. Oversee activities and functions of, and provide support for, command auxiliary police coordinators.
2. Provide assistance in the assignment of auxiliary police personnel for special events and details within the borough concerned and outside the borough, if requested by the Commanding Officer, Auxiliary Police Section.
3. Process in a timely manner, requests received from command auxiliary police coordinator for:
 - a. Promotion.
 - b. Recognition awards.
4. Process the return of shields and identification cards for members leaving or dropped from the Auxiliary Police Program.
5. Confer daily, at the start of the tour, with the liaison officer at Auxiliary Police Section to ascertain current program activities and instructions.
 - a. Submit tours of duty, for the upcoming week, to Auxiliary Police Section.
6. Maintain a list of qualified volunteer Auxiliary Police personnel for use in vice enforcement operations.
 - a. Forward monthly enforcement recapitulation to Auxiliary Police Section.
7. Conduct a borough annual awards/graduation ceremony in recognition of volunteer auxiliary police services.

NOTE: Borough commander selects qualified uniformed member of the service for assignment as borough police auxiliary coordinator but is not assigned as such until approved by the Commanding Officer, Auxiliary Police Section. Additionally, the borough commander selects an alternate to perform the above duties when the borough auxiliary police coordinator is not working.

P.G. 202-08 Duty Captain

Date Effective: 03-26-04

DUTY CAPTAIN

1. Perform duty, in uniform, in Department auto (marked or unmarked).
 - a. Be equipped with a Department radio.
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, and transit districts.
 - 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.
 - [I.O. 32 s 04] d. Visit at least one (1) time per tour those Video Interactive Patrol Enhanced Response (VIPER) units located within the Police Service Areas under your jurisdiction.

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.

The duty captain in each patrol borough, and all duty inspectors MUST carry a cellular telephone at all times and a Transit Bureau radio, if available.

P.G. 202-09 Commanding Officer

Date Effective: 01-01-00

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 equipment assigned to command
 - e. Patrol, administrative and record keeping functions of the command.
3. Review CENTRAL PERSONNEL INDEX BACKGROUND REQUEST (PD449-160) for personnel assigned to critical positions within the command, upon assignment to a command.
4. Instruct and frequently test the knowledge of members of command regarding their duties and responsibilities.
5. Investigate and report on police conditions and activities.
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. Make frequent personal inspections of the uniforms, equipment and general appearance of members of the service at outgoing roll calls and while on patrol.
8. Delegate administrative tasks as follows:
 - a. Assign ranking officers within command to perform tasks normally reserved specifically for commanders, e.g., the preparation, signing and forwarding of required reports, forms and communications, etc.
 - b. Assign competent 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. Inspect command facility periodically to ensure cleanliness, orderly condition and that assigned equipment is accounted for and in good condition.

NOTE: The periodic inspection of the command facility will be augmented to include a check of both female and male restrooms and locker rooms for any structural defects, that would permit visual access by persons located outside these private areas. If such a condition is identified, immediate corrective action must be taken.
10. Designate manner in which members of command proceed to assignments, e.g., Department auto, public transportation, etc.
11. Review activity of members of command each month.

12. Investigate a report of neglect of duty by subordinates.
13. 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.
14. Notify borough command if at least two (2) supervisors are not available to perform duty on each tour.
 - a. Notify Transit Bureau Wheel for commands within the Transit Bureau.
15. Assign personnel to specific patrol and staff functions.
16. Assign command police officer to cover traffic posts when traffic conditions require such assignments.
17. Provide formal orientation program for newly assigned lieutenants, sergeants and police officers on two (2) consecutive day tours including interviews, introductions, and various command conditions, problems, boundaries, crime statistics, etc.
18. Maintain record of members who volunteer for specialized units and make assignments accordingly. Prior to member being permanently assigned to anti-crime duty, have CENTRAL PERSONNEL INDEX BACKGROUND REQUEST prepared and forwarded as per distribution on form.
19. Assignment of specialized unit personnel will be based on command crime analysis trends and patterns, with emphasis on violent street crime and burglaries.
 - a. Specialized unit personnel may also be utilized as a resource to solve local priorities such as car thefts and break-ins.
20. Ensure specialized unit personnel are properly supervised, trained and equipped.
21. Closely monitor the performance of uniformed members of the service assigned to specialized units.
 - a. Long term assignments are to be carefully reviewed, i.e., uniformed members assigned to specialized units for a period of five (5) years will be recommended for career path assignments to either the Organized Crime Control Bureau or Detective Bureau.
22. Consult with immediate supervisor of member before recommending or granting change of precinct assignment, etc.
23. 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.
24. Maintain patrol by a supervising officer in a radio equipped Department automobile.
25. 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.

26. Make entry in Command Log when reporting on or off-duty. When leaving for patrol, emergencies, etc., indicate manner of patrol, Department auto number, if applicable, and whether in uniform or civilian clothes.

27. Perform duty in uniform whenever practical.

28. 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.

29. 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.

30. Direct that Community Affairs Officer, where appropriate:

a. Maintain a close liaison with the management of facilities within commands where large events are held

b. Familiarize themselves with security coverage normally in effect and typical arrangements made for various types of events

c. Encourage management of these facilities to notify the local precinct when a large event is anticipated so that a determination can be made if police presence will be required.

31. Utilize resources of command to cope efficiently with existent problems and accomplish mission of command.

32. 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.

33. Administer command discipline.

34. Direct executive officer to adjudicate command discipline, when appropriate.

35. Consult with supervisor who has initiated command discipline against member of the service concerning severity of penalty before announcing penalty. Indicate date and time of consultation on form.

36. Confer with patrol borough adjutant prior to adjudicating third command discipline for same individual within period of six (6) months to determine if charges and specifications should be prepared.

37. Cooperate with other units and agencies to accomplish mission of the command.

38. Notify Commanding Officer, Employee Management Division and request removal proceedings be commenced when member of the service fails to perform assigned duties in a satisfactory manner.

39. Observe special patrolmen on duty within command and report any misconduct to Commanding Officer, License Division.

40. Inspect uniform, shield, cap device and identification card of special patrolmen during March and September.

41. Have minimum of 10% uniformed members of the service qualified as patrolwagon operators and distributed proportionately to squads.

42. Ensure that all members of command are familiar with nature and function of command receptionist program.

43. Situate required furniture and clerical equipment for command receptionist near command entrance.

a. Provide secure location for Receptionist Log and files.

44. Provide transportation, within command, IF NECESSARY, to ensure receptionist's safety to and from command.

45. Read Performance Evaluations submitted by sergeants carefully and make sergeants justify the ratings given to officers assigned to their squads.

[I.O. 11 s 02] COMMANDING OFFICER

46. Visit:

a. Civilian Complaint Review Board, Internal Affairs Bureau, and Quality Assurance Division, for briefing upon assignment to command and semi-annually thereafter.

b. Office of Equal Employment Opportunity for briefing upon assignment to command and annually thereafter.

47. Designate a supervisor within the command to serve as the alternate in the event of long term absence of the training sergeant.

48. Designate one (1) uniformed member of the service to function solely as the precinct's Domestic Violence Prevention Officer.

49. Develop and review precinct School Security Plan, Summer Youth Security Plan and Safe Corridor Plan and Safe Passage Plan for Transit Bureau commands

50. Ensure that complaints of crimes occurring on the transit system are faxed to the Transit Bureau Crime Analysis Section and the district of occurrence, and that the proper Jurisdiction Code 01 is affixed to all reports.

51. Meet, annually, with ranking officers/supervisors within command to discuss their responsibilities under the New York City Police Department's Equal Employment Opportunity Policy.

52. Discuss the N.Y.P.D.'s sexual harassment policy with all members of the command, both uniformed and civilian, or ensure that such discussions are held by designated supervisor(s).

53. Reiterate to supervisors that they are responsible for creating a professional work environment for their subordinates.

54. Assess, regularly, the working environment within the command/unit to maintain a professional atmosphere and rectify those situations, which undermine professional conduct and achievement.

55. Advise employees that vulgar language, sexually degrading statements or jokes, as well as the display of photographs or magazines of a sexual nature are offensive, unwelcome, inappropriate in the work place, and subject to disciplinary action.

56. Encourage all members of the service to report inappropriate conduct.

57. Instruct all members of the command that retaliation against those members of the service who come forward to report misconduct (corruption, violations of E.E.O. policies, etc.) is against Department policy and will not be tolerated.

58. Have the command integrity control officer review Department records pertaining to the assignment of radios.

59. Review the assignments of radios assigned outside of command on a permanent basis and determine the necessity of its continuance.

60. 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 placing the member concerned on restricted duty pending an evaluation of duty status.

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.

P.G. 202-10 Executive Officer

Date Effective: 01-01-00

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 (24) 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, when leaving for patrol, emergencies, etc., indicate manner of patrol, Department auto number, if applicable, and whether in uniform or civilian clothes.
 - a. Use Department auto when on patrol, when presence is required at scene of an emergency or when travelling within city on official business.
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. Coordinate all specialized units.
7. Evaluate training, planning and personnel functions and needs of the command and make recommendations to the commanding officer.
8. Inspect uniforms, equipment, and general appearance of members of the command frequently.
9. Inspect and sign ACTIVITY LOGS (PD112-145) of patrol sergeants at least once each month.
10. Supervise the investigation of communications and preparation and forwarding of written reports.
11. Perform duty under the chart, or as directed by the borough commander and perform functions of "duty captain" when directed.
12. Perform tours, on "open days," which best meet the day to day needs of the command.
13. 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.).
14. Conduct investigations as directed by commanding officer or other competent authority.
15. Insure that command is clean, all equipment is accounted for and in good condition, and personnel are performing a necessary police duty.
16. Represent the commanding officer at community meetings of concern to command when designated.
17. Perform duty in uniform, when practical.

18. Inspect and sign Interrupted Patrol Log once each tour.

19. Adjudicate command discipline as directed by commanding officer.

P.G. 202-11 Operations Coordinator

Date Effective: 01-01-00

OPERATIONS COORDINATOR

1. Perform duty in uniform as staff officer assisting the commanding officer in administrative matters.
2. Do not perform patrol duty, or be assigned to desk duty.
3. Review and supervise the maintenance of records and files of command.
- [I.O. 46 s 03] 4. Ensure that all members of the service assigned to the command are working within the correct and authorized chart relative to their assignment.
5. Coordinate all overtime programs within the command.
6. Coordinate the command's safety programs, i.e., OSHA, etc.
7. Supervise the command's staff and ensure that they are in proper uniform and performing a necessary police function.
8. Supervise the principal administrative associate assigned to the command.
9. Enter in Command Log the time arriving and leaving command and the reason.
10. Perform tours as designated by the commanding officer.
11. Interview civilians and representatives of civic organizations in the absence of the commanding/executive officer.
12. Represent the commanding officer at civic and fraternal meetings within command, when designated.
13. Coordinate the human relations program of the command by maintaining close liaison with the Borough Community Affairs Coordinator and the Commanding Officer, Community Affairs Division.
14. Review all orders and prepare summaries of pertinent information for presentation to members of the command at unit training or roll call instruction.
15. Prepare written instructions for sergeants and police officers.
16. Supervise the maintenance of the command library.
17. Supplement instructions of desk officer in the absence of the commanding officer, to outgoing platoons.
18. Keep sergeants informed of conditions within the command.
19. Relay instructions of commanding officer to members of command.
20. Supervise the civilian cleaners.
21. Supervise the election details.
22. Apportion communications equally among sergeants for investigation.
23. Check POLICE OFFICER'S MONTHLY PERFORMANCE REPORT (PD439-1414).

24. Check property invoice books and property on hand.
25. Make Command Log entry of daily inspection of command for cleanliness, security, safety hazards, condition of equipment, and the display of offensive material.
26. 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.
27. Notify Borough or Bureau Safety Coordinator of hazards which are not readily corrected by command personnel.
28. Review COMPLAINT REPORTS (PD313-152) and consult with planning officer and Crime Analysis and Program Planning Section personnel to determine priority locations relative to crime conditions within command.
29. Recommend redeployment of personnel, if necessary, to commanding officer, executive officer, lieutenant platoon commander, or desk officer.
30. Notify members of command, through desk officer, of scheduled court and other agency appearances and other related notifications.
31. Ensure the proper maintenance of the Subpoena Receipt Book.
32. 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.
33. Supervise or designate a supervisor to supervise the command's evidence/property control specialist.
34. 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.
35. Establish and maintain liaison with District Attorney's Office concerned to 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.
36. Monitor performance of the command's training sergeant to ensure that all members are receiving necessary training.

P.G. 202-12 Special Operations Lieutenant

Date Effective: 01-01-00

SPECIAL OPERATIONS LIEUTENANT

1. Perform duty in uniform whenever practical.
2. Sign in the Command Log at the beginning and at the conclusion of the tour.
3. Perform tours as approved by the commanding officer, choosing tours that will maximize supervision of subordinate personnel.
4. Make Command Log entry when leaving or returning to the command.
5. Monitor field performance of subordinate personnel and personally observe command conditions.
6. Coordinate the crime prevention and warrant enforcement programs of command.
7. Supervise and coordinate command's specialized personnel, including School Safety Sergeant, Anti-Crime Teams, SNEU, Community Policing Unit, Warrant Officers, Crime Prevention, Traffic Safety Officer, Youth Officer Auxiliary Police Coordinator, and Peddler Enforcement personnel.
8. Inspect records and logs of subordinate units and personnel.
 - a. Inspect and sign Community Policing Unit beat books monthly.
9. Inspect and sign ACTIVITY LOGS (PD112-145) of Anti-Crime, School Safety, SNEU, CPU and, where applicable, Peddler Enforcement Sergeants each month.
10. Review and approve schedules for subordinate personnel on a weekly basis.
11. 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.
12. 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.
13. Maintain contact with community associations and civic groups to foster positive community relations and mutual involvement in addressing crime and quality of life conditions.

14. Attend public meetings where subordinate members are addressing groups to observe and supervise performance.
15. Prepare annual evaluations for subordinate supervisors under direct control.
16. Maintain contact with principals of local schools.
 - a. Ensure that school safety sergeant, youth officer and community patrol officers are maintaining contact with these institutions.
17. Be knowledgeable in current orders and procedures.
 - a. Instruct and test subordinate personnel in these matters.
18. Confer regularly with platoon commanders regarding conditions within command.
 - a. Encourage exchange of information between specialized units and platoons.
19. Be responsible for the Field Training Program of probationary police officers assigned to the precinct Community Policing Unit.
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.
22. Ensure that the Auxiliary Police Coordinator actively recruits new members, conducts required training courses, and properly equips Auxiliary Police personnel.
23. Integrate the auxiliary police functions into the command's problem solving objectives, e.g., crime prevention, community affairs, community policing, youth planning, etc.
24. Keep commanding officer apprised of all Auxiliary Police activities.

P.G. 202-13 Lieutenant - Platoon Commander

Date Effective: 05-30-02

LIEUTENANT - PLATOON COMMANDER

1. Be responsible for all command operations during the tour performed.

a. Perform duties of desk officer as outlined in P.G. 202-14, "Desk Officer," if assigned to a Patrol Services Bureau precinct.

NOTE: At the discretion of the precinct commanding officer, lieutenant platoon commanders may perform field duties as specified in step 25 below, provided that two (2) or more sergeants are assigned to duty with that platoon, one of whom has been designated as patrol supervisor.

b. The lieutenant platoon commander will not ordinarily perform the duties of the patrol supervisor, and will remain responsible for ALL duties listed in this procedure.

c. Identify conditions to be addressed by members working the platoon on a continuing basis.

d. Allocate, based upon conferral with special operations lieutenant, all resources available for the platoon including, community policing, anti-crime, street narcotics enforcement unit(s) and peddler enforcement personnel.

NOTE: When a lieutenant platoon commander is performing the duties of the desk officer in a Patrol Services Bureau precinct, he/she will remain at the desk area of the command facility. However, in the event of an emergency situation occurring in the field, the lieutenant platoon commander may respond to the scene, e.g., mobilizations, homicides, firearms discharges by uniformed members of the service. A Command Log entry will be made indicating the time of departure, the location, and the details of the event requiring the lieutenant platoon commander's presence. Lieutenant platoon commanders will remain on the scene only as long as their presence is required, upon which time they will return to the command and resume the duties of the desk officer. In the lieutenant platoon commander's absence, a supervisory officer will assume the responsibilities of the desk officer.

2. Sign Command Log at beginning and end of tour.

3. Perform duty in uniform.

4. Review actions of patrol supervisors to ensure compliance with Department policies and procedures.

5. Participate as a member of the precinct management team.

6. Advise and confer with commanding/executive officers, operations coordinator, special operations lieutenant, integrity control officer, squad commander and RAM commander, if appropriate, on matters of importance, unusual arrests or occurrences, personnel and integrity concerns, and other conditions requiring their attention.

7. Confer with integrity control officer regarding personnel, civilian complaints, sick records, overtime concerns and integrity issues.

8. Confer frequently with the special operations lieutenant regarding command crimes and conditions.

9. Confer with lieutenant platoon commander or patrol supervisor from previous tour, at start of tour.

10. Confer with lieutenant platoon commanders of adjacent precincts, police service areas and transit districts to coordinate crime strategies.
11. Ensure radio transmissions affecting the command are monitored at all times.
12. 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.
13. Supervise roll call.
 - a. Personally inspect the outgoing platoon to ensure the personal appearance of members meets Department standards.
 - b. Instruct and question members relative to command conditions.
 - c. Ensure members are familiar with integrity concerns.
14. Ensure all personnel of the platoon are properly supervised and performing duty in a satisfactory manner.
 - a. Evaluate effectiveness of assignments.
 - b. Review POLICE OFFICER'S MONTHLY PERFORMANCE REPORTS (PD439-1414) and confer with squad sergeants as necessary.
 - c. Conduct interviews personally with personnel assigned to the platoon performing in an unsatisfactory manner.
 - d. Conduct all return from sick interviews for members of the platoon.
 - e. Review disciplinary records (CCRB, CPI) of all members assigned to platoon.
 - f. Assume responsibility for Early Intervention Monitoring for members of platoon.
15. Prepare annual evaluations of subordinate platoon supervisors.
16. Inspect the command facility each tour and record results in the Command Log.
17. Be responsible for proper entries of complaint information in the On Line Complaint System for the tour.
18. 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.
19. Designate a supervisor to conduct "platoon briefing."

NOTE: The "platoon briefing" should include information compiled by the training sergeant, i.e., Police Commissioner's messages, bulletins, and addresses by commanding officers, executive officers, integrity control officers, etc. The "platoon briefing" will include incident critiques by lieutenant platoon commanders and patrol supervisors, and regular updates regarding crime patterns, crime trends, wanted persons and discussions of precinct conditions and tactics for addressing these conditions.

20. Investigate communications and perform assigned self-inspections, as directed by commanding officer.
 - a. Ensure sergeants properly and accurately complete self-inspections, communications, and reports.
21. Inspect ACTIVITY LOG (PD112-145) of patrol supervisors daily.
22. Maintain ACTIVITY LOG.
23. FIRST PLATOON - Review reports and forms prepared for the previous twenty-four (24) hours.
24. SECOND PLATOON - Be responsible for maintenance and weekly inspection of Department vehicles.
25. Perform the following duties when assigned as a lieutenant platoon commander in a command other than a Patrol Services Bureau precinct:
 - a. 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.
 - b. Divide one's time and movement during tour between the field and command facility, as needs dictate.
 - c. Sign Command Log and notify Communications Section when leaving to and returning from patrol.
 - d. Ensure radio transmissions affecting the command are monitored at all times.
 - e. Respond to radio runs unannounced to observe performance of sergeants and police officers.
 - f. Evaluate driving habits and abilities of members of the platoon and take corrective action as necessary.
 - g. Respond to and direct police activities at serious crimes and emergencies.
 - h. Ensure all arrests are processed expeditiously and under proper supervision.
 - i. Perform tour as designated by commanding officer.

P.G. 202-14 Desk Officer

Date Effective: 11-08-02

DESK OFFICER

1. Sign name and time in Command Log when assuming duties of desk officer and at end of tour.
2. Perform duty in uniform.
3. Be responsible for all police operations within command during tour.
4. Visit all areas of the command facility at least once each tour.

a. Personally check both female and male 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.

5. Sign out in Command Log when leaving desk area for any reason, e.g., personal necessity, meal, inspection of command facility, and sign in upon return.

NOTE: 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. Police officers will not be assigned to desk duty.

6. Supervise arrest processing.

a. Periodically inspect the arrest processing area and ascertain number of prisoners on hand and length of time in command.

b. Reassign personnel as necessary.

7. Question arresting officers regarding circumstances of arrest (i.e., details of occurrence, use of force, evidence recovered, determination of charge, etc.)

8. Inspect the property locker and all areas within command where invoiced property is being held at the commencement of each tour.

a. Utilize the PROPERTY INDEX (PD542-103) to determine what property has been invoiced and compare the property against the corresponding PROPERTY CLERK'S INVOICES (PD521-141).

b. Inspect seals on all plastic and jewelry security envelopes present for tampering and conduct immediate investigation if seal is violated.

c. Inspect seals on all peddler property bags and compare their serial numbers with those serial numbers entered into the Command Log by the ranking officer who supervised the respective seizures.

d. Enter results of inspection of invoiced property and seals in Command Log and safeguard key and invoiced property during tour.

9. Certify to accuracy and completeness of entries in Command Log concerning vouchered property.

10. Make required roll call adjustments prior to posting platoon; after platoon is posted, record post changes, as they occur, in Command Log and on front of ROLL CALL (PD406-144).
 - a. Finalize roll call as per ARCS procedures.
11. Conduct roll call and, in the absence of a lieutenant platoon commander, inspect uniforms and equipment of members of outgoing platoon, question member's knowledge of command conditions, and ensure familiarity with integrity concerns.
12. Notify patrol supervisor of reassignment of members returning from court or other details.
13. Maintain Command Log.
14. Interview visitors entering command.
15. Monitor FINEST for messages affecting command or members of command.
16. Supervise performance of:
 - a. Command clerk
 - b. Telephone switchboard operator
 - c. Attendant
 - d. Patrolwagon operator
17. DO NOT assign attendant any duty requiring them to leave cell block while prisoners are lodged therein.
18. Supervise entries made on PRISONER ROSTER (PD244-145).
19. Examine and sign forms and reports as required.
20. Process summonses issued during previous twenty-four hour period when performing duty with first platoon.
21. Supervise issuance of summons books.
22. Process application for bail and personal recognizance.
23. Verify return roll call.
 - a. Supervise platoon sign-out at end of tour.
24. Enter in Interrupted Patrol Log identity of all members of platoon entering command for any reason.
25. Certify entries in TELEPHONE DISPATCH LOG (PD112-143) by signing the LOG after 4th hour and at end of tour.
26. Record hourly rings for all uniformed members performing duty between 0200 and 0700 hours.
27. Maintain Telephone Record.
28. Operate and monitor base radio.
29. Arrange meals and reliefs for personnel assigned to duty in command facility.

30. Ascertain that supervisor conducts investigation when a member of the service is injured and/or Department property is damaged and submit required reports in connection therewith.
31. Make required notifications to members of the service assigned to or residing within command.
32. Supervise distribution of paychecks and make appropriate Command Log entries.
33. Notify commanding officer of important matters, i.e., unusual arrest or occurrences and important messages or conditions requiring personal attention.
34. Promptly notify borough intelligence team of major incidents i.e., homicides; assaults involving shootings, stabbings or slashings; home invasions; crime resulting in serious injury to members of the service, significant seizure of contraband, drugs, money, or fireworks; burglary, robbery, firearms, shooting, or pattern crime arrests; gang incidents; hidden compartments (traps) in specific vehicles and any other special circumstances deemed appropriate by the commanding officer, borough intelligence team and/or precinct/PSA/transit district commanding officer.
 - a. Contact First Platoon Response Team between 0100 and 0800 hours.
35. Confer with commanding officer, executive officer, and operations coordinator concerning any trends observed or other matters of importance.
36. Safeguard and distribute portable radios giving priority to nature of member's assignment.
37. Check on repair, availability and distribution of field equipment, i.e., portable radios and emergency equipment and make entries in pertinent records.
38. Examine reports and forms prepared during previous twenty-four (24) hours and process as required when performing duty with the First Platoon.
39. Forward reports or forms to Departmental units or other commands.
40. Ensure that the United States flag is displayed properly between sunrise and sunset on each day.
41. 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
42. Accept service of civil process for member of command and notify member concerned, when principal administrative associate not performing duty.
43. 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.

44. 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).
45. Verify arrival and departure of command receptionist by signing Personnel Schedule and Time Sheet.
46. Forward command receptionist program reports as required.
47. Supervise subordinate members of command.
48. Lieutenant platoon commanders serving as desk officers will evaluate effectiveness of command patrol assignments.
49. DO NOT deploy SNEU/Anti-Crime/Peddler Enforcement personnel unless a SNEU/Anti-Crime/Peddler Enforcement supervisor is assigned directly and totally to their supervision.
50. Ensure that meals assigned to supervising officers performing duty are scheduled so that a supervisor is on patrol at all times.
51. Notify telephone switchboard operator of all post changes.
52. Report defective gas pumping equipment to Fleet Services Division, Fuel Control.
53. Promptly post any messages which modify the "Uniform of the Day."
54. 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.
55. Prepare PRECINCT CONSOLIDATED TOUR REPORT (PD120-140) on every tour and attach to the desk copy of the ROLL CALL.
56. 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.

P.G. 202-15 Command Integrity Control Officer

Date Effective: 04-25-03

COMMAND INTEGRITY CONTROL OFFICER

1. Perform NO DUTIES other than integrity control.
2. Perform duty regularly in one command.
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.
9. Provide advice to 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.
14. Inspect time cards, overtime records, property records, minor violations log, vending machine ledgers, etc.
15. Maintain records concerning the Integrity Control Program including a "Integrity Monitoring File" (see A.G. 322-33).
16. Review records relating to court appearances resulting in overtime.
17. Inspect and sign ACTIVITY LOG (PD112-145) 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 anticorruption programs.

20. Notify patrol borough investigations unit concerned regarding self initiated cases.

21. Verify Identification Section's printout of Criminal History Record Inquiries (name checks).

22. Delegate the annual issuance of Private Vehicle Plate Permits (Misc. 23N) to a responsible supervisor.

a. Have designated supervisor maintain a record of the issuance and return of parking permits in Department record book captioned as follows:

PERMIT NO.	DATE ISSUED	NAME OF MEMBER	VEHICLE MAKE	VEHICLE PLATE#	DATE RETURNED	REMARKS
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23. Check equipment and supplies regarding misuse or misappropriation.

[I.O. 35 s 04] 24. Ascertain that computer integrity is maintained including all official Department digital/analog recorded media (e.g. video tapes, digital computer files or digital/analog recording).

25. Conduct investigations when member of the service in the military fails to provide appropriate military contract and drill schedule to precinct timekeepers.

26. Physically inspect all Department radios assigned to command monthly to ensure accountability.

27. Identify all radios assigned outside of command on a permanent basis and confer with the commanding officer regarding the necessity for its continuance.

28. Debrief prisoners concerning corruption/serious misconduct, when possible.

29. 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.

30. Become well versed in the use of the computerized Accident System Index and its "AAMZ/AQIA screens".

31. Utilize the aforementioned "screens" to regularly scan Police Accident Reports (MV104AN) for the following corruption indicators:

a. An inordinate amount of Police Accident Reports (PAR's) submitted by the same UMOS.

b. Discrepancies between the dates and times of submitted PAR's 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. task force, bordering precinct, etc.

32. Conduct investigation when warranted and contact Fraudulent Accident Investigation Squad for assistance, if necessary, at [(718) 822-5280 (Bronx/Manhattan)] and [(718) 875-6287 (Brooklyn/Queens/Staten Island)].

NOTE: Borough Investigations Units and the Borough Training Coordinator will conduct random inspections of unit training to ensure all members are receiving required training.

P.G. 202-16 Principal Administrative Associate

Date Effective: 01-01-00

PRINCIPAL ADMINISTRATIVE ASSOCIATE

1. Acts as principal assistant in precinct/police service area/transit district to operations coordinator.
2. Responsible for direct line supervision and training of both uniformed and civilian members of the service assigned to clerical, administrative, and custodial staff, including roll call, payroll/time records, clerical, crime analysis and communications.
3. Assists in providing staff supervision of SP9, telephone switchboard, command clerk positions and all non-clerical civilian personnel.
 - a. Inform and train personnel regarding changes in position functions.
 - b. Consult with desk officer and training officer regarding training needs.
 - c. Request civilian personnel be included in precinct/police service area/transit district level training, when appropriate.
4. Monitors attendance and punctuality of members of the service under his/her supervision.
5. Responsible for scheduling adequate coverage of positions under his/her supervision.
6. Develops and/or assists in developing procedures and methods, records and operational controls.
7. Communicates new and/or modified policy methods and procedures to staff and evaluates results.
8. Prepares routine, complex, and confidential communications, including self-inspection reports.
9. Prepares performance evaluations for designated staff members using "Tasks and Standards Guide."
10. Attends supervisory staff meetings and conducts meetings with subordinate staff.
11. Have a Command Log entry made of the time arriving and leaving the precinct stationhouse, police service area, or transit district, and the reason.
12. Performs other assignments as directed by commanding officer and/or operations coordinator.
13. Prepare self-inspection of command's military leave records, as required.
14. Notify the operations coordinator and integrity control officer if member's current military contract and current drill schedule are not provided by the member concerned.

NOTE: In commands where there is no principal administrative associate assigned, the commanding officer concerned will designate a member of the service to perform the above functions.

P.G. 202-17 Patrol Supervisor

Date Effective: 01-01-00

PATROL SUPERVISOR

1. Supervise all police field operations within command during tour of duty.
2. Immediately respond to and direct activities at radio runs involving any weapons (firearms, knives, etc.), serious crimes, burglaries and emergencies.
 - a. Make appropriate ACTIVITY LOG (PD112-145) entries.

(1) Communications Section will immediately dispatch a patrol supervisor from an adjoining command if patrol supervisor, command of occurrence, is not available.
3. Conduct roll call, if directed by lieutenant platoon commander or desk officer.
4. Confer with commanding officer, executive officer, operations coordinator, lieutenant platoon commander and desk officer concerning trends observed or other matters of mutual interest and importance.
5. Conduct investigation and submit reports on injuries to members of the service (uniformed and civilian) or damage to Department property.
6. 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.
7. Conduct investigations and submit reports as required.
8. Maintain ACTIVITY LOG and make entries listing times, names and assignment of police officers visited.
9. Be cognizant of crimes and other conditions within command and instruct police officers concerning activities that affect their sector/posts.
10. Patrol command in uniform equipped with portable radio, as directed.
11. Supervise inspection of Department vehicles assigned to members of platoon.
12. Visit police officers assigned to foot and radio motor patrol frequently and at irregular intervals during tour and indicate visit by signing ACTIVITY LOG of each member.
13. Visit uniformed members of the service assigned to hospital and special posts at least once each tour.
14. Ensure that radio messages directed to member assigned to sector/post are acknowledged.
15. Direct RMP units to resume patrol when services are no longer required.
16. Report derelictions of duty to commanding officer.
17. Keep lieutenant platoon commander or desk officer notified of current matters of importance.
18. Notify switchboard operator of location where meal will be taken and relieve lieutenant platoon commander or desk officer for meal, when designated.

19. 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.
20. Review POLICE OFFICER'S MONTHLY PERFORMANCE REPORTS (PD439-1414) of police officers, make required entries and deliver to commanding officer within seven (7) days following month for which submitted.
21. Sign return ROLL CALL(PD406-144) after completion of tour.
22. Supervise member's performance of duty, test knowledge of command conditions and closely evaluate member's activity.
23. Submit to commanding officer, in writing, recommendations for special assignment, detective designation, or change in assignment for members under supervision.
24. Evaluate driving habits and abilities of members of the platoon and take corrective action as necessary.

P.G. 202-18 Supervisor Of Anti-Crime Patrol

Date Effective: 01-01-00

SUPERVISOR, ANTI-CRIME PATROL

1. Confer with commanding officer, special operations lieutenant, crime analysis officer and uniformed supervisors on patrol to identify locations of high crime within the command.
2. 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.
3. 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 pepper spray.
 - a. Uniformed members of the service assigned to the Transit Bureau performing subway anti-crime duty will wear, in lieu of the nylon windbreaker jacket, a blue mesh vest with the words "POLICE" on the front and rear.
4. Inspect Department autos daily for necessary equipment, including portable red light.
5. Ensure that members are properly trained regarding duties as described in current Department directives.
6. Supervise member's performance, be cognizant of location of anti-crime members, and be able to contact personnel at all times.
7. Apprise patrol sergeants of anti-crime activity locations for information of uniformed members on patrol.
8. Ensure that anti-crime personnel do not conduct decoy operations without prior approval of the bureau chief concerned.
9. Notify platoon commander and special operations lieutenant of all incidents of importance that occur during tour.

P.G. 202-19 Training Sergeant

Date Effective: 01-01-00

TRAINING SERGEANT

1. Perform duty, in uniform, as the command's primary training instructor and coordinator of field training.
2. Perform tours of duty at the direction of the commanding officer, as necessary.
3. MUST dedicate a minimum of four (4) hours and thirty (30) minutes of each tour to patrol related functions, e.g., meal relief for desk officer and/or patrol supervisor, investigating communications, etc.
4. Conduct training sessions for the three (3) platoons as follows:
 - a. 1st and 2nd Platoons - 0720 to 0745 hours
 - b. 3rd Platoon - 1515 to 1535 hours.
5. Schedule and conduct training sessions for all uniformed and, when appropriate, civilian members of the command not assigned to a steady platoon (i.e., Community Policing Unit, Anti-Crime, Street Narcotics Enforcement Unit and civilians).
 - a. Training sessions will be conducted twice weekly for forty-five (45) to sixty (60) minutes duration.
6. Maintain and sign the Training Attendance Log daily.
7. Have tours adjusted, where applicable, by the commanding officer to ensure that all police officers working tours outside the training sergeant's normal tour will receive training.
8. Attend Police Academy training seminars and conduct training in topics selected by the Department's Training Advisory Committee.
 - a. Research and prepare lesson outlines in accordance with schedules promulgated by the Borough Training Coordinator.
9. Confer frequently with commanding officer to identify training needs.
10. Implement training directives of commanding officer.
11. Keep abreast of occurrences within the command and conditions to aid commanding officer in identifying problems which may be solved by command level instruction.
12. Maintain attendance records at training sessions and other Department training programs.
 - a. Coordinate the attendance by members of the command at all Department training programs.
13. Monitor and review attendance records to ensure that all members of the command, both uniformed and civilian, when appropriate, are trained within each training cycle and that training is conducted each day as required.

NOTE: Appropriate investigation unit and the Borough Training Coordinator will conduct random inspections of unit training to ensure all members are receiving required training.

14. Ensure that lesson plans and training materials are available and accessible to the alternate trainer when not scheduled or unavailable to conduct training.
15. Prepare roll call training messages.
16. Prepare and maintain bulletin board training within the command.
 - a. Supervise maintenance of other command bulletin boards/pin maps.
17. Measure effectiveness of training efforts on members of command.
18. Attend community meetings when designated to do so by commanding officer.
19. Give advance notice of future training topics to increase interest.
20. Maintain command library.
21. Keep abreast of current orders (i.e., Interim/Operations Orders, FINEST messages, etc.).
 - a. Include pertinent material during training sessions.
22. Distribute Patrol Guide Revision Notices and other Department directives as required.
23. Confer with principal administrative associate or designee to determine civilian training needs.

NOTE: The Police Academy will develop and supply training sergeants with training curriculums and materials in coordination with the Office of the Chief of Department.

P.G. 202-20 Precinct School Safety Sergeant

Date Effective: 01-01-00

PRECINCT SCHOOL SAFETY SERGEANT

1. Assist precinct commanding officer in developing and implementing the precinct school safety plan.
2. Coordinate precinct resources to address developing school-related conditions.
3. Perform an operational tour of duty, ensuring that hours are consistent with school hours of operation, particularly dismissal times.
4. Maintain ongoing liaison with principals and school staff.
5. Coordinate the evaluation and supervision of school safety agents.
6. Assist with training of school safety personnel.
7. Coordinate activities with precinct youth officer.
8. Evaluate and coordinate "Safe Passage" and "Safe Corridor" Programs.
9. Act as conduit to Department for school safety agents' requests for resources.
10. Visit schools and track statistics on violence in schools by conferring with school principals and school safety agents.
11. Establish liaison and coordinate precinct efforts with the borough truancy task force.
12. Liaison with the precinct domestic violence prevention officer on cases involving child abuse.
13. Respond to incidents where a school safety agent is a victim of an offense while performing duty.
14. Keep special operations lieutenant apprised of activities in and around school facilities.

P.G. 202-21 Police Officer

Date Effective: 01-01-00

POLICE OFFICER

1. Perform duty in uniform as indicated on roll call or as directed by competent authority.
2. Proceed to post, sector or assignment as directed by supervisor.
3. Comply with meal and post relieving points as directed by commanding officer.
4. Report to desk officer when entering or leaving stationhouse/police service area/transit district during tour of duty indicating reason for presence therein.
5. Be aware of, and inspect, post or sector for conditions requiring police attention.
6. Report immediately to the patrol supervisor and the platoon commander any unusual crime, occurrence or condition.
7. Report conditions not requiring immediate attention to the command clerk.
8. Render all necessary police service in assigned area and as otherwise directed.
9. Familiarize self with the everyday routine of people residing, doing business or frequenting post or sector.
10. Investigate suspicious conditions and circumstances on the post.
11. Give attention to crime hazards.
12. Signal the command each hour, if not equipped with radio.
 - a. All uniformed members will ring between 0200 and 0700 hours direct to the desk officer.
 - b. When assigned to school or church crossing, signal before and after crossing.
 - c. Do not signal when assigned to a traffic post.
 - d. Uniformed members assigned to the Transit Bureau will signal the command when arriving and leaving assigned post, going on and coming off meal, and as indicated on the roll call.
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. Submit POLICE OFFICER'S MONTHLY PERFORMANCE REPORT (PD439-1414) to the designated sergeant by third day of month for previous month.
 - a. Submit REPORT prior to leave, or if not possible, without delay upon return to duty if scheduled for vacation or other leave.
16. 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.
17. Maintain ACTIVITY LOG (PD112-145).

18. Preserve completed ACTIVITY LOGS and produce them as required by competent authority.

19. Monitor portable radio.

20. Do not leave post/sector until meal actually commences and be back on post when meal is over. (Travel time is not authorized).

P.G. 202-22 Radio Motor Patrol Operator

Date Effective: 01-01-00

RADIO MOTOR PATROL OPERATOR

[I.O. 37 s 04] 1. Wear Seat Belts

- a. Wear three-point seatbelts, when provided.
- b. Wear two-point safety belts (lap belts) if three-point safety belts are not provided.

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 accident 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.

2. Exchange assignments every four (4) hours with the recorder of the radio motor patrol car.
3. 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.
4. Permit only uniformed members of the service performing related police duty to enter or ride in a radio motor patrol car on patrol.
5. Respond to messages of serious police emergency within five (5) blocks of location even if messages are directed to another car, regardless of sector, precinct and borough boundaries.
6. Do not carry electric blasting caps in vehicles or transmit within 150 feet of any electric blasting operation.
7. Monitor radio when recorder is assigned to a school or church crossing.
 - a. Pick up recorder and respond to assignment when directed by radio dispatcher.
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
 - 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 ACTIVITY LOG (PD112-145) entry of findings, odometer reading and amount of gasoline in the tank as registered by the indicator.
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").

P.G. 202-23 Radio Motor Patrol Recorder

Date Effective: 01-01-00

RADIO MOTOR PATROL RECORDER

1. 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 seatbelts, when provided.
- b. Wear two-point safety belts (lap belts) if three-point safety belts are not provided.

[I.O 37 s 04] 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 accident 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.

2. Notify radio dispatcher of the presence of a prisoner, emotionally disturbed person, etc., the time entering the RMP, their gender and the beginning mileage.

- a. Notify the radio dispatcher of the time persons exited RMP and ending mileage, upon arrival at destination.

3. Operate the radio.

4. Record in ACTIVITY LOG (PD112-145), radio messages directed to car, including time, location of call, and type of case.

- a. Enter disposition of each call and time of completion.

5. Make hourly ring direct to desk officer between 0200 and 0700 hours.

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. Obtain a portable radio, if available, from the desk officer.

9. Cover school crossing or other fixed post, as required.

10. Prepare all necessary reports and records connected with police action taken jointly with operator, while assigned as recorder.

11. Signal command and comply with instructions of desk officer, if radio station becomes inoperative.

12. Obtain permission from radio dispatcher to place R.M.P. auto out of service for minor repairs.

13. Notify radio dispatcher of all assignments including pickup assignments, not emanating from Communications Section.

a. Give location and nature of assignment.

14. Carry duplicate set of keys for vehicle to which assigned during the entire tour of duty.

P.G. 202-24 Motor Scooter Operator

Date Effective: 01-01-00

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 (20) M.P.H.
2. Operate scooter with headlight on at all times.
3. Report to command by telephone each hour or during emergencies as directed by commanding officer.
4. Do not use scooter to pursue motor vehicles nor be assigned to expressways or parkways.
5. Check road conditions of entire post and make ACTIVITY LOG (PD112-145) entry immediately after arrival on post.
6. Request reassignment when original assignment is hazardous due to spillout from trucks, construction or other poor road surface conditions.
7. 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).
8. Receive refresher training in motor scooter operation when member:
 - a. Has been involved in scooter accident.
 - b. Has not operated a Department scooter within six (6) months period and is being considered for assignment to operate scooters.
 - c. Has performed scooter duty for one (1) year period without attending refresher course.
9. Inspect scooter to ensure it is in serviceable condition and enter in ACTIVITY LOG findings, odometer reading and amount of gasoline in tank.
10. Operate scooter only when assigned, properly licensed and designated as qualified Department Scooter Operator.
11. Monitor portable radio.
12. 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.

13. Wear reflective belt or reflective traffic safety vest during hours of darkness.
14. Obey traffic control devices.
 - a. Siren and roof lights installed on three-wheel scooters will be operated when necessary.
15. Use extreme caution when approaching intersection or making turns.
16. Do not respond to radio runs unless specifically directed by radio dispatcher.

P.G. 202-25 Anti-Crime Police Officer

Date Effective: 01-01-00

ANTI-CRIME POLICE OFFICER

1. Perform duty in civilian clothes.
 - a. Be equipped with pepper spray while on duty.
2. Maintain daily record of activity in ACTIVITY LOG (PD112-145).
3. Study and analyze command crime statistics and reports.
4. Patrol within confines of command giving special attention to locations prone to violent street/subway crimes and burglaries.
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. Conduct short-term investigations, not to exceed two (2) hours, within command boundaries, directly related to street/subway crimes or burglaries except when commanding officer/executive officer extends such time.
8. Do not conduct lineup or show photographs without permission of detective squad supervisor or qualified supervisor of investigating unit (e.g., RAM, etc.).
9. 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, Street Crime Unit, PDS/RAM 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.

P.G. 202-26 Crime Prevention Officer

Date Effective: 01-01-00

CRIME PREVENTION OFFICER

1. Cooperate with the special operations lieutenant, patrol supervisors, patrol officers, planning officer, training officer, and the auxiliary coordinator to determine local crime prevention needs and methods of controlling crime.
 2. Evaluate crime patterns and institute crime prevention programs relative to specific crimes.
 3. Establish rapport with local community to implement innovative crime prevention programs tailored to specific needs.
 4. Act as liaison with private security directors of organizations within command and facilitate exchange of intelligence information with the business community.
 5. Coordinate "Zero Tolerance" and larceny reduction programs with retail establishments regarding shoplifting arrests.
 6. Keep commanding officer apprised of private sector initiatives, and progress of the ongoing Area Police Private Security Liaison (APPL) program."
 7. Conduct public education programs on crime prevention via various community group meetings.
 8. Give direction and guidance to cooperative neighborhood crime prevention undertakings.
 9. Inspect premises and make recommendations concerning physical security.
 10. Investigate selected crimes against property, evaluate current security measures and recommend new procedures to owners or residents.
 11. Investigate selected crimes against the person, interview victims and institute individual and community education programs to prevent recurrence.
 12. Refer complex cases which require special investigative effort to the Crime Prevention Section.
 13. Wear appropriate business attire when not performing duty in uniform.
 14. Inspect all COMPLAINT REPORTS (PD313-152) to identify crime victims under sixty (60) years of age, who have been the subject of:
 - a. Homicide, sex crime, robbery, assault, OR,
 - b. Physically injured.
- NOTE: Notification of rights to compensation for victims aged sixty (60) years and over will be made by the New York City Department of the Aging.
15. Verify if member of the service preparing/investigating COMPLAINT REPORT involving a crime victim has complied with P.G. 207-08, "Preliminary Investigation of Complaints (Other than Vice or Narcotics Complaints)."
 16. Notify crime victim/surviving relative by mailing a pamphlet/application through the Mail and Distribution Unit within five (5) days of receipt of COMPLAINT REPORT.

a. Complete last six (6) captions on Crime Victims Board "Claim Form" found in pamphlet entitled "Are You an Innocent Victim of a Violent Crime?"

b. Operations Coordinator will be responsible for maintaining the notification system in the absence of the Crime Prevention Officer.

17. Maintain written records of the month's activity of all notifications made and forward a report on Typed Letterhead, by the fifth (5th) of each month, to the patrol borough command concerned.

a. Patrol borough commands will consolidate monthly reports and forward them, within three (3) days, to Crime Victims Unit, Office of Deputy Commissioner - Community Affairs.

18. Administer VIN etching, CAT, HEAT, BAT, and similar programs.

19. Function as the liaison between this Department and the Protective Services for Adults agency and Department of the Aging.

a. Receive telephone inquiries, ensure appropriate response, if necessary, and convey the results to originating agency.

P.G. 202-27 Planning Officer

Date Effective: 01-01-00

PLANNING OFFICER

1. Perform duty in uniform, when practical, as member of the command administrative staff.
2. Conduct planning activities of the command under the direction of the commanding officer.
3. Maintain liaison with Operations Unit, and other planning officers.
4. Maintain records and prepare reports relating to planning activities.
5. Develop innovative plans in the areas of crime prevention, traffic, patrol and investigative techniques, community affairs and other operating functions of the command.
6. Devise methods for measurement of performance.
7. Conduct analysis of operations, including workload, functions, allocation and utilization of personnel and other resources.
8. Make recommendations concerning use of available resources to achieve objectives.
9. Study specific problems peculiar to the command, such as crime patterns and incidence, personnel activity, prisoners in a hospital, and method or type of patrol technique employed.
10. Prepare projections of future resource requirements, make recommendations for revision of post or sector boundaries, and changes in allocation or utilization of patrol resources.
11. Study and update existing disorder, disaster or other plans affecting the command.
12. Identify need for new plans.
13. Study and document changing conditions within the command and determine impact on police services.
14. Make estimates of the command situation and provide the commander with information on how significant factors will affect the situation.
15. Participate in development and/or evaluation of pilot projects.
16. Develop local procedures to facilitate the introduction of new Department-wide procedures.
17. Collect, collate, evaluate and then disseminate information within the command and with higher, lower and parallel commands.
18. Represent commanding officer, when designated, at community meetings.
19. Coordinate activities with the crime prevention officer.

P.G. 202-28 Traffic Safety Officer

Date Effective: 04-25-03

TRAFFIC SAFETY OFFICER

1. Serve on the precinct Traffic Safety Team and advise team members on traffic related issues and concerns.
2. Review, sign and analyze all Police Accident Reports (MV104AN). Note any deficiencies and bring to the attention of the precinct training sergeant and/or platoon commander.
3. Provide to the desk officer for review a daily recapitulation of all accident numbers generated for a given command.
4. Maintain a file of completed photocopied Police Accident Reports, by the month in which the accident occurs, for a minimum of one year, in a secure locked cabinet.
5. Duplicate and forward accident reports, on a daily basis, to the Highway Unit concerned for accidents occurring on limited access highways.
6. Duplicate and forward accident reports to other agencies (Department of Motor Vehicles, Taxi and Limousine Commission, etc.), when necessary.

[I.O. 37 s 04] 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.

7. Fax copy of all POLICE ACCIDENT REPORTS involving a "crossover" accident to the Corporation Counsel and the Highway District.

NOTE: A crossover accident is a motor vehicle accident 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.

8. Analyze and process TRAFFIC INTELLIGENCE REPORTS (PD178-150).
9. Forward TRAFFIC INTELLIGENCE REPORTS that cannot be addressed on the precinct level to the Patrol Borough Traffic Safety Coordinator.
10. Query the Traffic Accident Management System (TAMS) for listing of accident prone locations.
11. When necessary, identify accident-prone locations not listed in TAMS.
12. Survey all accident-prone locations and determine contributing factors for each location.
13. Recommend necessary engineering, enforcement and education strategies for accident reduction.
14. Forward necessary enforcement information (days and hours accidents are occurring, contributing factors, e.g. weather conditions, etc.) to other units providing summons enforcement in the precinct, such as the Patrol Borough Task Force, Highway Units, Manhattan Traffic Task Force, etc.
15. Maintain a liaison with the city's Department of Transportation regarding engineering recommendations.

16. Issue appropriate summonses at accident-prone locations.
17. Maintain copies of construction permits, visit construction sites and issue summonses for permit violations.
18. Count, record by category (e.g., red lights, improper turn, etc.), and process relevant summonses.
19. Enter enforcement activity in TAMS and complete a Supplemental Enforcement Ratio Report, when necessary.
20. Maintain and update the precinct Traffic Safety Plan and Emergency Plans "A.", "B" and "C".
21. Evaluate and monitor the precinct Pedestrian Safety Program.
22. Attend patrol borough traffic safety meetings.
23. Compile necessary statistical data for TRAFFICSTAT meetings and attend meeting with executive officer when precinct is scheduled for a presentation.
24. At the direction of the commanding officer, attend community council and Safety Board meetings, as well as other public forums to discuss traffic safety.
25. Coordinate activities with the Community Affairs Officer to reduce accidents involving children.
26. Cooperate with the Precinct Planning Officer in matters concerning traffic safety.
27. Coordinate traffic related training (radar, construction site enforcement, school crossing guards, etc.) with the training sergeant.
28. Prepare and/or forward the following reports:
 - a. Monthly TAMS Accident Prone Location Report, Precinct Enforcement Ratio Report and Enforcement Ratio Recap
 - b. Supplemental Accident Prone Location Report and Enforcement Ratio Report, when necessary
 - c. Traffic/Quality of Life Report
 - d. Precinct Radar Program Report
 - e. Pedestrian Safety Overtime Report
 - f. Commuter Van Enforcement Report
 - g. Tow Truck Accident Report
 - h. Aggravated Unlicensed Operator Program Report.
29. Review the HIGHWAY CONDITION RECORD (PD311-151) for conditions that require notification to, or follow-up with, other agencies (Department of Transportation, Parks, etc.)
30. Prepare MISSING TRAFFIC CONTROL DEVICE REPORT (PD620-150) and forward to the appropriate Department of Transportation Borough Commissioner.

31. Maintain and update the precinct's traffic safety bulletin board to keep members current on accident-prone locations, school/church crossings and other traffic safety information.

32. Serve on the Department Vehicle Accident Review Board and process necessary reports.

33. Review on a daily basis all summonses for moving violations and violations returnable to criminal court, and all Environmental Control Board Notices of Violation and Hearing.

a. Identify those summonses/Notices 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 (2) photocopies of each summons/Notice, entering on the top of each photocopy the next respective sequential number from the "Report of Violation" log, and then forward one (1) of the photocopies to the New York City Taxi and Limousine Commission.

c. File remaining photocopy of summons/Notice 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 accident prone locations, the assignment of an Assistant Traffic Safety Officer may be warranted.

P.G. 202-29 Domestic Violence Prevention Officer

Date Effective: 01-01-00

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) for accuracy and completeness.
 - a. Indicate verification by completing the "Reviewed by" caption on the Domestic Incident Report.
 - b. Forward copy of Domestic Incident Report to precinct's Domestic Violence Investigator.
3. Review each tour's SPRINT Resource Log and ensure that a Domestic Incident Report has been prepared for all assignments in which a 10-93F, 10-92F, or 10-90F radio code disposition was given.
4. Maintain a command Domestic Incident Report Log to record each Domestic Incident Report, captioned as follows:

PRECINCT SERIAL NO.	SPRINT NO.	DATE OF REPORT	VICTIM'S NAME
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5. Maintain a Domestic Incident Report file comprised of all Domestic Incident Reports prepared within the command, or forwarded from other commands.

NOTE: The original Domestic Incident Report (Domestic Violence Prevention Officer's copy) and the first (1st) copy (Domestic Violence Investigator's copy) will be filed in the command of occurrence. If the command of occurrence is other than complainant/victim's resident precinct and a Report is prepared, a photocopy of that Report will be forwarded to the Domestic Violence Prevention Officer assigned to the complainant/victim's resident precinct.

6. Enter information obtained from all Domestic Incident Reports into the command's Domestic Incident Report database, updating existing files as new information concerning a particular complainant or household becomes available.
7. Identify and monitor those locations and victims (including all members of the household who may be at risk) requiring special attention by utilizing information obtained from all available sources.
8. Maintain contact with complainants, i.e., telephone calls, letters, home visits, or interviews at the command, depending on the complainant's needs and preferences.
 - a. Use caution when attempting to contact victims so as not to alert the alleged offender of police intervention.

[I.O. 16 s 04] NOTE: In an effort to avoid compromising ongoing investigations, the Domestic Violence Prevention Officer will confer with the precinct detective squad or Special Victims Squad investigator concerned, before contacting victims whose open complaints have been referred to either squad. Prior to conducting a family/home visit, notify Communications by utilizing radio code "10-75F" and give the address, and if applicable, the apartment number of the visit.

9. 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. Ensure that a computer warrant check on individuals identified on the Domestic Incident Report has been completed prior to conducting a home visit, interview, etc., and that results have been entered on the Domestic Incident Report.

10. Relay information concerning victims or locations requiring special attention to other command personnel, including the Domestic Violence Investigator, community policing officers, youth officers, and sector 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.

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 Orders Of Protection By Uniformed Members Of The Service."

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

P.G. 202-30 Precinct Youth Officer

Date Effective: 01-01-00

PRECINCT YOUTH OFFICER

1. Process and investigate JUVENILE REPORTS (PD377-151) prepared for youths residing in precinct.
2. Maintain file of JUVENILE ARREST INVESTIGATION/ PROBATION INTAKE REPORTS (PD277-151).
3. Contact parents and warn of truancy or other offenses committed by their children that resulted in a YOUTH REFERRAL (PD377-153) or JUVENILE REPORT.
4. Execute youthful offender warrants and institute court process when necessary.
5. Coordinate, guide, develop and stimulate Police Athletic League and youth programs, in cooperation with neighborhood volunteers, including community and youth councils.
6. Assist commanding officer in the development and review of School Security Plans, Summer Youth Security Plans and Safe Corridor Plans.
7. Coordinate Summer Youth Work Program and assist/complement efforts of community affairs and crime prevention officers.
8. Ensure witnesses and complainants appear as necessary in Family Court for cases involving violent youth.
9. Follow up on ALL CRIMES, petty and serious, committed by youths.
 - a. Attempt to involve petty offenders in positive youth groups.
10. Coordinate intelligence, identify youth gangs and maintain youth gang file, including the names of known members, locations, colors, rivals, etc.
11. Establish liaison with schools, Police Athletic League, DARE, local community groups, and social agencies, and make necessary presentations.
12. Identify any locations frequented by truants and notify the borough truancy task force.
13. Establish liaison and coordinate efforts with the borough truancy task force and Youth Services Section.
14. Identify home conditions which contribute to youth violence.
15. Provide essential information on youth violence/domestic violence to command personnel working on like cases.
16. Work with the domestic violence prevention officer on cases involving child abuse.
17. Visit schools and track statistics on violence in schools by conferring with school principals and school safety officers.
18. Prepare YOUTH REFERRALS, REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154), GANG/GROUP INCIDENT REPORT (PD377-158), and/or JUVENILE REPORTS as necessary.
19. Be familiar with current case law when conducting interviews and interrogations.
20. Patrol, in uniform, at locations where youths congregate during school hours.

21. Patrol, in uniform, areas frequented by youths during hours that school is not in session.
22. Youth officers are responsible for the cleanliness, supply of reports and security of the juvenile interrogation room.
23. Work in close coordination with the Youth Services Section to reach out to youths "at risk."
24. Serve as an information resource and advise command personnel, parents and community groups on youth matters.
25. Assist in processing runaways, abused children and those youths requiring shelter, when necessary.
26. Inspect all copies of REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT prepared or received in command and follow related P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children."

P.G. 202-31 Arrest Processing Officer

Date Effective: 01-01-00

ARREST PROCESSING OFFICER

1. Perform duty in uniform.
2. Distribute arrest related forms and paperwork to arresting/assigned officer as appropriate (On Line Booking Worksheets, Desk Appearance Ticket's, juvenile summons, etc.).
3. Access and operate computer systems to check for warrant information.
4. Access and operate OLBS computer system (PF1/PF3), for arrest number generation, when necessary.
5. Operate "Livescan" fingerprinting machine in all cases that require a prisoner to be fingerprinted.
6. Ensure prisoner(s) are photographed, as appropriate.
7. Ensure command has adequate supply of all necessary arrest related forms, paperwork and equipment.
8. Ensure all of the command's arrest related computer systems are operational and properly maintained.
 - a. Contact appropriate sources to advise that system(s) have failed and for instruction and/or repair.
9. Assist desk officer in notifying uniformed member of the service when prompted by Assistant District Attorney of readiness for interview.
10. Make inquiries with the District Attorney's Office concerned on all unusual delays in complaint interviews/preparation.
11. Review all completed arrest packets for accuracy and completeness.
 - a. Ensure prompt delivery, as appropriate.

NOTE: Arrest processing officers will assist on all arrests that are processed within their command regardless of the arresting/assigned officer's command, bureau or agency.

In addition to the above duties and responsibilities, a command's 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.

[I.O. 53 s 03] A member of the service will be with the prisoner at all times. 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.

P.G. 202-32 Community Affairs Officer

Date Effective: 01-01-00

COMMUNITY AFFAIRS OFFICER

1. Attend community council meetings and assist in stimulating and coordinating council activities.
2. Forward monthly report of council meetings, programs and operations to Deputy Commissioner - Community Affairs through borough community affairs coordinator and Commanding Officer, Community Affairs/Crime Prevention Section.
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 community policing supervisor 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, rabbis, ministers, priests, 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 command personnel assigned to administer the Youth Service and Crime Prevention Programs to ensure mutual cooperation and support.

15. Perform other community affairs duties as directed by commanding officer or other competent authority.

16. Wear appropriate business attire when not performing duty in uniform.

17. Administer the 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 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 impaired memories and ascertain if they have registered with the Safe Return Program.

a. Provide information about the program if they have not registered and encourage them to register.

P.G. 202-33 Warrant Officer

Date Effective: 01-01-00

WARRANT OFFICER

1. Perform duty in uniform, in command unless specifically authorized to do otherwise by competent authority.

a. Perform tours of duty conducive to the apprehension of targeted fugitives, as determined by commanding officer.

2. Pursue all misdemeanor and violation warrants forwarded to the command for individuals residing within command boundaries.

3. Operate under the supervision of command special operations lieutenant and, as an integral member of the command special operations team, exchanging on a regular basis, information concerning wanted individuals with all team members (i.e., anti-crime, Street Narcotics Enforcement Unit, community policing, youth officer, domestic violence prevention officer, etc.).

NOTE: If wanted individual is the subject of an INVESTIGATION CARD (PD373-161), frequent exchange of information with detective squad concerned is necessary.

a. Confer, if query of WOLF and WNAM/WNYS Systems reveals an on-going investigation, with borough and city-wide level investigative units, including precinct detective squad, Warrant Section borough squad, Cold Case Apprehension Squad, Juvenile Crime Squads, transit district and Homeless Outreach Unit concerned, so as NOT to impede ANY active felony investigation being conducted.

4. Obtain New York City criminal arrest history via the BADS computer to ascertain subject's recent arrest activity, if any, and other available information.

5. Establish and maintain a photograph file containing photos of wanted individuals believed to reside in, or frequent locations within, the command.

a. Prepare flyers/cards with photos of wanted individuals for distribution to command personnel and uniformed members of the service from other commands (i.e., Organized Crime Control Bureau, etc.,) regularly operating within the command.

NOTE: When it is learned that a court has mandated the sealing and returning of an arrestee's arrest photo, such photo will be immediately removed from the command photograph file and forwarded to the Latent Print Section, Tracking Unit for the eventual return to the arrestee.

6. Utilize all available databases to assist in the apprehension of wanted individuals, including the Warrant Master File, the Warrant Arrest Report Generator (WARG) System, the Warrant On Line File (WOLF) System, the Booking Arraignment Disposition System (BADS), the Computer Assisted Robbery System (CARS), and the Court Record Information Manager System (CRIMS).

7. Process warrants received in accordance with P.G. 212-75, "Processing Warrants," as well as all applicable provisions of the Penal Law and Criminal Procedure Law.

8. Comply with the pertinent provisions of P.G. 208-42, "Arrest on a Warrant," regarding re-arrest on a bench warrant, when a warrant has been executed and arrest is effected SOLELY on a bench warrant.

P.G. 202-34 Command Auxiliary Police Coordinator

Date Effective: 01-01-00

COMMAND AUXILIARY POLICE COORDINATOR

1. Perform tours of duty that conform with the duty schedule of the command.

NOTE: Commanding officers concerned will make a concerted effort to ensure that the assignment of the command auxiliary police coordinator is a full time assignment.

2. Assist commanding officer and special operations lieutenant in the command's problem solving objectives by coordinating and maintaining a liaison with the crime prevention officer, community affairs officer, youth officer, planning officer and community policing coordinator.

3. Coordinate all auxiliary police activities within command.

4. Recruit new members into the Auxiliary Police Program continually by developing strategies with the Commanding Officer, Auxiliary Police Section and recruitment staff.

5. Conduct mandatory "basic training" classes for new recruits twice a year with at least ten (10) recruits.

a. Schedule training for auxiliary personnel by contacting the Training Unit, Auxiliary Police Section.

6. Identify and recommend to the special operations lieutenant suitable volunteer auxiliary police for the "Purchase of Alcohol to Minors" operation.

7. Obtain shields and identification cards of members leaving the Auxiliary Police Program and process accordingly.

8. Submit requests for recognition awards and promotion.

a. Forward requests to Auxiliary Police Section through borough auxiliary police coordinator concerned.

9. Ensure that hours performed by auxiliary police members are accurately recorded.

a. Include monthly activity figures on required Auxiliary Police Section form and forward to the borough auxiliary police coordinator and Auxiliary Police Section.

10. Interview, enroll and investigate new applicants to the program.

a. Prepare initial/final packages

b. Conduct confidential investigations, if necessary

c. Report to Auxiliary Police Section three (3) weeks after start of "basic training" course with initial package and immediately upon completion of the course with final package.

11. Examine and verify all information submitted including proof of residence, employment, citizenship, etc.

a. Must verify by written documentation that on-file applicant is a permanent resident or possesses a valid visa issued by Immigration and Naturalization Service.

12. 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.

13. Confer with the commanding officer, special operations lieutenant and planning officer to develop plans for optimum use of auxiliary police members in the event of an emergency.

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

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

15. Develop innovative programs within Department guidelines to generate interest and enthusiasm in the program.

16. Wear appropriate business attire when not performing duty in uniform.

NOTE: Commanding officer selects qualified uniformed member of the service for assignment as command police auxiliary coordinator but is not assigned as such until approved by the Commanding Officer, Auxiliary Police Section. Additionally, the commanding officer selects an alternate to perform the above duties when the command auxiliary police coordinator is not working.

All borough and command auxiliary police coordinators are responsible for program management and will ensure adherence to the provisions of the Auxiliary Guide and all related directives, bulletins, orders, etc., published by the Commanding Officer, Auxiliary Police Section.

P.G. 202-35 Command Lan Manager

Date Effective: 01-01-00

COMMAND LAN MANAGER

1. Responsible for the serviceability, proper care and use of all computer hardware and software assigned to the command.
2. Monitor the daily operation of the Local Area Network and other computer related equipment.
 - a. Make minor repairs, adjustment, etc., to such equipment.
3. Contact the Management Information Systems Division, Help Desk, for required assistance and service.
 - a. Submit a written report on Typed Letterhead, addressed to Management Information Systems Division, if service provided by contracted repair vendor does not resolve equipment problems in a timely manner.
4. Inspect all computer equipment in command daily for cleanliness, orderly condition, accountability and operation.
 - a. Inform desk officer of results of inspection.

NOTE: The desk officer shall record the results of the inspection in the Command Log.
5. Maintain a current inventory listing, including maintenance history, of all computer hardware and software.
 - a. Advise Management Information Systems Division of any additions or deletions of hardware or software not directly received from or returned to Management Information Systems Division.
6. Report to desk officer when reporting on or off-duty, and when leaving or returning to the command during the tour. Desk officer shall record same in the Command Log and on the roll call.
7. Confer with commanding officer/detective squad commander on a regular basis.
 - a. Provide assistance in computer related matters.
8. Inform the commanding officer/detective squad commander of important matters related to area of responsibility.
9. Cooperate with other commands and units in an effort to accomplish the mission of the command.
10. Supervise performance of computer related activities within the command.
 - a. Inform operations coordinator, principal administrative associate, or detective squad commander of deficiencies or derelictions in the use or care of computer equipment and peripherals.
11. Confer and assist other supervisors in preparing performance evaluations for those members assigned to the operation of computer equipment.
12. Perform tours of duty as determined by the commanding officer.

13. Provide assistance to other commands within the borough when their Command LAN Manager is not on duty.
14. Maintain current knowledge of computer applications.
15. Provide training and assistance to command personnel in the use of current and new computer applications accessible through the Local Area Network or mainframe network.
16. Develop and/or assist in developing procedures, records and operational controls for operation of computer systems within the command.
17. Communicate new and/or modified computer related policy methods and procedures to staff and evaluate results.
18. Attend supervisory staff/management team meetings.
 - a. Conduct periodic staff meetings.
19. Maintain and update LAN Guide as well as all related materials, books and manuals in command's computer resource library.
 - a. Maintain updated LAN Guide and pertinent material for Command Reference Library.
20. In accordance with the LAN Guide and other directives from the Management Information Systems Division:
 - a. Establish and maintain network users, directories and security.
 - b. Monitor and administer the network.
 - c. Manage the file server and update the operating system as required.
 - d. Set up and manage network printing.
 - e. Establish the user environment.
 - f. Maintain software applications, as required.
 - g. Maintain a backup of all files, security, rights.
 - h. Respond to the needs and questions of users relative to their access of resources on the network and the performance of their assigned duties.
 - i. Train qualified members to act as backup managers.
 - j. Remain abreast of changes in user and system software and hardware requirements.
 - k. Keep system information in an orderly NetWare Log.
 - l. Other matters as indicated in the LAN Guide.
21. Ensure that unauthorized equipment (i.e., laptops, modems, personal computers, etc.,) are not attached to Local Area Network.
22. Ensure that Local Area Network equipment is not altered in any way that would allow a workstation to utilize a floppy disk drive or local hard drive.
23. Ensure that no unauthorized programs, software, etc., are utilized on Department computers.

NOTE: Local developed programs for use on the Local Area Network must be submitted to the Management Information Systems Division, through channels, for review and approval. If approved, Management Information Systems Division personnel will install the programs on the Local Area Network.

24. Attend meetings and training sessions scheduled by the Commanding Officer, Management Information Systems Division.

25. Perform other related assignments as directed by the commanding officer, or as requested by the detective squad commander.

P.G. 202-36 Evidence/Property Control Specialist

Date Effective: 01-01-00

EVIDENCE/PROPERTY CONTROL SPECIALIST

1. Receives, invoices, releases, packages, and labels property and evidence, including, but not limited to, narcotics, U.S. and other currencies, securities, jewelry, etc.
2. Performs intake functions, checks and examines property to ensure that it is in conformance with related documentation; searches for possible contraband, unaccountable items, or VIN numbers and other proof of identification.
 - a. Assigns storage number location.
3. Stores and safeguards invoiced property, properly identified for easy retrieval.
4. Prepares property and pertinent documents necessary for transport; operates Department vehicles to transport all invoiced property to various Department locations, District Attorneys' Offices, etc.
5. Moves, loads, unloads all types of property from one location to another or to other building sites.
6. Transports, delivers, deposits money for safekeeping to the appropriate bank facility; returns and logs bank receipts and invoices at appropriate command location.
7. Receives, reviews and maintains invoices, records, logs and indexes pertaining to all property received.
8. Secures and maintains storage area.
9. Uses computer to search for, enter or update information.
10. Processes release of invoiced property.
 - a. Determines identity of persons requesting release of property; verifies identification and proof of ownership; may fingerprint claimant, if necessary.
11. Verifies the identity and authorization of personnel entering or leaving Department premises where property is stored.
12. Cancels alarms; monitors alarm systems, security cameras and other security systems at assigned premises.
13. Makes appropriate notifications, writes and dispatches communications and transmittal forms; orders necessary supplies.
14. Responds 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.
15. Performs all miscellaneous activities in connection with Rotation Tow operations in the absence of evidence and property related functions.
16. Performs periodic inspection of, or schedules overall maintenance of vehicles assigned to property functions.
17. Performs other clerical and/or administrative duties, as required.

P.G. 202-37 Command Clerk

Date Effective: 01-01-00

COMMAND CLERK

1. Assigned to post adjacent to desk officer.
2. Perform clerical tasks as assigned by desk officer.
3. Distribute Department mail.
4. Bring to the attention of desk officer matters of importance or other conditions requiring attention.
5. Input information in the On Line Complaint System (OLCS) and the On Line Aided and Accident Indexes as directed by the desk officer.

P.G. 202-38 Telephone Switchboard Operator

Date Effective: 01-01-00

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. Notify desk officer of all important messages.
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."

P.G. 202-39 Patrolwagon Operator

Date Effective: 01-01-00

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. Operate the patrolwagon in a safe manner and obey all traffic laws.
4. Maintain the Patrolwagon Record in a plain Number 2 book.
 - a. Enter name, time reporting for duty, time leaving and returning from meal and time relieved.
5. Make entry of time leaving command on assignment, all stops made and time of return.
6. Notify supervisor concerned when leaving and returning from calls and meals.
7. Report necessary repairs to the commanding officer.
8. Check rear and compartment doors for serviceability and security before and after loading prisoners.
9. Remain available for service and in location known to supervisor concerned when not on assignment and render police assistance as required.
10. 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 (20) minutes after arrival at location where prisoners are to be picked up.
11. 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.
12. Return transport chains used for restraining prisoners to location from where obtained.
13. Perform duty in proper uniform.
14. Pick up Department supplies and equipment after receiving clearance from borough court section concerned.

P.G. 202-40 Police Attendant

Date Effective: 01-01-00

POLICE ATTENDANT

1. Assume control of, search (if applicable) and inspect prisoners.
 - a. Ensure that property that is dangerous to life, may facilitate escape or may damage or deface other property is removed from prisoner.
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.
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 (30) minutes.
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 quarters and detention cells clean and supplied with paper cups, toilet paper and paper towels.
9. Visit female detention cells or female quarters as follows:
 - a. When accompanied by female officer if attendant is male, and then, only with permission of supervisory officer in command, or
 - b. In daily cleaning of female cells, or
 - c. In an emergency.
10. Keep command facility and abutting areaways, yards, and sidewalks clean and sanitary.
11. Prevent rubbish or dust from accumulating in any part of the command.
12. Report necessary command/detention area repairs to the commanding officer.
13. Wash cells thoroughly, and test emergency alarms in the cellblock each day immediately after prisoners have been taken to court.
14. Operate heating plant.
15. Remove and safeguard firearms prior to entering detention cell area including facilities established during emergency arrest situations. (Supervisory officers are responsible that weapons of members assigned to temporary detention facilities are safeguarded.)
16. Keep green lights at building entrance lighted from sunset to sunrise.

17. Perform other duties as directed by desk officer.

18. Perform clerical duties or other tasks relating to command operations if no prisoners are confined in cells.

General Regulations

P.G. 203-01 Order Of Rank

Date Effective: 01-01-00

ORDER OF RANK

1. The order of rank in the police service is:
 - a. Chief of Department
 - b. Bureau Chief
 - c. Assistant Chief
 - d. Deputy Chief
 - e. Inspector
 - f. Deputy Inspector
 - g. Captain
 - h. Lieutenant
 - i. Sergeant
 - j. Police Officer/Detective
2. Police Department Chaplains and Surgeons have the assimilated rank of Inspector.
3. Seniority in rank among members appointed or promoted at the same time is determined by position on appointment or promotion list.
4. At a police incident, the senior uniformed member, in R.M.P. assigned to incident or on foot patrol at the scene, will direct and coordinate police operations pending arrival of the supervisor. If R.M.P. assigned to incident is delayed and no uniformed member is assigned to foot patrol at the scene, the senior uniformed member first on the scene will take charge, pending the arrival of supervisor or assigned R.M.P.
5. The Duty Chief, who is the representative of the Chief of Department, will respond to serious incidents. Examples of serious incidents necessitating this response include firearms discharges involving a member of the service where death or serious physical injury to any person occurs; deaths in police custody; Level III and IV Mobilizations (not drills) involving three or more borough task forces; major disruptions of transportation and any other incident which is (or appears likely to become) newsworthy/noteworthy for any reason. The Duty Chief should consider whether or not his/her response would be beneficial to the investigation of the incident. Further, the Duty Chief will assume command of the incident if he/she is the highest ranking uniformed member of the service on the scene and will keep the Operations Unit informed of all facts.

NOTE: All duty chiefs will call the Operations Unit upon the start of their tour and be briefed as to current conditions.

P.G. 203-02 Courtesies

Date Effective: 01-01-00

UNIFORMED MEMBER OF THE SERVICE

1. Tender and return hand salute as prescribed by U.S. Army regulations.
2. Salute:
 - a. Police Commissioner or deputy commissioners in civilian clothes
 - b. Supervisory officer in uniform
 - c. United States flag as it passes
 - d. Desk when entering command.
3. Salute flag when national anthem is played. If flag not visible, face band, etc., and salute.
4. Supervisory officers return salutes promptly.
5. Salute is not required at large assemblages except when addressed by or addressing supervisory officer. Salute not required if it interferes with police duty.
6. Remove hat and stand at attention in office of Police Commissioner, deputy commissioner or member above rank of lieutenant.
7. Order "Attention" when member above rank of captain enters room unless otherwise directed.
8. Place U.S. flag at half-staff as indicated below, when a uniformed member of the service dies:
 - a. Lieutenant, sergeant, police officer - on Department building where assigned on day of funeral
 - b. Captain - on Department building where assigned from time of death to sunset, day of funeral
 - c. Deputy inspectors or inspectors - on Department buildings within his/her command from time of death to sunset, day of funeral; flag at Police Headquarters will fly at half-mast on day of funeral.
 - d. Member killed in line of duty - on Department building where member assigned from time of death to ten (10) days after the funeral; flags will fly at half-mast on all Department buildings from time of death until day after the funeral.
 - e. Other members, Police Commissioner or a deputy commissioner - as directed by the Police Commissioner or Chief of Department.

P.G. 203-03 Compliance With Orders

Date Effective: 01-01-00

COMPLIANCE WITH ORDERS

1. Be familiar with contents of Patrol Guide and revise as directed.
2. Obey lawful orders and instructions of supervising officers.
3. Be punctual when reporting for duty.
4. Be governed by orders affecting another rank when temporarily assigned to perform the duties of that rank, except as otherwise indicated.
5. Maintain a current New York State driver's license and notify commanding officer, with pertinent details, when license is suspended, revoked or not renewed.

NOTE: All uniformed members of this Department are required to have a valid driver's license as a condition of employment. Civilian members who are authorized to operate Department vehicles also must have a valid driver's license. The Department of Motor Vehicles will send a weekly printout of the names of Department members with a suspended, revoked, or expired driver's license directly to the Internal Affairs Bureau. The Internal Affairs Bureau will assign a log number and assess the allegations in accordance with Internal Affairs Bureau procedures. If appropriate, a copy will be faxed directly to a concerned member's commanding officer.

Upon notification by the Internal Affairs Bureau, the commanding officer of any member of the Department, uniformed or civilian, who is deemed to have a suspended, revoked, or expired New York State driver's license, will not permit that member to operate any Department vehicle until the member proves that such revocation, suspension, or expiration is erroneous or has been resolved. The commanding officer will submit a report to Internal Affairs Bureau's Records Section indicating the results of the investigation of this matter and the current status of the member's driver's license.

Commanding officers will ensure that, in addition to a visual inspection of uniformed members drivers licenses, at each semi-annual uniform inspection as described in A.G. 305-06, "Inspection of Uniforms:"

a. A Department of Motor Vehicles inquiry is made utilizing the FINEST System for each uniformed member of the service, and

b. A warrant check, using the WINQ and WNAM formats, is also conducted for each uniformed member of the service. Commanding officers will ensure that during January and July of each year, civilian members of the service authorized to operate Department vehicles present valid New York State driver licenses. In addition, commanding officers concerned will ensure that an inquiry and warrant check, as performed for uniformed members of the service, is conducted for all civilian members assigned to the command.

6. Keep Department locker neat, clean and secured with combination lock (without identifying serial number) that conforms to Equipment Section specifications.

7. Affix POLICE DON'T MOVE (Misc. 1261) sticker to assigned locker with rank, name, shield and squad number captions filled in.

[REV 3-01] 8. Affix Gun Safety Sticker (SP414) to assigned locker and at all Department Firearms safety stations

[I.O. 23 s 01] 9. Affix Gun Safety Sticker (SP414) to assigned locker and at all Department firearms safety stations

10. Apply for interview with Police Commissioner in writing (include squad or chart numbers), ONLY when action or relief cannot be obtained by other means.

P.G. 203-04 Fitness For Duty

Date Effective: 07-28-00

FITNESS FOR DUTY

1. Be fit for duty at all times, except when on sick report.
2. Do not consume intoxicants to the extent that member becomes unfit for duty.

[Rev 00-3] ADDITIONAL DATA

[REV 3-01] All members of the service are required to remain fit for duty as specified above, and are reminded of their absolute responsibility to remain fit for duty while in possession of their firearms.

Any misconduct involving a Member's misuse of a firearm while unfit for duty due to excessive consumption of, and intoxication from, alcohol will result in that member's termination from the Department. Exceptional cases will be determined by the Police Commissioner, on a case by case basis.

Furthermore, any misconduct involving members who are found to be unfit for duty due to excessive consumption and intoxication from alcohol, while armed with a firearm, will result in the inclusion of the charge of "Unfit For Duty While Armed, " in Departmental disciplinary proceedings. In addition to those imposed as a result of all other charges stemming from the misconduct, strict punitive sanctions will be imposed for any member upon whom the charge has been substantiated.

Additionally, a uniformed member of the service who refuses to submit to chemical testing in connection with an alleged violation of section 1192 of the New York State Vehicle and Traffic Law (Driving While Intoxicated) will be charged with violating Patrol Guide procedure 203-10, page 1, step 4, "Engaging in conduct prejudicial to the good order, efficiency, or discipline of the Department."

Members of the service are also reminded of the Department's commitment to the many counseling and assistance programs available for a wide variety of problems. Members who are experiencing problems related to alcohol, or know of any other member who may be experiencing problems related to alcohol, are strongly encouraged to call HELPLINE at (718) 271-7777, in order to achieve confidential assistance.

P.G. 203-05 Performance On Duty - General

Date Effective: 02-28-01

PERFORMANCE ON DUTY

1. Perform all duties as directed by competent authority.
2. Remain on post until properly relieved, except for police necessity, personal necessity or meal period.
 - a. Notify telephone switchboard operator and, if possible, make entry in ACTIVITY LOG (PD112-145) before leaving post.
 - b. Make entry upon return to post and notify telephone switchboard operator.
3. Take meal period in police facility, a bonafide restaurant or Department vehicle.
4. Make accurate, concise entries in Department records in chronological order, without delay, using BLACK ink.
5. Sign Department reports or forms with full first name, middle initial and surname.
 - a. Print and write legibly.
 - b. Utilize shield and tax registry numbers as required.

NOTE: Civilian members of the service (e.g. school safety agent supervisors) as well as uniformed members of the service (e.g. rank of lieutenant and above) who do not possess a shield number are required to utilize their tax registry number instead as an additional means of identification on Department forms. The use of the tax registry number by these members is mandated even when there is no specific caption calling for it. For example, supervisors in the rank of lieutenant and above will enter their tax registry number in the "Shield No." caption at the bottom of the PROPERTY CLERK'S INVOICE (PD521-141) after witnessing and verifying the packaging of evidence/property/currency. Entry of the tax registry number will also apply to any other Department form currently in use.

6. Make corrections on Department records by drawing an ink line through incorrect matter. Enter correction immediately above and initial change.
7. Use numerals when entering dates on Department forms, e.g., 1/5/79.
8. Use abbreviation "Do" for ditto.
9. Start serial numbers with one (1) at beginning of each year for official forms or reports, unless otherwise specified.
10. In the absence of supervisory presence or direction, a member may wear dual purpose disorder control/scooter helmet at own discretion if it is believed that safety is endangered or conditions warrant. In all supervised situations, the ranking member on the scene will determine in the first instance if helmets are to be worn or removed except in emergencies, such as those situations where the member reasonably believes that there is a substantial and specific imminent threat to the safety of the member. Members of the service shall have the discretion to carry their helmets on their duty belts, or to secure the helmet within sight and sound of the scene (e.g. in a vehicle, premises, or with another member of the service), to be deployed as circumstances warrant.

The following guidelines regarding the wearing/carrying of helmets will apply:

a. Any member operating a motor scooter must wear a helmet (face shield is also required when operating two-wheel scooter)

b. A member must wear or carry helmet when specifically directed to do so

c. Members performing Radio Motor Patrol in uniform will keep in helmets in the vehicle trunk for use if needed

d. All other members shall keep their helmets in their lockers where they will be readily accessible.

11. Answer telephone promptly, stating in a courteous manner, command, rank or title, surname, and "May I help you?"

12. Be responsible for humane treatment and safekeeping of prisoners in custody or detained in Department facility over which member has supervision.

13. Maintain Department property issued or assigned for use in serviceable condition.

14. Deliver recovered property, property removed from a prisoner, or property removed from an emotionally disturbed, intoxicated or incapacitated person, to the desk officer of the precinct where obtained unless otherwise directed.

15. Announce presence before entering a locker room, dormitory, lavatory, utilized by members of the opposite sex, except in an emergency. In addition, be accompanied by member of said opposite sex, if practicable.

NOTE: In complying with the regulation above, desk officers concerned will make an entry in Command Log indicating time/date of member(s) of the service utilizing dormitory and reason, and will inform inspecting officers if dormitory is being used prior to conducting inspection. Additionally, inspecting officers will peruse the Interrupted Patrol Log, etc., to ascertain who is authorized in facility prior to conducting inspection.

16. Operate Department vehicles only when assigned and only when Department qualified to operate such vehicle.

P.G. 203-06 Performance On Duty - Prohibited Conduct

Date Effective: 01-01-00

PERFORMANCE ON DUTY - PROHIBITED CONDUCT

1. Consuming intoxicants while in uniform whether on or off duty.
2. Bringing or permitting an intoxicant to be brought into a Department building, facility, booth, boat, or vehicle, except in performance of police duty.
3. Entering premises serving intoxicants, except for meal or performance of duty.
4. Carrying a package, umbrella, cane, etc., while in uniform, except in performance of duty.
5. Recommending use of particular business, professional or commercial service to anyone except when transacting personal affairs.
6. Steering business, professional or commercial persons to a prospective client requiring such services except when transacting personal affairs.
7. Consenting to payment by anyone to regain lost or stolen property or advising such payment, except towing fees as provided by law for recovered stolen vehicles.
8. Riding in any vehicle, other than a Department vehicle to which assigned, while in uniform, except when authorized or in an emergency (sergeants and police officers only).
9. Using Department logo unless authorized by Police Commissioner.
10. Wearing any item of apparel which contains a Department logo or shield, or in any way identifies its wearer with the New York City Police Department, unless approved by the Uniform and Equipment Review Committee, prior to being worn by a member of the service, uniformed or civilian, on or off duty.
11. Engaging in card games or other games of chance in a Department facility.
12. Engaging in illegal gambling anywhere except in performance of duty.
13. Having any person make a request or recommendation that affects the duties of any member of the service, except as provided by Department procedures.
14. Engaging in conduct defined as discriminatory in P.G. 205-36, "Employment Discrimination," "SCOPE" statement.
15. Using Department letterhead, personnel, equipment, resources, or supplies for any non-Department purpose or non-city purpose.
- [REV 01-01] 16. Wearing or carrying an unauthorized beeper/pager and/or cellular telephone while on duty.
- [I.O. 35 s 04] 17. Appropriating or using official Department digital/analog recorded media, (e.g. video tape, digital computer files or digital audio/video recording) except as authorized for official Department business.

P.G. 203-07 Performance On Duty - Personal Appearance

Date Effective: 05-30-02

PERFORMANCE ON DUTY - PERSONAL APPEARANCE

1. Be neat and clean.
2. Keep uniforms clean, well pressed, and in good repair. Shoes must be shined and will not display a clearly visible company name or logo.
3. Keep uniform securely buttoned.
 - a. When the short-sleeved shirt is worn, the collar button may be left unbuttoned but all other buttons shall be fastened.
4. Wear cap squarely on head, with center of visor directly over nose.
 - a. No hair is to show beneath the visor of the cap.
 - b. Cap must be worn when members are assigned to foot patrol, traffic posts, or details.
 - c. Members riding in Department vehicles may remove the cap while in the vehicle.
 - d. Police officers and detectives assigned to subway patrol duties in uniform have the option of wearing the cap during the period of June 1 to October 1.

NOTE: At all other times, the uniform cap must be worn except where there are exigent circumstances. When the exigent circumstances have stabilized, the cap must be worn.
5. Prevent non-uniform articles from showing above uniform collar.
 - a. When the short-sleeve shirt is worn, undershirts, neck chains, or other non-uniform articles shall not be visible within the open collar or below the sleeve ends of the shirt.
 - b. Shirt sleeves may not be rolled up.
6. Wear hair so that it is neatly groomed and conforms to the shape of the head.
 - a. All regulations regarding the appearance of members' hair apply equally to male and female uniformed members of the service.
 - b. When a member is in uniform, regardless of whether or not the cap is worn, hair will not be worn so that it falls over the eyebrows or reach the collar.
 - c. The length and bulk of the hair should not interfere with the wearing of any uniform headgear, including emergency equipment. The hairstyle should allow for the uniform cap to be placed squarely on the head, without visible bulk.
7. Necessary hair holding devices (such as but not limited to rubber bands, clips, barrettes, pins), if used, must be unadorned and plain, and be transparent or similar to the color of the hair. All such devices must be unobtrusive, and concealed as much as possible. Hair scarves, beads, bows, large and decorative fabric-covered elastic bands, large plastic clips, or other ornamental items are prohibited.
8. Keep sideburns closely trimmed and not extending below bottom of earlobe.

9. Have mustache neatly trimmed, not extending beyond, nor drooping below corners of mouth.
10. Do not grow beards or goatees except under the following circumstances:
 - a. When required because of a medical condition and with written approval of the Chief Surgeon. (Copy of written approval will be in possession of member of the service whenever in uniform.)
 - b. When approved, in writing, by member's commanding officer because of nature of member's assignment. (Copy of written approval will be in possession of member of the service whenever in uniform.)
 - c. When required because of religious accommodation and with written approval of the Deputy Commissioner, Equal Employment Opportunity. (Copy of written approval will be in the possession of member of the service whenever in uniform.)
 - d. When assigned to perform duty in uniform, members granted the aforementioned exceptions will conform, to the extent possible, to provisions of this procedure. (For example, long hair will be gathered and secured closely to the head above the collar.)
11. Do not wear ornaments or jewelry visible on the head, neck, or wrist while performing duty in uniform. Prohibited ornaments include, but are not limited to earrings, necklaces, neck chains, bracelets, and body piercing.
 - a. Medical alert bracelets may be worn visibly.
 - b. Watchbands must be a conservative color, such as navy, black, brown, yellow metal, white metal, or similar colors.
 - c. Rings may be worn if they are generally smooth, and not likely to catch on other objects. Rings with jagged edges, raised stones, etc., are not permitted.
12. Keep fingernails neatly trimmed and extending no more than $\frac{1}{4}$ inch from the fingertip.
 - a. Nail polish may be worn only if it is clear, or of a natural, conservative color.
 - b. Any designs or decorations on nails are prohibited.
13. Only those cosmetics which are of conservative color and amount shall be permitted.
14. Eyewear will be of conservative style and color. No neon or brightly colored frames may be worn. Eyeglass straps may be worn, but must be black.
15. While in uniform in public view, do not chew gum, use tobacco in any form, or hold toothpicks in the mouth.
16. When authorized to perform duty in civilian clothing, wear attire appropriate for assignment.

P.G. 203-08 Making False Statements

Date Effective: 01-01-00

MAKING FALSE STATEMENTS

PROHIBITED CONDUCT

1. Making false official statement.

NOTE: The making of false statements will result in dismissal from this Department, absent exceptional circumstances. Examples of false statements include, but are not necessarily limited to, lying under oath during a civil, administrative or criminal proceeding as well as during an official Department interview conducted pursuant to Patrol Guide procedure 206-13, "Interrogation of Members of the Service." Exceptional circumstances will be determined by the Police Commissioner on a case by case basis.

P.G. 203-09 Public Contact - General

Date Effective: 01-01-00

PUBLIC CONTACT

[Rev 04-01] 1. Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information.

2. Be courteous and respectful.

3. Avoid conflict with Department policy when lecturing, giving speeches or submitting articles for publication. Questions concerning fees received will be resolved by Chief of Personnel.

P.G. 203-10 Public Contact - Prohibited Conduct

Date Effective: 05-19-00

PUBLIC CONTACT - PROHIBITED CONDUCT

1. Using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender or sexual orientation.
 2. Knowingly associate with any person or organization:
 - a. Advocating hatred, oppression or prejudice based on race, religion, gender, or sexual orientation.
 - b. Disseminating defamatory material.
 - c. Reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.
 - d. Preventing or interfering with performance of police duty.
 3. Divulging or discussing official Department business, except as authorized.
[I.O. 35 s 04] 4. Appropriating or using official Department digital/analog recorded media, (e.g. video tape, digital computer files or digital audio/video recordings) except as authorized for official Department business.
 5. Engaging in conduct prejudicial to good order, efficiency or discipline of the Department.
 6. Making recommendation for or concerning any person or premises to any government agency in connection with issuance, revocation or suspension of any license or permit, except when required in performance of duty.
 7. Soliciting, collecting or receiving money for any political fund, club, association, society or committee.
 8. Joining any political club within the precinct to which assigned.
 9. Being a candidate for election to, or serving as member of a School Board, if School District is located within City of New York (see Section 2103-a, Education Law.)
 10. Endorsing political candidates or publicly expressing personal views and opinions concerning the merits of:
 - a. Any political party or candidate for public office;
 - b. Any public policy matter or legislation pending before any government body; or
 - c. Any matter to be decided by a public election.
- NOTE: Such conduct, as described above in step 10, is prohibited while on duty or when in uniform, except with the permission of the Police Commissioner.
11. Having an interest in or association with premises engaged in illegal gambling operations, smoke shops, after hours clubs or similar illegal activities, except in performance of duty.

12. Patronizing unlicensed premises (social clubs, after hours clubs, etc.) where there is illegal sale of alcoholic beverages and/or use of drugs, except in performance of duty.

[Rev 2-00] 13. Violating Section 1129 of the New York City Charter. This section provides that any uniformed member who shall accept any additional place of public trust or civil emolument, OR who shall be nominated for any office elective by the people, and does not decline said nomination within ten (10) days, shall be deemed thereby to have vacated his or her position/office in the Department. This vacatur of office shall not apply to the following:

- a. A member of a community board
- b. An appointment, nomination or election to a board of education outside the City of New York
- c. A member, who with the written authorization of the Mayor, shall accept any additional place of public trust or civil emolument while on leave of absence without pay from the Department.

14. Smoking in public view while in uniform.

15. Occupying seat in a public conveyance, while in uniform, to exclusion of paying passenger.

NOTE: Uniformed members assigned to perform patrol duties on a train may not occupy a seat at any time.

16. Using personal card describing police business, address, telephone number or title except as authorized by Department Manual.

17. Rendering any service for private interest, which interferes with proper performance of duty.

18. Possessing or displaying police shield, IDENTIFICATION CARD (PD416-091) or similar object except as authorized by the Police Commissioner.

19. Enlisting or accepting a commission in any federal military reserve or state militia organization without written approval of the Police Commissioner.

20. Serving on a community board's Public Safety Committee (which deals directly with Police Department and other law enforcement matters).

21. Voting on any matter that comes before the community board concerning Police Department activities in the district that the board serves.

P.G. 203-11 Use Of Force

Date Effective: 01-01-00

USE OF FORCE

All uniformed members of the service are responsible and accountable for the proper use of force under appropriate circumstances. Members of the service are reminded that the application of force must be consistent with existing law and with New York City Police Department Values, by which we pledge to value human life and respect the dignity of each individual. Depending upon the circumstances, both federal and state laws provide for criminal sanctions and civil liability against uniformed members of the service, when force is deemed excessive, wrongful or improperly applied.

The primary duty of all members of the service is to preserve human life. Only that amount of force necessary to overcome resistance will be used to effect an arrest or take a mentally ill or emotionally disturbed person into custody. Deadly physical force will be used ONLY as a last resort and consistent with Department policy and the law.

At the scene of a police incident, many members of the service may be present and some members may not be directly involved in taking police actions. However, this does not relieve any member present of the obligation to ensure that the requirements of the law and Department regulations are complied with. Members of the service are required to maintain control or intervene if the use of force against a subject clearly becomes excessive. Failure to do so may result in both criminal and civil liability.
EXCESSIVE FORCE WILL NOT BE TOLERATED.

All members of the service at the scene of a police incident must:

- a. Immediately establish firearms control
- b. Use minimum necessary force
- c. Employ non-lethal alternatives, as appropriate.

Members of the New York City Police Department will NOT use chokeholds. A chokehold shall include, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Whenever it becomes necessary to take a violent or resisting subject into custody, responding officers should utilize appropriate tactics in a coordinated effort to overcome resistance (for example see P.G. 216-05, "Aided Cases-Mentally Ill or Emotionally Disturbed Persons"). The patrol supervisor, if present, should direct and control all activity. Whenever possible, members should make every effort to avoid tactics, such as sitting or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe.

Persons taken into custody (i.e., arrest, mentally ill, emotionally disturbed, etc.) shall be rear cuffed at the earliest opportunity to reduce the potential for resistance, which may cause injuries. In addition, alternate restraining devices (Velcro straps, mesh restraining blankets, etc.) shall be used, at the earliest opportunity, to restrain or further restrain a subject whose actions or behavior may cause injury to himself/herself or others.

After an individual has been controlled and placed under custodial restraint using handcuffs and other authorized methods, the person should be positioned so as to promote free breathing. The subject should not be maintained or transported in a face down position.

The member assuming custody of the subject should closely observe him or her for any apparent injuries. If the area is dark, a flashlight or other source of illumination should be used to maintain a clear view of the subject at all times.

If a person appears to be having difficulty breathing or is otherwise demonstrating life-threatening symptoms, medical assistance will be requested immediately. The patrol supervisor will direct that alternate means to maintain custody be utilized, if appropriate.

The use of restraints to "hog-tie" (restraining person by connecting or tying rear cuffed hands to cuffed or shackled ankles or legs) subjects and the transportation of subjects in a face down position within any vehicle are prohibited.

P.G. 203-12 Deadly Physical Force

Date Effective: 01-01-00

DEADLY PHYSICAL FORCE

The New York City Police Department recognizes the value of all human life and is committed to respecting the dignity of every individual. The primary duty of all members of the service is to preserve human life.

The most serious act in which a police officer can engage is the use of deadly force. The power to carry and use firearms in the course of public service is an awesome responsibility. Respect for human life requires that, in all cases, firearms be used as a last resort, and then only to protect life. Uniformed members of the service should use only the minimal amount of force necessary to protect human life. Where feasible, and consistent with personal safety, some warning, such as "POLICE - DON'T MOVE," should be given. Deadly force is never justified in the defense of property. Above all, the safety of the public and uniformed members of the service must be the overriding concern whenever the use of firearms is considered.

GUIDELINES FOR THE USE OF FIREARMS

a. Police officers shall not use deadly physical force against another person unless they have probable cause to believe they must protect themselves or another person present from imminent death or serious physical injury.

b. Police officers shall not discharge their weapons when doing so will unnecessarily endanger innocent persons.

c. Police officers shall not discharge their firearms in defense of property.

d. Police officers shall not discharge their firearms to subdue a fleeing felon who presents no threat of imminent death or serious physical injury to themselves or another person present.

e. Police officers shall not fire warning shots.

f. Police officers shall not discharge their firearms to summon assistance except in emergency situations when someone's personal safety is endangered and unless no other reasonable means is available.

g. Police officers shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the police officer or another person present, by means other than a moving vehicle.

h. Police officers 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.

i. Police officers shall not, under any circumstances, cock a firearm. Firearms must be fired double action at all times.

P.G. 203-13 Financial Restrictions - Prohibited Acts

Date Effective: 05-19-00

FINANCIAL RESTRICTIONS - PROHIBITED ACTS

1. Using confidential official information to advance financial interest of self or another.
2. Becoming interested, directly or indirectly, in any manner except by operation of law in any business dealing with City.
3. Engaging, or rendering a service, in any financial, commercial or private interest which is directly or indirectly in conflict with official duties.
4. Purchasing city-owned real property through negotiated sale, EXCEPT a city-owned residential building of six (6) units or less, may be purchased through negotiated sale. Violation subjects member to fine, suspension or dismissal and member may be prosecuted for a misdemeanor.
5. Purchasing real estate for rental purposes within precinct of assignment.
6. Soliciting, accepting, printing or publishing advertisements, or booster lists, or receiving funds from a businessperson or any other person, directly or indirectly, relating to a journal or any other publication of any organization that has the word "POLICE" in its organization title or its literature, cards, tickets, etc., used to raise funds for any purpose indicating, in any way, an affiliation with this Department, without approval of the Chief of Internal Affairs.
7. Selling or issuing tickets, invitations or any other writing or device for the purpose of admission to functions held by religious, line or fraternal organizations within this Department, and any placards, invitations, circulars or other similar instrument advertising these affairs bearing the words "POLICE DEPARTMENT - CITY OF NEW YORK" or similar term indicating an affiliation with the Police Department without the approval of the Chief of Internal Affairs.

NOTE: The officers and committee members taking part in the arrangement, operation or conduct of authorized affairs under the auspices of religious, line or fraternal organizations of this Department will ensure that Department standards are maintained.

8. Authorizing use of photograph in uniform or mentioning rank, title or membership in Department for commercial advertisement.
9. Accepting testimonial award, gift, loan or thing of value to defray or reimburse any fine or penalty, or reward for police service except:
 - a. Award from City of New York Employee's Suggestion Board
 - b. Award of Departmental recognition
 - c. Award to a member of officer's family for a brave or meritorious act, from a metropolitan newspaper.
 - [Rev 2-00] d. Monetary prize or award from foundations, universities, institutions, etc., after review by the Deputy Commissioner, Legal Matters and the approval of the Police Commissioner.

10. Purchasing or acquiring property of another, without approval of commanding officer, knowing or having reason to know that such property was held in custody of this Department.

11. Soliciting, contributing or paying, directly or indirectly, or otherwise aiding another to solicit, contribute or pay any money or other valuable consideration which will be used in connection with a matter affecting the Department or any person connected with the Department, without permission of the Chief of Internal Affairs.

12. Soliciting or accepting loans from merchants, firms or persons doing business located or residing in area of assignment.

[Rev 2-00] 13. Entering into a business or financial transaction with another member of the service who is your superior or subordinate.

For the purpose of the prohibition in step 13, a traditional, rather than a military meaning of superior or subordinate shall be applied. A "subordinate" shall mean all individuals in lower positions whose work the superior has the power to direct or whose terms and conditions of employment the superior has the power to affect.

The Conflicts of Interest Board has determined that it is a violation of the conduct described in step 13 for a superior to solicit charitable contributions from, or to offer to sell products of any amount or value to a subordinate. The Board has specifically ruled, however, that a subordinate may sell products for profit or charitable purposes, or solicit donations for charitable purposes from a superior if the amount involved is de minimis. The Board has defined de minimis to be \$25.00 or less.

P.G. 203-14 Financial Restrictions - Prohibited Interests

Date Effective: 05-24-00

FINANCIAL RESTRICTIONS- PROHIBITED INTERESTS

[Rev 2-00] 1. No Department employee may have a position in a firm that the employee knows, or should know, is engaged in business dealings with the Department.

2. No Department employee may have a position in a firm that the employee knows, or should know, is engaged in business dealings with the City, unless such position is in a firm whose shares are publicly traded.

NOTE: For purposes of steps 1 and 2 above, a position with a firm includes, but is not limited to 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.

3. In addition to the prohibitions outlined above, a Department employee may not have an ownership interest in a firm that is engaged in business dealings with the Department or have an ownership interest in a firm whose shares are not publicly traded, that is engaged in business dealings with the City.

4. If a Department employee has an ownership interest prohibited in step 3 above, the employee must, within ten (10) days of learning that such ownership interest is prohibited:

- a. Terminate such ownership in the firm, OR
- b. Disclose the prohibited ownership interest to the Conflicts of Interest Board.

NOTE: For purposes of steps 3 and 4 above, an ownership interest means an interest held by a Department employee, the employee's spouse or unemancipated child, that is greater than five (5) percent of the firm or an investment equivalent to \$32,000.00.

If a Department employee has an interest in a firm, whose shares are publicly traded, that has business dealings with the City (which would be permitted), but is not sure whether that firm has business dealings with the Department (which would not be permitted), the employee may make written request to the Police Commissioner, through channels, for a determination on whether that firm does business with the Department.

Any Department employee who believes they may be covered by these provisions should immediately contact the Conflicts of Interest Board at (212) 442-1400 for further instructions.

An employee may have an interest otherwise prohibited above if written approval is obtained from the Police Commissioner and the Conflicts of Interest Board approves.

P.G. 203-15 Off Duty Conduct - Attendance At Parades, Funerals, Memorial Services And Other Department-oriented Or Law Enforcement Events

Date Effective: 01-01-00

PURPOSE

To inform all off duty members of the service of the guidelines to be complied with when attending or taking part in parades, funerals, memorial services, and other Department-oriented or law enforcement events.

SCOPE

All members of the service are strictly accountable for their conduct at all times, whether on or off duty, inside or outside New York City. Conduct which brings discredit to the Department, or conduct in violation of law is unacceptable and will result in appropriate disciplinary measures. Additionally, all members of the service are subject at all times to the provisions of the Patrol Guide, other Department regulations, and all local, state, and federal laws.

PROCEDURE

When attending or taking part in parades, funerals, memorial services, and other Department-oriented or law enforcement-oriented events, the following will be complied with:

a. ALL members are required to report corruption or serious misconduct whether on or off duty, inside or outside New York City. In particular, ranking officers are reminded that supervisory responsibilities are never abrogated. Ranking uniformed members of the service must take affirmative action whenever they observe or become aware of corruption or serious misconduct, including immediate notification to the Internal Affairs Bureau.

b. On duty members, in or out of uniform, will return to their commands as soon as the event is over. They will not take a meal period and will not be granted lost time until they return to their assigned commands.

c. All off duty uniformed members of the service who wish to wear their uniform outside New York City must receive permission in advance from the Police Commissioner, First Deputy Commissioner, or Chief of Department.

NOTE: ALL OFF DUTY MEMBERS WHO ARE IN UNIFORM MUST CONDUCT THEMSELVES AS IF THEY WERE ON DUTY, AND WILL BE HELD ACCOUNTABLE ACCORDINGLY. ADDITIONALLY, ALL MEMBERS WILL RESPECT, COOPERATE WITH, AND FOLLOW THE DIRECTION OF PERSONNEL FROM OTHER LAW ENFORCEMENT AGENCIES WHEN PRESENT IN THAT AGENCY'S JURISDICTION.

d. Off duty members granted permission to wear uniforms will only wear them for the duration of the event. They must then change into civilian attire as soon as the event is over.

e. Under no circumstances will any member wear his/her uniform off duty or attend any parties, dinners, fund raising events, etc., in uniform, without the permission of his/her commanding officer or designee. This includes social events that take place after a parade, funeral, etc., has ended.

f. All members of the service are reminded to comply with P.G. 203-06, "Performance On Duty - Prohibited Conduct," which prohibits the consumption of intoxicants when in uniform whether on or off duty. Members will not, under any circumstances, allow alcoholic beverages to be brought into Department facilities or vehicles except in performance of duty.

g. All Department-oriented and law enforcement-oriented events that members of the service attend, wherever they take place, will be monitored by ranking officers from overhead commands. In selected cases, as specifically directed by the Police Commissioner, First Deputy Commissioner, or Chief of Department, the Internal Affairs Bureau will conduct such monitoring.

h. Members are reminded of the provisions of P.G. 204-08, "Firearms - General Regulations," which states that off duty members are to be unarmed at their own discretion when engaged in any activity of a nature whereby it would be advisable NOT to carry a firearm, especially those events at which alcoholic beverages are consumed. In addition, off duty members are reminded that they may only carry the regulation service revolver or pistol, authorized off duty revolver, or authorized special weapons.

i. Members, when out of state for a parade, funeral, memorial ceremony, or any other Department-oriented or law enforcement-oriented event, may not carry any firearms without the permission of the Police Commissioner, First Deputy Commissioner or Chief of Department even when such an event takes place in a state which allows police officers from other jurisdictions to carry their weapons.

P.G. 203-16 Guidelines For Acceptance Of Gifts And Other Compensation By Members Of The Service

Date Effective: 01-01-00

PURPOSE

To provide guidance to members of the service relating to acceptance of gifts and other compensation.

POLICY

It is the policy of the Department that members of the service may not accept any reward, gratuity, gift or other compensation for any service performed as a result of or in conjunction with their duties as public servants. All exceptions must be in accordance with Chapter 68 of the New York City Charter and the Police Department Board of Ethics rulings. This policy applies regardless of whether the service was performed while said members of the Department were on or off duty. Members of the service also shall not solicit any gift, gratuity, loan, present, fee or reward for personal gain.

SCOPE

Members of the service may be offered gifts, awards, and other things of value by private citizens, institutions, etc., in appreciation for their police service. It is not unethical or illegal for a member of the service to accept gifts that are commonly offered as tokens of appreciation, i.e., plaques, pen and pencil sets, etc. However, cash rewards and personal gifts, such as wristwatches, etc., are strictly forbidden. To insure that the general public does not misinterpret the justification for these gifts, the following procedure has been established.

PROCEDURE

Whenever a member of the service is offered a gift or becomes aware that a gift will be offered in appreciation for police service:

MEMBER CONCERNED

1. Comply with Department regulations relating to financial restrictions and prohibited acts/prohibited interests.
2. Notify commanding officer, PRIOR to acceptance of gift.

COMMANDING OFFICER CONCERNED

3. Review circumstances regarding the offering of the gift.
 - a. Review Department Board of Ethics rulings relating to acceptance of gifts.

NOTE: Commanding officers are responsible to ensure command copies of Board of Ethics rulings are maintained in Command Reference Library as required by A.G. 325-18, "Command Reference Library."

IF GIFT IS A REWARD OR PRESENT FOR POLICE SERVICE RENDERED IN DISCHARGE OF OFFICIAL DUTY:

4. Prepare a report, on Typed Letterhead, to the Police Commissioner, for review and final determination regarding acceptability of gift.

IF GIFT IS OFFERED BY A PERSON/FIRM WHICH IS, OR INTENDS TO ENGAGE IN BUSINESS DEALING WITH THE CITY OF NEW YORK:

5. Review City Charter, Section 2604 (B)5 to ensure that there is no conflict of interest.

6. Make final determination regarding the propriety of accepting gift and notify member concerned.

a. Request ruling by Board of Ethics if circumstances of offering are peculiar in nature and not reflected in current rulings.

7. Prepare a report, on Typed Letterhead, to the Chief of Internal Affairs, through channels, for any member who receives two (2) or more gifts, regardless of value or source of gift, within a calendar year.

RELATED PROCEDURES

Command Reference Library (A.G. 325-18)

FORMS AND REPORTS

Typed Letterhead

P.G. 203-17 Fund Raising Events

Date Effective: 01-01-00

PURPOSE

To provide specific information relative to fund raising activities affecting the Department or any person connected with the Department, and the posting of advertisements involving such events by members of the service.

PROCEDURE

Prior to the fund raising event or posting of advertisements, concerning the event:

COMMANDING OFFICER, MEMBER CONCERNED

1. Prepare a request, on Typed Letterhead, addressed to the Chief of Internal Affairs, (through channels), containing the following information:

a. The date, time and location of the fund-raiser, the identities of the organizers and the recipient of the proceeds after expenses.

b. The results of inquiries made to the Intelligence Division and the Organized Crime Control Bureau relative to the premises and the principals involved, and the State Liquor Authority, when appropriate.

c. The results of a check of the respective precinct's Integrity Monitoring File.

d. The specific manner by which funds will be raised and the method of compensation to the principals of the premises, including an assurance that the full retail price will be paid for all food, beverages and ancillary services, such as music, entertainment, etc.

e. A statement indicating that no illegal gambling will take place at the event.

f. A statement indicating that a specific accounting of funds collected and disbursed will be forwarded, within thirty (30) days after the fund-raiser, to the Chief of Internal Affairs.

g. A statement indicating that no conflict with Department procedures and/or guidelines was found to exist relative to the fund-raiser.

h. A concluding remark recommending approval of the request.

2. Forward completed request, through channels, to the Chief of Internal Affairs.

MEMBER CONCERNED, INTERNAL AFFAIRS BUREAU

3. Advise commanding officer submitting request of the IAB number assigned to the request, and whether the request was approved or disapproved by the Chief of Internal Affairs.

4. Return request, if approved, to the bureau chief/counterpart concerned for appropriate follow-up and event monitoring.

RELATED PROCEDURE

Financial Restrictions - Prohibited Acts (P.G. 203-13)

P.G. 203-18 Residence Requirements

Date Effective: 01-01-00

PURPOSE

To ensure emergency notification information is current for the purposes of notifying a relative or friend whenever a member of the service is seriously injured or deceased and that the residence requirements are complied with.

MEMBER OF THE SERVICE

1. Prepare CHANGE OF EMERGENCY NOTIFICATION (PD 451-122).
2. Provide commanding officer with a telephone number, at residence, for emergency notifications (a beeper/pager number is not sufficient).
3. Notify commanding officer by submitting form CHANGE OF NAME, RESIDENCE OR SOCIAL CONDITION (PD451-021), when name, residence, social condition or telephone number is changed.

COMMANDING OFFICER

4. Ensure that each member of the service provides current emergency notification information for inclusion in personal folder, FORCE RECORD (PD406-143) and other command files.

MEMBER OF THE SERVICE

5. Update emergency notification information on file at command when required.

NOTE: A review of emergency notification information should be undertaken when circumstances warrant, i.e. changes in contact persons, addresses etc.

RESIDENCE REQUIREMENTS

UNIFORMED MEMBER OF SERVICE

6. Reside within City of New York or Westchester, Rockland, Orange, Putnam, Nassau, or Suffolk Counties.

ADDITIONAL DATA

It is the responsibility of members of the service to provide current notification information to their commands.

New York City local law requires civilian members of the service, who entered city service on or after September 1, 1986, to reside within New York City. Civilian members of the service who were permanently appointed to city service before this date may reside outside the city; however, such civilian members who accept either provisional, non-competitive, or exempt positions must establish city residence within one (1) year. All allegations of non-compliance with this law will be referred to the Personnel Bureau's Investigations Unit, regardless of the civilian member's permanent bureau assignment within the Department. Sole investigative responsibility will rest with the Investigations Unit. Results of investigation will be review by the Director, Employee Management Division. If an investigation does identify a civilian member in violation of this requirement, the civilian member of the service will be given an opportunity to rebut the investigation's findings. Civilian members of the service found, in fact, not in compliance with this requirement are subject to termination. Department trial will not be conducted.

FORMS & REPORTS

CHANGE OF EMERGENCY NOTIFICATION (PD 451-122)

CHANGE OF NAME, RESIDENCE OR SOCIAL CONDITION (PD451-021)

FORCE RECORD (PD406-143)

P.G. 203-19 Vacation Policy

Date Effective: 01-01-00

VACATION POLICY

1. Accrue vacation at the following rates:
 - a. 1 2/3 days each month during the first five (5) years of service
 - b. 2 1/4 days each month after the first five (5) years of service.
2. Vacations are granted according to seniority in rank and by squad assignment, if appropriate. (The date of actual appointment to the rank of police officer will determine seniority for vacation selection).
3. NOT MORE THAN 12% of personnel assigned to a uniformed patrol command (e.g., precinct, police service area, transit district, etc.) shall take vacation at the same time.
4. Staff members of uniformed patrol commands and the uniformed members of those commands who perform special tours of duty, i.e., day squad, traffic officers, etc., shall select vacation separately from other uniformed members of the command. 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. After assignment to permanent command probationary police officer is allowed to take vacation in excess of the 12% limitation but not in conjunction with next vacation allowance.
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. The 12% limitation will be adhered to, if possible.
7. Vacations of police officers (1st grade) and detectives who perform duty with the Police Officer/Sergeant Duty Schedule may be selected as follows:
 - a. One (1) period consisting of five (5) sets of tours (or a comparable period based on the member's duty schedule) OR
 - b. Two (2) periods consisting of three (3) sets and two (2) sets of tours, OR
 - c. Three (3) periods consisting of two (2) periods of two (2) sets of tours and one (1) period consisting of one (1) set of tours, OR
 - d. Four (4) periods consisting of one (1) period of two (2) sets of tours and three (3) periods consisting of three (3) single sets of tours, OR
 - e. Five (5) periods consisting of five (5) single sets of tours.
8. Police officers, other than first grade, may select one (1) period consisting of four (4) sets of tours or two (2) periods, each consisting of two (2) sets of tours. However, if an officer's fifth (5th) anniversary appointment date falls within the current calendar year, the vacation allowance of said officer will be as follows:

APPOINTMENT DATE	VACATION ALLOWANCE
January 1 to February 14 (inclusive)	27 work days
February 15 to April 15 (inclusive)	26 work days
April 16 to June 15 (inclusive)	25 work days
June 16 to July 15 (inclusive)	24 work days
July 16 to September 15 (inclusive)	23 work days

September 16 to November 15 (inclusive)	22 work days
November 16 to December 15 (inclusive)	21 work days

9. Lieutenants, sergeants and detectives may take vacation in one (1) period, two (2) approximate equal periods, or may select vacations consisting of one (1) complete set of tours and two (2) others of approximately equal length. Captains through deputy chiefs will take vacations consistent with the needs of their command.

10. Uniformed members of the service (police officer through deputy chief) may carry over a maximum of three (3) weeks vacation into following year subject to the following conditions:

- a. Accrued time may not be taken during June, July, August or December.
- b. Selection of accrued vacation is subject to exigencies of the Department.
- c. Selection of accrued time will be made after regular vacation picks.
- d. The 12% limitation remains in effect.

NOTE: Accrued vacation guidelines do not apply to vacation time lost due to member being on sick report.

11. Excusal periods occurring immediately prior to, within and immediately following vacation are an integral part of such vacation.

12. Members shall start vacation at the beginning of a set of tours and consisting of a complete set, if possible.

13. Prepare annual vacation lists prior to January 1st to permit commencement of vacations on January 1st.

14. Two (2) individual vacation days may be taken during January and February of the succeeding year, subject to the following guidelines:

a. Uniformed member 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 (1) time.

c. Police officers MAY NOT select more than one (1) of the following holidays as an individual vacation day: Independence Day, Labor Day, Thanksgiving Day, Christmas Day or New Year's Day.

15. Take vacations at a time convenient to the Department.

16. Command timekeeper will enter vacation selections in the Command Diary.

17. Vacation selection may be changed to fill a vacant period or when members mutually agree to change vacation selections ONLY with permission of commanding officer.

18. Police officers retain original vacation selections when transferred. Supervisory officers may retain original selections if the efficiency of the command is not impaired. However, minor adjustments may be made to reflect new chart assignments.

19. Neither the executive officer nor the operations coordinator are permitted to take vacations at the same time as the commanding officer.

20. Uniformed member will apply for vacation lost during the preceding year due to sick leave, without delay, upon return to duty.

22. Vacation time granted in excess of accrued yearly allowance will result in reduction of vacation allowance in the following year.

P.G. 203-20 Authorized Leave

Date Effective: 01-01-00

AUTHORIZED LEAVE

1. Prepare LEAVE OF ABSENCE REPORT (PD433-041) and submit to commanding officer/supervisory head, for approval, at least five (5) days before leave commences except in emergency.
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 start of leave of absence.
4. Leave without pay for thirty (30) or more consecutive days during a year, except military leave, will reduce authorized vacation by 1/12th for each thirty (30) consecutive days of absence.
5. Member returning from leave without pay for one (1) year or more may not be granted unaccrued vacation until member performs active duty for a minimum of three (3) 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.

P.G. 203-21 Integrity Monitoring File

Date Effective: 09-28-01

PURPOSE

To identify locations where there is potential for members of the service to engage in corrupt practices or misconduct.

DEFINITION

DESIGNATED OFF-LIMITS LOCATION - a location operating legitimately that a commanding officer may place off-limits because of some police misconduct related activity, and the need to avoid the appearance of impropriety by members of the command (see Additional Data).

UNLAWFUL LOCATIONS - premises, whether in a member's command or elsewhere, that are involved in illegal activities which would preclude the presence of a member of the service, except in the line of duty (see Additional Data).

COOPING PRONE LOCATIONS - locations or premises where members of the service may engage in unauthorized interrupted patrol (see Additional Data).

PROCEDURE

When a premises or location has been identified as a "Designated Off-Limits Location", "Unlawful Location", or a "Cooping Prone Location" in a command under the jurisdiction of the Patrol Services, Housing, or Transit Bureaus:

COMMANDING OFFICER

1. Direct integrity control officer to maintain an Integrity Monitoring File.
2. Document and have on file for review the reason(s) for including a location in the Integrity Monitoring File.

NOTE: Documentation should include, but not be limited to criminal history, arrests, summonses, reports to the State Liquor Authority, organized crime information, corruption, Civilian Complaint Review Board/community complaints, etc. Dates of reports and serial numbers should be included. For further information to be maintained for off-limits and unlawful locations see "Additional Data."

3. Determine schedule to be utilized by commanding officer, executive officer, and integrity control officer when making visits to Designated Off-Limits Locations.
 - a. Patrol supervisors will make observations, but not visits, to all locations as directed by the integrity control officer.
4. Direct preparation and maintenance of an Integrity Monitoring Log for the recording of observation and visits to subject locations.

INTEGRITY CONTROL OFFICER

5. Maintain Integrity Monitoring file.
6. Maintain Integrity Monitoring Log and record all visits and observations, as well as police action directed at identified locations.

NOTE: The Integrity Monitoring Log will be in a Department record book divided equally into three(3) separate sections entitled:

- a. "Designated Off-Limits Locations"
- b. "Unlawful Locations"
- c. "Cooping Locations."

Each section will be captioned across a double page as follows:

FIRST PAGE

DATE	TIME	LOCATION	ACTIVITY OBSERVED(IF ANY)
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SECOND PAGE

MEMBER MAKING OBSERVATION	ACTION TAKEN (Summons, arrest, Intelligence Div. notification, etc)	REMARKS
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COMMANDING OFFICER

- 7. Evaluate, every six (6) months, the command's Integrity Monitoring File for accuracy and relevance.
- 8. Add/delete locations by forwarding a report, on Typed Letterhead, to overhead bureau concerned, through channels.
 - a. Indicate reason for addition/deletion.
 - b. Include an updated Integrity Monitoring File with report.
- 9. Prepare three (3) copies of updated Integrity Monitoring File on March 1st each year, and forward to overhead bureau concerned, through channels.
 - a. An accompanying report will be prepared indicating that the commanding officer concerned has reviewed the file and the locations on each list are in conformance with this procedure.

BUREAU COMMAND

- 10. Review reports (both interim and annual) submitted by subordinate commands.
 - a. forward copy of report to the Investigation Review Section, Office of the Chief of Department.
 - b. forward copy of report to the Internal Affairs Bureau.

ADDITIONAL DATA

The Investigation Review Section will act as the central repository for Designated Off- Limits Locations, Unlawful Locations, and Cooping Prone Locations. Annually, the Investigation Review Section shall forward an updated citywide list of these locations to the Operations Unit and the Office of the Chief of Department. Furthermore, the Quality Assurance division shall conduct audits of precincts, transit districts, police service areas and borough command counterparts to ensure updated lists are maintained in accordance with the provisions of this procedure.

If it becomes necessary for a uniformed member of the service to enter a location listed in the Integrity Monitoring File because of assignment by competent authority, i.e. radio dispatcher/serious police emergency, the member concerned will immediately notify the patrol supervisor. The patrol supervisor will respond and make an ACTIVITY LOG (PD112-145) entry of the circumstances.

The duties performed by units in Transit Bureau, The Traffic Control Division and the Special Operations Division may present integrity hazards that are unique to their specialties, i. e., marinas, riding academies, parking garages, etc.

Therefore, commanding officers of each unit will identify such locations, and, using the criteria below, compile a Designated Off-Limits Location list for their unit's Integrity Monitoring File. Furthermore, they will obtain, and personally review off-limits locations within other commands where their members perform patrol. These locations will be included in their own lists of locations considered integrity hazards for their personnel.

CRITERIA FOR INCLUSION IN INTEGRITY MONITORING FILE

DESIGNATED OFF-LIMITS LOCATION

a. Some documented police misconduct-related activity, such as:

- (1) Any substantial acts of misconduct, or
- (2) The failure of integrity tests, or
- (3) The commanding officer's professional judgment after review of corruption allegations, or
- (4) Intelligence from the Organized Crime Control Bureau or the Intelligence Division, particularly at locations involving organized crime, or
- (5) The location's past history of repeated crimes or violations.

PLUS

b. Illegal conditions associated with locations, or the inference or appearance of preferential treatment.

Conditions listed in paragraphs a or b above are both required in order for a location to be included in the "Designated Off-Limits Locations" portion of the Integrity Monitoring File.

Members of the service are prohibited from entering all Designated Off-Limits Locations within their command of assignment, whether on or off duty. Because of these limitations, commanding officers will be very judicious when designating a location off-limits. In addition, they must be able to articulate the reasonable basis used for selecting each location. Additionally, they should avoid listing general areas such as entire streets, plazas, parks, etc., unless there are some extraordinary circumstances that would justify the off-limits provisions of this procedure.

The following information should be included in interim or annual reports regarding Designated Off-Limits Locations:

- (1) Date declared off-limits
- (2) Number of visits/observations by commanding/executive/integrity control officers or other supervisors
- (3) Notifications to investigations unit concerned
- (4) Any disciplinary/criminal action taken against members of the service re: location concerned (including results)

(5)Date location closed or business sold

(6)Date removed from list and reason (passed integrity test, etc.)

UNLAWFUL LOCATION

a. Premises (licensed or unlicensed) where a member of the service MUST be suspended for having an interest in, associating with or patronizing as indicated in Patrol Guide procedure 206-07, "Cause For Suspension Or Modified Assignment", step 2, subdivision "f" OR,

b. Unlicensed premises (neighborhood tavern or restaurant with an expired/suspended license) where the sale of alcohol is the only apparent illegal activity and a member of the service may be suspended or placed on modified assignment for patronizing such a location as per Patrol Guide procedure 206-07, "Cause For Suspension Or Modified Assignment", step 3, subdivision "e".

The following information should be included in interim or annual reports regarding Unlawful Locations

(1)Date declared unlawful

(2)Number of visits/observations by commanding/executive/integrity control officers or other supervisors

(3)Any notifications made to Internal Affairs Bureau or any unit/agency relative to vice enforcement, narcotics, civil enforcement, etc.

(4)Any disciplinary/criminal action taken against members of the service re: location concerned (including results)

(5)Date business sold

(6)Date location closed and reason (civil enforcement, vacated business, fire, etc.)

If a member of the service becomes involved in an incident in an Unlawful Location, outside of his/her command, and upon investigation it is discovered that the location has been previously deemed unlawful, and is still carried as such in the command's Integrity Monitoring File, the commanding officer/duty captain will determine whether or not the member involved should have been aware of the unlawful status of the location in question.

COOPING PRONE LOCATIONS

Consideration for designating a location as cooping prone should be based on past history of allegations of cooping, or locations where, in the commanding officer's judgment, there is likelihood that members will engage in interrupted patrol. Cooping prone locations apply to on-duty members only. However, members will not be prohibited from performing authorized patrol within such locations, when necessary.

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

Type Letterhead

Uniforms and Equipment

P.G. 204-01 General Uniform Regulations

Date Effective: 01-01-00

UNIFORMS

1. Maintain at own expense articles prescribed for rank, position or duty.

NOTE: Recruits wear uniform only after inspected and stamped by Police Academy.

2. Do not modify prescribed uniforms in any manner except as specifically authorized by higher authority.

3. Do not wear distinguishable items of the uniform with civilian clothes.

4. Do not wear uniform, shield or display IDENTIFICATION CARD (PD 416-091) while participating in a rally, demonstration or other public assemblage except as authorized by the Department.

[I.O. 7 s 03] 5. Wear uniform of the day. Commanding officers or unit commanders may authorized a specialized uniform only after requesting and receiving approval from the Police Commissioner's Uniform and Equipment Review Committee.

Submit requests to the Office of the Chief of Department: Att: Uniform and Equipment Subcommittee.

a. Wear uniform when directed, if assigned to the Detective Bureau or to duty in civilian clothes.

NOTE: Detectives, when assigned to duty in uniform, will wear prescribed police officer's uniform with gold cap device and appropriate collar insignia.

6. While performing duty indoors, in uniform, wear regulation seasonal shirt and trousers.

7. Wear the prescribed uniform, if regularly assigned to duty in uniform, when appearing in court, the Trial Room or at the office of a ranking officer above the rank of captain, except if off duty, on sick report, or if excused by competent authority.

8. Purchase regulation service holsters, caps, raingear and all items of uniform which are sewn or attached to the uniform, from the Equipment Section or other authorized supplier.

9. Necessary uniform changes, other than those listed in step 10, will be made as directed by the lieutenant platoon commander/counterpart.

a. The lieutenant platoon commander/counterpart shall authorize the removal, if desired, of the duty jacket/summer blouse whenever the temperature for a specific tour is expected to rise above 65 degrees Fahrenheit.

b. The lieutenant platoon commander/counterpart shall authorize the wearing of the optional short sleeve shirt whenever the temperature for a specific tour is expected to rise above 70 degrees Fahrenheit.

10. Remove summer blouse/duty jacket while performing duty in uniform between May 1 and November 1, if desired.

a. The following OPTIONAL uniform items may be worn between June 1 and October 1:

(1) Short sleeve shirt (without tie), and;

(2) Summer cap.

[I.O. 35 s 03] NOTE: During the period of June 1 to October 1, police officers and detectives performing subway patrol duties in uniform shall have the option of wearing the uniform cap.

Transit Bureau police officers and detectives who are assigned to subway patrol duty for their entire tour also have the option of wearing the summer uniform described below between June 1 and October 1.

a. Regulation NYPD blue short sleeve uniform shirt.

b. Cargo style shorts, as available in the Equipment Section.

c. Black leather uniform athletic shoe, lace-up style ONLY, with no visible logos or markings. Either high-cut or low-cut style is authorized, however, the shoe should have no more than five (5) shoelace grommets/attachments.

d. Black cotton crew socks, worn fully extended, length at least three (3) inches but no more than five (5) inches above outermost anklebone. Socks must be visible.

11. Do not wear gloves or suspenders when summer blouse is removed.

12. Wear authorized breast bars at all times while in uniform unless directed otherwise as in step 13 below.

13. Wear medals, decorations and authorized insignia at Department meetings, ceremonies and while marching in parades. (Do not wear a medal and corresponding breast bar at the same time).

P.G. 204-02 Uniform Classifications

Date Effective: 01-01-00

DRESS UNIFORM

To be worn for ceremonies, promotions, funerals, etc.:

SUMMER (CLASS A)	WINTER (CLASS A)
8 POINT CAP	8 POINT CAP
SUMMER BLOUSE	WINTER COAT
LONG SLEEVE SHIRT & TIE	LONG SLEEVE SHIRT & TIE
DRESS TROUSERS	DRESS TROUSERS
SHINY (HIGH GLOSS) SHOES	SHINY (HIGH GLOSS) SHOES
WHITE GLOVES	WHITE GLOVES
DUTY BELT (OPTIONAL)	DUTY BELT (OPTIONAL)

NOTE: A white shirt shall be worn by those uniformed members attending the funeral of a member assigned to the same command.

PATROL UNIFORM

To be worn when on patrol:

SUMMER (CLASS B)	WINTER (CLASS B)
8 POINT CAP	8 POINT CAP
LONG SLEEVE SHIRT & TIE	WAIST/HIP LENGTH DUTY JACKET
DUTY TROUSERS	LONG SLEEVE SHIRT AND TIE
BLACK SHOES	OR TURTLE NECK SHIRT
BLACK BOOTS (OPTIONAL)	DUTY TROUSERS
V-NECK SWEATER (OPTIONAL)	BLACK SHOES
BLACK BOOTS (OPTIONAL)	BLACK GLOVES

SUMMER (CLASS C)
8 POINT CAP
SHORT SLEEVE SHIRT (NO TIE)
DUTY TROUSERS
BLACK SHOES
BLACK BOOTS (OPTIONAL)

ADMINISTRATIVE UNIFORM

To be worn when performing administrative duties in uniform:

SUMMER (CLASS D)	WINTER (CLASS D)
(NO CAP)	(NO CAP)
SHORT SLEEVE SHIRT (NO TIE)	LONG SLEEVE SHIRT & TIE
DUTY TROUSERS	DUTY TROUSERS
BLACK SHOES	BLACK SHOES
DUTY BELT (OPTIONAL)	DUTY BELT (OPTIONAL)
	V-NECK SWEATER (OPTIONAL)

NOTE: Uniform is to be assigned by unit/lieutenant platoon commander. In the event of a detail, etc., uniform is to be assigned by the detail commander. Detail personnel will be advised of the uniform when assigned, but will have appropriate uniform available for inclement weather.

P.G. 204-03 Uniforms

Date Effective: 03-24-00

DUTY UNIFORM

UNIFORMS MUST CONFORM WITH EQUIPMENT SECTION SAMPLES

POLICE OFFICER

CAP

Navy blue, black strap and chrome cap device bearing shield number.

DUTY JACKET

Waist length, navy blue, nylon, with zip-out Thinsulate(r) lining, knit wristlets and waistband, and zip side vents, OR

Hip length, navy blue, nylon, with zip-out Thinsulate(r) lining, concealed zipper front, gilt buttons, and zip side vents. Either of these jackets may be worn by ALL uniformed members of the service performing patrol duty in uniform.

NYLON WINDBREAKER JACKET

Navy blue nylon finger tip length windbreaker type jacket with collar - to be carried by all precinct/police service area anti-crime patrol personnel while performing anti-crime duty and to be worn at police incidents and not worn off duty. Jacket will have six inch (6") high white letters "P" and "D" affixed on front. The letters "NYPD" will be affixed on the rear in four and one-half inch (4 1/2") high white letters. The Department logo (patch) will be affixed to each sleeve.

NAMEPLATE

Worn on outermost garment, centered 1/4 inch below shield. (Do not wear nameplate on raincoat). Nameplates for police officers are white metal; ranking officers and detectives will wear yellow metal.

SHIRT

[Rev 1-00] NYPD dark blue, military type, polyester/rayon with appropriate service stripes/hash marks, similar to sample sold at the Equipment Section. Authorized shirts will have a label affixed on the inside of the shirt between the fourth (4th) and fifth (5th) buttons that states: "Approved NYPD, Certification #".

TIE

Navy blue, breakaway type.

TIE CLASP

Regulation NYPD.

BELT

Black leather, 1 1/2 inches wide with gunmetal buckle.

DUTY TROUSERS

Navy blue, (polyester and wool) with 1/2 inch braid attached.

SHOES/SOCKS

Black, plain, smooth leather with flat soles and raised heels, or black high gloss shoes, except that material other than leather or high gloss plastic may be used for portion of ankle support shoe that is not visible below the pants leg. In addition, shoes commonly referred to as the "secret sneaker" are also permissible, provided that they generally conform in appearance to the regular duty shoe. These shoes will be on display at the Equipment Section.

BLACK LEATHER JOGGING SHOES, SNEAKERS OR SHOES WITH VISIBLE LETTERING ARE NOT AUTHORIZED WEAR. ONLY black socks will be visible when performing duty in uniform.

NOTE: Black, high gloss shoes must be worn at occasions that require the dress uniform as directed by the Chief of Department, such as promotions, ceremonies and funerals. However, the regulation uniform shoe may be worn on occasions that require prolonged standing or walking, such as parades and street fairs.

Uniformed members of the service assigned to Emergency Service Unit, Highway District, Harbor, Mounted Unit, etc., will wear appropriate footwear when performing duty in work or specialized uniforms.

GLOVES

Black Leather Spectra-lined; Worn at all times with duty jacket or winter coat, except when impractical, when safety may be jeopardized, or while in Department vehicle.

White cotton Worn between 0800 and 1800 hours. NOT to be worn with duty jacket or while carrying baton.

Traffic Duty Plain white wool (not required to be worn while performing RMP duty but must be available for use).

INCLEMENT WEATHER GEAR

Regulation black rubber reflective or reversible black/orange raincoat with reversible black or orange cap cover, hood and leggings. Shield will be fastened on the raincoat over left breast, and cap device on the cap cover. (Wearing of leggings, cap cover, hood, solid black overshoes or solid black rubber boots is optional).

DRESS UNIFORM

Winter Winter coat (navy blue fingertip length coat with regulation gilt [gold] buttons), uniform shirt and tie, OR

Summer Summer blouse (navy blue with regulation gilt [gold] buttons and shoulder straps) worn with regulation uniform shirt and tie, OR blue long-sleeve regulation shirt with tie and tie clasp, when directed.

Trousers Navy blue serge with appropriate braid on trouser leg.

Shoes Black, high gloss (manufactured by using the poromeric or clarino process) lace type oxford shoes with flat soles and raised rubber heels, black socks.

Gloves Black leather/white cotton, as appropriate.

Cap Navy blue, black strap, chrome cap device.

NOTE: Ranking officers will conform to the dress uniform described above, as appropriate for their rank. Captains and above may wear the optional all weather dress

uniform coat in place of the winter coat. The bureau chief concerned will make appropriate seasonal changes in dress uniform.

Pregnant uniformed members of the service, who are in their twentieth (20th) week of gestation or earlier, if necessary, will 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.

DETECTIVE

Uniform is the same as required for police officer, EXCEPT:

CAP

Gilt (gold) cap device (without shield number).

SERGEANT

Uniform is the same as required for police officer, EXCEPT:

CAP

Gilt (gold) cap device (without shield number) and gilt (gold) chinstrap.

TROUSERS

1 1/4 inch braid attached.

SHIRT, LONG SLEEVE

[I.O. 2 s 01] Dark blue, long sleeve uniform shirt with epaulettes, chevrons, two patches and appropriate service stripes/hash marks, similar to sample sold at the Equipment Section. Uniform long sleeve shirts may be worn with or without outer garment, when authorized, and will always be worn with regulation tie, tie clasp, and command numerals, as required, on collar.

SHIRT, SHORT SLEEVE (OPTIONAL)

[I.O. 2 s 01] Dark blue, short sleeve uniform shirt with epaulettes, chevrons, two patches and optional longevity bar, similar to sample sold at the Equipment Section. May be worn in place of long sleeve uniform shirt, when authorized. Command numerals, as required, will be worn on collar. Regulation tie and tie clasp will not be worn with short sleeve shirt and undershirt will not be exposed at the collar.

INSIGNIA OF RANK

Three (3) pointed chevrons, worn on sleeves of all outer garments except raingear.

LIEUTENANT

Uniform is the same as required for sergeant EXCEPT:

CAP

Frame is covered with black mohair braid.

INSIGNIA OF RANK

Gilt (gold) bar, worn on:

a. Shoulders of duty jacket, summer blouse and winter coat.

b. Collar of regulation shirt.

WINTER COAT

Designated as follows:

a. Shoulder straps

b. 1 1/4 inch black mohair braid on sleeves

c. Three (3) gilt (gold) buttons on cuffs.

SUMMER BLOUSE

Designated as follows:

a. 1 1/4 inch black mohair braid on sleeves

b. Three (3) gilt (gold) buttons on cuffs.

[Rev 1-00] SHIRT, LONG SLEEVE

White, long sleeve uniform shirt without chevrons. Miniature insignia of rank will be worn on collar.

SHIRT, SHORT SLEEVE (OPTIONAL)

White, long sleeve uniform shirt without chevrons. Miniature insignia of rank will be worn on collar.

NOTE: When attending meetings, conferences, ceremonies, and similar events, long sleeve uniform shirt and tie and/or summer blouse, as appropriate, will be worn.

CAPTAIN

Uniform is the same as required for lieutenant, EXCEPT:

ALL WEATHER UNIFORM COAT

OPTIONAL - Navy blue, double breasted trench coat. Authorized for use by captains and above. Garment must be converted for uniform use by adding insignia on the shoulder straps, two (2) Police Department patches on the upper right and left sleeves, replace the eight (8) buttons with eight (8) large NYPD yellow metal buttons, and add two (2) small yellow metal buttons to the shoulder straps.

INSIGNIA OF RANK

Two (2) gilt (gold) bars, worn in the same manner as lieutenant's insignia.

WINTER BLOUSE

OPTIONAL - Navy blue, similar in appearance to the summer blouse; made of heavier material; affords access to service revolver and other items worn on belt; may be used with a zip-in "Thinsulate" lining.

[Rev 1-00] NOTE: Captains and above will not affix service stripes/hash marks on their uniforms.

DEPUTY INSPECTOR

Uniform is the same as required for captain, EXCEPT:

INSIGNIA OF RANK

Gilt (gold) oak leaf, to be worn with oak leaf stems pointing away from individual wearing them to the left and right.

CAP

Frame covered with black velvet.

INSPECTOR

Uniform is same as required for deputy inspector, EXCEPT:

INSIGNIA OF RANK

Gilt (gold) spread eagle.

DEPUTY CHIEF

Uniform is same as required for inspector, EXCEPT:

INSIGNIA OF RANK

One (1) gilt (gold) star worn in the same manner as inspector's insignia.

CAP

Gilt (gold) spray design on cap visor.

UNIFORM COAT

Sleeves have two (2) bands of black mohair braid.

[I.O. 6 s 04] SUMMER BLOUSE

Sleeves have two (2) bands of black mohair braid.

ASSISTANT CHIEF

Uniform is same as deputy chief, EXCEPT:

INSIGNIA OF RANK

Two (2) gilt (gold) stars, worn in same manner as deputy chief.

BUREAU CHIEFS

Chief of Patrol, Chief of Housing, Chief of Transit, Chief of Detectives, Chief of Organized Crime Control, Chief of Personnel and Chief of Internal Affairs.

Uniform is same as assistant chief, EXCEPT:

INSIGNIA OF RANK

Three (3) gilt (gold) stars worn in the same manner as assistant chief's insignia.

CHIEF OF DEPARTMENT

Uniform is same as required for assistant chief, EXCEPT:

INSIGNIA OF RANK

Four (4) gilt (gold) stars worn in the same manner as assistant chief's insignia.

NOTE: Uniformed members of the service assigned to specialized units, i.e., Mounted, Harbor, Highway, Emergency Service, Aviation, etc., will wear the prescribed duty (work) uniform as approved by the Uniform Committee.

P.G. 204-04 Optional Uniform Items

Date Effective: 01-01-00

OPTIONAL UNIFORM ITEMS MAY BE WORN AT THE DISCRETION OF UNIFORMED MEMBERS OF THE SERVICE, WHEN AUTHORIZED BY THE BUREAU CHIEF CONCERNED.

AMMO POUCHES

Twin pocket cartridge case with twelve (12) cartridges only for members armed with revolver as a service weapon.

BLOUSE

Navy blue, lightweight, tropical worsted conforming to design of regulation summer blouse. Authorized for ranking officers.

SUMMER CAP

Navy blue, tropical worsted, with lightweight perforated frame, for all uniformed members of the service ONLY during summer months.

EAR MUFFS

Black, headband type.

NAMEPLATE HOLDER

Black leather designed to affix shield and nameplate.

SHIRT, SHORT SLEEVE

Navy blue, affixed with a label located on the inside of the shirt between the fourth (4th) and fifth (5th) buttons that states "Approved N.Y.C.P.D. Certification #." May be worn by uniformed members below the rank of sergeant in place of regulation long sleeve uniform shirt when authorized. Tie may not be worn with this shirt and undershirt MUST NOT be exposed at collar or sleeves.

GOLF TYPE SHIRT

Navy blue pullover, placket front shirt constructed of one hundred percent (100%) cotton knit cloth; shield patch affixed to the left side of chest; name/shield number patch affixed to the right side of chest; letters "NYPD" printed across the back and PD patches on both sleeves. Authorized for wear by members of the service assigned to the Harbor Unit or to precinct bicycle patrol duty and other members as authorized by the Police Commissioner, as part of the summer uniform. A name/shield patch will be sewn on the right side of each shirt purchased and will be ordered through the Equipment Section.

NOTE: The golf shirt will be used as an outer garment when a short sleeve shirt is authorized and is not to be worn with the duty jacket.

TROUSERS, SUMMER

Navy blue, lightweight, tropical worsted - may be worn by ALL uniformed members of the service.

TROUSERS, WINTER

Navy blue whipcord - may be worn by ALL uniformed members of the service.

[I.O. 47 s 03] NYPD PATROL TACTICAL PANTS

NYPD Patrol Tactical Pants may be worn by ALL ranks of uniformed members of the service on patrol, during court appearances and details, and by members permanently or temporarily assigned to headquarters security.

NOTE: NYPD Patrol Tactical Pants are not authorized for members of the service performing any assignment other than patrol, i.e. recruit level training, administrative duties (desk, T/S or borough commands) or members assigned to Police Headquarters. Members of the service will also comply with instructions contained in detail notifications regarding the required uniform of the day.

TURTLE NECK SHIRT

Navy blue pullover turtle neck shirt constructed of plaited rib knit cloth; N.Y.P.D. emblem embroidered on the left side of chest; letters "N.Y.P.D." embroidered on the collar.

[I.O. 7 s 03] NOTE: The turtle neck shirt shall not be used as an outer garment but may be worn under the duty jacket. It may be worn by members of all ranks when performing duty in uniform. Not to be worn when representing the Department at any function or when attending administrative meetings. If during the course of a tour a member of the service removes the duty jacket, whether due to a change of assignment or other reasons, the regulation shirt and tie shall be worn.

WINTER HAT

Black soft vinyl with black mouton trimming for use by ALL uniformed members of the service. To be worn only when temperature is expected to fall below 32 degrees Fahrenheit.

[I.O. 7 s 03] COLD WEATHER HOOD

Black, made of a thin fabric such as Polar-Tec, silk, micro fiber or fleece, which fits close to the head, fully exposing the face and presents a trim appearance, without bulk, when the uniform hat is worn over it. This hood (known as a "balaclava") is authorized for members of all ranks performing patrol duties outdoors. To be worn only when temperature falls below 40 degrees Fahrenheit.

NOTE: Hoods made of bulky yarns or double knits and those styles which cover any part of the nose, cheeks or mouth are prohibited. The authorized hood must be worn along with the uniform hat and will never be the outermost head covering. It will never be worn while riding in a Department vehicle.

EYEGLOSS SAFETY STRAPS

Uniformed members of the service who wear glasses and are assigned to enforcement duty are strongly urged to utilize black eyeglass safety straps.

BLACK BOOTS

Plain black smooth leather with plain or lugged soles and raised heel. Grommets and laces will be black, and no buckles or hooks will be visible below the pants leg. May be worn by all uniformed members of the service on patrol.

NYLON WINDBREAKER JACKETS

Navy blue nylon fingertip length windbreaker type jacket, with collar - to be worn by specialized units only at police incidents and not worn off duty. Jacket will have six (6) inch high white letters "PD" affixed on front with small unit logo on left breast. The letters "NYPD" will be affixed on the rear in four and one half (4 ½)

inch high white letters and unit designation may be affixed directly beneath in one (1) inch high white letters. Jackets worn by members of the service in the rank of deputy chief and above will have gold lettering instead of white. The Department logo (patch) will be affixed to each sleeve.

NOTE: Commanding officers wishing to obtain permission for their members to be allowed to wear approved nylon jackets will prepare a Typed Letterhead, addressed to bureau chief/counterpart, through channels, stating reasons for requiring jackets.

BASEBALL CAP

Navy blue with white letters "NYPD" embroidered on front, worn by on-duty uniformed members of the service performing duty in civilian clothes.

V-NECK SWEATER

Navy blue, acrylic or wool, waist length, vertical ribbed weave knit sweater with navy blue poly/cotton twill or cordura patch material over elbows, left breast and epaulets. Gold buttons on pointed epaulets. The Department logo (patch) will be affixed to each sleeve.

NOTE: The V-neck sweater may be worn as an outer garment with the regulation tie and uniform shirt with command insignia or insignia of rank on collar of the shirt, as appropriate. Sergeants will wear chevrons on sweater sleeves. Members in the rank of lieutenant or above will also display insignia of rank on epaulets. Metal insignia may be worn on epaulets. Alternatively, epaulets with cloth rank insignia may be worn and will be made available at the Equipment Section. The sweater must be tucked inside the trousers. This sweater is approved for all ranks.

P.G. 204-05 Purchase And Inspection Of New Uniforms

Date Effective: 01-01-00

PURPOSE

To control the quality and workmanship of police uniforms.

PROCEDURE

Upon ordering uniforms at an authorized tailor:

UNIFORMED MEMBER OF THE SERVICE

1. Fill out the following forms:

- a. CERTIFICATION AND ACCEPTANCE OF ORDER FOR UNIFORMS (PD169-061)
- b. CERTIFICATION AND ACCEPTANCE OF ORDER - INSPECTION REPORT OF EQUIPMENT SECTION (PD169-062)
- c. EQUIPMENT SECTION INSPECTION REPORT - MANDATORY PROCUREMENT OF UNIFORM (PD169-131).

2. Have the tailor's representative sign forms.

3. Deliver the CERTIFICATION AND ACCEPTANCE OF ORDER FOR UNIFORMS to commanding officer for file.

4. Obtain completed uniform from tailor and bring to Equipment Section for inspection.

5. Obtain EQUIPMENT SECTION INSPECTION REPORT - MANDATORY PROCUREMENT OF UNIFORM form and deliver to commanding officer.

COMMANDING OFFICER

6. Compare forms:

- a. CERTIFICATION AND ACCEPTANCE OF ORDER FOR UNIFORMS, AND
- b. EQUIPMENT SECTION INSPECTION REPORT - MANDATORY PROCUREMENT OF UNIFORM.

7. Destroy both forms when all ordered uniforms have been inspected.

RELATED PROCEDURES

Uniform Classifications (P.G. 204-02)

Uniforms (P.G. 204-03)

FORMS AND REPORTS

CERTIFICATION AND ACCEPTANCE OF ORDER FOR UNIFORMS (PD169-061)

CERTIFICATION AND ACCEPTANCE OF ORDER - INSPECTION REPORT OF EQUIPMENT SECTION (PD169-062)

EQUIPMENT SECTION INSPECTION REPORT - MANDATORY PROCUREMENT OF UNIFORM (PD169-131)

P.G. 204-06 Purchase Of Used Uniform

Date Effective: 01-01-00

Procedure Deleted [Rev 01-01]

P.G. 204-07 Lost Or Damaged Uniform

Interim Order 44 Issued 09-26-03 Suspends Patrol Guide 204-07

PURPOSE

To reimburse uniformed members of the service for uniforms or equipment damaged or lost in the performance of police duty as well as personal clothing or prescription eyeglasses/contact lenses damaged or lost during extraordinary police action (e.g., pursuit or physical altercation with a suspect, rescues, etc.).

PROCEDURE

When an article of uniform or equipment is damaged or lost in the performance of police duty or personal clothing or prescription eyeglasses/contact lenses are damaged or lost during extraordinary police action:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare report on Typed Letterhead, addressed to the Deputy Commissioner, Management and Budget, within thirty (30) days from the date of incident and state:

- a. How and when loss or damage occurred
- b. Date of purchase and cost of article
 - (1) Attach copy of receipt if available.

2. Attach statement of witnesses, if any.

3. Ascertain if article can be repaired.

- a. Obtain copy of estimated cost for repair, OR
- b. Copy of statement determining that item is damaged beyond repair.

4. Present damaged article, unrepaired, to the commanding officer with report and appropriate documentation from steps 1 through 3 above.

NOTE: Report must be signed and submitted within thirty (30) days by member requesting reimbursement, unless member is incapacitated, in which case, supervisory officer will state so in report, sign and submit within thirty (30) days.

COMMANDING OFFICER

5. Investigate and endorse report, including:

- a. Facts are as stated in application.
- b. Whether damage or loss was incurred in the performance of police duty, or for personal clothing, occurred during an extraordinary police action.
- c. Statement that damaged article has been inspected by commanding officer.
- d. Statement that article is repairable or beyond repair.
- e. Statement that member was authorized to be attired in civilian clothing at the time of incident, if the request involves personal clothing.
- f. Recommendation to approve or disapprove request.

6. Forward report to Deputy Commissioner, Management and Budget:
 - a. Direct - if cost of repair or replacement is less than \$100.
 - b. Through channels - if cost of repair or replacement is \$100 or more.

C.O., NEXT HIGHER COMMAND (If applicable)

7. Review report.
8. Indicate recommendation to approve/disapprove request.
9. If approved, forward report through channels to Deputy Commissioner, Management and Budget.

DEPUTY COMMISSIONER, MANAGEMENT AND BUDGET

10. Review report and recommendations.

FOR ITEMS WHICH CANNOT BE PURCHASED AT THE EQUIPMENT SECTION:

11. Forward report to Director, Audits and Accounts Unit.

AUDITS AND ACCOUNTS UNIT

12. Review the report for necessary documentation and required approvals.
13. Determine the reimbursement amount to be paid to the member based upon current cost, less depreciation for age or wear.
 - a. Forward a check to the member of the service who initiated the claim.

FOR ITEMS SOLD IN THE EQUIPMENT SECTION:

DEPUTY COMMISSIONER, MANAGEMENT AND BUDGET

14. Prepare report on Typed Letterhead stating items authorized to be replaced.
15. Forward report as follows:
 - a. Original to member of the service concerned
 - b. Copy to Equipment Section
 - c. Copy to Audits and Accounts Unit
 - d. Copy to Deputy Commissioner, Management and Budget for file.

UNIFORMED MEMBER OF THE SERVICE

16. Upon receipt of report authorizing replacement of lost or damaged uniform or equipment, telephone the Equipment Section to determine whether item(s) is in stock.
17. Present report to Equipment Section personnel and obtain replacement item(s).

EQUIPMENT SECTION

18. Issue the authorized item(s) to member concerned.

19. Submit a detailed report to the Director, Audits and Accounts Unit of replacement item(s) disbursed for the previous month, by the fifth (5th) day of the succeeding month.

ADDITIONAL DATA

All settlements are non-transferable and MUST be executed within one hundred and eighty (180) days of approval by the Deputy Commissioner, Management and Budget.

The Department does not reimburse members of the service for loss of, or damage to, personal articles, e.g., jewelry, rings, bracelets, etc., with the exception of watches. While uniformed members of the service performing patrol duty must be equipped with a serviceable watch, such members should be aware that a maximum of \$75.00 has been established as a reasonable amount for reimbursement, if the watch is lost or damaged.

Uniformed members of the service may require prescription eyeglasses/contact lenses in order to optimally perform their duties. In those instances where prescription eyeglasses/contact lenses are lost or damaged in the performance of extraordinary police duties, members should be aware that a maximum of \$100.00 has been established as a reasonable amount for reimbursement.

Uniformed members authorized to perform duty in civilian clothes who sustain damage to their personal clothing in the furtherance of extraordinary police action should be aware that the following limits (in consideration of depreciation) have been established as reasonable for reimbursement.

Jacket/Coat	\$100.00
Suit Jacket	\$100.00
Dress	\$100.00
Dress pants	\$75.00
Footwear	\$75.00
Skirt	\$50.00
Other pants (jeans, shorts, etc.)	\$45.00
Dress shirt/blouse	\$40.00
Other shirts (sweat shirt, t-shirt, etc.)	\$20.00

Other As determined by Audits and Accounts Unit

RELATED PROCEDURES

Private Vehicles Authorized For Police Use - Involved In An Accident (P.G. 217-01)

Required Firearms & Equipment (P.G. 204-09)

Private Vehicles - Authorization (A.G. 325-14)

FORMS AND REPORTS

Typed Letterhead

P.G. 204-08 Firearms General Regulations

Date Effective: 07-28-00

EQUIPMENT FIREARMS

1. Be armed at all times when in New York City, unless otherwise directed, or except as provided in item 2 below, with:

a. Service revolver/pistol or off duty revolver/pistol as specified in P.G. 204-09, "Required Firearms And Equipment."

2. Be unarmed at own discretion while off duty when:

a. Possession of firearm, under the circumstances, would unnecessarily create a risk of loss or theft of the firearm, i.e., participation in sporting activities, attendance at beach and pool, etc., OR

b. On vacation, OR

c. Engaged in authorized off duty employment, OR

d. Engaged in any activity of a nature whereby it would be advisable NOT to carry a firearm, OR

[REV 3-01] e. There is a likelihood that member will be consuming alcoholic intoxicants.

NOTE: In those instances in which an off duty uniformed member is required to carry a firearm, the member concerned MUST CARRY either the regulation service revolver or pistol, or an authorized off duty revolver or pistol. A uniformed member who performs undercover duty and who has been authorized to carry a special weapon (see A.G. 305-05, "Authorization for Special Weapons") is permitted to carry the special weapon in lieu of the regulation firearms specified in P.G. 204-09 while off duty. The carrying of these firearms while off duty applies within the City and State of New York and also in those states outside New York State which permit visiting police officers to carry firearms within their state boundaries by virtue of their status as police officers.

3. Record all revolvers and pistols on FORCE RECORD (PD406-143).

a. Service revolvers/pistols, and off duty revolvers/pistols must conform to the specifications and standards of the Fire arms and Tactics Section, Police Academy.

4. Do not modify revolvers or pistols without written permission of the Commanding Officer, Firearms and Tactics Section.

a. Modifications permitted will be entered on FORCE RECORD.

5. Have service revolvers/pistols, and off duty revolvers/pistols not purchased at the Equipment Section inspected and tested by a Firearms and Tactics Section gunsmith prior to use.

6. Carry handguns (gun collections, etc.), other than service and off duty guns, only while enroute to or from practice range or similar activity.

NOTE: When carrying such weapons, member must be armed with an authorized on duty or off duty firearm. The firearm being transported that is not authorized for on duty or off duty use shall be unloaded.

7. Safeguard weapons at all times.

8. Do not store or leave firearm in an unattended motor vehicle.
9. Do not carry firearms in briefcases, handbags, fanny packs, hip packs, tote bags, knapsacks, paper bags or similar devices.
10. Carry firearms, on the person, in an appropriate holster specifically designed to afford maximum protection against loss of weapon.

NOTE: All holsters, regardless of type, style, or design (i.e., ankle, shoulder or belt holster) must be specifically designed for the weapon being carried. "One size fits all," "Clip-on," and "belly band" holsters are prohibited.

11. Use only approved Department issued ammunition for use in revolvers/pistols.
12. For members authorized to carry service revolver - Ensure that cylinder is fully loaded with appropriate ammunition. Maintain twelve (12) rounds of ammunition in two (2) speedloaders on duty belt.
 - a. Keep twelve (12) extra rounds of ammunition in locker at primary place of duty or on the duty belt in two (2) ammo pouches.
13. For members authorized to carry 9MM pistol - Ensure that one (1) round of ammunition is in the chamber and fifteen (15) rounds in the magazine at all times.

- a. Maintain fifteen (15) rounds in each of the two (2) magazines carried on the duty belt.

NOTE: Those uniformed members of the service authorized to carry specialized undercover firearms as per A.G. 305-05, "Authorization for Special Weapons," will also ensure that the maximum number of rounds are loaded in each magazine, and that a round is loaded in the chamber of the weapon, as applicable.

14. Comply with P.G. 205-03, "Responsibility For Weapons While Sick," if member expects to go on extended sick leave.

15. Carry ONLY authorized firearms when on duty.

- a. Permission of commanding officer is required PRIOR to carrying special weapons while performing duty (see A.G. 305-05, "Authorization For Special Weapons").

16. Do not enter Family Court or Supreme Court Matrimonial Parts while armed if involved, OTHER THAN AS ARRESTING OFFICER OR ON OFFICIAL BUSINESS, in Family Court case or Supreme Court matrimonial case.

- a. Safeguard firearms at a location other than Family Court or Supreme Court OR if within New York City, the member concerned may elect to deliver firearm to desk officer of precinct in which Family Court or Supreme Court is located.

- b. Uniformed member of the service present at Family Court or Supreme Court as an arresting officer or on official business will report to the court officer supervisor and sign the Law Enforcement Officer log.

P.G. 204-09 Required Firearms/Equipment

Date Effective: 07-28-00

REQUIRED EQUIPMENT

[Rev 00-3] Lieutenants, sergeants, and police officers performing patrol duty in uniform are required to carry or wear the following equipment, as authorized or indicated:

[Rev 00-3] 1. Regulation Service Revolver - Spurless hammer; double action only; .38 calibre, with three (3) or four (4) inch barrel; military (Patridge) sights; matte stainless steel finish; checkered, hardwood grips or authorized rubber grips which do not interfere with the use of speedloaders. The following conform to the above specifications and may be carried by authorized uniformed members as service and off duty weapons:

- a. Smith & Wesson, Military and Police, model 64 NY-1 (3" or 4" barrel models)
- b. Ruger - GPNY (3" or 4" barrel, stainless steel)
- c. Ruger - Speed Six (3" barrel, stainless steel)
- d. Ruger - Police Service Six (stainless steel - [discontinued by manufacturer])

NOTE: Uniformed members of the service who possess the revolvers described below may continue to use them as authorized service/off duty revolvers, provided such revolvers were owned by the member prior to July 1, 1987:

- a. Smith & Wesson, Military and Police, Model 10 (4")
- b. Colt, Official Police
- c. Colt, Metropolitan Mark III
- d. Dan Wesson, Model II Fixed Barrel
- e. Ruger, Police Service Six
- f. Smith & Wesson or Colt .38 Special revolver with a 3 " barrel, and military (Patridge) sights.

[Rev 00-3] The revolvers listed in this NOTE have a blued or parkerized finish with both double and single action capability, all steel frame (no air weight or alloy), and standard hardwood or authorized rubber grips.

[Rev 00-3] 2. Authorized Off Duty Revolver - Spurless hammer; double action only; .38 calibre, with a barrel at least two (2) inches, but not more than four (4) inches in length; military (Patridge) sights; matte stainless steel finish; standard checkered, hardwood grips or authorized rubber grips which do not interfere with the use of speedloaders. The following conform to the above specifications and may be carried by authorized uniformed members as off duty weapons:

- a. Ruger SPNY, Smith and Wesson Model 640
- b. Smith and Wesson 64 NY- 1

NOTE: The Ruger Speed Six, three (3) inch barrel (stainless steel) conforms to the above specifications but is no longer manufactured. Off duty revolvers with frames made of lightweight metals, such as aluminum, aluminum alloy, etc., are not authorized for use by uniformed members of the service. The Smith and Wesson Model 60, and Model

60 NY spurless hammer model are not authorized for off duty use. Uniformed members who possess Smith and Wesson, Colt or Ruger revolvers, with a barrel of at least two (2) inches, but not more than four (4) inches in length, with military (Patridge) sights, may continue to use them as authorized off duty revolvers, provided such revolvers were owned by the member concerned prior to July 1, 1987 or, for former members of the Transit Police Department, prior to April 2, 1995. Uniformed members purchasing new or replacing lost/stolen service or off duty revolvers will purchase the spurless hammer, double action only models as [Rev 00-3] specified in step 1, subdivisions a through d, and step 2, subdivisions a and b.

[Rev 00-3] 3. Regulation Service 9MM, Semi-Automatic Pistol - The following conform to the Department's requirements and may be carried by authorized uniformed members as service and off duty weapons:

- a. Glock -Model 19
- b. Smith & Wesson - Model 5946
- c. Sig Sauer - Model 226 - (providing such pistols were purchased, or were issued, prior to July 31, 1995).

[Rev 00-3] 4. Authorized Off Duty 9MM, Semi-Automatic Pistol - The following conform to the Department's requirements and may be carried by authorized uniformed members as off duty weapons:

- a. Smith & Wesson 3953TSW
- b. Smith & Wesson 3914DAO
- c. Kahr K-9
- d. Glock Model 26
- e. Beretta 8000 Mini D (must have modified low profile takedown lever).

[Rev 00-3] NOTE: An off duty revolver/pistol may be carried in addition to the service revolver/pistol provided only the service revolver/pistol is visible.

[Rev 00-3] EQUIPMENT FOR USE WITH SERVICE REVOLVER

5. Regulation Holster - black leather, designed with leather safety lock, in four (4) models:

- a. Standard for all uniformed members of the service.
- b. Swivel holster (optional) for uniformed members of the service assigned to duty in Department vehicles.
- c. Highway Patrol Service Holster - for uniformed members assigned to highway patrol duty (for use with Sam Browne belt).
- d. Mounted Service Holster - for uniformed members assigned to mounted duty (for use with Sam Browne belt).

6. Two (2) Speedloaders and Pouches - as authorized by the Equipment Section, with twelve (12) cartridges.

7. Belts (Two [2]) - black leather, 1 1/2 inches wide with gunmetal buckle. Equipment belt will cover trouser belt, [Rev 00-3] both to be worn firmly around the waist.

[Rev 00-3] EQUIPMENT FOR USE WITH SERVICE 9MM PISTOL

8. Regulation Holster - black leather, designed with safety lock, in eight (8) models:
 - a. Glock, Model 19, right and left handed
 - b. Smith & Wesson, right and left handed
 - c. Sig Sauer, right and left handed
 - d. 9MM holster with flap, right and left handed.

9. Two (2) Magazines and Pouches - as authorized by the Equipment Section, with fifteen (15) cartridges in each.

10. Belts (Two [2]) - (for equipment: black leather, 2 1/4 inches wide with gunmetal buckle); (for trousers: black leather, 1 1/2 inches wide with gunmetal buckle). Equipment belt will cover trouser belt, [Rev 00-3] both to be worn firmly around the waist.

[Rev 00-3] 11. Night Sights - ensure "Tritium" night sights are installed. Installation by anyone other than a Firearms and Tactics Section gunsmith is not permissible. Pistols purchased at the Equipment Section on or after September 12, 1994, are already equipped with night sights installed by the manufacturer. The use of night sights by uniformed members authorized to carry 9MM pistols prior to September 12, 1994, is optional.

[Rev 00-3] OTHER EQUIPMENT

12. ACTIVITY LOG (PD112-145) with following inserts:

- a. AUTO IDENTIFICATION (PD371-090)
- b. COMPILATION OF SPANISH PHRASES (PD167-090)
- c. INSTRUCTIONS FOR HANDLING MENTALLY ILL OR EMOTIONALLY DISTURBED PERSONS (PD104-110)
- d. DOMESTIC VIOLENCE/VICTIMS OF CRIME (PD154-110)
- e. CORRUPTION HAZARDS IDENTIFICATION (PD427-011)
- f. COURTESY, PROFESSIONALISM AND RESPECT (PD439-111)
- [Rev 02-02] g. STREET ENCOUNTERS-LEGAL ISSUES (PD344-153)
- [I.O. 29 s 04] h. POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)
- i. Any other insert, as required.

13. Regulation traffic whistle and belt whistle holder.

14. Regulation handcuffs carried in handcuff case with key available for use.

15. Regulation eleven (11) inch rubber billet with leather thong may be used from 0800 - 1600 hours, unless baton is carried.

16. Baton (Side Handle) - Monadnock Lifetime Products Inc., Model PR-24 STS.

a. Carried only by uniformed members of the service trained and qualified by the New York City Police Academy.

NOTE: All uniformed members of the service appointed after December 1988 must carry the side handle baton. Carrying of a straight baton by members of the service appointed after December 1988 is unauthorized. All uniformed members of the service appointed before December 1988, who are trained and qualified in the use of the straight baton and the side handle baton by the New York City Police Academy, must carry the side handle baton. Carrying of a straight baton by members of the service trained and certified in the use of side handle baton is unauthorized. Members appointed prior to December 1988, who are not trained and qualified in the side handle baton, will carry a straight baton, 24 to 26 inches in length, 1 1/4 inches in thickness; made of locus hickory, white ash or rosewood; attached to a leather thong. Batons are to be carried on all tours, except as directed by commanding officer for 2nd platoon foot patrol.

17. Baton Holder - black leather loop with military strap, to wear on gun belt or Side Handle Baton Holder (black polycarbonate plastic 360 degree swivel, 8 position).

18. Serviceable Flashlight - all tours, not to exceed 12 1/2 inches in length, tubular design (without attachments that alter the size, shape or weight of the device) powered by a maximum of three (3) "D" batteries and a minimum of two (2) "C" batteries.

NOTE: Members of the service may elect to carry a secondary flashlight as an adjunct to their primary flashlight. Secondary lights may be either a miniature flashlight or a lantern type flashlight. These secondary lights may be used as a backup for the mandatory flashlight and may be useful in situations such as a search where a lantern can provide greater illumination and longer battery life. Under no circumstances should these lights be considered a substitute for the primary lights which must be carried on all tours regardless of the availability of a secondary flashlight. As an enhancement to visibility, it is recommended that flashlights be powered by alkaline batteries for their durability and be equipped with a krypton bulb for additional brightness. Halogen bulbs are not recommended because they drain batter power too quickly.

19. Serviceable watch properly set.

20. Reflective belt (1600 - 0800).

21. Reflective traffic safety vest.

[Rev 01-1] 22. Dual-purpose disorder control/scooter helmet with face shields, as indicated in Patrol Guide procedure 203-05, Performance on Duty - General.

23. Pepper spray device and holder.

24. Keepers (four [4]) - attached to the gun belt and trouser belt regardless of type of weapon carried.

[Rev 02-02] 25. Glove pouch - all uniformed members of the service are required to wear a synthetic leather glove pouch on their gun belt. Members on bicycle patrol are required to wear a nylon glove pouch. Both versions of the glove pouch must conform to those available at the Equipment Section. This pouch is designed to hold disposable plastic gloves.

[Rev 00-3] ADDITIONAL DATA

Uniformed members of the service assigned to civilian clothed enforcement duties are required to have their service 9MM semi-automatic pistol and one (1) extra fully loaded magazine or their service .38 caliber revolver with twelve (12) extra cartridges, handcuffs with key and the "color of the day" head/arm band on their persons. In addition, pepper spray device and holder will be carried by such members as specified in P.G. 212-95, "Use of Pepper Spray Devices."

Commanding officers [Rev 00-3] have the authority to allow members of their respective commands to be armed with an authorized off duty weapon, if they believe it is more suitable for a particular assignment.

P.G. 204-10 Handgun Purchase

Interim Order 49 Issued 12-08-03 Suspends Patrol Guide 204-10

PURPOSE

To record the acquisition of handguns by uniformed members of the service.

PROCEDURE

When buying or acquiring a handgun:

PURCHASE FROM NEW YORK CITY HANDGUN LICENSEE

UNIFORMED MEMBER OF THE SERVICE

1. Prior to acquiring a handgun from a New York City handgun licensee:

a. Prepare Typed Letterhead, in triplicate, addressed to Commanding Officer, License Division requesting permission to acquire handgun and include the following information:

(1) Make, caliber, type, model and serial number of handgun.

(2) Name, address and age of licensee.

(3) Current Handgun License number including date issued and date expires.

COMMANDING OFFICER OF MEMBER

2. Endorse Typed Letterhead with recommendation and request status of licensee.

3. Forward original and one (1) copy of Typed Letterhead direct to Commanding Officer, License Division for determination and endorsement.

COMMANDING OFFICER, LICENSE DIVISION

4. Conduct record check of licensee.

a. If license is valid and clear of suspension or ongoing investigation, advise commanding officer of requesting member, by endorsement, that acquisition may be approved.

b. If licensee is currently suspended or under investigation, advise commanding officer of requesting member, by endorsement, that request is denied until such time as licensee is reinstated.

UNIFORMED MEMBER OF THE SERVICE

5. Upon notification that record check has been completed and Commanding Officer, License Division, has approved request, requesting member will comply with steps 6 through 18.

PURCHASE FROM OTHER THAN EQUIPMENT SECTION

UNIFORMED MEMBER OF THE SERVICE

6. Submit copy of bill of sale to desk officer/counterpart of permanent command without delay.

7. Have handgun, which is authorized to be carried in performance of police duty, tested by Department gunsmith except if purchased at Equipment Section.

8. Prepare ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE (PD424-150) and complete sections one (1) through four (4).

9. Deliver form to desk officer/counterpart of permanent command.

DESK OFFICER

10. Compare make, model and serial number listed on bill of sale with handgun.

11. Check New York State Police Information Network (NYSPIN) and National Crime Information Center (NCIC) via "FINEST" or Stolen Property Inquiry Section to determine if an alarm for such firearm exists.

12. Make a Command Log entry including member's name, tax registry number, date purchased, purchased from, make, model, caliber and serial number.

a. Enter Command Log page number on ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE.

13. Complete Part 5 (Agency Endorsement) of REPORT TO N.Y. STATE POLICE.

14. Give bill of sale and completed REPORT TO N.Y. STATE POLICE to clerical member.

CLERICAL MEMBER

15. Make appropriate entries on FORCE RECORD (PD406-143).

16. Deliver REPORT TO N.Y. STATE POLICE to commanding officer.

17. File bill of sale, member's copy of REPORT TO N.Y. STATE POLICE (second copy), gunsmith authorization approval form, if applicable, and reply from Commanding Officer, License Division, if applicable, in member's personal folder.

COMMANDING OFFICER

18. Forward first copy of REPORT TO N.Y. STATE POLICE to Firearms and Tactics Section.

PURCHASE OF FIREARMS FROM EQUIPMENT SECTION

EQUIPMENT SECTION MEMBER

19. Have ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE prepared.

20. Have purchasing member sign report (Section 4 - Certification).

COMMANDING OFFICER, EQUIPMENT SECTION

21. Complete Part 5 (Agency Endorsement) of REPORT TO N.Y. STATE POLICE.

22. Forward copies as indicated on form:

a. First copy to Firearms and Tactics Section.

b. Second copy to member's commanding officer along with copy of bill of sale.

COMMANDING OFFICER OF MEMBER

23. Have entry made on FORCE RECORD and Command Log entry made including member's name, tax registry number, date purchased, purchased from, make, model, caliber, and serial number upon receipt of REPORT TO N.Y. STATE POLICE and bill of sale from Equipment Section.

CLERICAL MEMBER

24. File REPORT TO N.Y. STATE POLICE and bill of sale in member's personal folder.

ADDITIONAL DATA

A routine request for information concerning handguns belonging to a uniformed member of the service will be directed to the member's permanent command. The Police Academy, Firearms and Tactics Section, will supply information on a twenty-four (24) hour basis concerning the firearms of a uniformed member of the service to an investigating supervisor in an emergency if the permanent command of the member is closed, OR during an investigation, if a telephone inquiry to the member's command may compromise an investigation. If a handgun comes into the possession of a uniformed member of the service and the owner of the firearm is unknown, a request for the identity of the owner will be directed to the Stolen Property Inquiry Section.

Failure by a uniformed member of the service to report an acquisition or disposition of a firearm to this Department within ten (10) days of such transaction is a Class "A" Misdemeanor under Penal Law Section 400.00, subdivision 12c.

Handgun purchases effected under the authority of a Class I Federal Firearms License or New York State Dealer in Firearms License DO NOT exempt a member of the service from filing ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE for those firearms possessed outside the scope of the dealer in firearms license.

RELATED PROCEDURES

Selling - Disposing Of Handguns To Another Uniformed Member Of The Service Or To A Licensed Handgun Dealer In New York State (P.G. 204-13)

Disposal Of Handgun To Handgun Licensee (P.G. 204-14)

FORMS AND REPORTS

ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y STATE POLICE (PD424-150)

FORCE RECORD (PD406-143)

P.G. 204-11 Pistol Magazine Purchases

Date Effective: 01-01-00

PURPOSE

To make the Department aware of pistol magazine purchases by uniformed members of the service and provide an inspection capability through a review of members' Personal Folders, Command Communication Records and in most instances, Equipment Section files.

PROCEDURE

When a uniformed member of the service finds it necessary to purchase a magazine for an authorized service pistol:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare a written report to Commanding Officer including reason for the purchase (magazine lost, defective, etc.).

COMMANDING OFFICER

2. Endorse the request and have a copy placed in the concerned member's Personal Folder.

UNIFORMED MEMBER OF THE SERVICE

3. Present original endorsed report to the Commanding Officer, Equipment Section.

COMMANDING OFFICER, EQUIPMENT SECTION

4. File the report, chronologically, in a Command File.

ADDITIONAL DATA

Should a uniformed member of the service elect to purchase a magazine directly from a manufacturer, the member's commanding officer will include in the endorsement a request to the manufacturer that the magazine be sent to the member's command and not his/her residence.

P.G. 204-12 Repair/Replacement Of Authorized Firearms

Date Effective: 01-01-00

PURPOSE

To borrow a service pistol, revolver, or repair authorized firearms.

PROCEDURE

When a service pistol or revolver is stolen, lost, requires repair, is held as evidence by a court, District Attorney or safeguarded by the Property Clerk:

TO OBTAIN REPLACEMENT SERVICE PISTOL OR REVOLVER:

UNIFORMED MEMBER OF THE SERVICE

1. Notify commanding officer of facts.

COMMANDING OFFICER

2. Direct preparation of two (2) copies of report, on Typed Letterhead, addressed to Commanding Officer, Firearms and Tactics Section outlining facts and requesting that the member concerned be loaned a service pistol or revolver.

UNIFORMED MEMBER OF THE SERVICE

3. Deliver report to officer in charge, Firearms and Tactics Section on weekdays, 0730 to 1530 hours, Outdoor Range, Rodman's Neck.

4. Report to commanding officer make, model and serial number of pistol or revolver obtained from Firearms and Tactics Section.

5. Have entry of above data made on member's FORCE RECORD (PD406-143).

UNIFORMED MEMBER OF THE SERVICE

6. Deliver borrowed pistol or revolver to Firearms and Tactics Section when service pistol or revolver is returned or repaired.

a. Obtain receipt for borrowed pistol or revolver from Firearms and Tactics Section and deliver to commanding officer.

COMMANDING OFFICER

7. Have entry made on member's FORCE RECORD indicating return of borrowed pistol or revolver to Firearms and Tactics Section and file receipt in member's Personal Folder.

ADDITIONAL DATA

Department procedures prohibit modification of a service/off duty pistol or revolver or an authorized firearm without the prior permission of the Commanding Officer, Firearms and Tactics Section. Firearms that become defective in any manner, including water saturation, will be delivered to the Department gunsmith at Outdoor Range, Rodman's Neck for repair/inspection prior to use.

Under some conditions, uniformed members of the service may find it necessary to have service/off duty pistols or revolvers or authorized firearms repaired by the manufacturer or a licensed gunsmith for repairs that the Department gunsmith is unable to make. If the service pistol or revolver requires repair, uniformed member of the service will obtain a replacement service pistol or revolver at the Firearms and

Tactics Section by complying with the procedure above. In addition, if a member's service/off duty pistol, revolver, or authorized firearm is repaired by other than the Department gunsmith, such firearm must be inspected by the Department gunsmith prior to being carried on or off duty.

RELATED PROCEDURES

Firearms - General Regulations (P.G. 204-08)

Required Firearms & Equipment (P.G. 204-09)

Lost/Stolen Firearms, Shields, Identification Cards (P.G. 219-21)

FORMS AND REPORTS

FORCE RECORD (PD406-143)

Typed Letterhead

P.G. 204-13 Selling/Disposing Of Handguns To Another Uniformed Member Of The Service Or A Licensed Handgun Dealer In New York State

Interim Order 50 Issued 12-08-03 Suspends Patrol Guide 204-13

PURPOSE

To record handgun transactions.

PROCEDURE

When a uniformed member of the service sells or otherwise disposes of a handgun to another uniformed member of the service or to a licensed firearms dealer located in New York State:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer/counterpart of permanent command without delay and submit copy of bill of sale indicating:

a. Identity of purchaser including:

(1) Tax registry number and command if uniformed member of the service, OR

(2) License number if firearms dealer.

b. Complete description of firearm including serial number.

2. Prepare ACQUISITIONS OR DISPOSITIONS OF FIREARMS BY POLICE OFFICER - REPORT TO N.Y. STATE POLICE (PD424-150) and complete sections one (1) through four (4).

3. Deliver form to desk officer/counterpart of permanent command.

DESK OFFICER

4. Notify commanding officer.

5. Check REPORT TO N.Y. STATE POLICE and bill of sale for accuracy and deliver to commanding officer.

COMMANDING OFFICER

6. Review REPORT TO N.Y. STATE POLICE and complete Part 5 (Agency Endorsement).

7. Give REPORT TO N.Y. STATE POLICE and bill of sale to clerical member.

CLERICAL MEMBER

8. Make entry on rear of FORCE RECORD (PD406-143) indicating date of disposal.

9. File member's copy (second copy) of REPORT TO N.Y. STATE POLICE with bill of sale in member's personal folder.

10. Distribute first copy of REPORT TO N.Y. STATE POLICE to Firearms and Tactics Section.

ADDITIONAL DATA

Uniformed members of the service are also permitted to dispose of handguns to holders of handgun licenses issued by this Department.

Handgun purchases effected under the authority of a Class I Federal Firearms License or New York State Dealer in Firearms License DO NOT exempt a member of the service from filing ACQUISITIONS OR DISPOSITIONS OF FIREARMS BY POLICE OFFICERS - REPORT TO N.Y. STATE POLICE for those firearms possessed outside the scope of the dealer in firearms license.

Since November 1, 1994, the Equipment Section has issued 9mm service weapons to uniformed members of the service. Since Police Department funds have been used to purchase and/or make reimbursements for the 9mm weapons that are the subject of this program, the Department retains the right to repossess and permanently retain these weapons under certain circumstances as follows:

- a. When a recruit officer or probationary police officer resigns or is terminated from the Department OR
- b. When any other member of the service resigns or is terminated from the Department under less than honorable conditions, as determined by the Chief of Department.

Weapons in the above categories will be vouchered for safekeeping with the following statement in the "Remarks" section of the PROPERTY CLERK'S INVOICE (PD521- 141):

WEAPON IS NOT TO BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF THE CHIEF OF DEPARTMENT

The Commanding Officer, Property Clerk Division will forward a report to the Chief of Department for any 9mm service weapon vouchered from a recruit or probationary police officer who resigns or who may be terminated, and from other officers who resigned or terminated employment under less than honorable conditions.

- a. Chief of Department will notify the Property Clerk Division to forward to the Outdoor Range the 9mm service weapon vouchered from recruit officers and probationary officers.

- b. Chief of Department will determine and then notify the Property Clerk Division whether the 9mm service weapons vouchered from other officers, who resigned or terminated employment under less than honorable conditions, are to revert back to the Department, and sent to the Outdoor Range, or released to the member concerned.

RELATED PROCEDURES

Handgun Purchase (P.G. 204-10)

Disposal of Handgun to Handgun Licensee (P.G. 204-14)

FORMS AND REPORTS

ACQUISITIONS OR DISPOSITIONS OF FIREARMS BY POLICE OFFICER - REPORT TO N.Y. STATE POLICE (PD424-150)

P.G. 204-14 Disposal Of Handgun To Handgun Licensee

Interim Order 51 Issued 12-08-03 Suspends Patrol Guide 204-14

PURPOSE

To authorize a uniformed member of the service to dispose of a handgun to a New York City Handgun Licensee, ONLY.

PROCEDURE

When a uniformed member of the service wants to sell, give away, etc., a handgun to a person who has been granted a handgun license by this Department:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare three (3) copies of Typed Letterhead, addressed to Commanding Officer, License Division, requesting permission to dispose of firearm including the following information:

a. Make, caliber, type, model and serial number of handgun which is subject of application

b. Service handgun: make, caliber, type, model and serial number

c. All other handguns: make, type, model, serial number

d. Handguns transferred on previous occasions: dates, to whom sold including address, make, caliber, type, model and serial numbers

e. Has seller valid right to dispose of handgun? (Yes or No)

f. Name, address, age and sex of licensee

g. Present handgun license number and date issued

h. Reasons handgun licensee wants to obtain handgun.

COMMANDING OFFICER OF MEMBER

2. Endorse application with recommendation.

3. Forward original and one copy of application, direct, to Commanding Officer, License Division, for final decision and endorsement.

UNIFORMED MEMBER OF THE SERVICE

4. Comply with decision of Commanding Officer, License Division.

5. Comply with P.G. 204-13, "Selling/Disposing Of Handguns To Another Uniformed Member Of The Service Or To A Licensed Handgun Dealer In New York State", if transaction approved.

ADDITIONAL DATA

Since November 1, 1994, the Equipment Section has issued 9mm service weapons to uniformed members of the service. Since Police Department funds have been used to purchase and/or make reimbursements for the 9mm weapons that are the subject of this program, the Department retains the right to reprocess and permanently retain these weapons under certain circumstances as follows:

a. When a recruit officer or probationary police officer resigns or is terminated from the Department OR

b. When any other member of the service resigns or is terminated from the Department under less than honorable conditions, as determined by the Chief of Department.

Weapons in the above categories will be vouchered for safekeeping with the following statement in the "Remarks" section of the PROPERTY CLERK'S INVOICE (PD521-141):

WEAPON IS NOT TO BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF THE CHIEF OF DEPARTMENT

The Commanding Officer, Property Clerk Division will forward a report to the Chief of Department for any 9mm service weapon vouchered from a recruit or probationary police officer who resigns or who may be terminated, and from other officers who resigned or terminated employment under less than honorable conditions.

a. Chief of Department will notify the Property Clerk Division to forward to the Outdoor Range the 9mm service weapon vouchered from recruit officers and probationary officers.

b. Chief of Department will determine and then notify the Property Clerk Division whether the 9mm service weapons vouchered from other officers, who resigned or terminated employment under less than honorable conditions, are to revert back to the Department, and sent to the Outdoor Range, or released to the member concerned.

RELATED PROCEDURES

Handgun Purchase (P.G. 204-10)

Selling/Disposing Of Handgun To Another Uniformed Member Of The Service Or To A Licensed Handgun Dealer In New York State (P.G. 204-13)

FORMS AND REPORTS

Typed Letterhead

P.G. 204-15 Shields/Nameplates/Identification Cards

Date Effective: 01-01-00

UNIFORMED MEMBER OF THE SERVICE

1. Wear shield at all times while in uniform on the outermost garment except if outermost garment has sewn shield patch, i.e., golf type shirt, etc.
2. Wear nameplate 1/4 inch below and centered under shield on outermost garment.
 - a. DO NOT wear nameplate on raincoat.
3. Carry shield and IDENTIFICATION CARD (PD 416-091) at all times when not in uniform and present both when necessary to establish identification.

NOTE: Uniformed members utilizing the option of not carrying firearms off duty as described in P.G. 204-08, "Firearms - General Regulations," may also elect not to carry their shield.

4. Display shield on the outermost garment when wearing civilian clothes at the scene of an emergency.
5. Present shield and IDENTIFICATION CARD, when wearing either uniform or civilian clothes, when delivering or withdrawing evidence from Property Clerk Division or whenever obtaining Department property, (i.e., vehicles, radios, etc.) for temporary use from another command.

NOTE: If necessary, the command in possession of the Department property will telephone the command requesting the loan of property to verify the officer(s) present at their command were sent for this equipment. A Command Log or an appropriate Department record entry will be made indicating rank, name and shield number of member conferred with.

6. Display IDENTIFICATION CARD prominently on outermost garment when wearing civilian clothes in any Department facility.

P.G. 204-16 Emblems, Insignia And Breast Bars

Date Effective: 03-24-00

GRAPHIC OF UNIFORMS SHOWING LOCATION OF PATCHES, EMBLEMS, ETC.

(Figure 1)

(Figure 2)

[I.O. 34 s 03]

(Figure 3)

DEPARTMENT AND COMMAND EMBLEMS (SHOULDER PATCHES)

1. The Department logo will be worn on both left and right sleeves of all regulation uniform garments except the turtleneck shirt and raingear.
2. Uniformed members of the service assigned to Aviation, Emergency Service, Harbor, Mounted, Scuba, Patrol Borough Task Force, or Highway District units shall continue to display the Department emblem on the right sleeve only and their command emblem on the left shoulder.
3. Uniformed members of the service assigned to the Communications Division and the Traffic Control Division will display their authorized command emblem on the left sleeve 1/2 inch beneath the Department emblem except: sergeants assigned to this unit shall continue to display the Department emblem on the right sleeve only and their command emblem on the left sleeve (centered midway between the crest of the chevrons and the top of the sleeve).

COLLAR INSIGNA AND COMMAND DESIGNATIONS

1. Wear ONLY yellow metal command insignia (except commands authorized to wear cloth insignia [white lettering] on work uniforms).
2. Sergeants, uniformed detectives, and police officers will wear appropriate insignia on both sides of collar of BOTH inner and outer garments, except raingear (i.e., insignia will be worn on the collar of a regulation long sleeve shirt, if worn, as well as the duty jacket).

SERVICE STRIPES/HASH MARKS

1. Each stripe represents five (5) years of service.

[Rev 1-00] 2. Service stripes/hash marks are to be affixed to all outer garments, except short sleeve shirts, leather and raingear, of lieutenants, sergeants, detectives and police officers (left sleeve only).

NOTE: Sewing through the leather and raingear would damage the leather or jeopardize the integrity of the waterproofing.

3. The lower tip of the bottom stripe is 4 inches from the bottom of the sleeve. (Do not include elastic cuff, duty jackets etc., in measurement). Police officers,

detectives and sergeants will remove the service mohair braid, from both sleeves, if worn, from the summer blouse/winter coat.

[Rev 1-00] 4. The service stripes/hash marks for uniformed members of the service in the rank of lieutenants, sergeant, detective and police officer shall be the same blue/white colors as sergeant's chevrons. Uniformed members of the service in the rank lieutenants, sergeant, detective and police officer assigned to Mounted Unit and the Police Academy, Firearms and Tactics Section in khaki range uniforms, shall wear service stripes/hash marks the same yellow/white colors as the Mounted Unit sergeant's chevrons.

5. Service stripes/hash marks may be worn six (6) months prior to the five (5) year period represented, if the wearer so desires.

BREAST BARS/PINS

PRECINCT, POLICE SERVICE AREA, TRANSIT DISTRICT COMMANDING OFFICER RECOGNITION PIN

The PRECINCT, POLICE SERVICE AREA, TRANSIT DISTRICT COMMANDING OFFICER RECOGNITION PIN, with designated precinct, police service area, transit district numerals displayed, will be worn above the right breast pocket of the outermost garment by the commanding officer when performing duty in uniform. If another bar (e.g. Medal of Honor breast bar or longevity service bar) is worn, the Commanding Officer Recognition Pin will be worn above.

BREAST BARS

Department Medal of Honor

(Figure 4)

NOTE: A second award of this medal is identified by a gold leaf placed in the center of the bar.

The Department Medal of Honor breast bar, at the discretion of the recipient, may be worn over the right breast uniform pocket. When so worn, all other bars will be displayed on the left side, above the member's shield. If uniform has no breast pockets, all bars will be worn on the left, above the shield.

Police Combat Cross

(Figure 5)

NOTE: A second award of this medal is identified by a gold leaf placed in the center of the bar.

Medal For Valor

(Figure 6)

NOTE: A second award of this medal is identified by a gold leaf placed in the center of the bar.

Police Purple Shield Medal

(Figure 7)

NOTE: The Police Purple Shield Medal will be awarded to those uniformed members of the service who have suffered extremely serious physical injury, or death, or permanent disfigurement, protracted or permanent impairment of health as determined by the Honor Board.

The Police Purple Shield Medal breast bar, at the discretion of the recipient, may be worn over the right breast uniform pocket. When so worn, all other bars will be displayed on the left side, above member's shield. If uniform has no breast pockets, all bars will be worn on the left, above the shield.

Honorable Mention (Silver Star)

Exceptional Merit (Light Green Star)

Commendation (Bronze Star)

Commendation - Community Service (Light Blue Star)

(Figure 8)

NOTE: 1st Award	Appropriate star in white area
2nd Award (same type)	Appropriate stars in green and blue areas
2nd Award (different types)	Appropriate stars, highest in green area
3rd Award (same type)	Appropriate stars in green, white and blue areas
3rd Award (different types)	Appropriate stars, highest in white, next highest in green, lowest in blue area.

Upon receipt of a fourth award, a second bar will be worn with appropriate star(s) affixed. If fourth award duplicates any of the previous three, the duplication will be reflected on the second bar.

The Medal For Valor bar (dark blue) is worn by recipient of Organizational Medal for Valor/Merit.

The Commendation - Community Service bar is worn by recipient of Line Organization - Community Service Medal

Meritorious Police Duty

(Figure 9)

Excellent Police Duty

(Figure 10)

[I.O. 34-1 s 03] NOTE: Only one breast bar in the grade of Meritorious Police Duty or Excellent Police Duty may be worn at one time, however, members who have been awarded Meritorious Police Duty or Excellent Police Duty numbering more than 25, 30, 40, 50 or 60 are authorized to wear an additional breast bar. One breast bar will be number 25, 30, 40, 50 or 60 and when combined with the number indicated on the second

bar will designate the total number of awards received in that category. Members are not authorized to wear more than two bars.

Unit Citation

(Figure 11)

[I.O. 34 s 03] NOTE: Designated members of the service may wear a Unit Citation. The Unit Citation breast bar will be left bare to indicate the receipt of a single Unit Citation. The receipt of additional Unit Citations will be indicated by the number "2", "3", etc. on the bar. The Unit Citation breast bar may be worn during entire police career regardless of subsequent assignments within the Department.

The Unit Citation breast bar is worn above the shield and immediately below individual recognition awards. (Eligible civilian members may wear the Unit Citation lapel pin).

[Rev 00-4] TWA Flight 800 Recovery Operation Commemorative Breast Bar

(Figure 12)

Those uniformed members of the service who have participated in the TWA Flight 800 Recovery Operation received a Flight 800 breast bar. The Flight 800 breast bar is to be worn above shield, immediately below Unit Citation, if worn, or below individual recognition awards.

Puerto Rico Response Bar

(Figure 13)

NOTE: All uniformed members of the service, who participated in the Puerto Rico Rescue Mission from September 22, 1989 through September 29, 1989, are authorized to wear the Puerto Rico Response Bar. The Puerto Rico Response Bar is to be worn above shield, immediately below Unit Citation, if worn, or below individual recognition awards.

Longevity Bar

(Figure 16)

[Rev 1-00] NOTE: The longevity bar must be worn by uniformed members of the service authorized to wear the regulation short sleeve shirt. The bar will be worn over the right breast pocket. If the Department Medal of Honor breast bar is worn on the right side, the longevity bar will be worn over the shield. Captains and above will wear the longevity bar over the right breast pocket of all outer garments except raingear and leather. If there is no right breast pocket on the outer garment, the longevity bar will be worn over the shield (as indicated under ADDITIONAL DATA).

Emergency Medical Technician Pin

NOTE: All uniformed members of the service who have been trained and certified or re-certified by this Department are authorized to wear the Emergency Medical Technician Pin. The pin is worn 1/4 inch above the shield or breast bars.

American Flag Breast Bar

(Figure 17)

[I.O. 33 s 01]

Firearms Proficiency Breast Bar

(Figure 18)

A uniformed member of the service who receives a perfect score of one hundred(100) percent during semi-annual re-qualification or during the Police Academy basic firearms training course, is authorized to wear the Firearms Proficiency breast bar. Members will be issued a breast bar by Firearms and Tactics Section personnel subsequent to such firearms qualification, indicating proficiency in the use of their weapon.

Firearms proficiency breast bar will be worn directly over the shield and below all other breast bars. Only one (1) Firearms Proficiency breast bar may be worn regardless of the number received. If member fails to attain the required score at subsequent qualification cycle, the breast bar must be removed. No promotional points will be granted for such Department recognition.

ADDITIONAL DATA

[I.O. 32 s 02] The American Flag breast bar may be worn and is the only emblem authorized. The cloth American Flag emblem, the Flag "pin" and any other specialty pins such as those depicting the American Flag along with fraternal organization insignia or flags of other nations are not authorized and will not be worn. The American Flag breast bar may be worn 1/4 inch above the center of the shield or breast bars. If worn, it will be the top most bar above the shield.

A breast bar is horizontally centered 1/4 inch above the center of the shield, when authorized. Additional bars, awards, or wings, when authorized, are worn with 1/4 inch space between each award. Members of the service qualified to wear a shooting award or designation will place it 1/4 inch above the shield.

Aviation Unit members qualified as pilots and/or air crew are authorized to wear appropriate metal breast wings and will place them 1/4 inch above the shield.

Members of the service qualified to rappel from Department aircraft may wear rappel wings placed 1/4 inch above the shield.

Wings may be worn during entire police career regardless of subsequent assignments within the Department.

Nameplates are to be centered 1/4 inch below the shield.

White Metal - Police officers

Yellow Metal - Ranking officers and detectives.

ORGANIZATION OF BREAST BARS (Left Side)

U.S. FLAG BAR or EMT and Flag Pin

DEPARTMENT MEDAL OF HONOR

POLICE COMBAT CROSS

MEDAL FOR VALOR

POLICE PURPLE SHIELD MEDAL

HONORABLE MENTION (Silver Star)

EXCEPTIONAL MERIT (Light Green Star)

COMMENDATION (Bronze Star)

COMMENDATION - COMMUNITY SERVICE (Light Blue Star)

MERITORIOUS POLICE DUTY

EXCELLENT POLICE DUTY

UNIT CITATION

[REV 00-04] TWA FLIGHT 800 RECOVERY OPERATION COMMEMORATIVE BREAST BAR

PUERTO RICO RESPONSE BAR

150th ANNIVERSARY BAR

STATUE OF LIBERTY BAR

LONGEVITY BAR/FIREARMS INSTRUCTOR/[I.O. 33 s 01] FIREARMS PROFICIENCY BREAST BAR

RIFLE EXPERT

AVIATION WINGS

RAPPEL WINGS

SHIELD

NAME PLATE

ORGANIZATION OF BREAST BARS (Right Side)

PRECINCT/POLICE SERVICE AREA/TRANSIT DISTRICT COMMANDING OFFICER

RECOGNITION PIN

DEPARTMENT MEDAL OF HONOR

LONGEVITY BAR

The Police Purple Shield Medal breast bar, at the discretion of the recipient, may be worn over the right breast uniform pocket. When so worn, all other bars will be displayed on the left side, above uniformed member's shield.

ORGANIZATION OF BREAST BARS (GRAPHIC)

(Figure 19)

Uniformed members of the service who have earned Departmental recognition from the Transit or Housing Police Departments, must purchase and display an existing New York City Police Department breast bar that is awarded for actions equivalent to that honored by the former department.

Uniformed members of the service, having earned recognition from their former department, will convert their awards to the following New York

City Police Department equivalents:

FORMER TRANSIT POLICE DEPARTMENT MEMBERS:

Transit Police Department	New York City Police Department
* Medal of Honor	* Medal of Honor
* Combat Cross	* Combat Cross
* Exceptional Duty Medal	* Medal For Valor
* Distinguished Duty Medal	* Commendation
* Honorable Mention	* Meritorious Police Duty
* Meritorious Police Duty	* Excellent Police Duty

FORMER HOUSING POLICE DEPARTMENT MEMBERS:

Housing Police Department	New York City Police Department
* Authority Medal of Honor	* Medal of Honor
* Police Combat Cross	* Combat Cross
* Authority Medal of Exceptional Merit	* Exceptional Merit
* Authority Commendation	* Commendation
* Meritorious Police Duty	* Meritorious Police Duty
* Excellent Police Duty	* Excellent Police Duty

P.G. 204-17 Morning Bands

REVISION: 00 - 04

Date Effective: 09-22-00

UNIFORMED MEMBER OF THE SERVICE

1. May wear black elastic mourning band, 1/2 inch wide, on the shield, covering the seal of the city, but leaving the shield number or rank designation visible, upon the death of a member.

2. Wear band, regardless of rank of the deceased as follows:

a. Active member of the service - line of duty death

(1) Members of his or her command - from time of death until 2400 hours on the tenth day after his or her death

(2) Other members - from the time of death until 2400 hours on the day of the funeral

b. Active member of the service - not line of duty

(1) Members of his or her command - from 0001 hours until 2400 hours on the day of the funeral

(2) Other members - while attending funeral services

c. Retired members of the service - while attending funeral services.

d. Police Memorial Day

(1) MANDATORY for all members of the service attending the Headquarters ceremony in uniform.

(2) OPTIONAL for all uniformed members of the service between 0001 hours and 2400 hours.

e. National Peace Officers' Memorial Day

(1) OPTIONAL for all uniformed members of the service between 0001 and 2400 hours on May 15th annually.

P.G. 204-18 Protective Vests

Date Effective: 10-29-04

UNIFORMED MEMBER OF THE SERVICE

1. MUST wear a protective vest, outside a Department facility, when:

- a. Performing duty in uniform
- b. Performing enforcement duty in civilian clothes.

NOTE: Uniformed members of the service performing duty in uniform outside a Department facility may be exempted from wearing a protective vest by their respective Bureau Chief or Deputy Commissioner only. Uniformed members of the service performing enforcement duty in civilian clothes outside a Department facility may be exempted from wearing a protective vest by the member's immediate supervisor if, in the opinion of the supervisor, the wearing of the protective vest would interfere with or be inappropriate for the member's specific duty or assignment.

2. MUST contact the Police Academy Vest Unit at (212) 477-9700 prior to purchasing any vest other than the models available through the New York City Police Department contract.

a. MUST present vest to designated Vest Unit personnel, after purchase, for inspection and approval prior to use, including vests purchased privately through the New York City Police Department contract.

3. MUST wear one (1) of the following protective vests:

a. A bullet resistant vest containing four (4) panels consisting of two (2) 10-layer Kevlar ballistic panels in the front and two (2) 10-layer Kevlar ballistic panels in the rear of the vest carrier; or

b. A bullet resistant vest, identified on the ballistic panel as "N.Y.P.D. Model 28," containing four (4) panels consisting of two (2) 14-layer Kevlar/Spectra (eight [8] layers of Kevlar and six [6] layers of Spectra Shield) ballistic panels in the front and two (2) 14-layer Kevlar/Spectra (eight [8] layers of Kevlar and six [6] layers of Spectra Shield) ballistic panels in the rear of the vest carrier; or

c. A bullet resistant vest which requires one (1) panel in the front and one (1) panel in the rear and is certified by the National Institute of Justice (N.I.J.) as Threat Level Type II protection on the panel certification label; or

d. Any bullet resistant vest that provides protection which is certified by the National Institute of Justice and exceeds Threat Level II, e.g., Type III or Type IIIa.

RELATED PROCEDURE

Protective Vest - Use/Maintenance and Reserve Supply (P.G. 204-19)

P.G. 204-19 Protective Vest - Use/Maintenance And Reserve Supply

Date Effective: 10-29-04

PURPOSE

To provide instructions on how to obtain a loan vest from a reserve supply and the proper maintenance and care of protective vests.

SCOPE

Members of the service are required to maintain, store and properly care for bullet resistant vests either owned by them or issued to them by this Department. Members will be guided by the use and care instructions contained in the ADDITIONAL DATA statement of this procedure, as well as any specific instructions provided by the manufacturer of the vest.

NOTE: Members are advised to inspect their Department issued or personally owned vests regularly. Any concerns relative to fit or serviceability should be brought to the attention of the member's supervisor. The supervisor concerned will confer with the commanding officer and, if needed, direct member to report to the Police Academy Vest Unit for inspection of the vest.

PROCEDURE

When a member of the service is issued or purchases a protective vest:

UNIFORMED MEMBER OF THE SERVICE

1. Wear protective vest as required by Patrol Guide procedure 204-18, "Protective Vests."
2. Properly care for and maintain protective vest possessed.
 - a. Do not modify vest or carrier.
3. Inspect vest regularly for signs of wear or lack of serviceability.
 - a. Notify immediate supervisor if vest is perceived to be unserviceable.

NOTE: When a protective vest appears to be damaged, frayed, worn, or has excessive curling or creasing, it shall be brought to the attention of the member's supervisor, who will inspect the protective vest, confer with the Police Academy Vest Unit for guidance, notify the member's commanding officer and direct member to present the vest, along with a report on Typed Letterhead, to the Police Academy Vest Unit.

SUPERVISOR CONCERNED

4. Inspect vest.
5. Confer with Police Academy Vest Unit for guidance.
6. Notify commanding officer and direct member to present vest along with a report on Typed Letterhead to the Police Academy Vest Unit for inspection if concerns about serviceability exist.

WHEN A UNIFORMED MEMBER OF THE SERVICE REQUESTS A PROTECTIVE VEST FROM THE RESERVE SUPPLY STORED AT EACH PATROL BOROUGH COMMAND:

DESK OFFICER

7. Direct uniformed member of the service that requires a protective vest from the reserve supply to contact the patrol borough command concerned. When a reserve supply is not present at a patrol borough command, uniformed members of the service will be directed to contact the Police Academy Vest Unit to obtain a reserve vest.

NOTE: Members of the service assigned to Housing, Transit, or any other bureau will contact the patrol borough located in the area of assignment to obtain a loan vest from the reserve supply.

Uniformed members of the service must wear a protective vest outside a Department facility when performing duty in uniform and when performing enforcement duty in civilian clothes. For further guidelines regarding the wearing of protective vests see P.G. 204-18, "Protective Vests."

PATROL BOROUGH/POLICE ACADEMY MEMBER CONCERNED

8. Make entry in command log indicating date/time out, tour, rank, name, shield, command, vest serial number, date/time returned, and remarks, each time a reserve vest is utilized.

NOTE: Utilize last page of command log for a list of serial numbers and sizes of all reserve vests assigned to command.

REQUESTING MEMBER

9. Return vest upon completion of tour, or as directed by competent authority.

a. If retained for more than one tour, member will launder carrier prior to returning the loaner vest to the Police Academy Vest Unit or patrol borough command.

COMMANDING OFFICER/PATROL BOROUGH/POLICE ACADEMY

10. When needed, have arrangements made for laundering of vest carriers in other circumstances in accordance with A.G. 316-24, "Expense Bills".

a. Expenditures for laundering will be funded from contingency expense funds or on credit basis with local vendor, as appropriate.

ADDITIONAL DATA

When a uniformed member of the service is struck by a bullet on the protective vest and is apparently uninjured, he/she must be examined by a doctor to ascertain if blunt body trauma or internal injury has occurred.

When a protective vest is struck by a bullet or sharp instrument it shall be brought to the Police Academy Vest Unit for inspection along with an official report describing the circumstances before being worn by any member of the service.

A protective vest should not be worn when soaking wet since water may act as a lubricant permitting a projectile to penetrate. Uniformed members of the service will make every effort to prevent vests from getting soaking wet during rainstorms or in situations where member may enter water, i.e., rescue attempts, etc.

When a uniformed member of the service is properly fitted for a protective vest in the standing position, the front and rear panels should just meet, and no excessive gaps should exist. From a seated position, there should be no excessive gap between the bottom edge of the vest and the duty belt. The opening of the armor must not ride up into the wearer's neck. Whenever a uniformed member of the service is issued a new protective vest, they will sign a fit certification report attesting to the fact that the protective vest fits properly at the time of issuance. Uniformed members of the

service will still retain the right to return the protective vest for a two-day period after receiving it.

The following instructions should be complied with when putting on a protective vest:

- a. Some type of undergarment should be worn under the vest to protect it from absorbing perspiration and body oils.
- b. Protective vests should be worn under uniform shirt or civilian attire if in plain clothes.
- c. Take a deep breath and expand the chest cavity. Hold breath while closing Velcro straps.
- d. Do not pull the Velcro straps too tight. Leave a little room for ventilation and comfort.
- e. Side panels should just meet if the vest is properly worn. No excessive gaps should exist.

Bullet resistant vests should be cared for as outlined in the instructions provided with the vest, with particular attention to the following points:

- a. When possible, the vest should be stored flat, with the ballistic panels smoothed out.
- b. In the event that flat storage of vests is impractical, vests should be hung with a clip type hanger, alternating the direction of hanging at regular intervals. That is, vests should be hung right side up, then upside down, alternately. When utilizing a clip type hanger, the clip must be affixed to both the carrier and the ballistic panel. This will reduce the possibility of curling and prevent the stretching of the elastic straps.
- c. The vest should never be stored long term in a vehicle, particularly in the trunk of a vehicle due to temperature extremes.
- d. The vest should never be stored where any abrasive surface could degrade either the carrier or the ballistic panel.
- e. The vest should be stored out of sunlight, which can fade the carrier and possibly damage the ballistic material.
- f. When putting on or taking off the vest, exercise care not to crush the ballistic panel excessively. The Velcro fasteners must be opened and the vest should be put on and taken off over the head.

Uniformed members of the service are reminded to follow the washing instructions attached to the label of the protective vest, especially the following:

- a. Remove ballistic filler inserts from the front and back of outer-shell vest (carrier) PRIOR TO WASHING OUTER SHELL.
- b. DO NOT USE BLEACH on ballistic panels
- c. DO NOT MACHINE WASH ballistic panels.
- d. Make certain outer-shell carrier is completely dry before inserting ballistic panels.
- e. Ballistic panels should be washed using a low sudsing detergent and a damp sponge.

f. Protective vests shall not be submerged in water.

g. Ballistic panels should not be dried in sunlight or a dryer. They should be put on a flat surface and allowed to dry in a cool dark place.

h. Outer shell Velcro straps should be secured prior to washing.

Protective vests that become worn or damaged due to negligence in care or storage, ill fitting due to a member of the service's weight gain or loss, or lost due to a member's negligence, shall be replaced by member concerned using annual uniform allowance funds. When vests are lost or damaged in the performance of duty, follow P.G. 204-07, "Lost or Damaged Uniform."

RELATED PROCEDURES

Optional Uniform Items (P.G. 204-04)

Protective Vests (P.G. 204-18)

Firearms Discharged by Members of the Service or Assaults on Police Officers (P.G. 212-29)

Line of Duty Injury or Death Occurring Within City (P.G. 205-05)

Lost or Damaged Uniform (P.G. 204-07)

Inspection of Uniforms (A.G. 305-06)

Expense Bills (A.G. 316-24)

Force Record (A.G. 322-18)

P.G. 204-20 Dual Purpose Disorder Control/Scooter Helmets - Replacement Parts

Date Effective: 01-01-00

PURPOSE

To replace parts of a Dual Purpose Disorder Control/Scooter Helmet.

PROCEDURE

When necessary to replace a part of a Dual Purpose Disorder Control/Scooter Helmet.

U.M.O.S.

1. Bring helmet and damaged part(s) to commanding officer/designee.

COMMANDING OFFICER/DESIGNEE

2. Examine helmet and damaged part(s).

3. Ascertain details regarding damaged part(s).

4. Take appropriate action (e.g. Command Discipline) if inquiry reveals that the circumstances causing damage to the helmet or parts were due to individual carelessness, misuse or abuse.

5. Prepare two (2) copies of request on Typed Letterhead to Commanding Officer, Quartermaster Section including:

a. Circumstances leading to damage

b. Whether damage caused by carelessness, misuse or abuse

c. Corrective action taken, if appropriate.

6. Forward original request and REQUEST FOR SUPPLIES (PD561-160) with damaged part(s) to borough equipment coordinator.

a. File duplicate request at command.

BOROUGH EQUIPMENT COORDINATOR

7. Review request(s) and prepare a consolidated REQUEST FOR SUPPLIES.

8. Forward request(s) and REQUEST FOR SUPPLIES to Quartermaster Section.

NOTE: In case emergency replacement is required, telephone the Quartermaster Section at (718) 476-7567, (Monday to Friday, 0800 to 1600 hours, except holidays) and be guided by their instructions.

QUARTERMASTER SECTION

9. Issue replacement part(s) as available.

a. Retain original copy of typed request, original and duplicate of REQUEST FOR SUPPLIES and damaged part(s).

b. Return triplicate of REQUEST FOR SUPPLIES to borough equipment coordinator as receipt.

BOROUGH EQUIPMENT COORDINATOR

10. Deliver part(s) and receipt to requesting command(s).

COMMANDING OFFICER/DESIGNEE

11. Ensure replacement part(s) issued to requesting member of the service.

12. File REQUEST FOR SUPPLIES as per instructions on form.

ADDITIONAL DATA

Helmet inspections, with verification of shield numbers, will be the subject of the semi-annual inspection conducted during the months of May and November.

FORMS AND REPORTS

REQUEST FOR SUPPLIES (PD561-160)

Personnel Matters

P.G. 205-01 Reporting Sick

Date Effective: 01-01-00

PURPOSE

To notify the Department when a member is unable to perform duty due to illness, injury or any other physical condition.

NOTE: It is not necessary to report sick to request a limited capacity assignment from a district surgeon.

DEFINITION

ADMINISTRATIVE RETURN - a sick excusal for one (1) tour, which does not require a visit to a district surgeon. A request for Administrative Return must be made at least two (2) 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 (2nd) Administrative Return at least two (2) hours prior to the next scheduled tour. The first (1st) and second (2nd) Administrative Returns will count as one (1) sick incident. Administrative Return is NOT authorized for:

- a. Injuries
- b. Line of duty injuries or illness
- c. Uniformed member of the service designated Chronic Absent - Category B
- d. Dental problems
- e. Major illness
- f. When, in the judgment of the supervisor, it is inappropriate.

PROCEDURE

When sickness, injury or any other physical condition prevents the performance of duty:

UNIFORMED MEMBER OF THE SERVICE

1. Report sick, by telephone, in person, or by competent messenger, at least two (2) hours before the start of a scheduled tour, unless disability occurs during such period, as follows:

a. Members assigned to commands under the jurisdiction of the Patrol Services Bureau and the borough Court Section will report sick to supervisory officer at assigned command. If command is closed, report when command reopens, unless immediate medical attention is necessary. In such case report to Medical Division, Sick Desk (718) 760-7600 through 7605.

b. Members assigned to other commands report sick directly to Medical Division Sick Desk.

NOTE: If reporting sick within two (2) hours of commencement of tour, notify assigned command before notifying Sick Desk. In all cases the member of the service concerned will immediately, after reporting sick, notify his assigned command and supply the sick serial number. If the command is closed, the member of the service will make notification when command reopens.

2. Have a responsible person make telephone call if unable to call.
3. Inform member to whom reporting sick of any pending arraignment, or scheduled appearance in court, the Trial Room or other government agency.
4. Remain at residence or other authorized location unless permission to leave is granted by surgeon or Sick Desk supervisor.
5. Advise Sick Desk and district surgeon of any change of address/location or telephone number.
 - a. Obtain name of Sick Desk supervisor and time notified.

SUPERVISOR ACCEPTING SICK REPORT

6. Make return telephone call to verify that member is at stated location.
 - a. Desk officer/supervisor shall record such verification on SICK REPORT (PD429-122).

NOTE: If member not at stated location, notification of same shall be made to Sick Desk supervisor at (718) 760-7606 for referral to Absence Control Unit.

7. Notify Medical Division, when:
 - a. Member confined within City requests visit because of urgent need for medical attention OR,
 - b. Member is suspected of malingering.

8. Notify borough Court Section concerned if sick member is unable to appear for pending arraignment.

ADMINISTRATIVE RETURN FROM SICK LEAVE (SEE DEFINITION):

DESK OFFICER/SUPERVISOR, PATROL SERVICED COMMANDS/BOROUGH COURT SECTION

9. Offer uniformed member of the service an Administrative Return from sick, in case of minor non-line of duty illness, if qualified.
 - a. Advise member concerned:
 - (1) That each administrative excusal is for one (1) tour.
 - (2) To comply with step 4 for each administrative excusal.

SUPERVISORY OFFICER, OTHER THAN PATROL SERVICED COMMANDS

10. Telephone member who has reported sick through the Sick Desk and offer Administrative Return as soon as practicable after receipt of FINEST or telephone message indicating member has reported sick.
 - a. Do not telephone between 2100 and 0900 hours, follow provisions of step six (6).

SUPERVISOR OFFERING ADMIN. RETURN

11. Notify Sick Desk that member has accepted Administrative Return.
12. Indicate on pertinent records that member has accepted Administrative Return.

13. Prepare SICK REPORT.

- a. Indicate if member has accepted Administrative Return.

MEMBER ON ADMIN. RETURN

14. Notify command and Sick Desk at least two (2) hours before scheduled return to duty if unable to report due to continuation of illness.

SUPERVISORY MEMBER

15. Direct member on Administrative Return who is unable to report for duty as scheduled to visit district surgeon at next office hours.

16. Notify Sick Desk to cancel Administrative Return.

NOTE: Member will continue on sick report (this counts as one [1] sick time).

SICK DESK MEMBER

17. Notify the permanent and temporary commands of member reporting sick.

- a. Have notification made by FINEST, if possible.
- b. Inform member's command of scheduled appearances in court, Trial Room or other government agency.
- c. Obtain name of supervisor notified if notification is made by telephone.

SUPERVISOR RECEIVING SICK REPORT

18. Telephone information on SICK REPORT to Sick Desk and obtain serial number for entry on SICK REPORT.

- a. SICK REPORT will be kept at command and placed in member's personal folder when member returns to duty.

19. Record information in SICK LOG (PD429-143) from FINEST Message.

20. Make entry in Command Diary of any scheduled court appearance or other agency appearance, under date of scheduled appearance AND under date two (2) days prior to appearance date (exclusive of Saturday, Sunday or holidays).

21. Make appropriate entry on pertinent roll calls and notify relieving desk officer if member is scheduled to perform duty with either of the next two (2) platoons.

REPORTING TO DEPARTMENT SURGEON:

UNIFORMED MEMBER OF THE SERVICE

22. Report to assigned district surgeon at next regular office hours if ineligible for, or declining, administrative return, EXCEPT:

- a. Member designated Chronic Absent, Category B, will report to the Medical Division, Special Medical District, 1 Lefrak City, 16th Floor, Corona, New York 11368.

- b. Member reporting sick on Friday or Saturday will report to Medical Division, 1 Lefrak City, 16th Floor, Corona, New York 11368, 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 report to Medical Division, 1 Lefrak City, 16th Floor, Corona, New York 11368, Monday through Friday, 0700 to 1300 hours.

NOTE: When a member reporting sick informs the Sick Desk of inability to visit the surgeon, the Sick Desk supervisor will direct the sick member to notify the member's commanding officer of the fact. The commanding officer will make an entry on ABSENCE AND TARDINESS RECORD (PD433-145) under caption "Investigation-Interview" concerning the interview and probable date of visit to surgeon. When a member reports sick to assigned command, the supervisor accepting the sick report shall make required entries.

Uniformed members of the service are NOT to bring their children to the District Surgeon's Office, out of consideration of the fact that children and uniformed members of the service present in the waiting room can be susceptible to illness.

COMMANDING OFFICER

23. Telephone member's district surgeon, in all cases, if member has been on sick report for five (5) workdays, ascertain estimated date of return, and enter information on ABSENCE AND TARDINESS RECORD.

PRINCIPAL ADMIN. ASSOCIATE IN PRECINCT/OPERATIONS COORDINATOR

24. Telephone district surgeon to determine if member is capable of appearing at scheduled court appearance when member remains on sick report two (2) days prior to such scheduled appearance.

25. Notify member to appear if district surgeon approves and telephone Sick Desk of surgeon's determination.

ROLL CALL CLERK

26. Notify Criminal Court, Trial Room or other government agency and request adjournment, two (2) days before appearance date, if member unable to appear.

NOTE: If member reports sick on a scheduled appearance date, make immediate notification to court or other agency concerned.

27. Notify the court, if other than a Criminal Court, on the morning of the appearance date if the member is unable to appear.

28. 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.

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

UNIFORMED MEMBER OF THE SERVICE

29. Immediately notify desk officer, by telephone, of time and date to report for duty.

a. Include limitations, if any, on type of duty to be performed.

NOTE: A member of the service assigned to other than a patrol command shall notify a supervisory officer assigned to the command at the first available opportunity. The supervisory officer will document the notification as provided for by the commanding officer.

30. Report for duty when ordered.

31. 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

32. Make entry indicating member's return to duty:

- a. In command Telephone Record upon receipt of telephone notification.
- b. On other command records upon receipt of FINEST Message.

NOTE: Verify return of duty with Sick Desk supervisor, if FINEST Message has not been received and member has reported for duty.

ADDITIONAL DATA

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 police 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 police surgeons as likely to be of a duration in excess of six (6) months, after conferral with Chief Surgeon
- e. Pregnancy.

A uniformed member of the service on sick leave in any of the above categories may be given a sixteen (16) hour pass. However, should the district surgeon determine that issuance of such a pass would adversely affect the member's health or impede the member's recovery, such pass may be reduced accordingly. Once the pass is issued, it shall not be revoked unless the member:

- a. Engages in activities which would tend to prolong or aggravate the disability
- b. Fails to cooperate with a surgeon or the Commanding Officer, Medical Division
- c. Fails to comply with orders or directions or violates any provision of the Patrol Guide relative to sick leave abuse.

A uniformed member of the service whose medical condition is NOT listed in paragraph 1, subdivisions "a" through "e" above, may also be granted permission to leave his 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 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 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 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 leave may not leave the confines of the City or residence counties without the approval of the Chief of Personnel. 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.

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.

Uniformed members of the service will not be permitted to report sick with a self-claimed diagnosis of "old line of duty" for his or her absence. Designation of "old line of duty" for a specific sick event will be granted only upon examination and interview of the requesting member by a district surgeon. This will in no way hinder a member's ability to report sick. It merely places the determination, and subsequent approval or disapproval of "old line of duty" designation, within the purview of a medical specialist.

It is the policy of this Department that uniformed members of the service will not be considered for promotion from civil service lists or granted credit for investigatory time unless they are on full duty status. Exceptions to this policy may be made in certain cases where members are on less than full duty status. Specifically, any member with a medical condition that has caused removal from full duty status, prior to the time of promotion, and the medical condition is known to be of limited duration or has a high probability of being of limited duration, will be considered for promotion. The Supervising Chief Surgeon will determine the medical status. The Chief of Personnel shall make the final determination on whether a member of the service will be promoted, subject to the Police Commissioner's approval.

RELATED PROCEDURES

Pregnancy Leave For Uniformed Members Of The Service (P.G. 205-27)

Absence Control (A.G. 318-12)

Chronic Absence Control Program (A.G. 318-13)

FORMS AND REPORTS

ABSENCE FROM CITY WHILE ON SICK LEAVE (PD429-161)
ABSENCE AND TARDINESS RECORD (PD433-145)
ASSIGNMENT TO LIMITED CAPACITY (PD406-050)
PERMISSION TO LEAVE RESIDENCE WHILE ON SICK REPORT (PD429-051)
SICK LOG (PD429-143)
SICK REPORT (PD429-122)
SICK REPORT RETURN (PD429-131)

P.G. 205-02 Reporting Sick From Outside City And Outside Residence Counties

Date Effective: 01-01-00

PURPOSE

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

DEFINITION

RESIDENCE COUNTIES - The six (6) 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, (718) 760-7600 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 (A.G. 318-13)

FORMS AND REPORTS
SICK REPORT RETURN (PD429-131)

P.G. 205-03 Responsibility For Weapons While Sick

Date Effective: 01-01-00

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 (1) copy of PROPERTY CLERK'S 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'S INVOICE.
9. Make ACTIVITY LOG (PD 112-145) entry of facts.

COMMAND CLERK

10. Prepare PROPERTY CLERK'S INVOICE for weapons being safeguarded.
11. Prepare two (2) 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'S INVOICE after one (1) week.

15. Forward shield and identification card with report on Typed Letterhead to Identification Card and Shield Unit after one (1) week.

COMMAND CLERK

16. Prepare copies of authorization to obtain property for Property Clerk and Identification Card and Shield 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

ACTIVITY LOG (PD 112-145)

FORCE RECORD (PD406-143)

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 205-04 Department Ambulance Service

Date Effective: 01-01-00

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.

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

Date Effective: 01-01-00

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 dies or is likely to die, 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 (718) 760-7606) or Sick Desk ([718] 760-7600) when any of the following conditions, relating to a line of duty injury exist:
 - 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 (2) 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.
- [I.O. 33 s 04] 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 accident 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 on SICK LOG (PD429-143) if injured member reports sick.
24. Photocopy LINE OF DUTY INJURY REPORT and forward direct to Medical Division, attention Line of Duty Desk.
25. Immediately deliver completed LINE OF DUTY INJURY REPORT and WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT to precinct commander/duty captain.
26. 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

27. 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.

28. 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.
29. 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".
30. 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.
31. 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, Employee Relations Section
- j. Lieutenant-Employee Relations 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

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 (90) 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 (60) days from the date that the initial request for line of duty designation was made. Subsequent reports will be forwarded for each additional sixty (60) 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. 206-01)

Department Vehicle Involved In An Accident (P.G. 217-06)

Unusual Occurrence Reports (P.G. 212-09)

Firearms Discharge And Assaults Involving Uniformed Members Of The Service (P.G. 212-29)

Reporting Sick (P.G. 205-01)

Supervision Of Member Of The Service Receiving Physical Therapy For Line Of Duty Injuries (P.G. 205-09)

Exposure Of Members Of The Service To Infectious Diseases (P.G. 205-10)

Line Of Duty Injury Or Death From Outside City And 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 (PD 370-152)

WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)

Typed Letterhead

P.G. 205-06 Line Of Duty Injury Or Death - Outside City In Residence Counties

Date Effective: 01-01-00

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 (6) 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 (718-760-7600), 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 (90) 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).

RELATED PROCEDURES

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

P.G. 205-07 Death Of Member Of The Service

Date Effective: 01-01-00

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)

P.G. 205-08 Trauma Counseling Program

Date Effective: 01-01-00

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 (48) hours after the event or initial contact, as appropriate.

a. Any additional counseling/interview sessions after the forty-eight (48) hour meeting will be scheduled within one (1) to six (6) 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 Services Unit or other location as required, forty-eight (48) 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, FIREARM DISCHARGE/ASSAULT REPORT (PD424-151), 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 Evaluations Unit 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.

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 And Assaults Involving Uniformed Members Of The Service (P.G. 212-29)

FORMS AND REPORTS

FIREARM DISCHARGE/ASSAULT REPORT (PD424-151)

UNUSUAL OCCURRENCE REPORT (PD370-152)

P.G. 205-09 Supervision Of Members Of The Service Receiving Physical Therapy For Line Of Duty Injuries

Date Effective: 01-01-00

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 treatment not available within the Department.

DISTRICT SURGEON

1. Prepare REQUEST FOR MEDICAL SERVICE AUTHORIZATION (PD429-164) and forward to Medical Division, Medical Bills Section.
2. Direct member concerned to report to Medical Division, Medical Bills Section, to obtain forms necessary to obtain treatment.

MEMBER CONCERNED

3. Obtain the following forms at Medical Bills Section:
 - a. Certification of Line of Duty Injury/Authorization for Treatment (Misc. 89B)
 - b. Therapy Verification (Misc. 1991)
 - c. Notification of Line of Duty Therapy Authorization (Misc. 1992).
4. Present Notification of Line of Duty Therapy Authorization to commanding officer.
5. Present to therapist, prior to treatment, the following forms:
 - a. Certification of Line of Duty Injury/Authorization for Treatment, AND
 - b. Therapy Verification.
6. Complete Therapy Verification form after each set of authorized treatments, and present to commanding officer.

COMMANDING OFFICER

7. Have Integrity Control Officer verify member's attendance for treatment at time and date specified on completed Therapy Verification form.

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 (PD429-164)

CERTIFICATION OF LINE OF DUTY INJURY/AUTHORIZATION FOR TREATMENT (MISC. 89B)

THERAPY VERIFICATION (MISC. 1991)

NOTIFICATION OF LINE OF DUTY THERAPY AUTHORIZATION (MISC. 1992)

P.G. 205-10 Exposure Of Members Of The Service To Infectious Diseases Or Hazardous Materials

Date Effective: 01-01-00

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.

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/accident 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 (3)

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 ((718) 760-7600), 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 (718) 760-7644 or 760-7653, 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 ACTIVITY LOG (PD 112-145) 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.

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 (1) part household bleach with ten (10) 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 New York City (P.G. 205-05)

[Rev 03-02] Use of Patrol Kits (P.G. 219-17)

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

P.G. 205-11 Request For Pre-Exposure Vaccination Against Hepatitis B

Date Effective: 01-01-00

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 (3) inoculations of the vaccine against Hepatitis B:

DIRECTOR OF TRAINING

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

COMMANDING OFFICER CONCERNED

2. Ensure that EVERY member receives blood borne disease "Right-to-Know" training, and that below listed designated titles be offered the opportunity to receive free of charge, a series of three (3) inoculations of the vaccine against Hepatitis B. Have designated titles, who have not already done so, prepare and return the HEPATITIS B VACCINATION ACCEPTANCE/DECLINATION (PD 429-147):

- a. Uniformed members of the service
- b. Motor Vehicle Operators
- c. Police Attendants
- d. Chemists
- e. Surgeons and Dentists
- f. Nurses

- g. School Crossing Guards
- h. Custodians
- i. Evidence and Property Control Specialists
- j. Assistant Stock Handlers and related titles/or assignments within Property Clerk Division who may handle vouchered items such as blood contaminated evidence
- k. Auto mechanics and related titles
- l. Plumbers and related titles
- m. Auxiliary Police Officers
- n. Industrial Hygienists
- o. Cadets
- p. Traffic Enforcement Agents, Level IV.

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

TRAINING SERGEANT

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

NOTE: Commanding officers of units that do not receive precinct level training are responsible to ensure that an appropriate member of the command is designated training sergeant and attends pre-cycle instruction. Contact Police Academy In-Service Training Unit at (212) 477-9200 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 (7) 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.
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)

P.G. 205-12 Donating Or Requesting Blood From The Department'S Blood Program

Date Effective: 01-01-00

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 at 1-800-933-2566 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 (3) 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 not volunteer to donate blood when any of the following conditions exist:

- a. Prior donation within eight (8) weeks
- b. Donated five (5) pints within previous year
- c. Under seventeen (17) or over seventy-five (75) years of age
- d. Had malaria, jaundice or tuberculosis within the prior two (2) years
- e. Had hepatitis
- f. Had tooth extraction within the prior three (3) days
- g. Body weight is less than one hundred and ten (110) 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)

P.G. 205-13 Requesting Blood When Outside New York State

Date Effective: 01-01-00

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 at (718) 760-7615 during business hours and (718) 760-7606, 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 at (212) 468-2186.

RELATED PROCEDURES

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

P.G. 205-14 Application For Transfer

Date Effective: 01-01-00

PURPOSE

To enable a member of the service (uniformed or civilian) to request a transfer.

PROCEDURE

When a member desires a transfer:

MEMBER OF THE SERVICE

1. Prepare APPLICATION FOR TRANSFER (PD406-041).
 - a. Information on form MUST BE TYPED.
2. Obtain supervisor/witness signature on form.
3. Submit ALL copies of APPLICATION to commanding officer.

COMMANDING OFFICER

4. Review and sign APPLICATION.
 - a. Remove GREEN copy for filing in member's Personal Folder.
5. Return remaining copies to member concerned.

MEMBER OF THE SERVICE

6. Forward copies of APPLICATION as follows:
 - a. WHITE, YELLOW and BLUE - to Commanding Officer, Personnel Orders Section, in a sealed envelope.
 - b. PINK - To Personnel Officer concerned.

COMMANDING OFFICER, PERSONNEL ORDERS SECTION

7. Retain WHITE copy of APPLICATION in ACTIVE STATUS for TWO (2) YEARS, UNLESS withdrawn by member concerned.
8. Forward YELLOW and BLUE copies of receipted APPLICATION to Personnel Officer concerned.

PERSONNEL OFFICER CONCERNED

9. File receipted YELLOW copy with PINK copy forwarded by member.
10. Forward receipted BLUE copy to requesting member's command.

DESK OFFICER

11. Have BLUE copy of APPLICATION placed in member's Personal Folder.

TO WITHDRAW APPLICATION FOR TRANSFER:

MEMBER OF THE SERVICE

12. Prepare and forward to Commanding Officer, Personnel Orders Section four (4) copies of report, on Typed Letterhead, requesting that APPLICATION FOR TRANSFER be withdrawn.

COMMANDING OFFICER, PERSONNEL ORDERS SECTION

13. File one (1) copy of report after removing APPLICATION from ACTIVE FILE.

14. Forward remaining copies of receipted report to Personnel Officer concerned.

PERSONNEL OFFICER

15. Retain one (1) copy of receipted report for file.

16. Forward remaining copies to requesting member's command.

DESK OFFICER

17. Have copy of receipted report filed in member's Personal Folder and give remaining copy to member concerned.

ADDITIONAL DATA

Members of the service (uniformed and civilian) desiring a mutual transfer will submit a request for transfer, on Typed Letterhead, including all the information required on APPLICATION FOR TRANSFER, to their respective commanding officers for approval. The respective commanding officers will forward APPROVED requests, BY ENDORSEMENT, to the Commanding Officer, Personnel Orders Section.

FORMS AND REPORTS

APPLICATION FOR TRANSFER (PD406-041)

Typed Letterhead

P.G. 205-15 Police Officer'S Career Program

Date Effective: 01-01-00

PURPOSE

To provide police officers with a Career Program which allows eligibility through earned points for precinct of choice, investigative assignment and non-precinct assignment (Special Operations Division Units, and all other Administrative and Support Units).

SCOPE

The Career Program is a performance reporting system which measures overall activity, activity directed at specific condition correction, appearance, community service, and respect for both the public and Department. This Program allows police officers performing defined patrol functions to earn accelerated career points under the Police Officer's Monthly/Quarterly Performance Review and Rating System. Police officers in non-patrol assignments can accrue points from annual evaluations and other criteria.

PROCEDURE

Whenever a police officer with a minimum of fifteen (15) points requests a Career Program transfer:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare CAREER PROGRAM TRANSFER APPLICATION/RECOMMENDATION (PD406-1414).

COMMANDING OFFICER

2. Verify the information, eligibility and suitability for transfer of the uniformed member concerned.

UPON VERIFICATION OF APPLICATION

COMMANDING OFFICER

3. Forward CAREER PROGRAM TRANSFER APPLICATION/RECOMMENDATION as per instructions.
 - a. Place copy in uniformed member's personnel folder.

NOTE: In order to be considered for the above listed investigative assignments, uniformed members must receive a "Highly Recommend" endorsement from their respective commanding officers. In addition, commanding officers must utilize the comment section on the application/recommendation form. Commanding officers will be held strictly accountable for their recommendations.

COMMANDING OFFICER, CAREER PROGRAM UNIT

4. Maintain the Career Program.
5. Schedule and conduct required screening panels.

ADDITIONAL DATA

The following numerical criteria will be utilized to acquire Career Points:

Annual Performance Review Points - precinct and borough task force, transit district and task force, and housing PSA patrol officers only.

Review Points	Career Points
60-68	4.0
55-59	3.0
48-54	2.0
40-47	0.0
Below 40	Review

Annual Performance Review Points are only available to defined patrol officers performing the following assignments:

- a. Foot/Post
- b. RMP/Sector
- c. Anti-Crime
- d. SNEU
- e. Community Policing Officer
- f. Conditions/Detail
- g. Warrants
- h. Youth Officer
- i. Domestic Violence Prevention Officer
- j. Summons Officer
- k. Train Patrol
- l. School Outreach Coordinator
- m. Community Policing Teams
- n. Bicycle Patrol
- o. Safe Home

FOR ALL OTHER POLICE OFFICERS

Each Annual Evaluation

Annual Evaluation	Career Points
Extremely Competent	1.0
Highly Competent	0.5
Competent	0.0
Low or Very Low	-1.0

NOTE: Annual evaluation points are available only to members who are not assigned to defined patrol duties.

ALL POLICE OFFICERS ARE ELIGIBLE

Department recognition	
Honorable Mention	2.0
Exceptional Merit	1.0
Commendation	0.6

Meritorious Police Duty	0.4
Excellent Police Duty	0.2

Education

Associate's Degree/64 credits	2.0
Bachelors Degree	3.0
Masters Degree	4.0
J.D. or Ph D.	5.0

One (1) year perfect attendance (excluding LOD)	1.0
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Integrity Review Board (as determined by the IRB)	1 to 5
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Voluntary Participation in Community Programs (see A.G. 320-36)

Charges and Specifications (expires two (2) years from day penalty/suspension incurred)	-0.2 for each day penalty/ suspension incurred. Maximum of -5 per case.
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A minimum of fifteen (15) Career Program Points is required before consideration is given to a Career program application. (Points may be reduced with the approval of the Chief of Personnel.) Members possessing special skills beneficial to the needs of the Department may be transferred with less than the required points upon approval of the Chief of Personnel.

Three choices of assignments in priority order may be entered on the Career Program Transfer Application/Recommendation. Career Program choices may be changed or withdrawn by submitting an additional Career Program Transfer Application/Recommendation. Applications will be expunged after two (2) years on file. Police officers whose applications have expired and still desire consideration are responsible for submitting an additional application. Police officers granted a transfer under the Career Program may not utilize this program for two (2) years from the date of their last Career Program transfer.

The Career Program does not prevent a police officer from requesting a transfer through P.G. 205-14, "Application For Transfer." These requests will be honored based upon the needs of the Department.

All members should be aware that there are no automatic guarantees from this program.

Inherent in any realistic and workable career path program is the need for flexibility to meet changing conditions and situations. The Career Program does not limit or change the Department's right or managerial prerogatives to assign personnel.

RELATED PROCEDURES

Application for Transfer (P.G. 205-14)

FORMS AND REPORTS

CAREER PROGRAM TRANSFER APPLICATION/RECOMMENDATION (PD406-1414)

P.G. 205-16 Integrity Review Board Recommendation Procedure

Date Effective: 01-01-00

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 (1) 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 Commanding Officer, Employee Relations Section.
2. Comply with "ADDITIONAL DATA" statement, page 3, regarding submission of report for an act reflecting high integrity.

UPON NOTIFICATION FROM EMPLOYEE RELATIONS SECTION:

3. Have uniformed member concerned notified to report to Employee Relations Section for a personal interview during the uniformed member's normal tour of duty.

UNIFORMED MEMBER OF THE SERVICE

4. Report to Employee Relations Section, 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 (2) 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'S 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.

EMPLOYEE RELATIONS SECTION

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 Employee Relations Section.

8. Forward recommendations to Police Commissioner for final determination.

EMPLOYEE RELATIONS SECTION

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 (1) to five (5) 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., Organized Crime Control Bureau, etc.

NOTE: The Integrity Review Board may recommend that uniformed members of the service be granted interviews for a potential assignment to one (1) 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.

h. Preferential consideration for assignment to a unit within the uniformed member's current bureau of assignment, i.e., Organized Crime Investigation Division, Major Case Squad, etc.

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 not usually be considered for:

a. A patrol precinct to patrol precinct transfer with less than two (2) years of service, or

b. An interview for an investigative assignment with less than three (3) years of service.

When a uniformed member is awarded Career Program points only, 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, "Request for Departmental Recognition."

A supervisor performing normal supervisory duties regarding bribery/attempted bribery incidents is not 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)

Request For Departmental Recognition (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'S INVOICE (PD521-141)

UNUSUAL OCCURRENCE REPORT (PD370-152)

P.G. 205-17 Overtime

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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 (5) days. When the member concerned accrues compensatory time in excess of five (5) days, the excess MUST be taken within thirty (30) days, needs of the service permitting. In any event, compensatory time MUST be taken within one (1) 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 with related PAYMENT REQUESTS (PD138-066) 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.

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

Overtime (A.G. 320-11)

Overtime Reports (A.G. 320-12)

First and Third Platoon Arrests (P.G. 208-25)

Violations Subject to Command Discipline (P.G. 206-03)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COURT ATTENDANCE RECORD (PD468-141)

PAYMENT REQUESTS (PD138-066)

OVERTIME REPORT (PD138-064)

P.G. 205-18 Absent Without Leave

Date Effective: 01-01-00

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 (2) 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 ([718] 760-7606)
 - 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, ([212] 374-5030) to make a notification to the local law enforcement authority concerned and request they respond to the member's residence.

IF MEMBER NOT CONTACTED FOUR (4) HOURS AFTER COMMENCEMENT OF TOUR:

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 (2) 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 (3) copies of the report.

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 (2) DUPLICATES forwarded to the commanding officer of the member concerned. The member's commanding officer will endorse and forward one (1) 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

P.G. 205-19 Vacation Lost Due To Sick Leave

Date Effective: 01-01-00

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 (2) 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. 203-19)

Reporting Sick (P.G. 205-01)

FORMS AND REPORTS

Typed Letterhead

P.G. 205-20 Leave Of Absence Without Pay Twenty-nine (29) Calendar Days Or Less

Date Effective: 01-01-00

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 (1) through twenty-nine (29) calendar days and the member is an entry-level probationary uniformed member of the service - Police Commissioner.

b. One (1) through twenty-nine (29) 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 (1) day leave - commanding officer of member concerned.

d. Two (2) through twenty-nine (29) 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 (29) 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 (29) consecutive calendar days or less.

COMMANDING OFFICER

2. Interview member concerned to determine necessity for leave.

MEMBER OF THE SERVICE

3. Submit three (3) copies of LEAVE OF ABSENCE REPORT (PD433-041) to commanding officer/supervisory head.

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 Employment Reporting Sick", step 5, as relates to sick leave without pay for civilian members only).

6. Forward two (2) copies of approved LEAVE OF ABSENCE REPORT for all leaves in which the commanding officer is the approving officer direct to the Personnel Orders Section and file the third (3rd) 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 (2) copies of approved leave request direct to Personnel Orders Section.

10. Return third (3rd) 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 SECTION

13. Forward one (1) copy of approved LEAVE OF ABSENCE REPORT to Payroll Section.

ADDITIONAL DATA

Whenever a civilian member is in a no pay status for a maximum of eight (8) hours, ensure that the timekeeper enters the appropriate LWOP code on the Employee Time Report (ETR). If the member is in an LWOP status for a period greater than one (1) day, timekeepers will:

- a. Immediately notify Payroll Section - Timekeeping Unit
- b. Enter letters L-W-O-P for each day on the ETR
- 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 ETR.

RELATED PROCEDURES

Child Care Leave of Absence (P.G. 205-28)

Civilian Employee - Combined Confinement and Infant 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)

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

Civilian Employee - Miscellaneous Leaves (A.G. 319-12)

Civilian Employee - Reporting Sick (A.G. 319-14)

Civilian Employee - Extended Sick Leave for Line of Duty Injury (A.G. 319-16)

FORMS AND REPORTS

LEAVE OF ABSENCE REPORT (PD433-041)

P.G. 205-21 Leave Of Absence Without Pay Thirty (30) Calendar Days Or More

Date Effective: 01-01-00

PURPOSE

To process requests for leaves of absence without pay for thirty (30) 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 (except as indicated in P.G. 205-28, "Child Care Leave Of Absence") - Police Commissioner
- b. Civilian members - Chief of Personnel.

PROCEDURE

When a uniformed or civilian member of the service requires leave without pay for thirty (30) 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 (30) consecutive calendar days or more at least six (6) 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, Military and Extended Leave Desk based on conferral with the borough commander.
7. Forward informational copy of leave request to borough commander.

C.O., MILITARY AND EXTENDED LEAVE DESK

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 revolvers, pistols, and Department property (except Patrol Guide) are surrendered and indicate such on PROPERTY RECEIPT/DISCONTINUANCE OF SERVICE (PD520-013), if leave 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
- 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 Employee Management Division, by messenger, with a report on Typed Letterhead, indicating the reason for surrender.

C.O., PERSONNEL ORDERS SECTION

12. 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 Employee 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.

All Department property, including firearms, will be surrendered on the 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 Commanding Officer, 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 Employee - Miscellaneous Leaves (A.G. 319-12)
Civilian Employee - Reporting Sick (A.G. 319-14)
Civilian Employee - Extended Sick Leave for Line of Duty Injury (A.G. 319-16)
Civilian Employee - Combined Confinement and Infant Care Leave (A.G. 319-24)

FORMS AND REPORTS

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

P.G. 205-22 Definite Military Leave

Date Effective: 07-28-00

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 (30) calendar days or twenty-two (22) working days (or its equivalent in hours for civilian members of the service), whichever is greater, in any one (1) calendar year.

DEFINITIONS

CALENDAR DAY - Any day a member of the service performs military duty or is scheduled to perform military duty regardless of whether the member is scheduled to work or on a regular day off (RDO).

WORK DAY - Any day where the member is excused from performing duty with this Department to attend a military drill. Excusals from work to attend military drill require documentation that the member is being ordered to attend and documentation that they attended drill.

DRILL SCHEDULE - An advance schedule (i.e., quarterly, semi-annual or annual) from a member's Reserve or National Guard Unit which indicates the dates the member will be performing military duty for the Federal fiscal year, which runs from October to September.

UNSCHEDULED DRILL - A drill date not in conformance with the drill schedule.

PROCEDURE

When ordered to report for military duty for thirty (30) days or less:

MEMBER OF THE SERVICE

1. Provide respective timekeeper with copy of current drill schedule and military unit telephone number.
2. Submit LEAVE OF ABSENCE REPORT (PD 433-041) and Standard Military Order to timekeeper at least two (2) weeks prior to commencement of leave.
 - a. Ensure military leave captions on LEAVE OF ABSENCE REPORT are completed listing actual hours of drill (broad time frames such as 0001 to 2400 hours are not acceptable).

NOTE: A request for military leave to attend an unscheduled drill must be accompanied by a Standard Military Order indicating the reason. The Standard Military Order must be signed by the member's military unit commander or other designated commissioned officer.

3. Notify roll call personnel and timekeeper immediately if drill is cancelled after LEAVE OF ABSENCE REPORT was submitted and perform scheduled tour of duty.

TIMEKEEPER

4. Maintain a MILITARY ABSENCE RECORD (PD433-147) for each member of the command who is a drilling reservist.
5. Ensure that a copy of member's current military contract or commissioning orders and current drill schedule are attached to the inside cover MILITARY ABSENCE RECORD.

NOTE: Timekeeper will ensure that an additional copy of member's current military contract is on file at the Military and Extended Leave Desk. Failure to have a current contract on file will result in the respective member not accruing any military excusals for the calendar year.

6. Using the most recent Payroll Management System Leave Balances Report (711), determine the number of calendar days and work days the member has available.

7. Make entry on member's Employee Time Record (ETR) as follows:

IF MEMBER IS SCHEDULED TO WORK AND:

a. BOTH CALENDAR AND WORK DAY BALANCES ARE POSITIVE:

* Record event code 4650 and enter 00:01 under each day member is on (including regular days off (RDOs) military duty and event code 4652 and enter 00:01 (4651 and 0700/0800 depending on length of tour if civilian member of the service) for each day member is on military duty on scheduled work days.

b. ONLY WORK DAY BALANCE IS POSITIVE:

* Record event code 4652 (4651 for civilian members of the service) for each day member is on military duty on scheduled work days only.

c. ONLY CALENDAR DAY BALANCE IS POSITIVE:

* Record event code 4650 for each work day and each regular day off (RDO) that member is on military duty and event code 4653 (4655 if civilian member of the service) for each scheduled work day.

d. BOTH CALENDAR AND WORK DAY BALANCES ARE ZERO:

* Record event code to charge another leave balance at member's discretion for days where the member was scheduled to perform police duty or charge leave without pay (code 3270).

NOTE: Contact the Military and Extended Leave Desk at (212) 374-3854 for instructions if member chooses the option of leave without pay. A member must have exhausted all thirty (30) military calendar days and twenty-two (22) work days before leave without pay is granted.

IF MEMBER IS NOT SCHEDULED TO WORK AND:

e. CALENDAR DAY BALANCE IS POSITIVE:

* Record event code 4650 for each regular day off (RDO) that member is on military duty.

f. CALENDAR DAY BALANCE IS ZERO:

* No entries required.

NOTE: No documentation is required if a member's military drill falls solely on their regular days off (RDOs). However, timekeepers must be aware of the scheduled drill dates and they must charge the member a calendar day for every drill attended on members regular day off (RDO).

DESIGNATED SUPERVISOR

8. Approve LEAVE OF ABSENCE REPORT if military leave papers are in order.

NOTE: Excusals for authorized military leave, where member has submitted required documentation (i.e., current contract, drill schedule and standard orders), cannot be denied.

MEMBER OF THE SERVICE

9. Submit a Certificate of Attendance to timekeeper within ten (10) days after return from military duty.

NOTE: The Certificate of Attendance must be signed by the member's military unit commander or other designated commissioned officer.

10. Notify integrity control officer and timekeeper upon return to duty of failure to attend drill for which leave was requested/granted.

TIMEKEEPER

11. File Standard Military Order together with Certificate of Attendance in MILITARY ABSENCE RECORD.

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.

14. Notify integrity control officer when member:

- a. Submits request for military leave without Standard Military Orders
- b. Fails to provide Certificate of Attendance for drill where member was excused from police duty.

[Rev 00-3] PRINCIPAL ADMIN. ASSOCIATE

15. Conduct quarterly self-inspection using the Payroll Management System MO49 Report on military records of command to ensure compliance with procedure.

16. Notify the Operations Coordinator and Integrity Control Officer when member fails to provide:

- a. Current military contract/commission orders
- b. Current drill schedule

NOTE: In commands where there is no principal administrative associate assigned, the commanding officer concerned will designate a member of the service to perform the above functions.

INTEGRITY CONTROL OFFICER

17. Conduct investigation if member fails to furnish any of the documents mentioned in steps 14 and 16.

- a. If member attended drill, but neglected to submit the required Certificate of Attendance within ten (10) day period, appropriate disciplinary action will be taken.
- b. If it is determined that the member failed to attend the Reserve/National Guard Drill after time off was granted, charges and specifications will be initiated.

DESIGNATED MEMBER AT MILITARY AND EXTENDED LEAVE DESK

18. Monitor Payroll Management System M049 Report for every command on monthly basis to ensure that there are no negative balances.

19. Forward a request to conduct an investigation to the integrity control officer of the concerned command, where negative balance exists.

NOTE: In addition to contacting the military unit when verifying attendance, integrity control officers may request that the member produce their military Leave Earning Statement (LES) for the drill which the member failed to provide a Certificate of Attendance.

ADDITIONAL DATA

Members of the Reserves or National Guard are required to furnish to their timekeeper two (2) copies of any separation certificate, discharge, or transfer orders within thirty (30) days of such change. One (1) 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 drill schedule, the integrity control officer will ascertain if such failure was due to their transfer to inactive reserve or discharge. The integrity control officer will notify the Commanding Officer, Military and Extended Leave Desk, in writing, and the member will be removed from the active reserve roster.

All Military Orders and Certificates of Attendance must be in the format illustrated in Appendix "A".

RELATED PROCEDURES

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

FORMS AND REPORTS

LEAVE OF ABSENCE REPORT (PD433-041)

MILITARY ABSENCE RECORD (PD433-147)

APPENDIX "A"

SAMPLE OF STANDARD MILITARY ORDER AND CERTIFICATE OF ATTENDANCE

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

Date _____

REPLY TO:
ATTN OF:
SUBJECT: ORDERED MILITARY DUTY
TO: WHOM IT MAY CONCERN

THIS IS TO CERTIFY THAT _____
NAME RANK SSAN

IS ORDERED TO ATTEND REQUIRED MILITARY DRILL WITH THIS UNIT.

FROM: DATE _____ HOURS _____
TO: DATE _____ HOURS _____

PLACE OF DUTY: _____

THIS DUTY IS IN ACCORDANCE WITH THE ESTABLISHED DRILL SCHEDULE
(Circle) YES NO

IF NO IS INDICATED, PLEASE EXPLAIN REASON (S) FOR THE UNSCHEDULED DUTY: _____

Carlos R. Bermudez
Captain, IN, NYARNG
Commanding

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

Date _____

REPLY TO:
ATTN OF:
SUBJECT: CERTIFICATE OF ATTENDANCE
TO: WHOM IT MAY CONCERN

THIS IS TO CERTIFY THAT _____
NAME RANK SSAN

DID ATTEND MILITARY DRILL

FROM: DATE _____ HOURS _____

TO: DATE _____ HOURS _____

Carlos R. Bermudez
Captain, IN, NYARNG
Commanding

P.G. 205-23 Indefinite Military Leave

Date Effective: 10-17-03

PURPOSE

To process absence for military leave, exceeding thirty (30) days.

PROCEDURE

When a member of the service (uniformed or civilian) receives orders to report for military duty for a period exceeding thirty (30) days:

MEMBER OF THE SERVICE

1. Notify commanding officer/supervisory head immediately upon receiving orders to report for military duty for a period exceeding thirty (30) day.

COMMANDING OFFICER

2. Direct member concerned to contact the Military and Extended Leave Desk immediately for instructions.

MEMBER OF THE SERVICE

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

COMMANDING OFFICER

4. Ensure that member's revolvers, pistols, and all Department property [excluding the Patrol Guide and the IDENTIFICATION CARD (PD416-091)] are surrendered and indicate such fact on PROPERTY RECEIPT/DISCONTINUANCE OF POLICE SERVICE (PD520-013).

a. Under caption "Member is Applying for," indicate "Indefinite Military Leave of Absence."

5. Distribute form PROPERTY RECEIPT/DISCONTINUANCE OF POLICE SERVICE as follows:

a. Original - attach to member's request for indefinite military lease and forward direct to Commanding Officer, Military and Extended Leave Desk, if request has already been forwarded when member surrenders property.

b. First Copy - to member going on leave.

c. Second Copy - precinct file.

d. Remaining Copies - filed in member's Personal Folder.

6. Ensure that member, if authorized, has utilized all thirty (30) calendar days/twenty-two (22) work days, as outlined in PG. 205-22, "Definite Military Leave."

NOTE: All paid military entitlements must be utilized before use of other leave or leave without pay will be granted if member is authorized such paid military entitlements.

7. Endorse member's leave request recommending approval and forward direct to Commanding Officer, Military and Extended Leave Desk.

8. Direct that a telephone notification be made to the Payroll Section indicating the date a member commences military leave without pay.

MEMBER OF THE SERVICE

9. Report any change in service address or duty assignment (with copy of transfer orders) immediately after change occurs.

10. Contact the Military and Extended Leave Desk immediately upon discharge for instructions to return to duty.

ADDITIONAL DATA

All Department property and firearms (except Patrol Guide and IDENTIFICATION CARD) must be surrendered on the member's last tour of duty prior to commencement of indefinite military leave of absence.

RELATED PROCEDURES

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

FORMS AND REPORTS

PROPERTY RECEIPT/DISCONTINUANCE OF POLICE SERVICE (PD520-013)

Typed Letterhead

P.G. 205-24 Special Leave For Members Of The Armed Forces

Date Effective: 01-01-00

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, 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 all documentation to C.O., Military and Extended Leave Desk.

C.O., MILITARY AND EXTENDED LEAVE DESK

3. Review all documentation submitted to determine if member is entitled to leave.

4. Prepare appropriate "color coded" Special Leave for Former Members of the Armed Forces Certificate (Misc. 899N) indicating leave to which member is entitled, as follows:

- a. Blue certificate - Independence Day
- b. Pink certificate - Memorial and Veterans Days
- c. Yellow certificate - Memorial, Independence and Veterans Days.

5. Forward certificate and all submitted documents to commanding officer/supervisory head concerned.

C.O. /SUPV. HEAD

6. Cause color-coded certificate and supporting documentation to be 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 (7) or more are performing duty.
- * Two sergeants in a precinct where there are less than seven (7) 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 (1) tour for such day upon request (exigencies of the service permitting). This excusal must be utilized within six (6) 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.

If a "new" color-coded card is issued as a result of additional military excusal entitlements, the previously issued color-coded card will be returned to the Military and Extended Leave Desk.

P.G. 205-25 Bereavement Leave

Date Effective: 01-01-00

PURPOSE

To grant a member of the service (uniformed or civilian) leave of absence with pay upon death of:

- a. An immediate family member, OR
- b. Domestic partner, OR
- c. Covered relative of a domestic partner.

DEFINITIONS

IMMEDIATE FAMILY - Spouse, natural, foster or stepparent, child, brother or sister, father-in-law, mother-in-law, or any relative residing in the household.

DOMESTIC PARTNERS - Two (2) persons, both of whom are eighteen (18) years of age or older, neither of whom is married, or related by blood in a manner that would bar their marriage in New York State, who have a close and committed personal relationship, who live together and have been living together on a continuous basis, who have registered as domestic partners and have not terminated the domestic partnership in accordance with Executive Order 49, 1993.

COVERED RELATIVE OF A DOMESTIC PARTNER - Parent or child of domestic partner, or a relative of a domestic partner who resides in the household.

PROCEDURE

When a death occurs for which a member of the service (uniformed or civilian) is entitled to bereavement leave:

MEMBER OF THE SERVICE

1. Prepare LEAVE OF ABSENCE REPORT (PD433-041).
 - a. Roll call clerk will prepare LEAVE OF ABSENCE REPORT if member unable to make personal application.
2. Submit LEAVE OF ABSENCE REPORT to commanding officer.

COMMANDING OFFICER

3. Grant four (4) consecutive tours of duty with full pay.

NOTE: If death occurs, for which bereavement leave is granted to a civilian member of the service, while the member is on vacation, the vacation is not extended by such leave.

4. Verify death and relationship.

- a. Have member produce the official notice of death, if deceased is in military service of the United States.

IF DEATH INVOLVES DOMESTIC PARTNER OR COVERED RELATIVE OF A DOMESTIC PARTNER:

COMMANDING OFFICER

5. Contact Employee Management Division when a member of the service (uniformed or civilian) requests a bereavement leave for death of a domestic partner or covered relative of a domestic partner (see ADDITIONAL DATA, re: Designation of Domestic Partner/Covered Relative).

EMPLOYEE MANAGEMENT DIVISION

6. Forward a request for verification, in writing, of domestic partner relationship to Citywide Personnel Policies and Standards Division, New York City Department of Personnel.

7. Advise commanding officer concerned when verification is obtained that requesting member had designated the deceased as a domestic partner/covered relative of a domestic partner.

ADDITIONAL DATA

TERMINATION OF DOMESTIC PARTNERSHIP - A domestic partner may terminate a registered domestic partnership by filing a termination statement with the City Clerk. The person filing the termination statement shall declare that the domestic partnership is terminated and if the termination statement has not been signed by both domestic partners, that the other domestic partner has been notified of such termination by registered mail, return receipt requested

A new domestic partnership may be registered after six (6) months has elapsed from the filing date of the termination statement.

Any information concerning an employee's entitlement to bereavement leave under Executive Order # 49 must be kept confidential. Under no circumstances may such information be used for purposes other than entitlement to bereavement leave.

RELATED PROCEDURE

Civilian Employee Miscellaneous Leave (A.G. 319-12)

FORMS AND REPORTS

LEAVE OF ABSENCE REPORT (PD433-041)

P.G. 205-26 Jury Duty Leave For Uniformed Members Of The Service

Date Effective: 01-01-00

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.

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 Office of Labor Relations at (212) 374-5060.

P.G. 205-27 Pregnancy Related Guidelines For Uniformed Members Of The Service

Date Effective: 01-01-00

PURPOSE

To notify the Department when a female uniformed member of the service receives a positive result from a pregnancy test conducted by her private physician.

DEFINITION

PREGNANCY STATUS - A female uniformed member of the service who is placed on non-enforcement duties by her district surgeon due to her pregnancy condition. This status is similar to restricted duty.

PROCEDURE

When a uniformed member of the service is informed by her private physician that she is pregnant:

UNIFORMED MEMBER OF THE SERVICE

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

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

DISTRICT SURGEON CONCERNED

3. Place member of the service on "pregnancy status" after receiving telephonic, mail and FAX notification.
4. Send member's medical records to the Pregnancy Medical District.
5. Send a note to member's private physician explaining Department guidelines concerning pregnancy assignment and sick policy, when necessary and appropriate.

UNIFORMED MEMBER OF THE SERVICE

6. 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 surgeon.
7. Comply with P.G. 204-03, "Uniforms," as it relates to the wearing of the uniform.

PREGNANCY MEDICAL DISTRICT SURGEON

8. Commence sick leave for pregnant member of the service approximately four (4) weeks before the expected date of delivery.
9. Terminate sick leave approximately six (6) weeks following delivery.

NOTE: In some circumstances, pregnant members of the service will commence sick leave prior to the fourth (4th) 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

10. Telephone the Pregnancy Medical District Surgeon on the following two (2) occasions:

a. To confirm actual delivery date - this should be done within ten (10) days of said date.

b. During the fifth (5th) post-delivery week to allow the Pregnancy Medical District Surgeon to determine the member's return to duty date.

(1) Provide the Pregnancy Medical District Surgeon with documentation, if additional sick time is required.

NOTE: The continuance of sick leave and the determination of the member's status will be made by the Pregnancy Medical District Surgeon.

PREGNANCY MEDICAL DISTRICT SURGEON

11. Reassign medical records of members of the service back to her original medical district after her return to full duty status.

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 members will be seen in a separate area or at a separate time to avoid possible exposure to illness.

Once placed on "pregnancy status," by the district surgeon, the member may be reassigned to another command which performs non-enforcement duties. (e.g., the Medical Division, etc.) or may remain within the permanent command depending upon the needs of the Department.

Pregnant uniformed members of the service will no longer be required to make routine pregnancy visits to the surgeon.

Recurring pregnancy related illness will be counted as one (1) sick report, if the member provides proper documentation from her 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 status does not preclude a member of the service from being promoted. Pregnant members of the service, as well as members on restricted duty/limited capacity, assigned to "Investigative Track Units" may appeal any deductions of investigative time earned, while on "pregnancy status," if they were performing normal investigative duties during that time period. (see A.G. 320-35, "Promotion to Third Grade Detective (Investigator)."

When a pregnant member is required to appear in court, before a Grand Jury or other government agency, she may appear in business attire or uniform.

Pregnant members are not required to attend the Firearms and Tactics qualification cycles.

RELATED PROCEDURES

Reporting Sick (P.G. 205-01)

Uniforms (P.G. 204-03)

Absence Control (A.G. 318-12)

Chronic Absence Control Program (A.G. 318-13)

P.G. 205-28 Child Care Leave Of Absence

Date Effective: 01-01-00

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 (365) days commencing no later than one (1) 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 (6) weeks prior to anticipated birth date of child, or six (6) 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, shield, IDENTIFICATION CARD (PD416-091), helmet, gas card and mace 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 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, 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.

C.O., MILITARY AND EXTENDED LEAVE DESK

8. Direct that an appropriate background check be conducted on requesting member.

9. Endorse member's request for leave as necessary and forward to Chief of Personnel for approval.

C.O., PERSONNEL ORDERS SECTION

10. 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 (30) 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 (6) months on leave - no pay status - will be considered a break in continuous service, and thereby preclude vested interest retirement for five (5) years after return to duty.

All Department property, except the Patrol Guide, 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 Commanding Officer, 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 Commanding Officer, 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.

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 at (212) 374-7654.

RELATED PROCEDURES

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)

P.G. 205-29 Random Drug Screening

Date Effective: 01-01-00

PURPOSE

To randomly test uniformed members of the service in an effort to establish a credible deterrent to illegal drug/controlled substance usage.

SCOPE

The Department's goal is to ensure that uniformed members of the service do not use illegal drugs or abuse drugs/controlled substances and maintain a high standard of performance in a safe, drug free environment.

NOTE: Uniformed members of the service assigned to commands within the Organized Crime Control Bureau, Internal Affairs Bureau and probationary police officers in training at the Police Academy will be subject to separate random drug screening procedures.

PROCEDURE

To randomly identify uniformed members of the service for illegal drug/controlled substance testing:

C.O., MEDICAL DIVISION

1. Direct Management Information Systems Division to identify uniformed members of the service for automated random testing by utilizing the department's personnel database.

a. Individual members selected for testing will be identified by social security number.

2. Direct members selected to appear at the Medical Division at appropriate date and time.

UNIFORMED MEMBER OF THE SERVICE SELECTED FOR TESTING

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. Terminal leave
- f. Bereavement leave.

NOTE: Members previously scheduled for individual days off (other than regular days off) may be excused 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 both the day prior to and the scheduled test date will appear for testing during the 8x4 tour on the testing date. Members reporting sick on the assigned test date will be required to visit a Police Surgeon and obtain approval for excusal from the test. Members missing a scheduled test for any reason will be rescheduled for testing as soon as possible irrespective of any random sampling selection.

4. MUST submit to drug screening. Refusal to submit to test will result in suspension and will be grounds for dismissal from the Department.
5. Prior to testing, prepare form listing all foods ingested in the past twenty-four (24) hours, and alcohol, mixers and medicine ingested in the past seventy-two (72) hours.
6. Present shield and identification card upon request at testing location to insure proper individual has reported for testing.
7. Comply with instructions received at testing location.

ADDITIONAL DATA

Privacy and dignity will be protected. Except in unusual circumstances, urine samples will be taken at a facility operated by the Medical Division, or at another health care facility. The samples will be given in maximum feasible privacy when urine samples are collected. Only one (1) person of the same sex will be present with the person being tested. Except in unusual circumstances, the monitor will be a supervisory officer/health care professional assigned to the Medical Division. The supervisory officer/health care professional monitoring the procedure will observe the sample being given.

Two (2) samples will be taken, each in a separate vial. Prior to testing, a code number assigned to the member and the date of the testing will be affixed to each vial. The code number will be logged separately with the member's name. The member being tested will then initial the vial stickers. The vials will be sealed in the member's presence after the sample has been given. Appropriate chain of custody procedures will be followed at all times.

One (1) or more scientifically accepted initial screening tests will be employed in analysis. A positive report will be made only after final confirmation. Negative test results will not be maintained, but 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 (60) days of notification of such result, submit a written request to the Department Advocate's Office for further independent retesting of the original sample.

For urine, a Department chemist and a member designated by the Department will accompany the sample during retesting in order to preserve the chain of custody. All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Testing will only be done for illegal drugs and controlled substances. No other substances will be screened. The testing dates will not be announced in advance. Positive test results, which indicate illegal or illicit drug use, will result in department Charges and Specifications and suspension.

RELATED PROCEDURES

Suspension From Duty Uniformed Member Of The Service (P.G. 206-08)

Administration Of Drug Screening Tests For Cause (P.G. 205-30)

Drug Screening Tests For Uniformed Members Of The Service Applying For Assignments To The Internal Affairs Bureau And Detective Bureau (P.G. 205-31)

Drug Screening Tests For Uniformed Members Of The Service As A Condition Of Discretionary Promotion (P.G. 205-34)

P.G. 205-30 Administration Of Drug Screening Tests For Cause

Date Effective: 01-01-00

PURPOSE

To investigate and detect illegal drug use by members of the service (uniformed and civilian).

SCOPE

The administration of drug-screening tests are procedures utilized by this Department to detect the presence of drugs in the urine or hair of members of the service suspected of illegal drug usage. To balance the public interest in having a drug-free Police Department against the individual employee's right to privacy, drug-screening tests will be administered when there is a reasonable suspicion to believe that an individual member of the service (uniformed or civilian) is illegally using drugs. When reasonable suspicion does exist, the member suspected of using drugs MUST provide the drug-screening 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 using drugs illegally:

MEMBER OF THE SERVICE

1. Immediately notify commanding officer/duty captain or Internal Affairs Bureau Command Center ([212] 741-8401).

- a. Provide rank, name and command of suspected member.

COMMANDING OFFICER/DUTY CAPTAIN

2. Notify Internal Affairs Bureau Command Center and obtain a log number.

SUPERVISOR DIRECTED TO CONDUCT INVESTIGATION

SUPERVISOR CONDUCTING INVESTIGATION

3. Determine if a REASONABLE SUSPICION has been established indicating drug use.

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 judgement and experience, reasonably suspect that a particular member of the service is illegally using drugs. A reasonable suspicion that a member is illegally using drugs 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.

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

NOTE: If suspicion of drug use is based on observation of the suspected member's physical appearance, at least two (2) supervisors must make observations.

5. Prepare a case folder for documentation of all aspects of investigation.

6. Confer with own immediate supervisor if reasonable suspicion has been established that member is using drugs illegally.

7. 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

8. Approve request for drug screening test ONLY after carefully determining that investigating supervisor's report has established reasonable suspicion.

9. Direct that member giving drug screening samples be placed on modified assignment pending results of test, unless other circumstances warrant suspension.

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

10. Contact Medical Division ([718] 760-7632) when approval is received for administration of drug screening tests and obtain serial numbers.

a. Obtain serial numbers even if member refuses tests.

b. Include drug screening tests serial numbers in case folder along with all other documentation.

NOTE: If Medical Division is closed, contact Sick Desk supervisor ([718] 760-7606).

11. Advise member suspected of drug usage that refusal to give samples will result in immediate suspension from duty.

12. Notify the Department Advocate that drug screening tests were 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."

MEMBER CONCERNED, MEDICAL DIVISION

13. Inform investigating supervisor where samples will be taken and procedure to be followed.

14. 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
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Second Page

Delivering Officer	Date/Time Delivery	Department	Witness To Attorney Test	Results of Test	Remarks
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ADDITIONAL DATA

A police surgeon, specifically a medical doctor employed by the Department, may order drug-screening tests without securing prior approval of the bureau chief/counterpart/borough commander concerned. However, when a police surgeon desires tests for a member of the service he suspects of illegally using drugs, the police surgeon will confer with the Supervising Chief Surgeon or designee, if feasible.

To further protect the employee's right to privacy in those cases in which the results of the drug-screening test do not indicate the presence of a narcotic substance or marijuana, the investigator's case folder will be sealed. 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 tests in the personal folder of the member concerned will be expunged.

An investigating supervisor finding controlled substances contraband, i.e., drugs or instruments used to administer drugs, e.g., hypodermic syringes/needles, crack pipes, etc., on or in the vicinity of a suspected member of the service (uniformed or civilian) will have such items invoiced on PROPERTY CLERK'S INVOICE (PD521-141) as investigatory evidence and comply with the pertinent provisions of P.G. 218-24, "Processing Controlled Substances/Marijuana Stored At Station Houses" and P.G. 218-25, "Processing Controlled Substances/Marijuana Not Stored At Station Houses". In addition, the investigating supervisor will have the following statement printed in large block letters on top of the INVOICE: "NOT TO BE DESTROYED WITHOUT APPROVAL OF DEPARTMENT ADVOCATE'S OFFICE."

Privacy and dignity will be protected. The urine specimens will be given in maximum feasible privacy. Except in unusual circumstances, only one (1) person of the same sex will be present with the testee to observe the sample being given.

Two (2) urine samples will be taken, each in a separate vial. Prior to testing, the code number assigned by the Medical Division and date of test will be affixed to each vial. The code number will be logged separately with the member's name. 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 sample has been given. Appropriate procedures will be followed at all times to maintain a chain of custody.

Three (3) samples of hair will be taken, cut as close to the scalp as possible. The samples should be taken from the same body area, preferably the head. The samples will be placed in the supplied envelopes, appropriately identified, sealed and initialed by both the subject and the collector.

These envelopes will be placed in plastic bags and sealed by the collector and then initialed by the test subject. Appropriate procedures will be followed at all times to maintain a chain of custody.

One (1) or more scientifically accepted initial screening tests will be employed in analysis. Positive reports will be made only after final confirmation.

Positive test samples will be maintained by the analyzing laboratory in a secure area, and remain confidential unless and until Department disciplinary charges and specifications are served. A member whose test(s) are positive may, within sixty (60) days of notification of such results, submit a written request to the Department Advocate's Office for further retesting of the original sample(s).

When retesting urine, a Department chemist and member designated by the Department will accompany the sample during retesting in order to preserve the chain of custody.

When retesting hair, the third sample of hair stored at the Medical Division will be forwarded to a lab of the member's choice. The lab must be certified to perform drug testing by New York State, the United States Department of Health and Human Services

or the College of American Pathologists. Appropriate procedures will be followed at all times to maintain a chain of custody.

All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Positive test results, which indicate illegal or illicit drug use, will result in Department charges and specifications, and suspension.

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)

Interrogation Of Members Of The Service (P.G. 206-13)

Cause For Suspension/Modified Assignment (P.G. 206-07)

Suspension From Duty-Uniformed Members Of The Service (P.G. 206-08)

Modified Assignment (P.G. 206-10)

FORMS AND REPORTS

INVESTIGATING OFFICER'S REPORT (PD313-153)

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 205-31 Drug Screening Tests For Uniformed Members Applying For Assignments To Designated Specialized Units

Date Effective: 01-01-00

PURPOSE

To screen for possible illegal drug and controlled substance use by uniformed members of the service applying for assignment to designated specialized units.

DEFINITION

DESIGNATED SPECIALIZED UNITS - For the purpose of this procedure will include: Organized Crime Control Bureau, Internal Affairs Bureau, Detective Bureau, Special Operations Division (includes Patrol Borough Staten Island Units), Intelligence Division, Traffic Control Division's Highway District, Quality Assurance Division, Patrol Borough Staten Island Detective Operations, and any other unit subsequently designated as specialized.

SCOPE

The Department and individual officers assigned to designated specialized units have a substantial interest in ensuring that members applying for this assignment do not use illegal drugs or abuse drugs/controlled substances, maintain a high standard of performance and are performing assignments in a safe, drug free environment.

NOTE: Applicants for assignment to the Detective Bureau, from other than Organized Crime Control Bureau commands, are subject to drug screening prior to such assignment.

PROCEDURE

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

UNIFORMED MEMBER OF THE SERVICE

1. MUST sign form indicating that they understand drug screening is part of the application process for assignment designated specialized units.

a. The initial screening can occur at any time after application has been submitted, or after member is assigned or temporarily assigned to the designated specialized unit.

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

2. MUST submit to test when notified to report for drug screening. Refusal to submit to the test will result in suspension 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 test, permanent command will be responsible for suspending member and complying with P.G. 206-08, "Suspension from Duty-Uniformed Member Of The Service."

3. Prior to testing, prepare form listing all foods ingested in the past twenty-four (24) hours, and alcohol, mixers and medicine ingested in the past seventy-two (72) hours.

4. Present shield and identification card to be checked at the testing location to insure that the proper individual has reported for testing.
5. Comply with instructions received at testing location.

ADDITIONAL DATA

Privacy and dignity will be protected. Except in unusual circumstances, urine samples will be taken at a facility operated by the Medical Division, or at another health care facility. When urine samples are collected, they will be given in maximum feasible privacy. Only one (1) person of the same sex will be present with the person being tested. Except in unusual circumstances, the monitor will be a supervisory officer or health care professional assigned to the Medical Division. The supervisory officer or health care professional monitoring the procedure will observe the sample being given.

Two (2) samples will be taken, each in a separate vial. Prior to testing, a code number assigned to the member and the date of the testing will be affixed to each vial. The code number will be logged separately with the member's name. The member being tested will then initial the vial stickers. The vials will be sealed in the member's presence after the sample has been given. Appropriate chain of custody procedures will be followed at all times.

One or more scientifically accepted initial screening tests will be employed in analysis. A positive report will be made only after final confirmation. Negative test results will not be maintained, but will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secured area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty (60) days of notification of such result, submit a written request to the Department Advocate's Office for further independent retesting of the original sample.

For urine, a Department chemist and a member designated by the Department will accompany the sample during the retesting in order to preserve the chain of custody. All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Testing will only be done for illegal drugs and controlled substances. No other substances will be screened. The testing dates will not be announced in advance. Positive test results, which indicate illegal or illicit drug use, will result in Department Charges and Suspension.

Drug screening for uniformed members of the service permanently assigned to designated specialized units will continue to be subject to Department-wide random drug testing as per P.G. 205-29, "Random Drug Screening".

RELATED PROCEDURES

Suspension From Duty-Uniformed Member Of The Service (P.G. 206-08)

Administration Of Drug Screening Tests For Cause (P.G. 205-30)

Random Drug Testing (P.G. 205-29)

Drug Screening For Uniformed Members Of The Service As A Condition Of Discretionary Promotion (P.G. 205-34)

P.G. 205-32 Drug Screening Tests For Uniformed Members Applying For And Assigned To O.C.C.B.

Date Effective: 01-01-00

PURPOSE

To screen for possible illegal drug and controlled substance use by uniformed members of the service applying for, and assigned to Organized Crime Control Bureau.

SCOPE

The Department and individual officers assigned to Organized Crime Control Bureau have a substantial interest in ensuring that uniformed members of the service assigned to the Organized Crime Control Bureau do not abuse drugs. In this assignment, the sternest precautionary safeguards are necessary to provide for a drug free working environment and ensure that there are no drug abusers who jeopardize the safety of fellow officers.

PROCEDURE

Uniformed members of the service applying for and currently assigned to the Organized Crime Control Bureau:

O.C.C.B. APPLICANTS

1. MUST sign form indicating that they understand drug screening is part of the application process and a condition of continued assignment to the Organized Crime Control Bureau.

a. The initial screening can occur at any time after application has been submitted, or while on temporary assignment to Organized Crime Control Bureau.

NOTE: Prior to being notified to report for a drug screen test or prior to temporary assignment to Organized Crime Control Bureau, whichever occurs first, applicants may withdraw their application with no penalty by submitting a written request to their Commanding Officer. Once assigned to Organized Crime Control Bureau, member will be subject to continuing random drug testing as long as they are assigned to the Organized Crime Control Bureau.

2. MUST submit to test when notified to report for drug screening. Refusal to submit to the test will result in suspension 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 test, permanent command will be responsible for suspending member and complying with P.G 206-08, "Suspension From Duty".

UNIFORMED MEMBERS OF THE SERVICE CURRENTLY ASSIGNED TO ORGANIZED CRIME CONTROL BUREAU:

3. MUST sign a form stating that they understand that random drug screening is a condition of continued assignment to Organized Crime Control Bureau and they will be subject to continued random drug testing as long as they are assigned to Organized Crime Control Bureau. Members will be screened whenever they are randomly selected for testing and will be subject to testing as many times as they are randomly selected during their tenure in the Organized Crime Control Bureau.

NOTE: A uniformed member currently assigned to Organized Crime Control Bureau who declines to sign the notice form, will be immediately transferred from the Organized Crime Control Bureau to another assignment, with no penalty and with no loss in rank or salary.

4. MUST submit to test when notified to report for drug screening. Refusal to submit to test will result in suspension and will be grounds for dismissal from the department.

NOTE: Members of the service in the rank of captain or above who are transferred to the Organized Crime Control Bureau will also be subject to random drug screening.

DIRECTOR, M.I.S.D.

5. Prepare computer program to generate a random selection of Organized Crime Control Bureau uniformed members for testing, based solely on the member's social security number.

UNIFORMED MEMBER OF THE SERVICE TO BE TESTED

6. Prior to testing, prepare form listing all foods, alcohol, mixers and medicine ingested in the past seventy-two (72) hours.

7. Present shield and identification card to be checked at the testing location to insure that the proper individual has reported for testing.

8. Comply with instructions received at testing location.

ADDITIONAL DATA

Privacy and dignity will be protected. Except in unusual circumstances, urine samples will be taken at a facility operated by the Medical Division, or at another health care facility. The samples will be given in maximum feasible privacy. Only one (1) person of the same sex will be present with the person being tested. Except in unusual circumstances, the monitor will be a supervisory officer assigned to the Medical Division. The supervisory officer monitoring the procedure will observe the sample being given.

Two (2) samples will be taken, each in a separate vial. Prior to testing, a code number assigned to the member and the date of the testing will be affixed to each vial. The code number will be logged separately with the member's name. The member being tested will then initial the vial stickers. The vials will be sealed in the member's presence after the sample has been given. Appropriate chain of custody procedures will be followed at all time.

One or more scientifically accepted initial screening tests will be employed in analysis. A positive report will be made only after final confirmation by Gas Chromatography-Mass Spectrometry. Negative test results will not be maintained, but will be destroyed. Positive test samples will be maintained by the analyzing laboratory in a secured area, and will remain confidential unless and until Department disciplinary Charges and Specifications are served. A member whose test is positive may, within sixty (60) days of notification of such result, submit a written request to the Department Advocate's Office for further independent retesting of the original sample.

A Department chemist and a member designated by the Department will accompany the sample during retesting in order to preserve the chain of custody. All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Testing will only be done for illegal drugs and controlled substances. No other substances will be screened. The testing dates will not be announced in advance. Positive test results, which indicate illegal or illicit drug use, will result in Department Charges and Suspension.

RELATED PROCEDURES

Administration Of Drug Screening Tests For Cause (P.G. 205-30)

Random Drug Testing (P.G. 205-29)

Drug Screening Tests For Uniformed Members Of The Service Applying For Assignment To
The Internal Affairs Bureau And Detective Bureau (P.G. 205-31)

P.G. 205-33 Drug Screening For Uniformed Members Of The Service Applying For Assignment Within Special Operations Division And Other Specialized Units

Date Effective: 01-01-00

PURPOSE

To screen for possible illegal drug and controlled substance use by uniformed members of the service applying for assignment to Special Operations Division units and other designated specialized units.

DEFINITION

OTHER DESIGNATED SPECIALIZED UNITS - For the purpose of this procedure will include Traffic Control Division's Highway District and Patrol Borough Staten Island Highway/Emergency Service Unit and Street Crime Suppression Unit.

SCOPE

The Department and the individual members assigned to Special Operations Division Units and other designated specialized units have a substantial interest in ensuring that members applying for assignment do not abuse drugs, maintain a high standard of performance, and are performing their assignments in a drug free environment.

PROCEDURE

Uniformed members of the service applying for assignment to Special Operations Division units and other designated specialized units:

APPLICANTS FOR ASSIGNMENT

1. Must sign form indicating that they understand that drug screening is part of the application process for assignment to the Special Operations Division and other designated specialized units.

a. This initial screening may occur at any time after the application has been submitted, or while temporarily assigned to the units.

NOTE: Prior to being notified to report for a drug screening test or prior to being temporarily assigned to the Special Operations Division or other designated specialized units, whichever occurs first, applicants may withdraw their applications with no penalty by submitting a written request to their Commanding Officer.

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

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

UNIFORMED MEMBERS BEING TESTED

3. Prior to testing, prepare form listing all foods, alcohol, mixers and medicine ingested in the past seventy-two (72) hours.

4. Present shield and IDENTIFICATION CARD (PD416-091) to be checked at the testing location to ensure that the proper individual has reported for testing.

5. Comply with instructions received at the testing location.

ADDITIONAL DATA

Privacy and dignity will be protected. Except in unusual circumstances, urine samples will be taken at a facility operated by the Medical Division, or at another health care facility. The samples will be given in the maximum feasible privacy. Only one (1) person of the same sex will be present with the person being tested. Except in unusual circumstances, the monitor will be a supervisory officer/health care professional assigned to the Medical Division. The supervisory officer/health care professional monitoring the procedure will observe the sample being given.

Two (2) samples will be taken, each in a separate vial. Prior to testing, a code number assigned to the member and the date of the testing will be affixed to each vial. The code number will be logged separately with the member's name. The member being tested will then initial the vial stickers. The vials will be sealed in the member's presence after the sample has been given. Appropriate chain of custody procedures will be followed at all times.

One (1) or more scientifically accepted initial screening tests will be employed in analysis. A positive report will be made only after final confirmation by Gas Chromatography-Mass Spectrometry. Negative test results will not be maintained, but will be destroyed.

Positive test samples will be maintained by the analyzing laboratory in a secured area, and will remain confidential unless and until Department disciplinary CHARGES AND SPECIFICATIONS (PD 468-421) are served. A member whose test is positive may, within sixty (60) days of notification of such result, submit a written request to the Department Advocate's Office for further independent retesting of the original sample.

A Department chemist and a member designated by the Department will accompany the sample during retesting in order to preserve the chain of custody.

All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Testing will only be done for illegal drugs and controlled substances. No other substances will be screened. The testing dates will not be announced in advance. Positive test results, which indicate illegal or illicit drug use, will result in Department CHARGES AND SPECIFICATIONS and suspension.

Drug screening for uniformed members of the service permanently assigned to the Special Operations Division and other designated specialized units will continue to be subject to Department-wide random drug testing as per P.G. 205-29, "Random Drug Screening".

RELATED PROCEDURES

Administration Of Drug Screening Tests For Cause (P.G. 205-30)

Random Drug Screening (P.G. 205-29)

Drug Screening For Uniformed Members Of The Service Applying For And Assigned To The Organized Crime Control Bureau (P.G. 205-32)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)

CHARGES AND SPECIFICATIONS (PD468-421)

P.G. 205-34 Drug Screening For Uniformed Members Of The Service As A Condition Of Discretionary Promotion

Date Effective: 01-01-00

PURPOSE

To screen for possible illegal drug and controlled substance use by uniformed members of the service granted discretionary promotions.

SCOPE

The Department has a substantial interest in ensuring that members being considered for discretionary promotion maintain a high standard of integrity, do not use illegal drugs or abuse drugs/controlled substances, and are performing in a safe, drug free environment.

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. Promotion to the following ranks is considered discretionary and is 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 the Department. Under this procedure, all candidates for discretionary promotion are subject to drug screening.

PROCEDURE

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

CANDIDATE FOR PROMOTION

1. Sign form DRUG SCREENING NOTICE-DISCRETIONARY PROMOTION (PD481-030) which indicates that the candidate understands that 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 (90) days prior to promotion, or no more than eighteen (18) months after the candidate has been promoted.

PRE-PROMOTION PROCEDURES

Members may withdraw as candidates for promotion with no penalty by submitting a written request to their commanding officer. This request should be made after receiving notification of promotion but prior to actual promotion. (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 (2) copies of this request to the Chief of Personnel (original through channels, copy DIRECT).

POST-PROMOTION PROCEDURES

After being promoted but prior to being notified to report for a drug screening, members of the service may seek restoration to their civil service title with no penalty or requirement to submit to a drug screening, by submitting a written request to their commanding officer, who will immediately forward two (2) copies of this request to the Chief of Personnel (original through channels, copy DIRECT).

CANDIDATE FOR PROMOTION

2. Submit to test when notified to report for drug screening.

a. Refusal to submit to the test will result in suspension and will be grounds for dismissal from the Department.

b. All candidates for discretionary promotion will be tested.

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 Medical Division DRUG SCREENING QUESTIONNAIRE (PD439-1519) listing all foods ingested within twenty-four (24) hours, and, alcohol, mixers and medicine ingested in the past seventy-two (72) hours, prior to testing.

4. Present shield and IDENTIFICATION CARD (PD 416-091) to be checked at the testing location to insure that the proper individual has reported for testing.

5. Comply with instructions received at testing location.

ADDITIONAL DATA

Privacy and dignity will be protected. Except in unusual circumstances, urine samples will be taken at a facility operated by the Medical Division, or at another health care facility. When urine samples are collected, they will be given in maximum feasible privacy. Only one (1) person of the same sex will be present with the person being tested. Except in unusual circumstances, the monitor will be a supervisory officer/health care professional assigned to the Medical Division. The supervisory officer/health care professional monitoring the procedure will observe the sample being given.

Two (2) samples will be taken, each in a separate vial. Prior to testing, a code number assigned to the member and the date of the testing will be affixed to each vial. The code number will be logged separately with the member's name. The member being tested will then initial the vial stickers. The vials will be sealed in the member's presence after the sample has been given. Appropriate chain of custody procedures will be followed at all times.

One (1) or more scientifically accepted initial screening tests will be employed in analysis. A positive report will be made only after final confirmation. Negative test results will not be maintained, but 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 (60) days of notification of such result, submit a written request to the Department Advocate's Office for further independent retesting of the original sample.

For urine, a Department chemist and a member designated by the Department will accompany the sample during retesting in order to preserve the chain of custody. All retesting expenses, including chain of custody, will be paid by the affected member of the service.

Testing will only be done for illegal drugs and controlled substances. No other substances will be screened. The testing dates will not be announced in advance. Positive test results, which indicate illegal or illicit drug use, will result in Department Charges and Specifications and suspension.

Uniformed members of the service, screened under this procedure will continue to be subject to Department wide random drug testing as per P.G. 205-29, "Random Drug Screening".

RELATED PROCEDURES

Suspension From Duty-Uniformed Member Of The Service (P.G. 206-08)

Administration Of Drug Screening Tests For Cause (P.G. 205-30)

Random Drug Screening (P.G. 205-29)

Drug Screening Tests For Uniformed Members Of The Service Applying For Assignment To The Internal Affairs Bureau And Detective Bureau (P.G. 205-31)

FORMS AND REPORTS

DRUG SCREENING NOTICE-DISCRETIONARY PROMOTION (PD481-030)

DRUG SCREENING QUESTIONNAIRE (PD439-1519)

IDENTIFICATION CARD (PD416-091)

P.G. 205-35 Voluntary Drug Testing

Date Effective: 01-01-00

PURPOSE

To request permission to voluntarily take a screening test to determine illegal drug and 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 samples, members involved must consult with an attorney or appropriate line organization representative.

PROCEDURE

Member of the service (uniformed or civilian) requesting to voluntarily consent to 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 re: taking the drug screening test, and

(2) The circumstances under which the member was accused of illegal drug 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 (24) hours of the time the member of the service became aware of the allegation of illegal drug use.

CHIEF OF PERSONNEL/DESIGNEE

3. Verify that the requesting member was in fact the subject of an allegation of illegal drug use upon receipt of the request.

4. Determine if member of the service became aware of the allegation of illegal drug use within twenty-four (24) hours of receipt of Typed Letterhead.

5. Direct requesting member of the service to report to the Medical Division for voluntary drug screening test.

ADDITIONAL DATA

The restrictive nature of this procedure should result in a small 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 random drug screening procedure.

RELATED PROCEDURES

Administration Of Drug Screening Tests For Cause (Dole) Tests for Cause (P.G. 205-30)

FORMS AND REPORT
Typed Letterhead

P.G. 205-36 Employment Discrimination

Interim Order 33 Issued 08-13-03 Suspends Patrol Guide 205-36

PURPOSE

To process and resolve all employee complaints of discrimination including gender discrimination, sexual harassment and related retaliation against those who make a complaint of discrimination, including retaliation, or those who cooperate in such an investigation.

SCOPE

Applicants and members of the service who have a complaint of discrimination, including retaliation, or have any questions regarding these issues, are urged to contact the Office of Equal Employment Opportunity. 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. Managers and supervisors are directed to make all employment decisions in accordance with the Department's equal employment opportunity policy. Any supervisor or Equal Employment Opportunity Liaison who becomes aware of any discrimination/retaliation complaint or problem MUST report the complaint or problem to the Office of Equal Employment Opportunity, which will determine the merits of the complaint or problem.

Federal, State and City laws and Department Manual, prohibit discrimination based on actual or perceived status of a person's age, race, religion, creed, color, national origin, gender, disability, marital status, sexual orientation, genetic predisposition or carrier status, prior arrest or conviction record (under some circumstances), alienage or citizenship status, or as a victim of domestic violence, 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 of employee(s) by another employee(s).

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 (if possible, without undue hardship to the employer) for an employee with a disability, or for an employee's religious observance.

e. Discriminatory harassment, intimidation, ridicule, insults, including, but not limited to, using discourteous, disparaging or disrespectful remarks.

f. Retaliation and/or harassment against an employee for filing a discrimination complaint or for cooperating in the investigation of a complaint.

All forms of 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. A member of the service should file a complaint with the Office of Equal Employment Opportunity at the earliest opportunity, if the employee believes that a manager, supervisor or any other employee has engaged in any of the conduct described above.

NOTE: OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-150) forms must be readily available at all New York City Police Department facilities. Additionally, this form is available for viewing and printing via the New York City Police Department's Intranet for those individuals who have access to the Department's Local Area Network (LAN).

DEFINITIONS

EMPLOYMENT DISCRIMINATION - disparate treatment of employees 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 age, race, religion, creed, color, national origin, gender, disability, marital status, sexual orientation, genetic predisposition or carrier status, prior arrest or conviction record (under some circumstances), alienage or citizenship status, or as a victim of domestic violence. Sexual harassment is a form of gender discrimination.

NOTE: The Department prohibits the display of offensive sexual, ethnic, racial, religious or other discriminatory material. Displays might be in the form of 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.), posters, (e.g. centerfolds of magazines, etc.), audio recording or broadcast, or an adult movie/program shown through the use of a video cassette recorder (VCR) or received through an adult channel from a cable television company. 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.

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 - a physical, medical, mental, or psychological impairment which substantially limits one or more of the major life activities of the individual; a history or record of such impairment; or being regarded as having such an impairment.

NOTE: An applicant or employee who requires an accommodation for a qualified disability and/or religious observance shall complete a "Request for Reasonable Accommodation" form for New York City Police Department employee/job applicant, as appropriate. These forms must be readily available at all New York City Police Department facilities and copies can be reproduced from the "Appendix" of the annual E.E.O. Policy Book.

RETALIATION - it is unlawful to retaliate against or harass any person for filing an Equal Employment Opportunity complaint or for cooperating in the investigation of an Equal Employment Opportunity complaint or opposing or reporting any policies, practices, or action which he/she believes to be discriminatory. Any member of the service who engages in such retaliation or harassment will be subject to discipline.

REPORTING REQUIREMENTS

I. Any non-supervisory member of the service who becomes aware of an employment discrimination complaint or problem is strongly encouraged to report the complaint or

the problem to the Office of Equal Employment Opportunity (O.E.E.O.), a supervisor at any level, or an E.E.O. Liaison.

II. Any non-supervisory member of the service who (1) becomes aware of a complaint or problem of retaliation for making an E.E.O. complaint or participating in an E.E.O. investigation, or (2) is asked or encouraged to retaliate against a member of the service for making an E.E.O. complaint or participating in an E.E.O. investigation, is strongly encouraged to report that conduct to the O.E.E.O., a supervisor at any level, or an E.E.O. Liaison.

III. Any supervisor or E.E.O. Liaison who observes conduct of a discriminatory nature, becomes aware of an allegation or complaint of discrimination or sexual harassment, or who observes or becomes aware of any act of retaliation regarding E.E.O. matters, must notify the O.E.E.O., via telephone, or in person, by the next business day.

IV. Any supervisor, who notifies the O.E.E.O. as per subdivision III above, must submit a report on Typed Letterhead, to the O.E.E.O., within five (5) business days.

PROCEDURE

When a member of the service (uniformed or civilian) or an applicant for employment believes that discrimination or sexual harassment exists as defined herein, and as more fully explained in the Equal Employment Opportunity Policy Statement (SP 297) and/or Sexual Harassment Policy Statement (SP 281), or that retaliation relating to E.E.O. issues has occurred:

MEMBER CONCERNED

1. File a complaint with any of the following:

- a. Supervisor (uniformed or civilian),
- b. Supervisory head,
- c. Commanding officer,
- d. Office of Equal Employment Opportunity.
- e. Equal Employment Opportunity Liaison.

NOTE: Trained Equal Employment Opportunity Liaisons have been designated throughout the Department to provide assistance to complainants, witnesses and others regarding any Equal Employment Opportunity matter. A complete list of E.E.O. Liaisons is located in the "Appendix" of the annual E.E.O. Policy Book.

Members of the service may telephone the Office of Equal Employment Opportunity anonymously to file a complaint and/or discuss matters regarding discrimination. An Office of Equal Employment Opportunity investigator 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 discrimination.

SUPERVISOR/SUPERVISORY HEAD/C.O./E.E.O. LIAISON

2. Immediately upon observing conduct of a discriminatory or retaliatory nature, or becoming aware of an allegation or complaint of discrimination, sexual harassment, or retaliation relating to E.E.O. issues, telephone facts to the O.E.E.O., during business hours, or the next business day, Monday through Friday, 0800 to 1800 hours, at telephone number (646) 610-5330. (If non-business hours, leave message on voice mail and an O.E.E.O. investigator will contact caller.)

a. Obtain O.E.E.O. case number when applicable, and name of the O.E.E.O. investigator.

b. Supervisors and E.E.O. Liaisons will be guided by information received from the O.E.E.O.

NOTE: Any supervisor who becomes aware of any employment discrimination complaint or problem must, as soon as practicable, take such actions as directed by the O.E.E.O. to prevent employment discrimination, including sexual harassment, and related retaliation from occurring in the future. Such actions may include, but not be limited to, ordering informal counseling for the respondent, ordering instruction on E.E.O. matters for members of the command/unit, advising members of the command/unit that employment discrimination, including sexual harassment, and retaliation are prohibited, and/or advising the respondent that the N Y.P.D. will not tolerate such behavior and that discipline may result. Any supervisor who fails to take actions as directed by the O.E.E.O. will be subject to discipline.

3. Forward written report, on Typed Letterhead, to the O.E.E.O., within five (5) business days.

NOTE: Any supervisor or E.E.O. Liaison who fails to report an employment discrimination complaint or problem, including retaliation, to the O.E.E.O. as required, and/or within the required time frames and/or who fails to take such actions as directed by the O.E.E.O. to prevent employment discrimination, including sexual harassment and retaliation, from occurring in the future will be subject to disciplinary action.

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY

4. Notify commanding officer/supervisory head, if/when appropriate.

5. Emphasize to the commanding officer/supervisory head 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 O.E.E.O. record and assign a case number to all E.E.O. complaints.

7. Forward, to the reporting supervisor and the complainant's commanding officer/supervisory head, a memorandum advising them as to their immediate responsibilities regarding the complaint or problem.

NOTE: Upon receiving a complaint, the O.E.E.O. will attempt to contact and interview the complainant, and will advise the complainant that he/she may meet with an Office of Equal Employment Opportunity investigator to discuss the complaint at a discreet location of his/her choice to protect his/her confidentiality. Such locations may include the Office of Equal Employment Opportunity or the complainant's home, before, during or after work hours, at the member's request. The choice of location will not include the complainant's command. Additionally, the member will be advised that he/she may be accompanied by a representative of his/her choice. Members of the service must obtain approval from their supervisor before leaving work assignment(s) in order to meet the Office of Equal Employment Opportunity investigator. The member concerned is not required to inform his/her supervisor of the subject matter of the meeting. Supervisors cannot unreasonably deny permission to attend the meeting. Members are reminded that they do not have to notify their supervisors if they meet with O.E.E.O. during non-working hours.

8. Counsel member filing a complaint about options for handling a complaint or refer member to other personnel for assistance.

9. If it is determined that an investigation is to be conducted, notify respondent, in writing, of the nature of the allegation(s), when necessary. Remind respondent that discrimination, including retaliation, will not be tolerated.

10. In cases where conciliation will take place, complete conciliation process within sixty (60) days of receiving a request for conciliation.

11. After completion of the O.E.E.O. investigation, forward results of the investigation conducted by the O.E.E.O. to Police Commissioner with recommendations for specific corrective action, as appropriate.

12. Notify complaining member, in writing, of the outcome of the investigation, and any corrective/disciplinary action taken.

a. Notify respondent about the outcome of the investigation, in writing, when appropriate.

COMMANDING OFFICER/SUPERVISORY HEAD

13. Conduct field investigation or counsel complainant and conciliate matter as directed by, and under the guidance of, the Deputy Commissioner, Equal Employment Opportunity.

14. At conclusion of investigation/conciliation, forward written report, on Typed Letterhead, to the O.E.E.O., and include copy of entire file.

a. Refer to O.E.E.O. case number.

b. Include summary of complaint allegation(s) and subsequent findings.

c. Advise what corrective action, if any, should be taken to resolve the complaint.

d. Make recommendation(s) to preclude a recurrence.

15. Take all reasonable steps necessary to prevent the respondent from engaging in additional employment discrimination, including retaliation, particularly in cases after an O.E.E.O. investigation has substantiated an allegation, in whole or in part

a. Any action taken must be reported to the O.E.E.O. and documented in the complaint file.

NOTE: Copies of all documents related to O.E.E.O. complaints and investigation must be maintained in the command, consistent with confidentiality requirements discussed below.

ADDITIONAL DATA

CONFIDENTIALITY

All Equal Employment Opportunity complaints will be handled under the direction of the Deputy Commissioner, Equal Employment Opportunity, who reports directly to the Police Commissioner. These complaints will be handled in consultation with the Office of the Deputy Commissioner, Legal Matters, where appropriate. The Office of Equal Employment Opportunity, all Department supervisors, managers, and Equal Employment Opportunity Liaisons will treat each complaint CONFIDENTIALLY. This means that information obtained from the complainant 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 and witnesses should make every effort to maintain the confidential nature of this process.

COUNSELING

The complainant will be interviewed to ascertain the details of the complaint, and will be apprised of the options/or handling the complaint. These may include:

- A. Investigation by the Deputy Commissioner, Equal Employment Opportunity
- B. Investigation by the member's commanding officer under the guidance and direction of the Deputy Commissioner, Equal Employment Opportunity
- C. Mediation by a neutral mediation service
- D. Conciliation by the O.E.E.O.
- E. Conciliation by the member's commanding officer under the guidance of the O.E.E.O.
- F. Further actions the member of the service can take on his/her own behalf
- G. The member of the service filing a formal complaint with an outside agency
- H Referral of the member concerned to other personnel for assistance, if it appears that the complaint does not involve an Equal Employment Opportunity problem.

MEDIATION

In appropriate cases, certain EEO complaints will be referred for mediation at a neutral mediation service. 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 Equal Employment Opportunity for appropriate action. If a resolution is reached after mediation, no notations concerning the matter will be made on the respondent's Central Personnel Index record.

CONCILIATION

In appropriate cases, an attempt will be made to resolve the complaint with the goal that the parties will voluntarily agree to a resolution of the matter involved. The conciliation process will be conducted consistent with the guidelines issued by the New York City Department of Citywide Administrative Services.

INVESTIGATION

An investigation will be conducted by the Office of Equal Employment Opportunity or a person acting under the direction of the Deputy Commissioner, Equal Employment Opportunity, which may include a field commander. The investigation begins after the Deputy Commissioner, Equal Employment Opportunity: (1) receives either an oral or a written complaint of discrimination, and (2) determines that the allegations in the complaint are sufficient to establish a case of unlawful discrimination, including retaliation. After receiving the notice and copy of the complaint, the respondent has the right to respond in writing. The respondent's right to respond shall remain in effect until the investigation process has ended. Respondents are encouraged to submit their written response as soon as possible after receipt. Respondents shall make every effort to maintain the confidentiality of the EEO process.

In order to encourage members of the service to come forward all communications between complainants and the Office of Equal Employment Opportunity relating to discrimination complaints will be kept confidential consistent with the above statement regarding CONFIDENTIALITY and consistent with guidelines issued by the New

York City Department of Citywide Administrative Services. In appropriate cases, the investigation will be conducted in conjunction with the New York City Police Department's Internal Affairs Bureau. Consultations with other New York City Police Department units during the course of an investigation or other attempt to resolve a complaint of employment discrimination is, as determined by the Deputy Commissioner, Equal Employment Opportunity, 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.

At the conclusion of an investigation by the O.E.E.O., the Deputy Commissioner, Equal Employment Opportunity will make a confidential written report of the investigation to the Police Commissioner. If the Deputy Commissioner, Equal Employment Opportunity concludes, on the basis of the investigation, that the allegation of discrimination is substantiated, the Deputy Commissioner shall recommend appropriate corrective action.

The Police commissioner will review the report prepared by the Deputy Commissioner, Equal Employment Opportunity and make a final determination regarding the Office of Equal Employment Opportunity investigation and any recommendation for corrective action. Disciplinary action shall be taken in accordance with an applicable provisions of law, rules and regulations, and collective bargaining agreements.

Following the endorsement by the Police Commissioner of a recommendation by the Deputy Commissioner, Equal Employment Opportunity that a complaint is substantiated, in whole or in part, the O.E.E.O. 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 Commanding Officer, O.E.E.O., or his/her designee. The commanding officer or other appropriate person shall take action as may be directed by the O.E.E.O. to address the issues raised therein. The meeting as well as a record of action taken shall be documented in the O.E.E.O. file.

Following the endorsement by the Police Commissioner of a recommendation by the Deputy Commissioner, Equal Employment Opportunity, that a complaint of discrimination is "unsubstantiated" (as opposed to "unfounded"), the O.E.E.O. may require a commanding officer of the involved command, or other appropriate person, to appear at its office to discuss the final report with the Commanding Officer, O.E.E.O., or his/her designee. The commanding officer or other appropriate person shall take action as may be directed by the O.E.E.O. to address the issues raised therein. The meeting, as well as a record of action taken, shall be documented in the O.E.E.O. file.

If the Deputy Commissioner, Equal Employment Opportunity concludes, as a result of either an O.E.E.O. or field investigation, that an act of employment discrimination or retaliation has occurred but cannot identify the person(s) responsible, the O.E.E.O. may require the commanding officer/unit head of the command/unit of occurrence, or other appropriate person, to appear at the O.E.E.O. to discuss the final report with the Commanding Officer, O.E.E.O., or his/her designee. The commanding officer or other appropriate person shall take action as may be directed by the O.E.E.O. to address the issues raised therein. The meeting as well as a record of action taken shall be documented in the O.E.E.O. file.

At the discretion of the Deputy Commissioner, Equal Employment Opportunity, portions of the report may be redacted prior to any such meeting.

When charges and specifications are pending 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 discrimination shall be assumed by the Deputy Commissioner, Equal Employment Opportunity. In all other disciplinary matters, any allegation of discrimination raised by the respondent member of the service must be filed with the Office of Equal Employment Opportunity.

ADDITIONAL PLACES WHERE A COMPLAINT OF DISCRIMINATION MAY BE MADE

Any member of the service (uniformed or civilian) or applicant for employment who believes that he/she has 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 he/she files a complaint with the Police Department's Office of Equal Employment Opportunity. The following local, state and federal agencies enforce laws against discrimination:

NEW YORK CITY COMMISSION ON HUMAN RIGHTS
40 Rector Street, 9th Floor
New York, New York 10006
(212) 306-7500

NEW YORK STATE DIVISION OF HUMAN RIGHTS
Headquarters
One Fordham Plaza, 4th Floor
Bronx, New York 10458
(718)741-8400
OR
20 Exchange Place, 2nd Floor
New York, New York 10005
(212) 480-2522
OR
163 West 125th Street, 4th Floor
New York, New York 10027
(212) 961-8650
OR
55 Hanson Place, Room 304
Brooklyn, New York 11217
(718) 722-2856

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004
(212) 336-3620
TTY(212) 336-3622

TIME PERIODS FOR THE TIMELY FILING OF COMPLAINTS OF DISCRIMINATION, INCLUDING RETALIATION, (MEASURED FROM THE DATE OF OCCURRENCE OF A DISCRIMINATORY ACTION):

- a. New York City Police Department - one (1) year.

The one (1) year time period for filing complaints of discrimination, including 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.

- b. New York City Commission on Human Rights - one (1) year (New York City Administrative Code, Title 8, Chapter 1).

- c. New York State Division of Human Rights - one (1) year (New York Executive Law, Article 15, section 297) (may not file for civil action filed first).

- d. United States Equal Employment Opportunity Commission - one hundred and eighty (180) days except that in some instances where there has been a prior filing with either (b) or (c) above, the time period may be extended. 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[e][i]).

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)

FORMS AND REPORTS

Typed Letterhead

ACTIVITY LOG (PD112-145)

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT OF EMPLOYMENT DISCRIMINATION (PD413-
150)

P.G. 205-37 Sexual, Ethnic, Racial, Religious, Or Other Discriminatory Slurs Through Display Of Offensive Material

Date Effective: 01-01-00

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, to the extent possible, 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 job discrimination, which may create a hostile work environment, is the display of sexually explicit material in the workplace. Other forms of 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, 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.), posters (e.g., centerfolds of magazines, etc.) or an adult movie/program shown through the use of a video cassette recorder (VCR) or received through an adult channel from a cable television company, or an audio recording or broadcast.

No form of defacement of Department property or display of offensive materials or sexually explicit television programs or videotapes in Department facilities is acceptable. Commanding officers and unit heads shall keep their work sites free from such displays etc.

PROCEDURE

When a display of offensive material is detected:

MEMBER CONCERNED

1. Any non-supervisory member of the service (uniformed or civilian) who becomes aware of the display of offensive material is strongly encouraged to report it to one or more of the following:

- a. Supervisor (uniformed or civilian)
- b. Supervisory head
- c. Commanding officer
- d. Equal Employment Opportunity Liaison
- e. Office of Equal Employment Opportunity (O.E.E.O.).

[I.O. 19 s 02] NOTE: As indicated, members of the service have the option of filing a complaint with Equal Employment Opportunity Liaisons. Trained Equal Employment Opportunity Liaisons have been designated throughout the Department to provide assistance to complainants, witnesses and others regarding any Equal Employment Opportunity matter. A complete list of Equal Employment Opportunity Liaisons is located in the 'Appendix' of the annual Equal Employment Opportunity Policy Book.

A SUPERVISOR WHO BECOMES AWARE OF THE DISPLAY OF OFFENSIVE MATERIAL WILL AS SOON AS POSSIBLE:

SUPERVISORY MEMBER

2. Notify O.E.E.O. and obtain case number.
3. Notify commanding officer/unit head.
4. Take possession of, or photograph, the offensive material, under the direction of the O.E.E.O., prior to correcting the condition.
5. Voucher offensive material concerned as investigatory evidence.
6. Make Command Log entry of details.
7. Forward report, on Typed Letterhead, to the O.E.E.O., within five (5) business days.

O.E.E.O.

8. Ensure that the commanding officer/unit head is notified of the display of offensive material.

COMMANDING OFFICER/UNIT HEAD

9. 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;

b. This behavior will not be tolerated and is subject to disciplinary action.

10. Confer with O.E.E.O. and determine appropriate follow-up/investigatory action.
11. Notify O.E.E.O., promptly by telephone, of results of any investigation.
12. Forward results of investigation on Typed Letterhead to the Office of Equal Employment Opportunity.

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.

[I.O. 11 s 02] After business hours and on weekends O.E.E.O. receives messages via office voice mail and will make return phone calls on the next business day.

In addition to reporting the observation to O.E.E.O, 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.

In addition, the following rules regarding audio recordings and broadcasts, cable television services or the use of video cassette recorders (VCR's) and tapes in Department facilities will be adhered to:

a. Sexually explicit audio broadcasts, television programs or videotapes 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 box at a Department facility.

c. Commanding officers/unit heads will contact cable television companies and have them "block out" any stations received on the basic package which routinely show sexually explicit programming, if possible.

Commanding officers/unit heads 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)

FORMS AND REPORTS

Typed Letterhead

ACTIVITY LOG (PD112-145)

WORK ORDER (PD176-161)

P.G. 205-38 Investigation Of Incidents Of Retaliation Against Members Of The Service

Date Effective: 07-25-03

INVESTIGATION OF INCIDENTS OF RETALIATION AGAINST MEMBERS OF THE SERVICE

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 at (212) 741-8401.

NOTE: A member of the service may elect to report that he or she has been the victim of retaliation as outlined in this procedure directly to the Employee Relations Section. If such a complaint is received at the Employee Relations Section, or any unit other than the Internal Affairs Bureau (whether from the member directly or from an outside agency/organization) the unit receiving the complaint MUST notify the Internal Affairs Bureau and forward all pertinent information directly to the Internal Affairs Bureau for appropriate action.

Any member of the service who is made aware of an allegation of retaliation for reporting wrongdoing shall make reasonable efforts to protect the anonymity and confidentiality of the employee making the allegation.

MEMBER CONCERNED, IAB COMMAND CENTER

2. Record pertinent information received and assign a log number.

3. 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 Equal Employment Opportunity for investigation.

4. Forward copy of log, investigative worksheets and related paperwork to appropriate investigative group for further investigation, with the exception of cases relating to equal employment opportunity issues, which MUST be referred to the OEEO for investigation.

a. Forward copy of log in a sealed envelope to Employee Relations Section.

EMPLOYEE RELATIONS SECTION

5. Contact complainant upon receipt of log and offer the services of the appropriate Department employee assistance program, if indicated.

CHIEF OF INTERNAL AFFAIRS

6. Evaluate each complaint to determine whether the case may fall within the purview of the Whistleblowers Law.

7. Refer cases requiring further investigation concerning violations of the provisions of the Whistleblowers Law to either the Internal Affairs Bureau or Office of Equal Employment Opportunity, as applicable.

NOTE: Only the Internal Affairs Bureau or Office of Equal Employment Opportunity 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

8. Forward report through channels upon completion of investigation.

NOTE: Due to the need to maintain the confidentiality of investigations to the extent possible, OEEO will not be required to forward reports of employment discrimination retaliation. These reports will remain on file at OEEO until such time that disclosure thereof is necessary.

CHIEF OF INTERNAL AFFAIRS

9. Forward report and recommendations to the First Deputy Commissioner, through channels.

FIRST DEPUTY COMMISSIONER

10. Review report and direct necessary action.

ADDITIONAL DATA

Members of the service are reminded that the Department has several employee assistance units available to provide help in addressing a personal or professional problem. To obtain additional information regarding the types of services provided by these units, members can refer to the Department publication entitled EMPLOYEE ASSISTANCE PROGRAMS AND RESOURCE BOOKLET (BM497).

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 Chief of Internal Affairs (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.

P.G. 205-39 Departmental Recognition

Date Effective: 07-28-00

PURPOSE

To process requests for Departmental recognition.

PROCEDURE

Whenever a uniformed or civilian 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:

NOTE: 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.

MEMBER'S IMMEDIATE SUPERVISOR (REGARDLESS OF COMMAND)

1. Prepare DEPARTMENTAL RECOGNITION REQUEST (PD439-162).

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), Organized Crime Control Bureau, Transit Bureau, Special Operations Division, and Traffic Control Division, will be processed through patrol precincts.

b. Commands which report to the Housing Bureau, Detective Bureau (not including precinct detective squads), Organized Crime Control Bureau, Transit Bureau Special Operations Division, and Traffic Control Division will process all requests for departmental recognition involving assigned members in a similar manner as requests processed through patrol precincts. (See "Additional Data" 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 (2) 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 (2) 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.

2. Prepare separate DEPARTMENTAL RECOGNITION REQUEST for each member of the service involved.

NOTE: Departmental Recognition Committees, composed of five (5) uniformed members of the service: two (2) ranking officers (one of whom will be designated chairperson) and three (3) 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), Organized Crime Control Bureau, Transit Bureau, Special Operations Division, and Traffic Control Division 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.

MEMBER'S IMMEDIATE SUPERVISOR

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. Reducing oral statements to writing and signing, 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.

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.

NOTE: All information entered on the DEPARTMENTAL RECOGNITION REQUEST is considered "Rosario" material and should be a factual statement of the member of the 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 should be advised of the existence of requests for departmental recognition as well as other witnesses' statements in a pending case.

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.

NOTE: 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 below. In cases where Exceptional Merit or Honorable Mention will be recommended, bureau chiefs will comply with steps 23, 24, and 25, below.

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" on reverse side of form.

15. Forward original (white) copy of REQUEST to Employee Management Division (attention: Honor Committee) and distribute the remaining copies as indicated on form.

NOTE: 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 requests for Departmental recognition, 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.

IF RECOMMENDATION IS FOR ANY COMMENDATION, EXCEPTIONAL MERIT 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/CIVILIAN COMMENDATION

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, 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 Employee Management 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.

NOTE: All approved DEPARTMENTAL RECOGNITION REQUEST being forward 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.

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 FIREARMS/DISCHARGE ASSAULT REPORT (PD424-151), UNUSUAL OCCURRENCE REPORTS (PD370-152), Crime Scene Unit sketches, etc., and the final determination of the Firearms Discharge Review Board are attached to the REQUEST and forwarded to the Honor Committee for consideration.

If a valid evaluation cannot be determined 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.

IF RECOMMENDATION IS FOR PURPLE SHIELD MEDAL OR POLICE MEMORIAL AWARD

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 (2) 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 (10) days of publication of award including:

a. Facts of request

b. Reasons for appeal

c. Personnel Order number and date (if applicable).

NOTE: An appeal MAY NOT be lodged until AFTER 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 (60) days of submission of a DEPARTMENTAL RECOGNITION REQUEST

ADDITIONAL DATA

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:

Housing Bureau

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.

Detective Bureau

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.

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

Organized Crime Control Bureau

Narcotics borough commands (other than Narcotics Division) 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 Organized Crime Control will establish a Recognition Committee.

Chief of Organized Crime Control will make final determination on Commendation requests.

All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate.

Transit Bureau

District commands will establish Recognition Committees.

District commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.

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

Special Operations Division

Special Operations Division commands will establish Recognition Committees.

Special Operations Division commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.

Commanding Officer, Special Operations Division will establish a Recognition Committee.

Commanding Officer, Special Operations Division will make final determination on Commendation requests.

All other requests to be forwarded to Honor Committee or Integrity Review Board, as appropriate

Traffic Control Division

Traffic Control Division commands will establish Recognition Committees.

Traffic Control Division commanding officers will make final determination for Excellent Police Duty and Meritorious Police Duty awards.

Commanding Officer, Traffic Control Division will establish a Recognition Committee.

Commanding Officer, Traffic Control Division 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)

Deputy Commissioner - Community Affairs

Chief of Department

Chief of Patrol

Chief of Detectives

Chief of Organized Crime Control

Chief of Personnel

Chief of Housing

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

Chief of Detectives

Chief of Personnel

Chief of Internal Affairs

Chief of Organized Crime Control

Chief of Housing

Chief of Transit

Uniformed member of the service in the rank of police officer, as selected by the Employee Relations Section, on an ad-hoc basis.

Individual members of the service may be awarded Departmental recognition in the following grades:

DEPARTMENT MEDAL OF HONOR

Awarded annually to a 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

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 members of the service who have suffered extremely serious physical injury or death, permanent disfigurement, protracted or permanent impairment of health, or protracted or permanent impairment of any bodily organ function.

POLICE MEMORIAL AWARD

Awarded to next of kin of a uniformed member of the service accidentally killed, on or off duty, while performing official duty at scene of incidents such as aircraft disasters, drownings, heart attacks resulting from pursuits, auto accidents, fires, electrocutions, etc.

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.

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.

CIVILIAN COMMENDATION

Awarded to civilian members of the service for:

- a. Exceptional work in connection with their assignment
- b. Excellence in service to the community
- c. Fostering community relations
- d. Displaying initiative towards community 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.

[Rev 00-3] 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. Three (3) arrests in a six (6) month period for operating a vehicle while under the influence of alcohol or drugs. These arrests must be based solely on the member's observation and unrelated to traffic checkpoints, vehicle accidents, or any enforcement activity specifically aimed at DWI enforcement, OR

[Rev 00-3] d. Three (3) or more arrests within a six (6) month period for aggravated unlicensed operation of a motor vehicle, OR facilitating aggravated unlicensed

operation OR aggravated failure to answer appearance tickets or pay fines imposed, and the arrests are based on the member's personal initiative and observations, OR

e. Whenever a uniformed member of the service, not assigned to the Auto Crime Division or a borough Auto Larceny Unit, effects three (3) or, more arrests within twelve (12) month period for larceny of a motor vehicle, OR unauthorized use of motor vehicle, OR criminal possession of stolen property (stolen vehicle), and the arrests are based on the member 's personal initiative and observations.

NOTE: The awarding of Departmental recognition for three (3) or more arrests as described in sections c, d, and e above, is not automatic. Commanding officers, when reviewing the requests, will consider the personal initiative, observations and actions of the recommended member that materially contributed to the arrests and/or the detection of the crimes charged.

[I.O. 27 s 04] 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 Community Policing 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.

DISPLAY OF MEDALS

A uniformed member of the service may 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

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)
Presentation Of Department Recognition Awards (A.G. 305-03)
Unit Citation (A.G. 305-04)
Achievement Citation (A.G. 320-19)

FORMS AND REPORTS

DEPARTMENT RECOGNITION REQUEST (PD439-162)
FIREARMS/DISCHARGE ASSAULT REPORT (PD424-151)
UNUSUAL OCCURRENCE REPORT (PD370-152)
Typed Letterhead

P.G. 205-40 Off Duty Employment

Date Effective: 05-19-00

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 Chief of Personnel, licensing a uniformed member of the service to engage in the off duty employment of providing guards in a security related field.

NOTE: After OFF DUTY EMPLOYMENT APPLICATION (PD407-164) has been prepared and approved, uniformed member of the service wishing to apply for a Watchguard License will be directed to report to Employee Management Division and comply with instructions received.

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.

PROCEDURE

[Rev 2-00] When a uniformed member of the service wishes to engage in off duty employment, or when any member of the service wishes to engage in the practice of law off duty:

APPLICANT

1. Prepare OFF DUTY EMPLOYMENT APPLICATION (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 administrative, managerial or planning functions to be performed and the function of the corporation in space captioned "Describe specific duties and responsibilities."
 - d. Enter name of president of corporation if employed by a corporation.
2. Deliver all copies of completed APPLICATION 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. After subsequent issuance by the Bureau of Alcohol, Tobacco and Firearms, provide a copy of the license to the commanding officer.

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 the commanding officer.

COMMANDING OFFICER

3. Interview applicant and determine if conditions of off duty employment are within Department guidelines and guidelines and rulings published by the Board of Ethics.

4. Forward quintuplicate (file) copy of OFF DUTY EMPLOYMENT APPLICATION to borough commander/counterpart for review, if APPLICATION is for employment in security related field.

BOROUGH COMMANDER/COUNTERPART

5. Assign patrol borough administrator to conduct thorough investigation of security related application.

6. Return OFF DUTY EMPLOYMENT APPLICATION to member's commanding officer indicating approval/disapproval.

COMMANDING OFFICER

7. Ascertain that applicant understands "Guidelines/Prohibitions" as outlined in "Additional Data" statement.

8. Confer with applicant's immediate supervisor.

NOTE: If applicant is on, or being considered for MODIFIED ASSIGNMENT, telephone Office of First Deputy Commissioner to determine whether reason exists for disapproval of APPLICATION and enter results of inquiry on APPLICATION.

9. Enter recommendations, sign and forward OFF DUTY EMPLOYMENT APPLICATION as per instructions on form.

10. Advise member whose APPLICATION has been DISAPPROVED that such decision may be appealed.

NOTE: Forward all disapproved or renewal APPLICATIONS and notice of termination or change in employment to the Employee Management Division.

11. Monitor on-duty performance of member engaged in off duty employment.

12. Recommend revocation of permission if outside employment interferes with member's responsibility to the Department.

13. 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."

14. Reexamine approved OFF DUTY EMPLOYMENT APPLICATION of newly transferred/temporarily assigned member to ensure that current assignment does not result in a conflict of interest or corruption hazard.

APPLICANT

15. Submit new OFF DUTY EMPLOYMENT APPLICATION to report any change in status of employment, i.e., change of employer, duties, location of employment, etc.

16. Submit renewal application for continuing off duty employment beyond each twelve (12) month period at least ten (10) days prior to expiration of current approved request.

17. Prepare Typed Letterhead requesting review of APPLICATION that has been disapproved and submit to Commanding Officer, Employee Management Division.

EMPLOYEE MANAGEMENT DIVISION

18. Assign Off Duty Work Number and insert in appropriate space on form.

19. Request record check from Intelligence Division regarding:

- a. Employer
- b. Individual or premises to be protected, if appropriate.

NOTE: The existence of a record at the above unit will be cause to disapprove APPLICATION.

20. Complete captions under applicable section on APPLICATION; enter recommendations and sign.

21. Distribute copies of APPLICATION as follows:

- a. ORIGINAL - place in member's Personal Folder
- b. DUPLICATE - return to command of origin
- c. TRIPLICATE - place in Off Duty Employment file maintained by Employee Management Division

(1) Security related APPLICATIONS and Watchguard Licenses will be filed under specific categories, i.e., payroll drivers/cashiers, bodyguards, check cashing, etc.

- d. QUADRUPPLICATE - forward to Medical Division.

COMMANDING OFFICER

22. Note approval/disapproval on command file copy of APPLICATION.

23. Return ORIGINAL to member concerned.

24. Advise and instruct member whose APPLICATION 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).

25. Instruct member applying for Watchguard License of "Guidelines for Watchguard License" (see Additional Data statement).

- a. Direct member to report to Employee Management Division to prepare affidavit and comply with instructions received.

26. Direct Integrity Control Officer to verify that members concerned comply with prohibition against requesting overtime compensation for off duty employment related arrests.

27. Indicate on OFF DUTY EMPLOYMENT APPLICATION, after approval and prior to forwarding to Employee Management Division, that a copy of the Class I Federal Firearms License is attached, if applicable.

28. 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).

C.O. FIREARMS AND TACTICS SECTION

29. 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

30. 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.
- (3) Approved in writing from the Chief of Patrol, (Commanding Officer, Movie/Television Unit), IF employment involves working as a technical advisor for motion picture or television productions.

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 member of the service (uniformed or civilian) seeking part time employment in another city agency, or in ANY other governmental jurisdiction or agency MUST prepare "Certification of Compatibility or Dual Employment" (DP1021), in QUADRUPLICATE; ALL FOUR (4) COPIES of the form, which are available at the Employee Management Division, will be forward to the Employee Management Division for processing.

f. Uniformed members of the service engaging in or seeking off duty employment are reminded that 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.

[Rev 2-00] g. 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 transaction 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.

h. 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.

i. 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 P.G. 203-10, "Public Contact - Prohibited Conduct."

j. 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. A "valuable gift" means any gift which has a value of \$50.00 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing of promise, of any form.

k. Members are also prohibited from working, owning, 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.

1. 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. OFF DUTY EMPLOYMENT APPLICATION should be submitted in this regard to the extent that members of the service are being paid for their writing.

It may also be permissible for members of the service to be employed as technical or background 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, OFF DUTY EMPLOYMENT APPLICATION 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.

[Rev 2-00] m. 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 interest of the City. Conflict of interest questions or questions regarding waivers may be directed to the Deputy Commissioner, Legal Matters.

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 (1) 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 (20) hours each week, EXCEPT when performed during vacation period or when on terminal leave.
 - (5) Is to be performed three (3) 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 of the service 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 (1) 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 participation in any pari-mutuel racing as a rider, owner, driver or trainer of a horse.

(16) Involves the consultation/installation/repair of burglar alarms and security systems.

(17) Involves employment as a street peddler within New York City.

(18) Involves employment as a locksmith within New York City.

(19) 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.).

(20) Requires uniformed member of the service to perform investigative duties or secure a New York State investigator's license.

(21) Involves the guarding of diplomatic personnel and/or the premises of diplomatic personnel.

[Rev 2-00] 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 manner in negligence cases or criminal cases.

d. In addition to the general prohibition against superiors and subordinates entering into any business or financial relationship (see P.G. 203-13, "Financial Restrictions - Prohibited Acts"), 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) Uniformed members of the service who accept off duty employment in the private security field must be aware that 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) An off duty uniformed member of the service employed in the private security field does not, 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 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 Workmen's 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 Workmen's Compensation that would duplicate paid sick leave by the City.

(6) OFF DUTY EMPLOYMENT APPLICATION must be submitted to the Employee Management Division for each specific client, location and company of employment. 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. The FIREARM DISCHARGE/ASSAULT REPORT (PD424-151) must be completed and verified for all such incidents occurring in New York City (see P.G. 212-29 "Firearms Discharge And Assaults Involving Uniformed Members Of The Service"). Incidents occurring outside the City of New York require immediate notification to the Operations Unit.

b. To expedite processing, a member requesting permission to engage in off duty employment in the security field is authorized to personally deliver the completed OFF DUTY EMPLOYMENT APPLICATION to the Employee Management Division.

GUIDELINES FOR WATCHGUARD LICENSE:

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 Workmen's Compensation Law or representing employers or groups of employers insured under the Workmen's 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 Management Division after OFF DUTY EMPLOYMENT APPLICATION 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 Division and Identification Section for records check.

(a) If member has no clients at time of making APPLICATION, 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 Management Division will maintain a separate folder for each approved Watchguard License containing a list of clients, locations and copies of approved OFF DUTY EMPLOYMENT APPLICATIONS 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.

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 Management Division with names, 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 OFF DUTY EMPLOYMENT APPLICATIONS.

RELATED PROCEDURES

Civilian Employee 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 (PD407-164)

FIREARM DISCHARGE/ASSAULT REPORT (PD424-151)

FORCE RECORD (406-143)

OVERTIME REPORTS (PD138-064)

P.G. 205-41 Employee Suggestion Program

Date Effective: 01-01-00

PURPOSE

To improve operations of the Department.

DEFINITION

EMPLOYEE SUGGESTIONS - Those suggestions made by members of the service within the guidelines of, and conforming to the procedures established by the Department of Citywide Administrative Services and the Police Department Employee Suggestions Programs. The Employee Suggestion Program considers any proposal that improves some aspect of police operations, public service, community relations, working conditions or safety. A proposal, if adopted, could result in substantial savings in time, money, manpower, equipment or the elimination of waste.

PROCEDURE

When submitting an employee suggestion:

MEMBER OF THE SERVICE

1. Prepare one (1) copy of form EMPLOYEE SUGGESTION PROGRAM (PD115-161).
2. Mail or deliver the completed copy to:

* Employee Suggestion Program, New York City Police Department, Chief of Personnel, One Police Plaza, Room 1208, New York, NY 10038

EMPLOYEE SUGGESTION PROGRAM UNIT MEMBER

3. Assign Personnel Bureau and Employee Suggestion control numbers.
4. Acknowledge receipt of employee suggestion.

DEPARTMENT COORDINATOR

5. Review all suggestions with the Employee Suggestion Program Evaluation Committee.

NOTE: After careful consideration of the merits of an employee suggestion, the Employee Suggestion Program Evaluation Committee will either approve, disapprove or forward the suggestion for further review and evaluation to the appropriate unit or agency.

EMPLOYEE SUGGESTION PROGRAM UNIT MEMBER

6. Notify member concerned of the approval or disapproval of the suggestion.
 - a. If disapproved, indicate reason(s) for rejection on NON-ADOPTION (PD115-121).

DEPARTMENT COORDINATOR

7. Determine degree/amount of award to be presented to member concerned.
8. Conduct liaison with the Department of Citywide Administrative Services, Citywide Employee Suggestion Program.

FORMS AND REPORTS
EMPLOYEE SUGGESTION PROGRAM (PD115-161)
NON-ADOPTION (PD 115-121)

P.G. 205-42 Discontinuance Of Police Service Retirement Or Vested Interest

Date Effective: 01-01-00

PURPOSE

To apply for discontinuance of police service (retirement or vested interest).

DEFINITION

TERMINAL LEAVE - Leave, with pay, computed at the Police Pension Fund and granted to retiring members UPON REQUEST. One (1) month leave is granted for each ten (10) years of service, three (3) days for each completed year of service, and one (1) day for each completed four (4) 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
- c. For time spent on extended leave without pay, unless mandated by law.

PROCEDURE

When a uniformed member of the service wishes to apply for retirement or discontinuance of 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 at least thirty (30) days prior to discontinuance of service (retirement or vested interest). A member applying for terminal leave is requested to report to the Police Pension Fund at least ten (10) days prior to commencement of such leave to allow for clerical processing.
6. Request assignment to second platoon, if necessary.

NOTE: A uniformed member 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 three (3) copies of LEAVE OF ABSENCE REPORT (PD433-041) to his commanding officer, requesting LEAVE WITHOUT PAY for up to thirty (30) days. This leave MAY BE granted 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.

7. Bring PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE and all property listed thereon to Police Pension Fund. If additional tours of duty are to be performed subsequent to appearance at Police Pension Fund, report with PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE form ONLY. Upon completion of last tour of duty, report with ALL property to Police Pension Fund on date specified by Police Pension Fund personnel OR after last tour of duty.

NOTE: When a valid reason exists for testing firearm(s) of member discontinuing police service, member's commanding officer or Executive Director, Police Pension Fund, will prepare REQUEST FOR LABORATORY EXAMINATION (PD521-161) and have member hand deliver firearm(s) with REQUEST direct to Firearms Analysis Section.

8. Deliver property and obtain receipt on PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE, as follows:

a. Department Manual - to Executive Director, Police Pension Fund

b. Shield - to Administrator-in-Charge, Employee Management Division

c. IDENTIFICATION CARD (PD416-091) - to Executive Director, Police Pension Fund for perforation and return to member for delivery to Administrator-In-Charge, Employee Management Division for re-issue of IDENTIFICATION CARD marked "Retired"

d. Firearm(s), if not previously vouchered - to Manhattan Property Clerk's Section if NOT applying for a pistol license. (Member discontinuing police service will prepare PROPERTY CLERK'S INVOICE (PD521-141) and two (2) copies of *PISTOL INDEX CARD (PD542-101) at Property Clerk facility). Firearm(s) previously vouchered at other borough Property Clerk Sections will be forwarded to Manhattan Property Clerk's Section by the Property Clerk

*NOTE: The revocation of Department form, PISTOL INDEX CARD (PD524-101) is reiterated in I.O. 49 and 50 s 03.

e. Helmet and mace with holster - to Firearms and Tactics Section, Police Headquarters range.

NOTE: A member intending to apply for a pistol license will comply with instructions received from the Executive Director, Police Pension Fund. Members who reside within the confines of New York City MUST have PISTOL 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 pistol license to the licensing officer in the municipality in which the member resides.

9. Deliver to Executive Director, Police Pension Fund

a. Five (5) copies of PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE indicating disposition of property

b. Copy of PROPERTY CLERK'S 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

b. PROPERTY CLERK'S INVOICE, if prepared.

DESK OFFICER

12. 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.

13. Notify commanding officer and next higher command.

14. Notify roll call clerk.

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.

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.

A member who discontinues terminal leave PRIOR to the effective retirement date may NOT be granted vacation for at least thirty (30) days AFTER discontinuance of such leave. A member may, however, apply for a thirty (30) 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 (30) 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.

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)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)

LEAVE OF ABSENCE WITHOUT PAY (PD433-041)

PENSION APPLICATION (PD440-045)

PISTOL INDEX CARD (PD542-101)

PISTOL LICENSE APPLICATION (PD643-041)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

Typed Letterhead

P.G. 205-43 Discontinuation Of Police Service - Resignation

Date Effective: 01-01-00

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 (1) year of date of resignation.
3. Request member concerned to complete, in ink, and sign appropriate section of RESIGNATION AND EXIT INTERVIEW (PD425-151).
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 each copy of form.
6. Have stationhouse 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 FUEL DISPENSING SYSTEM card from resigning member, and:
 - a. Notify Fuel Control Unit, by telephone, of resignation.
 - b. Forward card to Fuel control Unit.
10. Notify Operations Unit that uniformed member is resigning.
11. Give member on duty at Operations Unit 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
- 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 Employee Management Division.

12. Assign member concerned to second platoon on last working day.

a. If last workday 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

13. Prepare PROPERTY CLERK'S INVOICE (PD521-141) listing firearms to be safeguarded.

NOTE: Borough Property Clerk facilities will ONLY accept property recorded on the pre-numbered PROPERTY CLERK'S INVOICE that pertains to that borough.

14. Prepare two (2) copies of *PISTOL INDEX CARD (PD524-101) for each firearm to be safeguarded.

*NOTE: The revocation of Department form, PISTOL INDEX CARD (PD524-101) is reiterated in I.O. 49 and 50 s 03.

15. Prepare one (1) set of carbon interleaved (four [4] part) ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICER - REPORT TO NEW YORK STATE POLICE (PD424-150) for each firearm safeguarded.

16. Deliver firearms with PROPERTY CLERK'S INVOICE, *PISTOL INDEX CARD, ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICER - REPORT TO NEW YORK STATE POLICE to borough Property Clerk's Section, ONLY.

*NOTE: The revocation of Department form, PISTOL INDEX CARD (PD524-101) is reiterated in I.O. 49 and 50 s 03.

17. Report to Police Pension Fund on last working day in civilian clothes with PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE, ALL property and two (2) copies of - PROPERTY CLERK'S INVOICE (pink copy and green copy).

a. Resigning uniformed member of the service will retain "blue" copy of PROPERTY CLERK'S 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 in Headquarters.

18. Deliver department property to commands indicated below and obtain receipt on PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE form.

a. Department Manual (Patrol Guide, Administrative Guide, Organization Guide and Detective Guide) - to Executive Director, Police Pension Fund

b. Identification Card and shield - to Administrator, Employment Section

c. Helmet, mace and mace holster - to officer-in-charge, Firearms and Tactics Section, Police Headquarters Range.

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 captain and above MUST return the Patrol, Administrative, Detective and Organization Guides.

POLICE PENSION FUND REPRESENTATIVE

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

b. PROPERTY CLERK'S 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.

IF MEMBER IS RESIGNING IN PERSON, NOT AT PERMANENT COMMAND, AND WILL NOT REPORT TO POLICE PENSION FUND FOR PROCESSING:

DESK OFFICER COMMAND OF RESIGNATION

24. Prepare RESIGNATION AND EXIT INTERVIEW (five [5] part snap-out).

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.

28. Notify member's permanent command of resignation.

29. Make Command Log entry of member's resignation including names of persons notified.

30. Question resigning member concerning location of property.

31. 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.

32. Assign uniformed member to deliver property of resigning member to permanent command.

33. Instruct resigning member to contact Police Pension Fund for instructions concerning benefits.

DESK OFFICER PERMANENT COMMAND

34. Have following forms prepared:

- a. PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE
- b. PROPERTY CLERK'S INVOICE
- c. *PISTOL INDEX CARDS

*NOTE: The revocation of Department form, PISTOL INDEX CARD (PD524-101) is reiterated in I.O. 49 and 50 s 03.

d. ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICER - REPORT TO NEW YORK STATE POLICE.

35. Inspect member's FORCE RECORD (PD406-143) to determine Department property and firearms possessed by member.

36. Have uniformed supervisor and clerical member of the service open member's locker and obtain property.

37. Have uniformed member of the service deliver resigning member's firearms with related forms to borough Property Clerk's Section.

38. Assign member to deliver PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (five [5] copies), copies of PROPERTY CLERK'S INVOICE (pink and green) and ALL department property to Police Pension Fund.

POLICE PENSION FUND REPRESENTATIVE

39. Process papers of resigning member and check PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE to insure ALL Department property and firearms are returned.

40. Forward to member's permanent command a copy of:

- a. PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE
- b. Copy of PROPERTY CLERK'S INVOICE.

DESK OFFICER PERMANENT COMMAND

41. 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

42. Notify Operations Unit of member's resignation.

- a. Operations Unit personnel will make required notifications.

43. Notify resigning member's permanent command, if necessary.

C.O., PERSONNEL ORDERS SECTION

44. 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

45. Attempt to personally communicate with member to determine location of Department property and member's firearms.

46. Instruct member concerned that pension contributions, etc., will NOT be returned until ALL property and firearms are returned and/or accounted for.

47. Have desk officer inspect FORCE RECORD of member to determine what Department property and firearms are possessed by member.

DESK OFFICER, MEMBER'S COMMAND

48. Assign sergeant and clerical member of the service to open member's locker and obtain department property.

49. Make Command Log entry of all facts.

50. 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

51. Visit location(s) and obtain property.

52. Deliver property to desk officer of member's permanent command.

DESK OFFICER

53. Comply with steps 13 to 18 above, insofar as possible, regarding preparation of forms and delivery of property to Headquarters 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. 203-19, "Vacation Policy".

b. Uniformed members appointed AFTER July 1, 1988 at the rate of:

(1) 2 1/4 days each month AFTER the first five (5) years of service for a total of twenty-seven (27) vacation days

(2) 1 2/3 days each month PRIOR TO 5TH YEAR ANNIVERSARY for a total of twenty (20) 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. 203-19)

FORMS AND REPORTS

ACQUISITION OR DISPOSITION OF FIREARMS BY POLICE OFFICER - REPORT TO NEW YORK STATE POLICE (PD424-150)

PISTOL INDEX CARD (PD524-101)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY RECEIPT - DISCONTINUANCE OF SERVICE (PD520-013)

RESIGNATION AND EXIT INTERVIEW (PD425-151)

P.G. 205-44 Pistol License For Retiring Members Of The Service

Date Effective: 01-01-00

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 (2) copies if resident of New York City
 - b. Three (3) 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 (013 00IN)
 - c. F.B.I. Applicant Form (FD258)

RETIRING MEMBER OF THE SERVICE

5. Obtain three (3) head type photographs, 1 1/2 inch square
 - a. If non-resident of New York City, four (4) photographs are required.

NOTE: Photographs must have been taken within thirty (30) days of application.
6. Report to Identification Section, Police Headquarters with fingerprints for processing.
7. Report to Payroll/Police Pension Fund 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 (\$74) 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'S 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'S INVOICE (PD521-141)

P.G. 205-45 Chronic Absence Control Program

Date Effective: 09-28-01

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 (4) 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 (6) or more times within a twelve (12) month period; OR For any reason EXCEPT an initial line of duty absence or for hospitalization at any time, four (4) or more times within a twelve (12) month period and loses forty (40) 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 (6) months from date of return to duty following last absence.

b. CATEGORY "B" - for nine (9) months from date of return to duty following last absence.

NOTE: Subsequent sick reports, EXCLUDING initial line of duty or hospitalization, during the six (6) or nine (9) 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 (30) 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 Return

b. Assignment to Special Medical District, regardless of residence and existing medical district.

c. Not permitted to leave residence without the express permission of the Special 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 when scheduled, will be visited by a supervising officer of the Medical Division. Member will then be transported to the Special 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 Surgeon determines that:

a. the sick member was able to travel to the Special 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 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.

A FINEST message will be transmitted daily listing those members reporting sick within the previous twenty-four (24) hours and specifically identifying those who will report to the Special 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 AND REPORTS

ABSENCE AND TARDINESS RECORD (PD433-145)

CHARGES AND SPECIFICATIONS (PD468-121)

CHRONIC ABSENT NOTIFICATION (PD433-148)

P.G. 205-46 Counseling Services Unit

Date Effective: 10-17-03

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 located at: 189 Montague Street, 7th Floor, Brooklyn, New York 11201, telephone number: (718) 834-8433, Monday through Friday between 0700-1800 hours. During non-business hours the Counseling Services Unit may be contacted through the Sick Desk Supervisor, at: (718) 760-7606.

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

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 assignments or promotional opportunities. However, the member may be disciplined for specific acts of misconduct.

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 "Administration of Drug Screening Tests for Cause," P.G. 205-30 to make official notification to the commanding officer/duty captain, or Internal Affairs Bureau Command Center when illegal drug use is suspected.

Prior to final adjudication of a disciplinary matter, in all misconduct cases in which the use of alcohol is indicated, an alcoholism assessment by the Counseling Services Unit must be conducted. In addition, in appropriate cases, a final adjudication of the disciplinary matter will be held in abeyance pending completion of treatment for alcoholism. The Department Advocate's Office or the Office of the Special Prosecutor, as appropriate, will ensure that these steps are taken.

In domestic violence cases, the Early Intervention Unit will refer the member to the Domestic Incident Education Program. The Department Advocate's Office or the Office of the Special Prosecutor, as appropriate, will ensure that these steps are taken.

P.G. 205-47 Temporary Removal Of Firearms In Non-Disciplinary Cases

Date Effective: 03-26-04

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, at (718) 760-7606.
2. Direct that the member's pistols, revolvers, IDENTIFICATION CARD (PD416-091), and shield 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'S 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 shield, and IDENTIFICATION CARD into a Plastic Security Envelope and seal. (Do not prepare INVOICE for these items).
- b. Secure firearms, shield, 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 (PD-524-152).

RANKING OFFICER

8. Make notification to Early Intervention 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. Director, Employee Management Division (Attention: Early Intervention Unit) in all cases.

b. The member's commanding officer in all cases.

c. Chief of Internal Affairs Bureau (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 206-10, "Modified Assignment," 206-17, "Removal and Restoration of Firearms" and 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 Unit.

14. Notify member concerned to appear at Psychological Evaluation Unit 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

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 Employee Management Division 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.

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

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, shield, and IDENTIFICATION CARD.
- b. Member must report to the Early Intervention 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, shield, and IDENTIFICATION CARD to member.

21. Ensure that member reports to the Early Intervention Unit on the next business day.

22. Make Command Log entry.

EARLY INTERVENTION UNIT

23. Conduct Career Guidance Interview with the member upon arrival at the Early Intervention Unit.

ADDITIONAL DATA

The interview with the Early Intervention Unit may take place after the member's firearms have been returned provided the interview takes place on the next business day.

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'S INVOICE (PD521-141)
REMOVAL/RESTORATION OF FIREARMS REPORT (PD 524-152)
Disciplinary Matters

P.G. 206-01 Reporting Violations Observed By Supervisors

Date Effective: 01-01-00

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 one 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)
Command Discipline (P.G. 206-02)
Authorized Penalties Under Command Discipline (P.G. 206-04)
Preparation Of Charges And Specifications (P.G. 206-05)

FORMS AND REPORTS

COMMAND DISCIPLINE LOG (PD468-102)
SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

P.G. 206-02 Command Discipline

Date Effective: 01-01-00

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.
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.
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 (60) 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 (3) 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.
17. File REPORT in command.

18. In all cases where a Schedule "B" command discipline has been substantiated and disposed of, forward a copy of the REPORT to the Department Advocate's Office and the Disciplinary Assessment Unit, through channels.

IF MEMBER ACCEPTS FINDINGS AND DECLINES PROPOSED PENALTY

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. Forward a copy of the REPORT and a copy of the Panel's decision to the Department Advocate's Office and the Disciplinary Assessment Unit, for all Schedule "B" violations.

IF MEMBER ELECTS FORMAL CHARGES

23. Enter disposition on REPORT and file.

24. Confer with the Department Advocate's Office regarding the preparation of charges and specifications.

DEPARTMENT ADVOCATE'S OFFICE

25. Prepare and forward CHARGES AND SPECIFICATIONS (PD468-121), after conferral with the commanding officer/executive officer, if appropriate.

26. Record all substantiated Schedule "B" command disciplines in member's Central Personnel Index.

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. 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 (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)

P.G. 206-03 Violations Subject To Command Discipline

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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 give name and shield number to person requesting
20. Failure to notify commanding officer when address, telephone number, or social condition changes

[REV 01-01] 21. Wearing or carrying an unauthorized beeper/pager and/or cellular telephone while on duty

22. Loss of summons or loss of summons book

23. Failure to have locker secured or properly tagged

24. Failure to sign in or out of court

25. Failure to perform duties in connection with court appearances

26. Failure to properly perform or improperly perform patrol or other assignment

27. Failure to present required firearms to the range officer at firearms training cycle

28. Obvious neglect of care of firearm(s)

29. Failure to attend a training cycle (firearms included)

30. Failure to maintain live, authorized ammunition in authorized weapons (includes having the required maximum amount of ammunition in the weapon)

31. Illegal parking of Department or private vehicle(s)

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.

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. 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.

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.

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 borough adjutant, prior to adjudicating a third command discipline for the same member within a six (6) month period, to determine if charges and specifications should be instituted. If charges are appropriate, 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)

Command Discipline (P.G. 206-02)

Authorized Penalties Under Command Discipline (P.G. 206-04)

Preparation Of Charges And Specifications (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)

P.G. 206-04 Authorized Penalties Under Command Discipline

Date Effective: 01-01-00

PURPOSE

To inform members of the service (uniformed and civilian) of the penalties a commanding/executive officer may impose under command discipline.

PROCEDURE

When a command discipline allegation is substantiated:

COMMANDING/EXECUTIVE OFFICER

1. Impose one (1) of the following penalties:

- a. Forfeiture of up to five (5) days vacation or accrued time for Schedule "A" violations.
- b. Forfeiture of up to ten (10) 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 (30) 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 (5) such assignments.

NOTE: The above penalties DO NOT 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.

ADDITIONAL DATA

In all cases where a Schedule "B" command discipline has been substantiated and disposed of, forward a copy of the SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123) to the Department Advocate's Office and the Disciplinary Assessment Unit, through channels.

RELATED PROCEDURE

Command Discipline (P.G. 206-02)

FORMS AND REPORTS

SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

P.G. 206-05 Preparation Of Charges And Specifications

Date Effective: 01-01-00

PURPOSE

To ensure that CHARGES AND SPECIFICATIONS (PD468-121) and related papers are prepared expeditiously, accurately and completely.

PROCEDURE

When a violation is inappropriate for command discipline or when command discipline is declined:

COMMANDING OFFICER/SUPERVISOR PREFERRING CHARGES

1. Direct assigned supervisor/investigator to consult with the Department Advocate's Office regarding the alleged misconduct and obtain approval for the preparation of CHARGES AND SPECIFICATIONS.

a. Provide written documentation, files, and/or investigative reports supporting the basis for charges and specifications, upon request.

NOTE: 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. In appropriate cases, the Department Advocate's Office may direct the issuance of a command discipline in lieu of charges and specifications.

AFTER CHARGES AND SPECIFICATIONS HAVE BEEN VERBALLY APPROVED COMMANDING OFFICER/SUPERVISOR PREFERRING CHARGES

2. Telephone the Internal Affairs Bureau Command Center.

a. Obtain name of Internal Affairs Bureau member notified and log number.

3. Provide the Department Advocate's Office with a Typed Letterhead, addressed to the First Deputy Commissioner, describing the basis for each charge and specification.

a. Include the following:

(1) Internal Affairs Bureau log number and name of person notified

(2) Command/bureau serial number

(3) Duty schedule of complainant and respondent

(4) Name of consulting attorney who approved charges and specifications.

NOTE: When a member of the service has been suspended, the report on Typed Letterhead must be forwarded to the Department Advocate's Office within forty-eight (48) hours of suspension.

4. Provide the Department Advocate's Office with two (2) copies of the investigative file that the charges and specifications are to be based on.

a. Provide any other additional documentation and/or reports that are requested by the Department Advocate's Office.

5. 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 same to the Department Advocate's Office.

DEPARTMENT ADVOCATE

6. Direct the preparation of an original set of CHARGES AND SPECIFICATIONS.

a. Forward to commanding officer of the originating command along with original Typed Letterhead.

(1) Base charges and specifications on criminal indictment or information, if any, arising out of same subject matter.

NOTE: If criminal charges are dismissed or result in acquittal, consult with the commanding officer concerned, if necessary.

(2) Endorse approved CHARGES AND SPECIFICATIONS and date stamp.

(3) Ensure that CHARGES AND SPECIFICATIONS contain the correct serial number from the originating command and all information pertaining to the duty schedules of the complainant and the respondent.

NOTE: 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 disciplinary/dismissal probation, the specifications will be prefaced with the words, "While on disciplinary/dismissal probation."

When a member of the service has been suspended, the completed CHARGES AND SPECIFICATIONS will be forwarded to the requesting supervisor within two (2) business days from the time the request for charges is received.

COMMANDING OFFICER/SUPERVISOR PREFERRING CHARGES

7. Have member of the service preferring charges and specifications sign the original CHARGES AND SPECIFICATIONS.

8. Sign the CHARGES AND SPECIFICATIONS.

9. Date stamp and forward original CHARGES AND SPECIFICATIONS and original Typed Letterhead to the next higher command within forty-eight (48) hours.

WITHIN THREE (3) BUSINESS DAYS OF RECEIPT OF CHARGES AND SPECIFICATIONS

COMMANDING OFFICER, NEXT HIGHER COMMAND

10. Endorse the original set of CHARGES AND SPECIFICATIONS.

11. Date stamp and forward the original set of CHARGES AND SPECIFICATIONS and Typed Letterhead to the Department Advocate's Office.

12. Forward copy of CHARGES AND SPECIFICATIONS to:

- a. Chief of Personnel
- b. Member's command
- c. Originating command.

13. Retain copy of CHARGES AND SPECIFICATIONS.

UPON RECEIPT OF CHARGES AND SPECIFICATIONS FROM BOROUGH COMMANDER/COUNTERPART

DEPARTMENT ADVOCATE

14. Review for completeness and date stamp. Ensure assigned attorney completes review and assessment of the CHARGES AND SPECIFICATIONS within thirty (30) days.

ADDITIONAL DATA

Commanding officers are directed to fully complete the DEPARTMENT ADVOCATE'S OFFICE BACKGROUND INFORMATION REPORT (PD468-147), relating to evaluation and whether or not member is on disciplinary or entry level probation. This must be completed and forwarded within five (5) days of receipt to 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)

Review Of Disciplinary Charges (A.G. 318-02)

Official Communications - Preparation (A.G. 322-11)

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)

DEPARTMENT ADVOCATE'S OFFICE BACKGROUND INFORMATION REPORT(PD468-147)

Typed Letterhead

P.G. 206-06 Service And Disposition Of Charges And Specifications

Date Effective: 01-01-00

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 (2) 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 (6) 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 cannot 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, return receipt requested, 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 (3) 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" cannot 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, return receipt requested) 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 (3) 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)

P.G. 206-07 Cause For Suspension Or Modified Assignment

Date Effective: 01-01-00

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 (5) 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.

NOTE: Traffic Managers and Administrative School Safety Managers are authorized to suspend civilian personnel under their command for violations listed in step 2 above. (The principal of the school where the school safety agent is assigned will be notified of the suspension). Suspension by a ranking officer, by a Traffic Manager or an Administrative School Safety Manager, other than a captain 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 arrested
- 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.

NOTE: 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.

ADDITIONAL DATA

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), he/she 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 (3) 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), he/she 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 him/her on modified assignment; apprise the member concerned of the availability of the Counseling Service Program, and, if the member desires to participate, contact the Counseling Service 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 seven (7) copies of report on Typed Letterhead detailing observations and circumstances leading to determination of unfitness and action taken. Forward copies (DIRECT) to First Deputy Commissioner, Deputy Commissioner - Trials, Chief of Department, Chief of Personnel, Department Advocate's Office, and one (1) copy to be filed in command. An additional copy will be forwarded to the First Deputy Commissioner (THROUGH CHANNELS).

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)
Typed Letterhead

P.G. 206-08 Suspension From Duty Uniformed Member Of The Service

Date Effective: 01-01-00

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 all Department property 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 residence precinct. (Captain and above will report to residence borough command.)
4. Inform suspended member that he may request waiver of reporting requirement by submitting form AGREEMENT TO ACCEPT SERVICE OF NOTICE (PD468-126) at residence precinct or Department Advocate's Office.

NOTE: If suspended member prepares form in residence precinct, the precinct commander will forward a copy of the form to the Department Advocate's Office. If the form is prepared in the Department Advocate's Office, Department Advocate personnel will notify the desk officer, precinct of residence that the suspended member no longer has to report.

UNIFORMED MEMBER OF THE SERVICE

5. Surrender, promptly, all Department property and all pistols or revolvers 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 residence precinct, if below rank of captain, or residence 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."
 - 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 (48) hours of the suspension.

MEMBER'S COMMANDING OFFICER

12. Have CHARGES AND SPECIFICATIONS prepared.

IF SUSPENDED MEMBER ELECTS NOT TO SUBMIT WAIVER (AGREEMENT TO ACCEPT SERVICE OF NOTICE)

UNIFORMED MEMBER CONCERNED

13. Report to residence precinct each Monday, Wednesday and Friday.

DESK OFFICER, RESIDENCE 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

17. Maintain a list of uniformed members of the service who are suspended and are required to report to the residence 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, Trial Calendar Unit.

19. Monitor appearances of suspended uniformed members of the service.

20. Inform commanding officer when suspended member fails to report as required.

COMMANDING OFFICER, RESIDENCE 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.

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 (1) full week. The maximum time shall be four (4) full weeks. The member shall always be returned to duty on a Sunday at 0001 hours.

RELATED PROCEDURES

Preparation Of Charges And Specifications (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)
Suspension Of Civilian Employee (A.G. 319-18)
Residence Reports (A.G. 320-02)

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)

P.G. 206-09 Suspension From Duty - Civilian Member Of The Service

Date Effective: 01-01-00

PURPOSE

To temporarily prohibit a civilian member of the service from performing duty and to complete disciplinary procedures within (30) 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 all Department property.
 - a. Have IDENTIFICATION CARD (PD416-091) forwarded direct to Employee Management Division with Typed Letterhead and obtain receipt.
 - b. Have Department Gas Card forwarded to Fuel Control Center with Typed Letterhead and obtain receipt.
 - c. Have other department property safeguarded at command, e.g., keys, etc.
3. Direct civilian member of the service not 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) must be forwarded within forty-eight (48) hours of suspension.

RANKING OFFICER IN CHARGE

8. Submit report on Typed Letterhead within twenty-four (24) 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 (30) days.

12. Notify Department Advocate of all relevant facts, if circumstances indicate case may not be disposed of within thirty (30) days.

IF CIVILIAN HAS BEEN ARRESTED

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 (30) 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 (30) 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 (30) 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 respond to Employee Management Division for IDENTIFICATION CARD, 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 And Disposition 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

Notification-Certain Arrest Situations (P.G. 208-69)

Command Discipline (P.G. 206-02)

Preparation Of Charges And Specifications (P.G. 206-05)

Service Of Charges And Specifications (P.G. 206-06)

Cause For Suspension Or Modified Assignment (P.G. 206-07)

Civilian Employee Resignation (A.G. 319-17)

FORMS AND REPORTS

CHARGES AND SPECIFICATIONS (PD468-121)

COMPLAINT REPORT(PD313-152)

IDENTIFICATION CARD (PD416-091)

Typed Letterhead

P.G. 206-10 Modified Assignment

Date Effective: 03-26-04

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 Patrol Guide procedure 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 member that 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". (Member may retain Department Manual).
3. Direct member to report in civilian clothes at 0900 hours, the next business day to Personnel Orders Section.
4. Enter facts in Command Log.
5. Notify supervisor on duty at Operations Unit immediately.
 - a. Notify Internal Affairs Bureau Command Center.
6. Immediately submit report (DIRECT) to First Deputy Commissioner, Deputy Commissioner - Trials, Chief of Department, Chief of Personnel, Dept. Advocate, and member's commanding officer. Forward additional copy of report to First Deputy Commissioner (THROUGH CHANNELS).

UNIFORMED MEMBER OF THE SERVICE CONCERNED

[I.O. 48 s 04] 7. Report to the Employee Management Division, Shield and Identification Card Unit for a new IDENTIFICATION CARD.

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 return of such property.

A uniformed member of the service on modified assignment who desires to be restored to duty will submit a request to the First Deputy Commissioner's Office through the Department Advocate's Office.

A member continues to accrue vacation and is permitted to take vacation or authorized leave if there is no conflict with appearance at 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 or with authorized excusals.

If uniformed member on modified assignment does not carry out his 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.

RELATED PROCEDURES

Cause For Suspension Or Modified Assignment (P.G. 206-07)

Removal And Restoration Of Firearms (P.G. 206-17)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)

P.G. 206-11 Member Of The Service Arrested (Uniformed Or Civilian)

Date Effective: 01-01-00

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 (24) hours.

12. Ascertain status of case no later than twenty-four (24) 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. Chief of Internal Affairs
- e. Department Special Prosecutor or Department Advocate's Office, as appropriate
- 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 (24) 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 CHIEF OF 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 (6) 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 (24) hours.

24. Ascertain status of case no later than twenty-four (24) 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, Chief of Internal Affairs, Department Special Prosecutor or Department Advocate's Office (as appropriate), 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 (30) 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 Chief of 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 (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)

Review Of Arrest Cases Involving A Member Of The Service As A Defendant (P.G. 206-16)

FORMS AND REPORTS

Typed Letterhead

P.G. 206-12 Removal Of Firearms From Intoxicated Uniformed Member Of The Service

Date Effective: 10-17-03

REMOVAL OF FIREARMS FROM INTOXICATED UNIFORMED MEMBER OF THE SERVICE

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 Program.

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.

9. Have supervisory officer contact Counseling Service DIRECT, during normal business hours. At other times, conferral with a counselor may be requested by contacting the Sick Desk supervisor.

10. Prepare five (5) copies of all completed SUPERVISOR'S FITNESS FOR DUTY REPORTS (commanding officer/duty captain's and referring supervisor's).

11. Prepare seven (7) 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 (THROUGH CHANNELS)
- c. Chief of Department (DIRECT)
- d. Chief of Personnel (DIRECT)
- e. Deputy Commissioner - Trials
- f. Department Advocate's Office
- g. Member's commanding officer.

ADDITIONAL DATA

Prior to final adjudication of a disciplinary matter, in all misconduct cases in which the use of alcohol is indicated, a conferral with the Early Intervention Unit must be made, and an alcoholism assessment by the Counseling Services Unit, must be conducted. In addition, in appropriate cases, final adjudication of the disciplinary matter will be held in abeyance pending completion of treatment for alcoholism. The Department Advocate's Office or the Office of the Special Prosecutor, as appropriate, are required to ensure that these steps are taken.

RELATED PROCEDURES

Cause For Suspension Or Modified Assignment (P.G. 206-07)
Suspension From Duty (P.G. 206-08)
Modified Assignment (P.G. 206-10)
Administration Of Drug Screening Tests For Cause (P.G. 205-30)
Removal/Restoration Of Firearms (P.G. 206-17)

FORMS AND REPORTS

SUPERVISOR'S FITNESS FOR DUTY REPORT (PD469-150)
Type Letterhead

P.G. 206-13 Interrogation Of Members Of The Service

Date Effective: 01-01-00

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.
2. Notify member concerned two (2) business days prior to date of hearing to permit member to obtain and confer with counsel.

NOTE: A uniformed member of the service in the rank of police officer who is the subject of an official investigation will be given two (2) business days prior to the date of a hearing, if a serious violation is alleged or sufficient justification is presented even though the alleged violation is minor, to obtain and confer with counsel. In addition, a police officer that is a witness in an official investigation is entitled to a period of time, up to four (4) hours, to confer with counsel.

A uniformed member of the service in the rank of detective, sergeant, lieutenant or captain and above, who is the subject of an official investigation or 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 of detectives, sergeants, lieutenants, and captains and above in emerging investigations, 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.

3. 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 statements (see P.G. 203-08).
4. Permit representative of department line organization to be present at all times during interrogation.
 5. Conduct interrogation at reasonable hour, preferably when member is on duty during daytime hours.
 6. 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.
 7. 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.
 8. Regulate duration of question periods with breaks for meal, personal necessity, telephone call, etc.
 9. 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 (10) days prior to the date of Department trial except as directed by the Deputy Commissioner - Trials.
 10. Conduct interrogation within a reasonable time after disposition of criminal matter, when member was arrested, indicted or under criminal investigation.

DEPARTMENT ADVOCATE

11. Furnish member with copy of tape of interrogation no later than twenty (20) days after service of charges.
 - a. If interrogation was conducted after service of charges, tape must be furnished to member no later than five (5) 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

12. Assign member to 2nd Platoon, if possible.

MEMBER OF THE SERVICE

13. Answer questions specifically directed and narrowly related to official duties. (Refusal shall result in suspension from duty).

14. Submit OVERTIME REPORT (PD138-064) if lost time accrues as result of investigation.

SUPERVISOR IN CHARGE OF INVESTIGATION

15. Notify the desk officer immediately when member of the service is directed to leave his post or assignment to report for an official investigation.

16. 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

17. 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 without 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 immediately.

FORMS AND REPORTS
CHARGES AND SPECIFICATIONS (PD468-121)
OVERTIME REPORT (PD138-064)

P.G. 206-14 Sealing Disciplinary Records

Date Effective: 01-01-00

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 Employee Management 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 (3) years after the disposition of the most recent disciplinary violation.

UPON RECEIPT OF ENDORSED REQUEST

EMPLOYEE MANAGEMENT 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. Disciplinary Assessment Unit

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 Early Intervention Unit as necessary to enable those commands to perform their respective responsibilities.

RELATED PROCEDURES

Command Discipline (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

P.G. 206-15 Sealing Disciplinary Charges

Date Effective: 01-01-00

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, not earlier than two (2) years following final decision after trial, 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 final on the date it is signed by the Police Commissioner.

2. Forward request direct 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 Assistant Commissioner - Department Advocate.

ASSISTANT 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 not occur, OR

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. However, 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

P.G. 206-16 Review Of Arrest Cases Involving A Member Of The Service As A Defendant

Date Effective: 01-01-00

PURPOSE

To enable the Department's Special Prosecutor to conduct an immediate, initial review of all criminal cases where a member of the service is a defendant, and to ensure appropriate case assignment.

PROCEDURE

When a member of the service is arrested:

BUREAU/UNIT MAKING ARREST

1. Ensure copies of reports (i.e. Typed Letterhead, addressed to First Deputy Commissioner, and other arrest paperwork) are hand delivered on day of occurrence or by 0900 hours next business day.

DEPARTMENT SPECIAL PROSECUTOR

2. Review investigative reports concerning arrest.

3. Recommend to the First Deputy Commissioner that the matter be assigned to either the Department Advocate's Office, or the Department Special Prosecutor's Office.

NOTE: If the case is appropriate for assignment to the Department Special Prosecutor's Office, wording of charges and specifications will be prepared by the Department Special Prosecutor and returned to the Commanding Officer, Department Advocate's Office for all necessary processing. The case will then be assigned to the Department Special Prosecutor's Office.

However, if the case is appropriate for assignment to the Department Advocate's Office, the case folder will be returned to the Commanding Officer, Department Advocate's Office and assigned to an attorney for consultation and approval of charges.

4. Maintain a log of all cases.

5. Inform unit concerned of case assignment as determined by the First Deputy Commissioner.

PENDING CRIMINAL CASE WHERE MEMBER OF THE SERVICE HAS NOT BEEN SEPARATED FROM DEPARTMENT PRIOR TO CONCLUSION OF CRIMINAL CASE:

BUREAU/UNIT RESPONSIBLE FOR ARREST

6. Monitor each court appearance of subject member of the service.

7. Notify assigned Department prosecutor (Department Advocate or Department Special Prosecutor) upon conclusion of criminal matter.

a. Initiate additional investigation, as directed.

WHEN MEMBER OF THE SERVICE IS CONVICTED:

DEPARTMENT ADVOCATE/SPECIAL PROSECUTOR

8. Recommend an appropriate administrative disposition of case upon being notified of a conviction.

NOTE: In cases where the recommendation is dismissal, a Final Order of Dismissal and appropriate base papers will be submitted to the First Deputy Commissioner.

DISMISSAL OF CRIMINAL MATTER (ACQUITTAL, VIOLATION, ETC.):

DEPARTMENT ADVOCATE/SPECIAL PROSECUTOR

9. Evaluate the case, and make an appropriate recommendation to the First Deputy Commissioner, without delay upon notification of dismissal of the criminal matter.

FORMS AND REPORTS

Typed Letterhead

P.G. 206-17 Removal And Restoration Of Firearms

Date Effective: 03-26-04

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 Employee Management Division 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.

9. Notify Medical Division - Sick Desk and obtain a Firearms Removal serial number.

10. Have PROPERTY CLERK'S 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'S 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 (1) copy of REMOVAL/RESTORATION OF FIREARMS REPORT by messenger to Employee Management Division 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 (3) 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 (2) 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 (1) copy of disapproved REPORT to member concerned and file second copy.

MEMBER CONCERNED

20. Present one (1) approved copy of REMOVAL/RESTORATION OF FIREARMS REPORT to:

a. Commanding Officer, Employee Management Division for return of shield and IDENTIFICATION CARD.

b. Property Clerk's borough office for return of firearms. (Shield and IDENTIFICATION CARD must be shown).

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)

FORMS AND REPORTS

FORCE RECORD (PD406-143)

PROPERTY CLERK'S INVOICE (PD521-141)

REMOVAL/RESTORATION OF FIREARMS REPORT(PD 524-152)

Complaints

P.G. 207-01 Complaint Reporting System

Date Effective: 01-01-00

DEFINITIONS

ON LINE COMPLAINT SYSTEM (OLCS) - A software program installed on Local Area Network (LAN) workstations designed to permit information from a complaint to be entered and stored on Department computers configured accordingly. This data is stored locally and centrally in the Department's mainframe databases for subsequent crime analysis, mapping and auditing purposes.

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, Organized Crime Control 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 (2) ounces or less (NOT IN A BUILDING), or found marijuana two (2) 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.

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 Sodomy 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 Sodomy 1st Degree, the complaint will be recorded as follows:

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

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

[b] If the location of the rape/sodomy 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/sodomy 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 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 SYSTEM 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 OLCS and prepared from the information recorded on the COMPLAINT REPORT WORKSHEET submitted by the reporting member.

OLCS INDEX - A report generated by the OLCS which is used to chronologically record complaints received and also serves as a catalog of complaints for a particular precinct.

COMPLAINT FOLLOW-UP (blue) and SECOND SHEET (PD313-081) - 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 a COMPLAINT FOLLOW-UP (blue) 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 Child Under 16 Years Of Age (Other Than A Juvenile 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 (16) 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
 - i. Criminal Possession of Stolen Property, 5th Degree - Section 165.40, Penal Law
 - j. Escape, 3rd Degree - Section 205.05, Penal Law

- k. Issuing Abortional Articles - Section 125.60, Penal Law
 - l. Endangering the Welfare of a Child - Section 260.10, Penal Law
 - m. Obscenity and related offenses - Article 235, Penal Law
 - n. Permitting Prostitution - Section 230.40, Penal Law
 - o. Promoting Prostitution - Section 230.20, Penal Law
 - p. Sex Offenses - Article 130, Penal Law
 - q. 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 accidents in which persons are killed or seriously injured and likely to die.
 9. Motor vehicle/bicycle accidents 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 both an On Line COMPLAINT REPORT (WORKSHEET is not required) and a MISSING/UNIDENTIFIED PERSON REPORT (PD336-151) using the same complaint number for both reports.

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 (7) 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

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 (7) major felonies coupled with any other offense not within the seven (7) 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/sodomy 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 (7) 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.

The OLCS will automatically assign a complaint number to each complaint. Proper preparation of Complaint Reporting System 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 (blue)	COMPLAINT FOLLOW-UP SECOND SHEET
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" area of the COMPLAINT REPORT WORKSHEET or COMPLAINT FOLLOW-UP (blue). "Property" information may also be continued in the "Details" area of the COMPLAINT FOLLOW-UP (blue), providing sufficient room exists and entries are clearly distinguishable from other "Details" information.

b. Space is insufficient in the "Details" area of the forms.

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).

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 person killed or injured and likely to die as a result of a motor vehicle accident
- 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 (2) wanted or arrested persons are being reported on a COMPLAINT FOLLOW-UP (blue) or 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 OLCS as per these guidelines.

ALL FOLLOW-UP reports are not currently processed via OLCS. Therefore, the COMPLAINT FOLLOW-UP (blue) must be forwarded to the Data Integrity Unit and COMPLAINT FOLLOW-UP INFORMATIONAL (pink) must be forwarded to the Criminal Records Section and prepared for manual electronic storage. Staples should NOT be used as they hamper the storage processing. These reports must be forwarded to the appropriate units within 24 hours of preparation.

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 (blue), or 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 OLCS for any reason, the MOS utilizing the system must use his/her own authorization (password).

FORMS AND REPORTS

COMPLAINT FOLLOW-UP and SECOND SHEET (PD313-081)

COMPLAINT FOLLOW-UP INFORMATIONAL and SECOND SHEET (PD313-081A)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

P.G. 207-02 Complaints Not Recorded On Complaint Report

Date Effective: 01-01-00

COMPLAINT

1. Complaints of Juvenile Delinquency (Except selected offenses listed in P.G. 207-01, "Complaint Reporting System").

HOW RECORDED OR REFERRED

* JUVENILE REPORT (PD377-151)
see P.G. 215-08, "Juvenile Report."

2. Truancy

* YOUTH REFERRAL (PD377-153)
see P.G. 215-07, "Truants."

3. Persons in need of supervision (PINS) male/female less than sixteen (16) years of age.

* JUVENILE REPORT (PD377-151)
(see P.G. 215-08, "Juvenile Report").

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 Serious 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 Serious 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, "Unnecessary Noise Violations General Prohibition").
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 * OLBS ARREST WORKSHEET authorities. (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 240.37, Penal Law - Loitering for the purpose of:
 - (1) Engaging in Prostitution (Violation or B Misdemeanor if previously convicted of Sections 230.00 or 230.05, Penal Law)
 - (2) Patronizing a Prostitute (Violation or B Misdemeanor if previously convicted of Sections 230.00 or 230.05, Penal Law)
 - (3) Promoting Prostitution (A Misdemeanor).
 - j. Section 240.35, Penal Law - Loitering (Violation) (EXCEPT subdivision two (2) 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 (8) persons have been arrested.

FORMS AND REPORTS

CIVILIAN COMPLAINT REPORT (PD313-154)
CIVILIAN COMPLAINT REPORT STATISTICAL SUMMARY SHEET (PD313-154B)
JUVENILE REPORT (PD377-151)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
REPORT OF UNCLAIMED PROPERTY (PD542-122)
YOUTH REFERRAL (PD377-153)

RELATED PROCEDURES

Allegations of Corruption and Serious 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)
Unnecessary Noise Violations - General Prohibitions (P.G. 214-23)
Truants (P.G. 215-07)
Juvenile Report (P.G. 215-08)
Processing Found Property (P.G. 218-26)

P.G. 207-03 Voiding Complaint Reports

Date Effective: 01-01-00

PURPOSE

To eliminate complaints which were improperly recorded.

PROCEDURE

To VOID COMPLAINT REPORT after assignment of a precinct serial number by the OLCS:

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 MOS; a precinct complaint number was used for a complaint which should receive an OCCB 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 OLCS.

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 OLCS menu to properly document the VOIDED complaint in the OLCS.

IF COMPLAINT REPORT HAS BEEN FINALIZED:

DESK OFFICER

6. Have command clerk prepare COMPLAINT FOLLOW-UP (PD313-081).

COMMAND CLERK

7. Reclassify original offense to "VOIDED."

8. Enter under "Details" on COMPLAINT FOLLOW-UP:

- 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 COMPLAINT FOLLOW-UP to precinct file copy of voided COMPLAINT REPORT.

DESK OFFICER

10. Ensure that COMPLAINT FOLLOW-UP 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 or reused in the OLCS.

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 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 FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

JUVENILE REPORT (PD377-151)

P.G. 207-04 Reporting Of Complaints Occurring In Another Command

Date Effective: 01-01-00

PURPOSE

To refer certain complaints occurring in another command.

SCOPE

Complaint data entered into the OLCS from a command LAN terminal will automatically be made available via computer to a transit district covered by that precinct. Conversely, complaint data entered into the OLCS from a transit district LAN terminal will automatically be made available via computer to a precinct covered by that district. This on-line process 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 OLCS 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 OLCS 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 (PD313-154A) 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 precinct/transit district OLCS 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.

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)

P.G. 207-05 Duplicate Copies Of Complaint Reports

REVISION: 00 - 04

Date Effective: 09-22-00

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 in OLCS, 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, Firearms Control 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, Firearms Control Section
12. Involving actual bombing or threat of	* Internal Revenue Service-

bombing	Assistant Regional Commissioner, Alcohol, Tobacco and Firearms Division
13. Involving food stamps	* U.S. Department of Agriculture
14. Occurring on Board of Education property or involves personnel of Board 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 Squad
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 L.I.R.R. facility/Metro-North facility	* M.T.A. 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 of drivers of medallion taxicabs, non-medallion for-hire vehicles, and delivery trucks.	* Special Operations Division Taxi 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/Department of 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

[I.O. 36s 01]35. Complaints of:

* Borough Special Victims
Squad

(1) Rape or Attempted Rape

* In Borough of Brooklyn,
forward copy of child abuse
complaints to Brooklyn
Child Abuse Squad instead
of Special Victims Squad

(2) Sodomy or Attempted Sodomy

(3) Sexual Abuse, 1st degree only

(4) Aggravated Sexual Abuse

(5) Child Abuse: victim less than eleven years of age OR any allegation of any sex crime and victim is less than thirteen years of age

[I.O. 36-1 s 01] NOTE: ANY complaint involving sex related offenses, including secondary offenses that are sex related, requires a duplicate copy of the COMPLAINT REPORT (PD313-152) to be forwarded to the designated Special Victims Squad.

[I. 0. 53 s 04] 36. Any graffiti incident involving defacement of public or private property

Citywide Vandals Task
Force

[I. 0. 53 s 04] 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. Lost or stolen passports, alien registration cards and naturalization papers

* Counter Terrorism Division,
Global Intelligence &
Analysis Section

FORMS AND REPORTS
COMPLAINT REPORT (PD313-152)

P.G. 207-06 Notifications

Date Effective: 01-01-00

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

2. Notify units/agencies DIRECTLY for the following:

a. Child under eighteen (18) years of age: ABUSED, NEGLECTED OR MALTREATED - notify New York State Child Abuse and Maltreated Register, (800) 342-3720.

b. IMPERSONATION OF A POLICE OFFICER - notify Command Center, Internal Affairs Bureau at (212) 741-8401.

[I.O. 35 s 02] c. INVOLVING PRIVATE CARTING INDUSTRY, CITY OWNED WHOLESALE MARKETS, OR BOATS INVOLVED IN OFF SHORE SHIPBOARD GAMBLING EMANATING FROM NEW YORK CITY LOCATIONS - notify Business Integrity Commission, (212) 676-6219, Monday through Friday, between 1000 and 1800 hours. After hours, contact Organized Crime Investigation Division via the Organized Crime Control Bureau, Field Operations Desk at (646) 610-6610.

[I.O. 35 s 02] NOTE: The Business Integrity Commission is responsible for the following City owned Wholesale Markets: - Fulton Fish Market, South Street & Fulton Street, Manhattan (001 Pct.) - Gansevoort Meat Market, 661-669 West Street, Manhattan (006 Pct.) - Hunts Point Produce Market, 37 Terminal Market, Bronx (041 Pct.) - Hunts Point Meat Cooperative, 445 Food Center Drive, Bronx (041 Pct.) - Bronx Terminal

Market, 201 Bronx Terminal Market, Bronx (044 Pct.) - Brooklyn Terminal Market, 6025 Foster Avenue, Brooklyn (069 Pct.) - Brooklyn Wholesale Meat Market, 6640 First Avenue, Brooklyn (072 Pct.)

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

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 The On-Line Complaint System." The Chief of Internal Affairs, will be responsible for notification and disbursement of information pertaining to such allegation, to the appropriate agency.

Whenever a member of this Department (other than a member assigned to Internal Affairs Bureau, Detective Bureau or the Organized Crime Control Bureau) requires the assistance of the Immigration and Naturalization Service in connection with a criminal investigation, a notification will be made to the Intelligence Division twenty-four (24) hours a day, seven (7) days a week, at telephone number (212) 741-8400. Intelligence Division will process the request and the member requesting assistance will provide the Intelligence Division with all pertinent details and advise whether the request is of a routine or emergency nature. Intelligence Division will maintain a log of any such requests for assistance. Routine requests for assistance will be telephoned to the Immigration and Naturalization Service at 0800 hours each weekday morning by members assigned to the Intelligence Division. The Immigration and Naturalization Service will be requested to contact the requesting member of this Department. Emergency requests for assistance will be made by the Intelligence Division to the designated after hours Immigration and Naturalization Service supervisor or selected agent. The requesting member of the service will be notified by the Intelligence Division of the response that was provided by Immigration and Naturalization Service. Their response may include opening their file rooms on an after hours basis and/or to have an agent respond to a particular location. It will be the responsibility of the requesting member of the service to notify the Intelligence Division if Immigration and Naturalization Service fails to respond to the initial request for assistance.

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)
Emergency Removal or Investigation and Reporting of Abused, Neglected or Maltreated
Children (P.G. 215-03)

FORMS AND REPORTS
COMPLAINT REPORT (PD313-152)

P.G. 207-07 Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotics Complaints)

Date Effective: 09-22-00

PURPOSE

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

DEFINITION

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 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 witnesses, obtain facts, and safeguard evidence.
2. Conduct thorough field investigation
 - a. Transmit alarm, if necessary
 - b. Where necessary, attempt to have witnesses remain and immediately record their names, addresses, telephone numbers, dates of birth, any relevant statements whether casually or formally made, and any other pertinent information.

NOTE: If investigation disclosed the identity of a person, present or not, and there is insufficient evidence to make an arrest, a warrant check will be conducted through the FINEST System or Warrants Section prior to closing the case.

3. Prepare COMPLAINT REPORT WORKSHEET (PD313-152A).
4. Determine if complaint should be closed or referred for further investigation.

NOTE: The main criteria for referring a complaint is the need for further investigation that cannot be conducted by the field investigator, or the need of a specialist. If doubt exists as to whether a complaint should be closed or not, or whether the service of a specialist may be required, consult with patrol supervisor or desk officer.

5. 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 and firearm or dangerous instrument was used or senior citizen (sixty (60) years of age or older) is victim.

NOTE: If a Robbery Apprehension Module exists, notify them in lieu of the detective squad.

- 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 (6) 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.

NOTE: An impersonation of a law enforcement officer coupled with a robbery will be referred to the Internal Affairs Bureau - Police Impersonation Investigation Unit (PIIU) not the detective squad. Also, a notification to Internal Affairs must be made for any police impersonation, see P.G. 207-14, "Robbery Complaints Involving Police Impersonation."

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.

- j. Other complaints as deemed necessary by competent authority.
6. Notify the innocent victim of a crime or surviving relative, if such victim has sustained a personal injury, that compensation may be available as per the Crime Victim's Compensation Law.
- a. Provide victim or relative with "Information Card and Brochure/Application."
 - b. Check box under victim information on COMPLAINT REPORT WORKSHEET that victim or relative was notified.

NOTE: If circumstances prevent a personal notification, the detective conducting the follow-up investigation will comply with above directions and make notation of such fact on COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A).

7. Promptly refer active cases directly from the scene, or through the desk officer, to the units below:

NOTE: UNIFORMED MEMBERS ARE CAUTIONED NOT TO DISTURB POSSIBLE EVIDENCE AT A CRIME SCENE. SEE P.G. 212-04, "Crime Scene."

a. SPECIAL VICTIMS SQUAD

- (1) Rape or Attempted Rape, all degrees
- (2) Sodomy or Attempted Sodomy, all degrees
- (3) Sexual Abuse, 1st degree only
- (4) Aggravated Sexual Abuse, all degrees

NOTE: A written notice will be provided to victims of sex offenses with the name, address and telephone numbers of the nearest Rape Crisis Center (see "ADDITIONAL DATA" for locations). This referral will be documented on COMPLAINT REPORT WORKSHEET under "Details" section.

[I.O. 36 s 01] (5) Any allegation that a child less than eleven (11) 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").

[I.O. 36 s 01] (6) Any allegation that a child less than thirteen (13) years of age is the victim of any sex crime or attempted sex crime committed by any person (see P.G. 215-03, "Emergency Removals Or Investigation Of Abused, Neglected Or Maltreated Children").

[I.O. 36-1 s 01] NOTE: ANY complaint involving sex related offenses, including secondary offenses that are sex related, requires a duplicate of the COMPLAINT REPORT (PD313-152) to be forwarded to the designated Special Victims Squad.

NOTE: In the Borough of Brooklyn only, the Child Abuse Squad (718-260-6090) will be notified instead of the Special Victims Squad for cases that fit the criteria for child abuse in step 5 above. In all cases enter name of detective notified and the log or case number assigned under "Details" on COMPLAINT REPORT WORKSHEET.

b. MAJOR CASE SQUAD

- (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

c. NEW YORK CITY JOINT ROBBERY TASK FORCE

- (1) All armed bank robberies

d. HIGHWAY DISTRICT

(1) All vehicle/bicycle accidents in which any person involved has a serious physical injury and is likely to die or has died.

8. Notify desk officer upon completion of investigation and deliver COMPLAINT REPORT WORKSHEET and COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159) (see P.G. 207-12, "Lost Or Stolen Property"), if prepared, as soon as possible.

a. IMMEDIATELY notify the patrol supervisor or the desk officer of any serious or unusual complaints.

9. Make entry in ACTIVITY LOG (PD112-145) of details of complaint.

DESK OFFICER

10. Carefully examine COMPLAINT REPORT WORKSHEET for accuracy and completeness.

11. 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.

[Rev 00-4] NOTE: 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 Special Operations Division (SOD) Taxi Unit. Desk officers will fax the COMPLAINT REPORT (PD313-152) 24 hours a day, 7 days a week, to the SOD Taxi Unit, at (212) 860-1674. A member from the SOD Taxi Unit will then make a follow-up notification, Monday - Friday, 0600-1700 hours, to the desk officer of the reporting command and assign an SOD Taxi Unit serial number to the complaint. This serial number and the name of the SOD Taxi Unit member will be entered under "Details" 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.

b. Ensure proper jurisdiction code is indicated.

c. The offense is classified properly.

NOTE: When multiple offenses have occurred, the incident will be classified based upon the "top" (most serious) offense. Generally, the "seven (7) major rule" is applied for serious felonies. This means that a murder/robbery will be classified as Murder; a Forcible Rape/Burglary will be classified as Forcible Rape; etc. based on the hierarchy below. The "seven (7) major rule" order of offenses, starting with the most serious, is as follows:

- (1) Murder and Non-Negligent Manslaughter
- (2) Forcible Rape (Rape 1st degree only)
- (3) Robbery
- (4) Felonious Assault

(5) Burglary

(6) Grand Larceny

(7) 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 will be counted as the completed offense, EXCEPT attempted murder which will be counted as felonious assault).

If the reported offenses are not within the "seven (7) major offenses," the incident crime classification will be determined in the order that follows:

(1) Sort by category:

Felony before misdemeanor before violation. Therefore, an incident involving a felony criminal mischief to a motor vehicle with a petit larceny (misdemeanor) theft of property from within the vehicle will be classified as a Felony Criminal Mischief.

(2) Sort by classification:

If all offenses are felonies:

"A" felony before a "B" felony before a "C" felony, etc.

If all offenses are misdemeanors:

"A misdemeanor before a B" misdemeanor before an "Unclassified" misdemeanor

(3) Sort by degree

For example, if all offenses are "B" felonies:

"1st degree" before "2nd degree" before "3rd degree"

(4) Sort by Article and Section Number

For example, if all offenses are 2nd degree, "B" felonies, in the Penal Law, select 120.25, before 125.25, before 165.25.

12. Sign COMPLAINT REPORT WORKSHEET and have command clerk enter complaint into the OLCS. The OLCS will automatically assign next complaint number.

COMMAND CLERK

13. Enter information into OLCS from COMPLAINT REPORT WORKSHEET.

DESK OFFICER

14. Carefully examine the completed COMPLAINT REPORT and make certain that necessary captions have been completed. Take corrective action as necessary.

15. Finalize (i.e., sign-off) the COMPLAINT REPORT utilizing the OLCS if REPORT is accurate and complete.

COMMAND CLERK

16. Distribute copies of COMPLAINT REPORT.

a. Attach green, Evidence Release/Investigation copy of PROPERTY CLERK'S 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 will be forwarded pursuant to P.G. 207-05, "Duplicated Copies Of Complaint Reports" and any other relevant orders or directives.

DESK OFFICER

17. Ensure that copies of COMPLAINT REPORT are properly distributed by command clerk.

18. 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.

COMMANDING OFFICER

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

ADDITIONAL DATA

The Operations Unit maintains a list of members proficient in foreign language and sign language for the deaf. Should such assistance be needed, telephone the Operations Unit and make entry under "Details" of COMPLAINT REPORT WORKSHEET. Include interpreter's name, date, time and results.

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

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

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

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

[I.O. 38 s 03] 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 Protections 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 new 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 needs should be directed to the Identification Section's Orders of Protection Unit at (646) 610-5195 or the Management Information Systems Division, Help Desk at (646) 610-6473.

RAPE CRISIS CENTERS

MANHATTAN

NYC Gay & Lesbian Anti-Violence Project
647 Hudson Street
New York, NY 10014
(212) 807-0197
(212) 807-6761

Rape Crisis Intervention Program
Mt. Sinai Medical Center - Dept. OB/GYN
Klingenstein Pavilion 2nd Floor
One Gustave - Levy Place
New York, NY 10029
(212) 241-5461

Rape Crisis Program
St. Vincent's Hospital & Medical Center
41-51 East 11th Street
New York, NY 10011
(212) 604-8068

Bellevue Hospital Center, Rape Crisis Program Room AG-67
27th Street and First Avenue
New York, NY 10016
(212) 562-3435 or 3755

Rape Intervention Program
St. Luke's Roosevelt Hospital
411 West 114th Street, Apt. 6D
New York, NY 10025
(212) 523-4728

BRONX

Bronx District Attorney's Office
215 E. 161st Street
Bronx, NY 10451
(718) 590-2114

Kingsbridge Heights Community Center
3101 Kingsbridge Terrace
Bronx, NY 10463
(718) 884-0700

BROOKLYN

Rape Crisis Intervention Program

The Long Island College Hospital
340 Henry Street - 6th Floor Brooklyn, NY 11201
(718) 780-1459

VSA-BRAVA
Family Alliance-Victim Services
3021 Atlantic Avenue Brooklyn, NY 11208
(212) 577-7777
(718) 783-3700

Jewish Board of Family & Children Services
1943 Rockaway Parkway Brooklyn, NY 11236
(718) 241-9600

QUEENS

Rape Crisis Program
Rockaway Jamaica Center
90-11 160th Street, 1st Floor
Jamaica, NY 11432
(212) 577-7777
(718) 291-2555

Rape Crisis Program
Queens Hospital Center
82-68 164th Street
Jamaica, NY 11432
(718) 883-3000 or 3195

STATEN ISLAND

VSA Staten Island
25 Hyatt Street
Staten Island, NY 10301
(212) 577-7777
(718) 448-3118

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)
Lost Or Stolen Property (P.G. 207-12)
Robbery Complaints Involving Police Impersonation (P.G. 207-14)
Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated
Children (P.G. 215-03)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159)
OFFICIAL LETTERHEAD (PD158-151)
PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 207-08 Preliminary Investigation Of Vice, Narcotics Or Organized Crime-related Complaints

Date Effective: 01-01-00

PURPOSE

To record and refer complaints of vice, narcotics and organized crime-related offenses.

DEFINITION

[REV 3-01] VICE OFFENSES - Violations of law related to gambling, prostitution, alcoholic beverages, cigarette tax and child pornography.

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 (2) ounces, or found marijuana in which the amount exceeds two (2) pounds.

ORGANIZED CRIME-RELATED OFFENSES - Violations of law related to organized crime, including the organized theft of motor vehicles, motor vehicle parts, and motor vehicle insurance frauds.

NOTE: Grand Larceny Auto WILL NOT BE REFERRED to the Investigative Support Division, Organized Crime Control Bureau, UNLESS preliminary investigation indicates elements of organized crime are involved.

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

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.

NOTE: 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 through FINEST System or the Warrants Section prior to closing the case or forwarding report to Investigative Support Division, Organized Crime Control Bureau.

DESK OFFICER

- 7. Direct command clerk to telephone details to the Investigative Support Division, Organized Crime Control Bureau.

- a. Enter Organized Crime Control Bureau serial number on COMPLAINT REPORT WORKSHEET and name, shield number of member receiving the report under "Details."

NOTE: If complaint is received in writing, forward original written communication to Investigative Support Division, Organized Crime Control Bureau, and attach photocopy of written communication to file copy of COMPLAINT REPORT WORKSHEET.

- 8. Forward COMPLAINT REPORT WORKSHEET to commanding officer.

NOTE: 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 an OLCS precinct complaint serial number will be assigned. Therefore, the complaint will be recorded on the precinct of arrest OLCS INDEX. 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 OLCS INDEX and an OLCS 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 Division, Organized Crime Control Bureau, 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 District, Organized Crime Control Bureau, or Narcotics Operations, Strategic and Tactical Command, Brooklyn North (S.A.T. COM.), for informational purposes.

COMMANDING OFFICER

- 9. Examine and evaluate COMPLAINT REPORT WORKSHEET containing details telephoned to Investigative Support Division, Organized Crime Control Bureau.
- 10. Have COMPLAINT REPORT WORKSHEET filed chronologically in rear of complaint file chronologically behind divider marked "Complaints Referred to Organized Crime Control Bureau."

ADDITIONAL DATA

When a complaint is received at a Department unit other than a precinct/transit district/police service area, the member receiving the complaint will:

- a. Telephone the details to the Investigative Support Division, Organized Crime Control Bureau.

b. Enter the Organized Crime Control Bureau serial number with the name and shield number of the member receiving the 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 Organized Crime Control Bureau. If the investigating officer prepares a COMPLAINT FOLLOW-UP (PD313-081), a copy of such report will also be forwarded to Organized Crime Control Bureau.

The Commanding Officer, Investigative Support Division, Organized Crime Control Bureau, may classify the following complaints received at the Organized Crime Control Bureau 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.

THREE CARD MONTE GAMES

Precinct/Transit Bureau/Police Service Area commanders, when conditions warrant, will designate members of their commands assigned to duty in civilian clothes, i.e., conditions, plainclothes, and/or anti-crime units, 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 no civilian clothed members are on duty AND/OR when some condition exists in conjunction with the "three card monte" game which requires immediate police response, i.e., 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.

[REV 3-01] CHILD PORNOGRAPHY A complaint involving child pornography (photos, movies, computer images, etc.) will be referred to the Vice Enforcement Division's Sexual Exploitation of Children Squad for investigation. The Vice Enforcement Division 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 Vice Enforcement Division 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 FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

TELEPHONE DISPATCH LOG (PD112-143)

P.G. 207-09 Follow-up Investigation Of Complaints Already Recorded

Date Effective: 01-01-00

PURPOSE

To report additional information concerning a previously recorded complaint.

PURPOSE

To report additional information concerning a previously recorded complaint.

PROCEDURE

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

MEMBER OF THE SERVICE

1. Prepare COMPLAINT FOLLOW-UP (blue) (PD313-081) ONLY when additional information falls into any of the following categories:

- a. Crime classification change, e.g., assault to homicide.
- b. Information which will amend the previously recorded P.D. code (crime sub-classification), e.g., time of day for a burglary.
- c. Case clearance, i.e., initial arrest only, exceptional clearances, unfounded.
- d. Voiding a complaint after finalization in the OLCS.
- e. Recovered property not previously reported.
- f. Additional stolen property not previously reported.
- g. Serial numbers obtained for property previously reported.
- h. Dead human is identified and property has been invoiced to the Property Clerk or Public Administrator.
- i. Case closed without arrest and property has been invoiced to the Property Clerk.

NOTE: There is a distinction between voided complaints and unfounded complaints. A voided complaint is one in which the COMPLAINT REPORT should not have been prepared. An unfounded case is one in which the report should have been prepared but subsequent information leads to the determination that the case should be classified as unfounded (e.g., a voided case is one in which a JUVENILE REPORT rather than a COMPLAINT REPORT should have been prepared; an unfounded case is one in which a vehicle is reported stolen by a complainant and later a tow company informs the precinct that the vehicle was legally towed). As with COMPLAINT REPORTS, proper recording of property values on a COMPLAINT FOLLOW-UP (blue) is essential for accurate entry into the FBI Uniform Crime Reporting (UCR) System. Values must be properly consolidated in the "Value Stolen" and "Value Recovered" columns of the Property Summary Section. In addition, the person preparing the report must examine previous reports related to the complaint (i.e., COMPLAINT REPORT, previously prepared COMPLAINT REPORT FOLLOW-UPS) to ensure that property values are not being reported more than once. Only additional information with respect to property values are to be recorded. Arrests or other information concerning a complaint received BEFORE the original COMPLAINT REPORT is finalized will be entered on the original COMPLAINT REPORT.

MEMBER OF THE SERVICE

2. Prepare COMPLAINT FOLLOW-UP INFORMATIONAL (pink) (PD313-081A) for information of any other type, e.g., case closed - no results, case progress reports, results of interviews, canvass, additional arrest on a complaint, etc.

3. Notify detective squad concerned, if necessary.

4. Submit COMPLAINT FOLLOW-UP (blue) and/or COMPLAINT FOLLOW-UP INFORMATIONAL (pink) to the desk officer or detective supervisor, as appropriate.

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

DESK OFFICER/DETECTIVE SUPERVISOR

5. Review for accuracy and sign.

6. Have member of the service forward COMPLAINT FOLLOW-UP (blue) and COMPLAINT FOLLOW-UP INFORMATIONAL (pink) as follows:

a. The original "ACCS" copy of all COMPLAINT FOLLOW-UPS (blue) will be forwarded direct to the Data Integrity Unit located at 1 Police Plaza, Room S-132.

b. The original "Criminal Records Section" copy of all COMPLAINT FOLLOW-UP INFORMATIONALS (pink) will be forwarded direct to the Criminal Records Section located at 1 Police Plaza, Room 300.

ADDITIONAL DATA

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

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

- * "Jurisdiction" and "Reporting Agency" codes are properly recorded
- * "Complaint Report Number," "Precinct of Report" and "Date of Original Report" are properly recorded
- * "Previous Classification" and "Classification Changed To" captions are properly completed (for COMPLAINT FOLLOW-UP REPORTS only)
- * "Precinct of Arrest" and "Arrest Numbers" captions on a COMPLAINT FOLLOW-UP REPORT are completed if an arrest clearance is requested OR indicated in the "Details" section of a COMPLAINT FOLLOW-UP INFORMATIONAL in cases where an additional arrest(s) is made
- * Property Section is fully completed in lost or stolen property cases. Ensure property values are itemized and consolidated in the "Value Stolen" and the "Value Recovered" columns, as appropriate, in the Property Summary Section (for COMPLAINT FOLLOW-UP REPORTS only)
- * Ensure that the "Details" supplied on the report provides adequate grounds to change the original offense listed in the "Previous Classification" caption (for COMPLAINT FOLLOW-UP REPORTS offense reclassification requests).

[REV 3-01] The following agencies or commands are required to receive a duplicate copy of a COMPLAINT FOLLOW-UP when reporting additional or recovered property, classification changes, and clearances, when these changes are initiated by this

Department. The member of the service preparing the form will enter the name of the agency or command receiving the duplicate copy under "Additional copy for" and also send the duplicate copy of the report as follows:

COMPLAINT FOLLOW-UP
FOR CASES OCCURRING ON
THE JURISDICTION OF:

DUPLICATE COPY FOR:

- | | |
|--|--------------------------------|
| * Port Authority Police Department | *Port Authority Police |
| * Tri-Borough Bridge and Tunnel
Police Department | *TBTA Police |
| * M.T.A. Police Department | *M.T.A. Police |
| * Amtrak Police Department | *Amtrak Police |
| * CSX Police Department | *CSX Police |
| * Staten Island Rapid Transit
Police Department | *S.I. Rapid Transit Police |
| * New York State Police Department | *New York State Police |
| * New York State Park Police Department | *New York State Park Police |
| * N.Y.C. Housing Authority | *Housing Bureau, NYPD |
| * N.Y.C. Transit | *Transit Bureau, NYPD |
| * ANY police agency operating within | *Arson and Explosion Squad |
| * New York City for arson and arson | and NYC Fire Department, |
| * related incidents | Division of Fire Investigation |

COMPLAINT FOLLOW-UP FOR THE
FOLLOWING CASES WHEN PROPERTY
HAS BEEN INVOICED TO THE
PROPERTY CLERK:

DUPLICATE COPY FOR:

- | | |
|--|---|
| Identification of previously unidentified
dead body | Property Clerk, borough
office concerned
Public Administrator, county of
residence |
| Investigation case closed - arrest and
no arrest | Property Clerk, borough
office concerned. |

In cases where information used to prepare a COMPLAINT FOLLOW-UP is based on a COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159), the desk officer will ensure that the listing of stolen property and reported values on the COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY is recorded in the property section of the COMPLAINT FOLLOW-UP. MEMBERS OF THE SERVICE WILL NOT, UNDER ANY CIRCUMSTANCES, SIMPLY ATTACH COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (or a copy of it) to COMPLAINT FOLLOW-UP and forward to the Data Integrity Unit. The COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY must be attached to the command's file copy of the COMPLAINT FOLLOW-UP.

Each precinct will maintain a Complaint Reclassification Log to ensure proper and timely documentation of COMPLAINT FOLLOW-UPS involving a change of crime classification. Each such reclassification will be entered in the log by the command crime analysis member and verified by a supervisor authorizing the change.

COMPLAINT FOLLOW-UPS of this type prepared by Housing, Transit and investigative commands (eg. precinct detective squads) will also be entered and verified in the same manner.

Each Complaint Reclassification Log will contain the following captions spread across a double page:

LEFT HAND PAGE

NUMBER	DATE	COMPLAINT REPORT#	PREVIOUS CLASSIFICATION	RECLASSIFICATION TO	REASON
--------	------	----------------------	----------------------------	------------------------	--------

RIGHT HAND PAGE

MOS PREPARING
ORIGINAL
COMPLAINT REPORT

SUPV. SIGNING
ORIGINAL
COMPLAINT REPORT

SUPV. AUTHORIZING
RECLASSIFICATION

ICO INITIALS

PDS SUPV'S
INITIALS

C.O.'S
INITIALS

REMARKS

FORMS AND REPORTS

COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159)

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)

COMPLAINT REPORT (PD313-152)

P.G. 207-10 Bias Motivated Incidents

Date Effective: 10-29-04

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 Task Force.

DISABILITY - The possession or perceived possession by a person of any of the following: a physical, medical, mental or psychological impairment or a history or record of such impairment. This includes the sustaining by a person of any injury or damage to any system of the body including muscular, sensory, respiratory, speech, heart, reproductive, digestive, blood, immunity (i.e., AIDS) and skin. Also included among those who have a disability are recovering alcoholics, and former abusers of drugs or other substances who currently are not abusing alcohol, drugs, or other substances.

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 which 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. Notify desk officer of incident.
6. Request commanding officer/duty captain to respond if occurrence is a possible bias incident.
7. Direct that a COMPLAINT REPORT WORKSHEET (PD313-152A) be prepared.

COMMANDING OFFICER/DUTY CAPTAIN

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

NOTE: When considering incidents involving public officials, confer with the Intelligence Division at (646) 805-6400 prior to classifying the occurrence as a possible bias incident.

IF THE OCCURRENCE IS REFERRED TO HATE CRIME TASK FORCE AS A POSSIBLE BIAS INCIDENT:

COMMANDING OFFICER/DUTY CAPTAIN

9. Request additional resources, if required, to stabilize the location or defuse the incident (community affairs, anti-crime, crime prevention officers, additional command personnel, training unit, borough task force, if available, or others, as appropriate).

10. Request detective squad personnel to respond.

11. Notify Operations Unit and obtain possible bias incident log number.

12. Prepare Unusual Occurrence Report AFTER CONFERRAL WITH PRECINCT

DETECTIVE COMMANDER.

a. Subject of Report will be "POSSIBLE BIAS INCIDENT-LOG NO. ____."

13. Forward UNUSUAL OCCURRENCE REPORT (PD370- 152) to Chief of Detectives, Hate Crime Task Force (direct) and forward additional copy through channels.

14. Forward duplicate copy of report to:

a. Deputy Commissioner - Community Affairs, and

b. Precinct commanding officer

c. Police Service Area/Transit District commanding officer, as applicable.

15. Direct crime prevention officer, where appropriate, to personally contact and advise complainant concerning actions to take to prevent recurrence.

NOTE: Operations Unit personnel will notify patrol borough command; Patrol Services Bureau duty chief; Housing Bureau or Transit Bureau, as applicable; detective borough commander; Intelligence Division; Commanding Officer, Hate Crime Task Force; Police Commissioner; and Deputy Commissioner - Community Affairs (during business hours).

DETECTIVE SQUAD MEMBER

16. Conduct an immediate investigation and confer with Hate Crime Task Force personnel.

17. Forward additional copy of COMPLAINT REPORT (PD313-152) and COMPLAINT FOLLOW-UP (PD313-081) to Commanding Officer, Hate Crime Task Force (direct) within ten (10) days after incident.

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

COMMANDING OFFICER/HATE CRIME TASK FORCE

18. 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

19. Visit and personally interview victims of possible bias incident.

20. Prepare and forward comprehensive follow-up report within ten (10) days of incident including post-incident actions of all Departmental units and the current status of investigation to Chief of Detectives, Hate Crime Task Force, through channels.

CRIME PREVENTION OFFICER

21. Prepare and forward a report within ten (10) days of the incident to Commanding Officer, Hate Crime Task Force, indicating action taken concerning incident and whether a security survey was conducted.

NOTE: The community policing sergeant will prepare and forward the above report in those commands where a crime prevention officer is not assigned.

COMMANDING OFFICER/HATE CRIME TASK FORCE

22. Visit and personally interview victims of confirmed bias incidents upon completion of investigation.

a. In appropriate cases, a Hate Crime Task Force supervisor may be designated to interview victims.

23. 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.

24. Prepare report indicating determination.

25. Forward copies of report to:

- a. Chief of Patrol
- b. Chief of Detectives
- c. Chief of Housing Bureau/C.O., Transit Bureau, if appropriate
- d. Patrol Borough concerned
- e. Housing/Transit Borough, as applicable
- f. Precinct of occurrence
- 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 Task Force, 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.

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

COMMANDING OFFICER/DUTY CAPTAIN

26. Notify detective squad.

27. Notify Operations Unit that offense is not a bias incident.

a. Contact Hate Crime Task Force, between 0800 - 2400 hours, seven days a week, for log number on all non-bias incidents.

28. Direct crime prevention officer to personally contact and advise complainant concerning actions to take to prevent recurrence, if offense was committed at a religious institution or a sensitive location.

29. Prepare an UNUSUAL OCCURRENCE REPORT (PD370-152) and forward to Chief of Detectives, Hate Crime Task Force (DIRECT).

a. Forward one (1) additional copy of Report through channels.

PRECINCT DETECTIVE

30. Conduct appropriate investigation.

31. Forward copy of COMPLAINT REPORT and COMPLAINT FOLLOW-UP to Chief of Detectives, Hate Crime Task Force, within ten (10) days after the incident.

CRIME PREVENTION OFFICER

32. Prepare and forward a report within ten (10) days to Commanding Officer, Hate Crime Task Force, 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 concerned/duty captain will respond and determine whether the occurrence should be designated as non-bias or referred to the Hate Crime Task Force as a possible bias incident.

If, during the course of an on-going investigation, information is ascertained which may indicate that the original incident may have been a possible bias incident, the Commanding Officer, Hate Crime Task Force, 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 Task Force, will then conduct a preliminary investigation and make all appropriate notifications.

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

UNUSUAL OCCURRENCE REPORT (PD370-152)

P.G. 207-11 Preliminary Investigation, Recording And Transmission Of Alarms For Stolen Vehicles

Date Effective: 01-01-00

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 OLCS 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.

[Rev 03-02] 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 OLCS
- d. Type of complaint (Grand Larceny Auto, Unauthorized Use, etc.)
- 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 OLCS.

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 (3) 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 COMPLAINT FOLLOW-UP, 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 (2) 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 (3rd) 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.

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, "Recording 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 OLCS 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 - Recovered Outside New York City (P.G. 218-16)

Vehicle Recovered By The Port Authority Police Department (P.G. 218-17)

Derelict Vehicles Bearing New York State Registration Plates (P.G. 214-29)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

VEHICLE THEFT FOLLOW-UP REPORT (PD371-081)

VEHICLE THEFT PRELIMINARY INVESTIGATION REPORT (PD371-082)

VEHICLE THEFT SUPPORTING DEPOSITION (PD371-083)

P.G. 207-12 Lost Or Stolen Property

Date Effective: 01-01-00

PURPOSE

To investigate complaints of lost or stolen property.

PROCEDURE

When a complaint of lost or stolen property is received:

COMMAND CLERK

1. Telephone Stolen Property Inquiry Section 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. If property reported lost or stolen meets the following criteria, send copy of COMPLAINT REPORT or COMPLAINT FOLLOW-UP (PD313-081) to Stolen Property Inquiry Section:

a. Any article containing manufacturer's name and serial numbers, i.e., typewriter, television, etc.

b. All securities containing serial numbers, i.e., bonds, stocks, etc.

c. All items dealing with currency containing serial numbers, i.e., travelers checks, money orders, cash, etc.

d. All documents with serial numbers, i.e., passports, lottery tickets, etc.

e. Jewelry containing initials, inscriptions or other identifying marks OR individual pieces of jewelry, if value exceeds \$5,000 OR an item of jewelry that contains ten (10) stones or carats.

f. Other articles that contain initials, inscriptions or other outstanding identifiable markings.

g. All coin or stamp collections valued at more than \$5,000.

h. Silverware if value exceeds \$5,000.

i. All paintings or art objects.

j. Any fur coat valued at more than \$5,000.

k. Any article, item, etc., containing Operation Identification Social Security Number.

l. Any property taken in a hijacking.

DESK OFFICER

4. Request an alarm be transmitted for lost or stolen firearm via telephone notification to the Stolen Property Inquiry Section and include the following information in transmission:

- a. Make of firearm
- b. Model
- c. Caliber
- d. Type
- e. Serial number
- f. Precinct
- g. Complaint number from OLCS
- h. Complainant's name and address
- i. Does uniformed member of the service own firearm?

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/Shotgun Section. The complainant will be advised to contact the Rifle/Shotgun Section in person or by telephone.

In cases of lost or stolen property, the member of the service preparing the COMPLAINT REPORT WORKSHEET (PD313-152A) shall deliver a copy of COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159) to the complainant. The complainant shall be advised to prepare the REPORT OF STOLEN PROPERTY 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 should then be delivered 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 is recorded in the property section of the COMPLAINT FOLLOW-UP. MEMBERS OF THE SERVICE WILL NOT, UNDER ANY CIRCUMSTANCES, SIMPLY ATTACH COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (or a copy of it) TO A COMPLAINT FOLLOW UP. Ensure that the COMPLAINT FOLLOW-UP is forwarded to the Data Integrity Unit. The COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY must be attached to the command's file copy of the COMPLAINT FOLLOW UP.

[I.O. 41 s 02] 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/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).

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 Counter Terrorism Division's 24 hours Field Operations Desk at (888) 692-7233 with particulars and pedigree of complainant and then request a Counter Terrorism Division log number.

The Counter Terrorism Field Operations Desk, prior to assigning a log number, will make a notification to the Joint Terrorist Task Force and the Intelligence Division with particulars and pedigree of complainant. Members of the Joint Terrorist Task Force or the Intelligence Division will conduct internal inquiries and advise the Counter Terrorism Division Field Operations Desk of any further necessity to hold complainant for response of Joint Terrorist Task Force or Intelligence Division personnel. If no further action is necessary, then the Counter Terrorism Division will issue the precinct detective assigned a Counter Terrorism Division log number, which will be recorded on the COMPLAINT REPORT WORKSHEET, under "Details" section, along with the name, rank, tax registry number of member issuing the log number.

Counter Terrorism Division Field Operations Desk will prepare intake sheet and forward information to the Counter Terrorism Division's Global Intelligence and Analysis Section for pattern analysis. In addition, a duplicate copy of the COMPLAINT REPORT will be forwarded to the Counter Terrorism Division's Global Intelligence and Analysis Section for file.

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 Immigration and Naturalization Service 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 Counter Terrorism Division at (718) 615-7039.

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)

FORMS AND REPORTS

COMPLAINANT'S REPORT OF LOST OR STOLEN PROPERTY (PD313-159)

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

VERIFICATION OF CRIME/LOST OR STOLEN PROPERTY (PD542-061)

P.G. 207-13 Lost/Stolen Vehicle Plates, Licenses And Other Department Of Motor Vehicle Documents

Date Effective: 01-01-00

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 at (212) 374-5084 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 (1) 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 (1) 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 (1) missing plate will be classified as "Lost Property" and two (2) missing plates will be classified as "Petit Larceny."

MEMBER OF THE SERVICE

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 (1) 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 COMPLAINT FOLLOW-UP (PD313-081) 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 (P.G. 207-12)

Preliminary Investigation, Recording And Transmission Of Alarms For Stolen Vehicles (P.G. 207-11)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

P.G. 207-14 Robbery Complaints Involving Police Impersonation

Date Effective: 01-01-00

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 utilizing the OLCS and fax copy of COMPLAINT REPORT (PD313-152) to the Internal Affairs Bureau Command Center at (212) 741-8408.

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 Organized Crime Control Bureau.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

P.G. 207-15 Threats To Complaints And Witnesses

Date Effective: 01-01-00

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 personal 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 "SPRINT" 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 "SPRINT" 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)

P.G. 207-16 Overdue Rental Vehicles

Date Effective: 01-01-00

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.

8. Record action taken on COMPLAINT FOLLOW-UP (PD313-081) 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 (15) days or less, pursuant to a written rental agreement, intentionally retains such vehicle for at least seven (7) days beyond the expiration date of the rental agreement and continues such possession for more than two (2) 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 FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

P.G. 207-17 Contraband Weapons

Date Effective: 01-01-00

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 (212) 384-2900.
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.

ADDITIONAL DATA

Request for gun traces of contraband weapons will be made to the Alcohol, Tobacco and Firearms Bureau through the Firearms Analysis Section. The Firearms Analysis Section will forward a report of the results of the gun trace to the requesting officer and the Intelligence Division.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)
Arrests - Contraband Weapons (P.G. 208-49)

Processing Firearms (P.G. 218-23)

P.G. 207-18 Complaints Involving Credit Cards

Date Effective: 01-01-00

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 (212) 374-6850.

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.

UNIFORMED MEMBER OF THE SERVICE

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."
4. Comply with P.G. 207-07, "Preliminary Investigation Of Complaints (Other Than Vice Related Or Narcotics Complaints)."

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 (24) 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 (212) 374-6918.

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)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

P.G. 207-19 Thefts From Department Lockers

Date Effective: 01-01-00

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 (3) copies of report on Typed Letterhead and forward:
 - a. First two (2) 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

P.G. 207-20 Investigation Of Crimes Involving Computers Or Computer Technology

Date Effective: 01-01-00

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 [I.O. 1-4, 03] Computer Crimes Squad at (646) 610-5397 (0600 to 2000 hours, Monday through Friday) or Office of the Chief of Detectives at (646) 610-5430 (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: [I.O. 1-4, 03] Computer Crimes Squad will determine if a response to debrief the prisoner(s) is necessary.

2. Confer with [I.O. 1-4, 03] 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.

NOTE: Notification to the [I.O. 1-4, 03] 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 [I.O. 1-4, 03] Computer Crimes Squad will provide technical assistance in properly securing computer evidence, conducting computer forensic examinations and preparing warrants. The [I.O. 1-4, 03] 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.

P.G. 207-21 Allegations Of Corruption And Serious Misconduct Against Members Of The Service

Date Effective: 10-17-03

PURPOSE

To process allegations of corruption and serious 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 serious misconduct. All members of the service have an absolute duty to report any corruption or serious misconduct, or allegation of corruption or serious misconduct, of which they become aware.

DEFINITION

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

PROCEDURE

Upon observing, or becoming aware of corruption or serious misconduct or upon receiving an allegation of corruption or serious 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 serious 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 Command Center Investigator.
- c. Furnish details of corruption or misconduct.

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

OR

2. Prepare a detailed written report addressed to the Chief of Internal Affairs.

- a. Forward DIRECT, or via FAX (212) 741-8408, to the Command Center, 315 Hudson Street within twenty-four (24) hours.

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

3. Prepare a detailed written report, upon becoming aware of misconduct and forward to:

- a. Chief of Internal Affairs, or
- b. Box 1001, New York, New York 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 serious misconduct, or an allegation of corruption or serious misconduct, has the responsibility to report such information to the commanding officer or directly to the Internal Affairs Bureau, Command Center. If reported to the commanding officer, the commanding officer will notify the Internal Affairs Bureau, Command Center. If member's commanding officer is the subject of the allegation, the member concerned will only notify the Internal Affairs Bureau, Command Center, direct.

Failure to report corruption, serious 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)

P.G. 207-22 Allegations Of Corruption Against City Employees (Other Than Members Of The New York City Police Department)

Date Effective: 01-01-00

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 Chief of Internal Affairs with all details.

- a. Forward original and copy in sealed white envelope addressed to:

Internal Affairs Bureau, Command Center
315 Hudson Street, 3rd Floor
New York, New York 10013

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

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 Serious Misconduct Against Members of the Service (P.G. 207-21)

FORMS AND REPORTS

Typed Letterhead

P.G. 207-23 Missing Persons

Date Effective: 01-01-00

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. Under eighteen (18) years of age, OR
- b. Mentally or physically impaired to the extent that hospitalization may be required, OR
- c. Senile, retarded or disabled and not capable of self-care or clear communication, OR
- d. Sixty-five (65) years of age or older, OR
- e. Possible victim of drowning, OR
- f. Indicated an intention of committing suicide, OR
- g. Absent under circumstances indicating unaccountable or involuntary disappearance.

NOTE: 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 DO NOT INCLUDE the following:

- a. Persons wanted for crimes, OR
- b. Persons wanted on warrants, OR
- c. Persons eighteen (18) years of age or older, who have left home voluntarily because of domestic, financial or similar reasons.

PROCEDURE

Upon receiving a complaint of a missing person:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the scene, interview complainant and obtain:

- a. An accurate description of the subject.
- b. Clothing worn.
- c. 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).

d. Administration for Children's Services caseworker's name and telephone number, if applicable.

e. Biological parents' name, address and telephone number, as appropriate.

f. Ascertain whether missing person has Alzheimer's disease and is registered with the Alzheimer's Association Safe Return Program, as appropriate.

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

(a) If the identification number is unknown, the responding member will call the Alzheimer's Association at (800) 272-3900 to obtain the number and any other information the Association has on the missing person.

NOTE: There are no minimum time limits that must be observed before accepting a report of a missing person. However, when a person sixty-five (65) years of age and older, or a child less than ten (10), or a senile/disabled person is missing from a hospital or institution, PRIOR TO INITIATING ANY OTHER ACTION, AN INITIAL SEARCH OF THE BUILDING WILL BE CONDUCTED TO VERIFY THAT SUCH PERSONS ARE ACTUALLY MISSING.

A complainant could be, in addition to a member of the family, a legal or temporary guardian, a representative of the Board of Education, or a hospital administrator.

UNIFORMED MEMBER OF THE SERVICE

2. Request patrol supervisor to respond.

3. Notify desk officer of details.

DESK OFFICER PRECINCT OF OCCURRENCE AND/OR PRECINCT OF RESIDENCE

4. Check precinct records to determine if missing person has been the subject of police action.

DESK OFFICER PRECINCT OF OCCURRENCE

5. Notify desk officer, precinct of residence, for preparation of required reports, when applicable, unless an immediate investigation and/or search for the missing person is required. In these instances, the desk officer shall be notified after the search.

6. Notify PSA desk officer when missing person is a resident of a New York City Housing Authority development.

7. Ascertain if Missing Persons Squad has any information on the missing individual by requesting a records search.

8. Notify precinct detective squad.

DESK OFFICER PRECINCT OF RESIDENCE

9. Direct the preparation of MISSING/UNIDENTIFIED PERSON REPORT (PD336-151) and COMPLAINT REPORT WORKSHEET (PD313-152A).

a. Ensure that same complaint number is used for both MISSING/UNIDENTIFIED PERSON REPORT and COMPLAINT REPORT.

b. Have JUVENILE REPORT (PD377-151) prepared, if missing person is at least seven (7) but less than sixteen (16) years of age.

c. Have NYS Domestic Incident Report (DCJS 3221) prepared, if circumstances indicate that youth is missing due to abuse, maltreatment, etc.

d. Ensure that any information relating to a missing person registered with the Alzheimer's Association Safe Return Program is included in the MISSING/UNIDENTIFIED PERSON REPORT under caption, "Remarks/Other Pertinent Information" (see step 1, subdivision f).

NOTE: 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 for assistance in the event information is unknown or not available.

10. Direct that MISSING/UNIDENTIFIED PERSONS REPORT (without FACSIMILE TRANSMITTAL SHEET [PD112-1410]) be FAXED to Missing Persons Squad, between 0630 and 2300 hours only, at (212) 374-3497 [if busy, (212) 748-0460]. (Do not FAX between 0700-0800, and 1500-1600).

a. Have command clerk enter Missing Persons Squad case number and name of member who assigned case number on the MISSING/UNIDENTIFIED PERSON REPORT when received.

NOTE: Whenever FAX machines are unavailable or inoperable, the Missing Persons Squad intake desk will continue to accept MISSING/UNIDENTIFIED PERSONS REPORTS by telephone between 0630 and 2400 hours. In addition, Missing Persons Squad members will be available for conferral during those hours as well.

WHEN IMMEDIATE INVESTIGATION AND/OR SEARCH IS REQUIRED:

NOTE: An immediate investigation and/or search is required for the following "special category" missing persons:

- a. Child under sixteen (16) years of age, OR
- b. Mentally/physically impaired to the extent that hospitalization may be required, OR
- c. Senile, retarded or disabled and not capable of self-care or clear communication, OR
- d. Sixty-five (65) years of age or older, OR
- e. Unique/unusual case, OR
- f. Missing under circumstances indicating unaccountable or involuntary disappearance, OR
- g. Possible drowning victim.

DESK OFFICER PRECINCT OF OCCURRENCE

11. Open and maintain Command Post Log at desk.

NOTE: 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
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12. Make the following additional notifications:

- a. Precinct commander/duty captain for "special category" missing persons in subdivisions "a" through "e" above.
- b. Precinct platoon commander, if child under ten (10) is missing.

(1) The precinct commander/duty captain will be notified and perform the duties of the platoon commander, if the platoon commander is unavailable.

c. Precinct detective squad, precinct of occurrence to respond and assist in search.

(1) If no detective is available, notify the detective borough dispatcher.

d. Operations Unit

e. Missing Persons Squad - Notify of identity of member assigned to conduct the immediate investigation and/or search.

PATROL SUPERVISOR/ASSIGNED DETECTIVE

13. Direct, coordinate and control the search in the appropriate areas.

a. If a child under ten (10) years of age is missing, the platoon commander, precinct of occurrence, shall perform steps 13 through 18.

NOTE: If the platoon commander is not immediately available, the patrol supervisor/assigned detective will commence the search immediately pending the arrival of the platoon commander or the precinct commander/duty captain.

14. Request additional personnel, as required.

a. Emergency Service Unit, if needed.

b. Aviation Unit to survey rooftops, when necessary.

c. PSA platoon commander and/or PSA patrol supervisor, if missing person is a resident of a NYC Housing Authority development.

15. Request Communications Section 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 along travel route, and notify Transit Bureau (subways) and/or Traffic Control Division (buses), as appropriate.

16. Initiate search at location where missing person was last observed.

a. If missing person's residence is within search pattern have entire building thoroughly searched.

b. Include travel route, if any, in search pattern.

17. Direct members performing the search to maintain records of area, routes and premises searched and identities of persons questioned.

18. Keep the following informed of progress of search:

a. Precinct commander/duty captain, when applicable

b. Desk officers (precincts of occurrence and residence, if different)

c. Missing Persons Squad

(1) Make notification within a reasonable time (usually four [4] 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.

PSA PLATOON COMMANDER/PATROL SUPERVISOR

19. Assist in search efforts when notified that missing person is a resident of a NYC Housing Authority development.

a. Assign available Housing Bureau resources to assist in search, as necessary.

b. Act as liaison with other NYC Housing Authority personnel, as necessary.

DESK OFFICER PRECINCT OF RESIDENCE

20. Review and forward MISSING/UNIDENTIFIED PERSON REPORT and JUVENILE REPORT, if prepared, as per instructions on forms.

a. Enter precinct serial number on JUVENILE REPORT prior to forwarding.

21. Review COMPLAINT REPORT and finalize in On Line Complaint System.

ASSIGNED DETECTIVE

22. Forward COMPLAINT FOLLOW-UP (PD313-081) within seven (7) working days detailing the steps taken in the preliminary investigation, UNLESS the investigation was closed on the MISSING/UNIDENTIFIED PERSON REPORT.

COMMANDING OFFICER/DUTY CAPTAIN

23. Supervise and review actions taken by members of the service.

24. Ensure that all forms are properly prepared and forwarded.

ADDITIONAL DATA

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.

SUBJECT OF A CRIME - When a person reported missing or unidentified is found to be the subject of a crime, the investigating member will notify the desk officer, precinct of residence and precinct of occurrence (if different) and Missing Persons Squad. The member will also prepare a COMPLAINT FOLLOW-UP to close the missing person case. The member will then prepare another COMPLAINT REPORT and have a new complaint serial number assigned to the case.

The Missing Persons Squad is required to make a report, through NYSPIN, as soon as possible, to the Central Registry, upon receiving a notification of a missing child under eighteen (18) years of age.

RELATED PROCEDURES

Unidentified Persons (P.G. 216-03)

Notifications (P.G. 216-15)

Juvenile Report (P.G. 215-08)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)

COMPLAINT REPORT (PD313-152)
JUVENILE REPORT (PD377-151)
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
NYS Domestic Incident Report (DCJS 3221)

P.G. 207-24 This Procedure Intentionally Left Blank

Date Effective: 01-01-00

P.G. 207-25 Notifications From Caseworkers Employed By The Protective Services For Adults And Department For The Aging

Date Effective: 01-01-00

PURPOSE

To provide a comprehensive mechanism for receiving and responding to reports of crimes committed against clients (and prospective clients) of the Protective Services for Adults (PSA) and 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 the Protective Services for Adults and/or 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 - the physical, sexual, emotional, or financial abuse and/or neglect of a physically or mentally impaired adult, eighteen (18) years of age or older, who is unable to provide for his/her own health, welfare or safety.

ELDER ABUSE - the physical, sexual, emotional, or financial abuse and/or neglect of an individual sixty (60) years of age or older.

PROCEDURE

Upon receiving a report from a caseworker, employed by either the Protective Services for Adults or Department of 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 on-going condition that threatens health or safety of victim.

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

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:

3. Notify Communications Section 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 applicable "Aided Case" procedures, 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 crime prevention officer, in addition to any other required notifications.

NOTE: The crime prevention officer, who is designated to act as the liaison between this Department and caseworkers for the Protective Services for Adults Agency and 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.

7. Notify precinct detective squad or domestic violence investigator, if appropriate, in all cases requiring further investigation.

a. Notify Detective Bureau's Special Frauds Squad in cases where elderly persons are victims of financial exploitation, con games and home repair scams.

NOTE: Cases involving incidents of domestic violence will continue to be the responsibility of the Domestic Violence Prevention Officer/Investigator, who will be notified directly.

ADDITIONAL DATA

Whenever possible, Protective Services for Adults and Department for the Aging caseworkers requiring police assistance in any given situation will contact the liaison at the precinct concerned to make advance arrangement 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.

Protective Services for Adults and Department of 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 Protective Services for Adults or Department of the Aging caseworker through the precinct crime prevention officer.

Protective Services for Adults caseworkers are experienced in arranging for the provision of food, shelter, medical care and financial assistance to physically or mentally impaired adults. In addition, Protective Services for Adults personnel are authorized by law to 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 (60) years and older, physically or mentally impaired without family ties.

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, i.e., 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 Protective Services for Adults and Department of the Aging are Monday through Friday, 0900 to 1700 hours. Protective Services for Adults Central Intake can be reached at (212) 941-6131. Department for the Aging Crime Victims Resource Center can be reached at (212) 442-3103.

Each District Attorney's Office within the City of New York has special units or has 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 Office of the District Attorney during business hours and confer with the unit/assistant assigned to handle these cases, as follows:

Brooklyn (718) 250-2243
Manhattan (212) 335-9118
Staten Island (718) 876-5819

Bronx (718) 590-2295
Queens (718) 286-5910

P.G. 207-26 Voluntary Surrender Of Weapons With Written Notice

Date Effective: 01-01-00

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)

P.G. 207-27 Voluntary Surrender Of Weapons Without Prior Notice

Date Effective: 01-01-00

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

Prepare COMPLAINT REPORT WORKSHEET (PD313-152A), PROPERTY CLERK'S INVOICE (PD521-141) and other appropriate forms.

- a. If weapon is a firearm, also prepare REQUEST FOR LABORATORY EXAMINATION (PD521-161).

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'S INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 207-28 Of Complaints Occurring Within The New York City Transit System

Date Effective: 01-01-00

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 name of the train station of occurrence and the train line(s) that run at the location of incident in the "Address/Location of Occurrence" caption of the COMPLAINT REPORT WORKSHEET.

i. Examples: 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 direction of travel (northbound/southbound/Manhattan bound, etc.), train line (letter or number) and train

car location (indicate car number or location of car as front, middle, rear of train) if known 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 Detective Squad, Precinct Detective Squad/RAM, 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 On-Line Complaint System (OLCS), 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 On-Line Complaint System (OLCS) enter the required transit - related information and correct jurisdiction code in the appropriate fields PRIOR TO FINALIZATION (i.e., "sign off") of the On-Line Complaint.

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/COMPLAINT REPORT FOLLOW-UP (PD313-081a).

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/COMPLAINT REPORT FOLLOW-UP.

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/COMPLAINT REPORT FOLLOW-UP 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 PROCEDURES

Follow-Up Investigations Of Complaints Already Recorded (P.G. 207-09)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD 313-152a)

COMPLAINT REPORT FOLLOW-UP (PD 313-081)

P.G. 207-29 Field Reports

Date Effective: 01-01-00

PURPOSE

To investigate, take corrective action and record non-criminal conditions occurring on N.Y.C. Housing Authority locations.

SCOPE

FIELD REPORT (PD313-1511) will be used to record the following non-criminal conditions occurring on N.Y.C. 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
- n. Other conditions as specified by appropriate Patrol Guide procedures.

PROCEDURE

When becoming aware of any of the above non-criminal conditions occurring on N.Y.C. Housing Authority locations:

UNIFORMED MEMBER OF THE SERVICE

1. Take appropriate police action.
 2. Make a complete and accurate ACTIVITY LOG (PD112-145) entry.
 3. Prepare FIELD REPORT and deliver to police service area desk officer.
 - a. Obtain and enter serial number assigned in ACTIVITY LOG.
 - b. Telephone details to police service area clerk for preparation of FIELD REPORT, if assigned to foot patrol or delivery of FIELD REPORT is not practical.
- (1) Sign FIELD REPORT at end of tour, if possible.

COMMAND CLERK

4. Enter reported condition on INCIDENT INDEX - ON DEVELOPMENT (NYCHA 080.105).
 - a. Assign the next serial number and have serial number entered on FIELD REPORT.
5. Submit completed FIELD REPORTS to police service area desk officer.

PSA DESK OFFICER

6. Review FIELD REPORTS for completeness and accuracy.
 - a. Ensure that necessary captions are completed and sign.
7. Distribute copies of FIELD REPORTS, as follows:
 - a. Original - Police Service Area of occurrence.
 - b. 1st copy - Housing Authority Development Manager, during second platoon, next business day.
 - c. 2nd copy - Reporting officer.

ADDITIONAL DATA

Uniformed members of the service not assigned to police service area commands, that prepare a FIELD REPORT, must contact the police service area of occurrence by telephone and request a FIELD REPORT serial number from the command clerk. Once the FIELD REPORT has been fully prepared, numbered, and signed by the desk officer, the FIELD REPORT will be forwarded direct to the police service area of occurrence, via Department mail.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
FIELD REPORT (PD313-1511)
INCIDENT INDEX - ON DEVELOPMENT (NYCHA 080.105)

P.G. 207-30 Civilian Complaints - Witness Statement

Date Effective: 01-01-00

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.
2. Provide witness with first (1st) 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 (4) typewritten copies of CIVILIAN COMPLAINT REPORT and two (2) 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 (1) 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).

8. Attach one (1) 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 after 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 Serious 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)

P.G. 207-31 Processing Civilian Complaints

Date Effective: 01-01-00

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 serious 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 Serious Misconduct Against Members of the Service").

2. Process complaints as follows:

a. MADE IN PERSON

(1) Interview complainant.

(2) Give complainant first (1st) copy of CIVILIAN COMPLAINT REPORT (PD313-154) to be prepared in complainant's own handwriting.

(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 (1st) 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 (1st) 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 (1st) 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: 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.

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.

[REV 03-01] 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.

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 (4) typewritten copies of CIVILIAN COMPLAINT REPORT and two (2) 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 (1) 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 (2) 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 (PD313-154):

a. All department related documents, e.g., COMPLAINT REPORT WORKSHEET (PD313-152A), command log entries, ACTIVITY LOG (PD112- 145) entries, SPRINT record, ROLL CALL (PD406-144), 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 (1) 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 serious 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 Serious Misconduct Against Members Of The Service").

If a civilian complaint originates at a precinct stationhouse/transit district/PSA and is the result of a radio run within the last twenty-four (24) hours, the member of the service receiving the complaint will attach a copy of the "SPRINT" printout 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 NYPD)." 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.

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 Deputy Commissioner - Equal Employment Opportunity for investigation. The commanding officer of the member complained of will receive a copy of the CIVILIAN COMPLAINT REPORT from the Office of Equal Employment Opportunity.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)

Civilian Complaint - Witness Statement (P.G. 207-30)

Allegations of Corruption and Serious 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)

Typed Letterhead

P.G. 207-32 Investigation Of Carjackings

Date Effective: 01-01-00

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/Robbery Apprehension Module (RAM).
6. Refer complaint requiring further investigation, except cases closed by arrest, to:
 - a. Precinct Detective Squad (PDS), OR
 - b. Precinct Robbery Apprehension Module (RAM) 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 stationhouse clerk to enter complaint into the On Line Complaint System (OLCS).
9. Verify that alarm has been transmitted and that required notifications and proper referral of complaint have been made.
10. Review the complaint in OLCS and compare to WORKSHEET.
11. Ensure that a copy of the OLCS Complaint Report is forwarded to the Precinct Detective Squad, Precinct Robbery Apprehension Module or Special Victims Squad, as appropriate.

ASSIGNED RAM/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 RAM/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 [18] 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 Squad).

FORMS AND REPORTS

COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-018A)

COMPLAINT REPORT WORKSHEET (PD313-152A))

CONSENT FORM - NON-SUSPECT MINOR (PD377-030)

P.G. 207-33 Recording Enforcement Complaints

Date Effective: 01-01-00

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, "Summons Condition of Service" or Environmental Control Board Notice of Violation as described in P.G. 209-12, "ECB Notice of Violation and Hearing - General Procedure," OR
- d. Any situation which requires the preparation of a JUVENILE REPORT (PD377-151) or a YOUTH REFERRAL (PD377-153).

ON-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 Board 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.

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)

Summons - Condition of Service (P.G. 209-01)

Environmental Control Board (ECB) Notice of Violation and Hearing - General Procedure (P.G. 209-12)

Arrests - General (P.G. 208-02)

Juvenile Report (P.G. 215-08)

FORMS AND REPORTS

COMPLAINT REPORTS (PD313-152)

JUVENILE REPORT (PD377-151)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

YOUTH REFERRAL (PD377-153)

Arrests

P.G. 208-01 Law Of Arrest

Date Effective: 01-01-00

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)

P.G. 208-02 Arrests - Removal To Department Facility For Processing

Date Effective: 02-28-01

FACILITY FOR PROCESSING

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.

NOTE: 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. 216-05, "Mentally Ill Or Emotionally Disturbed Persons." If the confined area is an automobile, it will be rendered immobile by blocking it in with one (1) 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.

PROCEDURE

When a uniformed member of the service effects an arrest:

ARRESTING OFFICER

1. Inform prisoner of authority and cause, unless physical resistance, flight or other factors render such procedure impractical.
2. Handcuff prisoner with hands behind back.
3. 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.

NOTE: A list of locations approved for the interrogation of juveniles is maintained in the Command Reference Library.

4. Notify desk officer if force was used to effect the arrest.
5. Immediately complete all captions on PRISONER PEDIGREE CARD (PD244-092) upon arrival at command and present to desk officer.

[I.O. 53 s 03] 6. Remain with prisoner at all times unless relieved by arrest processing officer.

DESK OFFICER

7. 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. File each CARD for EVERY prisoner by date and time of arrival at command.

8. 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.

9. Determine validity of the arrest.

a. Comply with the provisions of P.G. 210-13, "Release Of Prisoners-General Procedure" if arrest is NOT valid.

10. Direct arresting officer to make a thorough search of the prisoner in your presence.

11. Verify prisoner's identity by satisfactory documentary proof, preferably government issued identification.

NOTE: 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.).

12. 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 (PD260-122).

b. Enter amount retained by prisoner and the PROPERTY CLERK'S INVOICE (PD521-141) number in Command Log.

13. Direct arresting officer to remove prisoner to arrest processing area, or location in the stationhouse SPECIFICALLY DESIGNATED as suitable for the interrogation of juveniles.

14. Direct arrest processing officer to assist arresting officer.

NOTE: Only arrest processing officers, if available, should operate the Livescan equipment.

ARRESTING OFFICER

15. Comply with the provisions of P.G. 208-15, "Preparation Of Arrest Related Documents At The Stationhouse."

DESK OFFICER

[I.O. 53 s 03] 16. Direct arresting officer to remain with prisoner at all times unless relieved by arrest processing officer.

17. Ensure that arresting officer signs affidavit/supporting deposition, as appropriate, before resuming assignment or completing tour.

[I.O. 53 s 03] NOTE: 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.

[I.O. 22 s 04] NOTE: 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.

RELATED PROCEDURES

Arrest - General Processing (P.G. 208-03)

Arrest Report Preparation At Stationhouse (P.G. 208-15)

Processing Arrests Effected By Housing Bureau Personnel At Precinct Stationhouses (P.G. 208-18)

Processing Arrests Effected By Transit Bureau Personnel At Precinct Stationhouses (P.G. 208-19)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PROPERTY CLERK'S INVOICE (PD521-141)

ROLL CALL (PD406-144)

PRISONER PEDIGREE CARD (PD244-092)

P.G. 208-03 Arrests - General Processing

Date Effective: 01-01-00

PROCEDURE

After arrest has been effected and prisoner has been handcuffed:

NOTE: 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 the prisoner escaping.

As soon as practicable, attempt to discern if the person being arrested has a disability which may affect mobility, speech, hearing, or mental ability. Where possible, attempt to notify a family member or friend who may provide beneficial assistance regarding the prisoner's background information, previous problems, pedigree data, etc,. The arresting/investigating uniformed member of the service shall document all reasonable attempts to notify a relative or friend.

ARRESTING OFFICER

1. Immediately field search/frisk prisoner and search adjacent vicinity for weapons, evidence and/or contraband.

2. Advise prisoner 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, parents/guardians will be notified immediately.

b. When questioning juvenile, Miranda warnings should be read to the juvenile 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. If arrested on another charge, truancy (Educational Law Section 3233) may be added as a second charge, if appropriate. In all cases, truants may be frisked or scanned with a metal detector. If safety dictates, truants may be handcuffed.

NOTE: When a prisoner and/or parents/guardians of a juvenile do not understand English, or are hearing impaired, the services of an interpreter may be obtained by contacting the Operations Unit. Appropriate Command Log entries will be made when such services are utilized.

DESK OFFICER

[I.O. 53 s 03] 3. Immediately determine if the prisoner is a high escape risk.

a. Prisoners designated "high risk" will have two (2) police officers assigned to escort at all times.

[I.O. 53 s 03] NOTE: 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/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.

4. Have vehicle or other conveyance NOT REQUIRED AS EVIDENCE safeguarded, if appropriate.

5. Question the arresting officer regarding the use of force, if applicable.

[I.O. 53 s 03] 6. Observe physical and mental condition of all prisoners entering command and include results in Command Log.

a. Ensure that prisoners who appear to be ill, injured, or emotionally disturbed obtain appropriate medical/psychiatric attention. (See P.G 210-04, "Prisoners Requiring Medical/Psychiatric Treatment")

b. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital, whenever a prisoner is brought to their facility for medical treatment.

c. Direct arresting officer to notify Health and Hospitals Corporation (HHC) police, or hospital security personnel if no HHC police are assigned to the hospital immediately, if a prisoner escapes from custody at the hospital.

d. Have arresting officer request a secured location that can be used for treatment of prisoner, when available, from emergency room staff.

NOTE: If the arrest is effected by an off duty uniformed member of the service, the desk officer must notify the commanding officer/duty captain who will respond to the stationhouse to determine the validity of the arrest and have an Unusual Occurrence Report prepared. If the arrest is effected by a member of another police agency, that agency will be notified.

7. Direct arresting officer to make a thorough search of the prisoner in your presence.

a. Have female prisoners searched, in all possible privacy, by a female police attendant or female police officer.

b. Once a strip search is authorized, (see P.G. 208-05, "Arrests-General Search Guidelines" step one (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 authorization of the strip search; rank, name and command of the officer requesting the search; name of the prisoner(s); identity of the member of the service performing the search; and, the results of the search, including negative results.

(2) The supervisor authorizing such a search will ensure that the statement, "Strip Searched," is written on the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) in the "Narrative" section, and that the command and Command Log page number of the entry are included for reference.

(3) Direct the arresting officer to prepare an ACTIVITY LOG (PD112-145) 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."

8. 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.

9. Have the following property removed from prisoner:

a. Unlawfully carried.

b. Required as evidence.

c. Lawfully carried, but dangerous to life or would facilitate escape.

d. Can be used to deface or damage property.

e. Personal, except clothing, if prisoner is intoxicated or unconscious.

f. Press Card issued by this Department.

(1) Forward card to the Deputy Commissioner - Public Information, with report of facts.

g. Auxiliary Police Shield, Civil Defense Shield/Identification Card.

(1) Forward report to the 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. Give pink copy of PROPERTY CLERK'S INVOICE (PD521-141) to the prisoner as a receipt.

(2) Prepare MEDICAL TREATMENT OF PRISONER (PD244-150) to alert detention facility personnel that prisoner may require a prescription drug.

NOTE: Invoiced drugs will be delivered to the borough Property Clerk in the normal manner. However, if the prisoner is to be released (stationhouse bail, desk appearance ticket, voided arrest, etc.) the aforementioned drugs will be returned to the prisoner at the stationhouse.

i. Pistol License

(1) Forward license to the Commanding Officer, License Division, with report of facts.

NOTE: When the holder of a pistol license is arrested, the pistol license and firearms(s) will be immediately seized and vouchered if they are:

a. On the arrestee's body

b. Within the arrestee's area of reach, or

c. In plain view of the arresting officer(s) at the time of arrest.

If the pistol license and firearm(s) cannot be seized in the manner described above, the arrestee shall be advised that he must surrender said license and firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily. If the license and/or 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 license and

firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) and pistol license either by consent or with a search warrant. The license, once obtained, will be forwarded with a report, to the License Division unless it is required as evidence.

j. Rifle/shotgun permit

(1) Forward permit to the License Division, Firearms Control Section.

NOTE: When the holder of a rifle/shotgun permit is arrested and charged with a felony, immediately seize and voucher the rifle/shotgun permit and firearm(s) if they are:

- a. On the arrestee's body
- b. Within the arrestee's area of reach, or
- c. In plain view of the arresting officer(s) at the time of arrest.

If the rifle/shotgun permit and firearm(s) cannot be seized in the manner described above, the arrestee shall be advised that he must surrender said permit and firearm(s) pursuant to License Division regulations, and shall be given an opportunity to surrender them voluntarily.

If the permit and/or 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 permit and firearm(s), unless exigent circumstances justify an immediate seizure. The supervisor assigned will make every effort to obtain the firearm(s) and rifle/shotgun permit either by consent or with a search warrant. The permit, once obtained, will be forwarded with a report to the License Division, Firearms Control Section, unless it is required as evidence.

10. Give itemized receipt for property temporarily removed from the prisoner which is not to be held in police custody.

11. Ask prisoner(s) if they want any personal property they possess to be vouchered for safekeeping.

a. A Command Log entry MUST be made indicating either the prisoner refused OR the PROPERTY CLERK'S INVOICE number for property safeguarded.

NOTE: This requirement does not apply to property removed under steps 9 and 10.

ARRESTING OFFICER

12. 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.

NOTE: In all cases in which a youth is arrested and charged with a violent felony, the precinct detective squad/RAM will be directed to enhance the arrest. It will also be the responsibility of the precinct detective squad/RAM 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.

13. Prepare arrest related documents as provided by the arrest processing officer.

NOTE: Comply with any applicable provisions of P.G. 208-15, "Arrest Report Preparation At Stationhouse."

14. Provide complainant with prisoner's name, charges, arresting officer's name, precinct of occurrence, PROPERTY CLERK'S INVOICE number, if any, and the location of the appropriate court.

NOTE: When the complainant is an eyewitness or other charges are involved, or a DESK APPEARANCE TICKET (PD260-121) is issued and the officer is not required to appear in court on the return date of the DESK APPEARANCE TICKET, a SUPPORTING DEPOSITION WILL NOT BE PREPARED and the complainant and witnesses will be directed to report to the appropriate District Attorney's Office in accordance with current processing procedures in each borough.

15. Advise prisoner of the right to make three (3) telephone calls within the City without charge or to make collect calls, outside the City, if toll charges are accepted.

a. Make telephone calls if the prisoner is incapacitated by alcohol and/or drugs.

16. Permit the prisoner to converse on the telephone, except where the ends of justice may be defeated or a dangerous condition may be created.

17. Notify relatives or friends if the prisoner is under nineteen (19) years of age, or is admitted to a hospital, or is apparently emotionally disturbed..

NOTE: If the prisoner appears to have a disability which may affect mobility, speech, hearing or mental ability, a reasonable attempt shall be made to notify a relative or a friend. All such attempts will be documented by the arresting or investigating uniformed member of the service.

18. Prepare a MISSING - UNIDENTIFIED PERSON REPORT (PD336-151) and notify the precinct detective squad and the Missing Persons 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 Persons Squad.

19. Comply with P.G. 215-01, "Care Of Dependent Child", if it is determined that dependent adult/child is alone in prisoner's residence.

20. Deliver the following completed forms to the desk officer:

a. ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).

NOTE: Ensure that any graffiti tag and/or gang related nickname is entered in the "A.K.A./Nickname" caption on line 12, if applicable for any arrest.

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.

NOTE: Follow P.G. 208-11, "Arrest Processing-Livescan Fingerprinting," immediately upon desk officer's review and approval of COMPLAINT REPORT WORKSHEET.

c. PROPERTY CLERK'S 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. PROPERTY CLERKS' MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a), if required.

- e. REQUEST FOR LABORATORY EXAMINATION (PD521-161), if required.
- f. DESK APPEARANCE TICKET INVESTIGATION (PD360-081), if appropriate.
- g. JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET(PD277-151a), if appropriate.

(1) One (1) copy of TYPED REPORT will be forwarded with the arrest documents and distribute the remaining copies to the precinct youth officer, Youth Services Section, and juvenile detention facility, if juvenile is detained.

NOTE: See P.G. 208-21, "Arrests-FINEST Checks and NITRO Debriefing," if a DESK APPEARANCE TICKET is issued at the precinct of arrest. In addition, have the Computerized Investigation Card File queried by complying with P.G. 208-23, "Computerized Investigation Card System" in all arrest cases.

- h. MEDICAL TREATMENT OF PRISONER, if prepared.

(1) Prepare the form if the prisoner receives medical/psychiatric treatment or 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, file the "Buff" copy of the MEDICAL TREATMENT form in a folder maintained at the desk of the precinct of arrest and forward the remaining copies of the form to Central Booking facility.

21. Deliver ARREST DOCUMENTATION CHECKLIST (PD249-010) and photocopies of the following Department forms to the desk officer in every case in which they are prepared:

- a. ON LINE BOOKING SYSTEM ARREST WORKSHEET
- b. COMPLAINT REPORT WORKSHEET
- c. AIDED REPORT WORKSHEET(PD304-152b), both sides
- d. ACTIVITY LOG entries
- e. PROPERTY CLERK'S INVOICES (District Attorney Copy)
- f. REQUEST FOR LABORATORY EXAMINATION
- g. SUPPORTING DEPOSITION
- h. STOP AND FRISK REPORT (PD344-151)
- i. O.C.C.B. BUY REPORT (PD321-152)
- j. SPRINT Incident Inquiry (from SPRINT)
- k. Order of Protection

1. Photographs of evidence motor vehicles returned to owner see P.G. 218-18, "Photographing Stolen Evidence Vehicles When An Arrest Is Made").

NOTE: To facilitate the duplicating of forms required in step 21, commanding officers will make photo copying machines accessible to arresting officers at all times. In those instances where snap-out forms have the District Attorney as a recipient of a copy of that form, a photocopy is not necessary. The District Attorney's copy of the form will be delivered to the desk officer. In arrests

involving multiple COMPLAINT REPORTS or AIDED REPORT WORKSHEET, a copy of each report will be required. Separate forms with identical information are not required for multiple arrests with a single complainant or a single AIDED REPORT WORKSHEET.

UNDER NO CIRCUMSTANCES WILL ARREST PROCESSING BE UNNECESSARILY DELAYED TO OBTAIN THE DOCUMENTS REQUIRED UNDER STEP 21.

DESK OFFICER

22. Examine all forms to ensure completeness and accuracy and sign all forms as required.

a. Review ARREST DOCUMENTATION CHECKLIST to ensure all forms prepared in connection with the arrest are available.

(1) Return CHECKLIST to arresting officer for delivery to the assistant district attorney in the Complaint Room or deliver in accordance with borough procedures.

23. 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. Names, addresses and telephone numbers of witnesses are entered on the COMPLAINT REPORT or the COMPLAINT FOLLOW-UP (PD313-081), if prepared.

c. Statement on PROPERTY CLERK'S INVOICE that property (other than vehicle) is valuable, contains identifying marks, and that the Stolen Property Inquiry Section (S.P.I.S.) was notified, including the name and rank/title of the person at S.P.I.S. notified.

d. Information concerning alarms transmitted or cancelled, with operator's name entered on COMPLAINT REPORT, PROPERTY CLERK'S INVOICE and PROPERTY INDEX (PD542-104), as required. State and police agency must be included if alarm is transmitted by other than a New York State agency. If no alarm transmitted, so state.

e. A hard copy of the FINEST screen containing the notification to S.P.I.S. is attached to the COMPLAINT REPORT, COMPLAINT FOLLOW-UP, PROPERTY CLERK'S INVOICE or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, whichever most accurately reflects the current status of a motor vehicle/boat/plate being reported stolen, recovered, etc.

f. Enter details of notification in Command Log (name, address, relationship) when prisoner is of unsound mind, under nineteen (19) years of age or is admitted to a hospital.

g. Enter in Command Log information concerning release of prisoner to member of Highway District to conduct required tests.

h. Enter chemical test results on ON LINE BOOKING SYSTEM ARREST WORKSHEET under caption, "Narrative."

i. 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.

j. Document any other pertinent facts in the Command Log, including serial numbers of any forms prepared regarding arrest.

k. Notify Court Section supervisor for computer entry when prisoner is admitted to a hospital (see P.G. 210-02, "Hospitalized Prisoners").

(1) Record notification in Telephone Record.

1. If a third telephone call is made by the prisoner, enter telephone number and identity of person called in the Command Log. Make a Command Log entry if the prisoner refuses telephone privileges.

24. Refer "FOA" cases (offenses not triable in New York City courts or violation of parole or probation) to detective squad.

25. Direct that "Have Arrested Message" is transmitted, if required.

26. Make notifications as required by P.G. 208-69, "Notifications In Certain Arrest Situations."

27. Request borough Court Section concerned to provide transportation ONLY when large numbers of prisoners must be transported or unusual circumstances dictate the use of a patrol wagon.

28. 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. Copy of DAT INVESTIGATION, in every misdemeanor and violation case

d. Green (5th) copy of the PROPERTY CLERK'S INVOICE and/or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, if evidence has been vouchered

e. SUPPORTING DEPOSITION, if prepared

g. MEDICAL TREATMENT OF PRISONER form, if prepared

h. JUVENILE ARREST - INVESTIGATION REPORT, if prepared.

29. 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.

ARRESTING OFFICER/ESCORTING OFFICER

30. 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.

31. Present all forms relating to arrest to the borough Court Section supervisor.

32. Comply with all directions of the borough Court Section supervisor.

BOROUGH COURT SECTION SUPERVISOR

33. Examine all forms to verify completeness and accuracy.

34. 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.

35. Ensure that the computer generated Prisoner Movement Slip has a notation in the Detention Alert Section when a prisoner is violent, resists arrest, 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.

36. 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's copy of the PROPERTY CLERK'S INVOICE and/or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, if prepared.

ARRESTING OFFICER

37. Bring all related papers to each subsequent court appearance.

PRECINCT YOUTH OFFICER

38. Follow up on arrests of youths under sixteen (16) years of age.

ADDITIONAL DATA

To strengthen the prosecution of auto larceny cases, all uniformed members of the service will perform a license check through FINEST, using the "D.A.L.L." Format, on all defendants arrested for the following:

a. Driving a stolen vehicle, OR,

b. Driving an auto with an altered Vehicle Identification Number (V.I.N.), OR,

c. Possession of stolen plates.

Arresting/assigned officers will notify the Assistant District Attorney drawing up the court complaint of all verbal and written statements made by the defendant and any procedures used by the police to assist a witness/complainant to identify the defendant. In addition, the arresting/assigned officer will make an appropriate entry of the notification in his/her ACTIVITY LOG.

OBSERVERS AT THE SCENE OF POLICE INCIDENTS

As a rule, when a police officer stops, detains or arrests a person in a public area, persons who happen to be in or are attached to the area are naturally in position to and are allowed to observe the police officer's actions. This right to observe is, of course, limited by reasons of safety to all concerned and as long as there is no substantive violation of law. The following guidelines should be utilized by police officers whenever the above situation exists:

a. A person remaining in the vicinity of a stop or arrest shall not be subject to arrest for Obstructing Governmental Administration (Penal Law, Section 195.05) unless the officer has probable cause to believe the person or persons are obstructing governmental administration.

b. None of the following constitutes probable cause for arrest or detention of an onlooker unless the safety of officers or other persons is directly endangered or the officer reasonably believes they are endangered or the law is otherwise violated:

- (1) Speech alone, even though crude and vulgar
- (2) Requesting and making notes of shield numbers or names of officers
- (3) Taking photographs, videotapes or tape recordings
- (4) Remaining in the vicinity of the stop or arrest.

c. Whenever an onlooker is arrested or taken into custody, the arresting officer shall request the patrol supervisor to the scene, or if unavailable, report the action to the supervisor where the person is taken.

This procedure is not intended in any manner to limit the authority of the police to establish police lines, e.g., crowd control at scenes of fires, demonstrations, etc.

RELATED PROCEDURES

Arrest Report Preparation At Stationhouse (P.G. 208-15)

Arrest - General Search Guidelines (P.G. 208-05)

Arrests - Security Measures (P.G. 208-06)

Arrests - "Finest" Checks And "Nitro" Debriefing (P.G. 208-21)

Prisoner Requiring Medical/Psychiatric Treatment (P.G. 210-04)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

ARREST REPORT SUPPLEMENT WORKSHEET (PD244-1516)

MEDICAL TREATMENT OF PRISONER (PD244-150)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 208-04 Arrest By A Civilian

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145).

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 Control 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

Desk Appearance Ticket-Arrest By Civilian Complainant - (P.G. 208-32)

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)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 208-05 Arrest - General Search Guidelines

Date Effective: 01-01-00

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

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.

B. SEARCH AT POLICE FACILITY

(1) Upon arrival at precinct of arrest or other Department facility, the arresting officer or a designated member of the same sex as the prisoner, will conduct a thorough search of the subject'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 (not a "strip" search) includes the removal of outer garments such as overcoats, jackets, sweaters, vests, hats, wigs, ties, belts, shoes and socks, handbags, and wallets. 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.

C. STRIP SEARCH

(1) The desk officer, precinct of arrest/borough Court Section supervisor will decide if a strip search should be conducted and he/she is responsible that the search is conducted properly. A strip search will be utilized 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. Other factors that should be considered in determining the necessity for a strip search include the nature of the crime (serious violent felony), arrest circumstances, subject's reputation (extremely violent person), acts of violence and discoveries from previous searches. In addition, contact borough Court Section supervisor and expedite appearances of prisoner and arresting/assigned officer with necessary details before the arraignment judge.

NOTE: In cases where there is a disagreement between the desk officer and an arresting officer's supervisor from an outside command, the final decision whether or

not to conduct the strip search will be made by the desk officer concerned. If not in agreement with the desk officer's decision, the arresting officer's supervisor may confer with the precinct commander/duty captain.

(2)A strip search will be conducted by a member of the same sex as the arrested person in a secure area in utmost privacy and with no other arrestee present. 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 a body cavity search is considered necessary, the desk officer will be advised and his instructions complied with.

(3)If a strip search is conducted, such information will be entered in the Command Log, arresting officer's Activity Log, and also documented in the "Narrative" section of 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.

(4)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.

(5)ALL arrested persons being processed in a facility equipped with a metal detector are required to pass through the device. These electronic metal detectors are extremely sensitive and can detect a metallic object secreted in or around a body cavity. A "reading" on a detector, which cannot otherwise be accounted for, may form the basis for a full strip search.

RELATED PROCEDURES

Arrests-Removal To Department Facility For Processing (P.G. 208-02)

Arrest-General Processing (P.G. 208-03)

Arrests - Security Measures (P.G. 208-06)

Arrest Report Preparation At Stationhouse (P.G. 208-15)

Arrests -"FINEST" Checks And "NITRO" Debriefing (P.G. 208-21)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 208-06 Arrests - Security Measures

Interim Order 8 Issued 02-02-04 Suspends Patrol Guide 208-06

ARRESTING OFFICER

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:

ARRESTING/ESCORTING OFFICER

TRANSPORTING PRISONERS IN DEPARTMENT VEHICLES

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 inside 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 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 (12) PASSENGER VANS

The transportation of prisoners in a twelve (12) 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 (12) 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 (3) prisoners should be transported at one time (see ADDITIONAL DATA graphic for Seating Plan.)

Select twelve (12) 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 (12) passenger van to transport more than three (3) 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 (7) 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 (12) 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 (12) 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 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 ACTIVITY LOG (PD112-145) 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 (2) 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.

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 and telephone numbers are as follows:

MANHATTAN COURT SECTION - Rear of 100 Centre Street (at Baxter Street) (212) 374-3916/21

MIDTOWN COMMUNITY COURT - 314 West 54th Street (Midtown North Pct.) (646) 264-1345

BROOKLYN COURT SECTION - Rear of 120 Schermerhorn Street (State St.) (718) 875-6303

QUEENS COURT SECTION - 125-01 Queens Boulevard (718) 286-6874

BRONX COURT SECTION - 215 East 161st Street (718) 590-2817

STATEN ISLAND COURT SECTION - 78 Richmond Terrace (120th Pct. 2nd Fl.) (718) 876-8490/8541

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

- * Rear Door must be locked to ensure prisoners do not escape.
- * 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)
Arrest - General Processing (P.G. 208-03)
Arrest - General Search Guidelines (P.G. 208-05)
Arrest Report Preparation At Stationhouse (P.G. 208-15)
Arrests - "FINEST" Checks And "NITRO" Debriefings (P.G. 208-21)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 208-07 Photographable Offenses

Date Effective: 01-01-00

PURPOSE

To obtain official Department photographs of persons arrested for felonies and certain misdemeanors.

PROCEDURE

Follow normal arrest procedure and, in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Have photographs taken of persons arrested when such persons are charged with any felony, including "juvenile offenders" as defined in the Penal Law, Section 10, sub. 18, or any of the following misdemeanors:

a. Criminal possession of a weapon, 4th degree, firearm only, (Section 265.01, Penal Law)

NOTE: Photographs are no longer required for criminal possession of a weapon in the fourth (4th) degree if the weapon is NOT a firearm.

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. Loitering for the purpose of promoting prostitution (Section 240.37, Penal Law, sub. 3)

j. Prostitution (Section 230.00, Penal Law)

k. Patronizing a prostitute, 3rd degree (Section 230.04, Penal Law)

l. Patronizing a prostitute, 4th degree (Section 230.03, Penal Law)

m. Trademark counterfeiting, 3rd degree (Section 165.71, Penal Law).

[I.O. 50 s 04] n. Making graffiti (Section 145.60, Penal Law)

o. Possession of graffiti instruments (Section 145.65, Penal Law)

ADDITIONAL DATA

An official Department photograph is taken by a member of the Photo Unit for any felony or selected misdemeanor listed above. A Polaroid photograph taken at a

Department facility is for identification purposes only and does not satisfy the requirements of this procedure.

A hospitalized prisoner who is charged with a photographable misdemeanor may be issued a Desk Appearance Ticket, if eligible, and criminal photographs will NOT be taken.

P.G. 208-08 Fingerprintable Offenses

Date Effective: 01-01-00

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 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

(4) Loitering for purpose of engaging in prostitution - Section 240.37, subdivision 2, Penal Law.

b. 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) Sodomy 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 OR Criminal Possession of a Weapon 3rd Degree - Section 265.02, subdivision 4, 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).

c. 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.

NOTE: Fingerprints 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 (1) clear front view Polaroid 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, Room 606, Police Headquarters.

NOTE: If juvenile is taken directly to Family Court, a member of the borough court section or arresting/assigned officer will take fingerprints and photo and forward as above.

ADDITIONAL DATA

Whenever prisoners must be fingerprinted, palm prints and photographs may also be taken. Palm prints will be taken on an 8 1/2 x 11 sheet of white paper with left and right palm identified. The data in step 2 will be included on rear of each sheet. The sheets will be placed in a sealed envelope and forwarded to Commanding Officer, Identification Section.

RELATED PROCEDURES

Photographable Offenses (P.G. 208-07)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

P.G. 208-09 Rights Of Persons Taken Into Custody

Date Effective: 01-01-00

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 person in custody does not understand English, or requires the assistance of a sign language interpreter, request an interpreter from the Operations Unit.

3. Cease interrogation if subject wants an attorney or wishes to remain silent.

4. Contact attorney for person in custody.

NOTE: When questioning juveniles, both the juvenile and parent/guardian must be given the Miranda Warnings. 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 waive the rights, they need only be advised of such rights. If, however, the parent or 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)

P.G. 208-10 Alternate Procedure For Arrest Number Generation As A Result Of Computer Failure

Date Effective: 01-01-00

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 Management Information Systems Division, Help Desk, at (212) 374-3800, to attempt to correct problem.

2. Ascertain from member assigned to Management Information Systems Division, 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 M.I.S.D. 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 (200,000) series, i.e., M97200001.

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 WORK-SHEET (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 (3) 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)

P.G. 208-11 Arrest Processing-"Livescan" Fingerprinting

Date Effective: 01-01-00

PURPOSE

To set forth guidelines for the utilization of the "LIVESCAN" computer fingerprinting system.

PROCEDURE

In all arrest situations whenever a prisoner is required to be fingerprinted, 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 system and:

NOTE: To maintain a high quality of fingerprints, operation of the "LIVESCAN" machine should be performed by the command's designated arrest processing officer, if applicable, or a member of the service appropriately trained to operate the machine.

ARREST PROCESSING OFFICER/DESIGNATED MEMBER

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.

3. Immediately proceed to begin fingerprinting 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 "Corn Huskers Lotion" to soften prisoner's fingertips, 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 (4) fingers minus the thumb on large scanner platen and the thumbs on the small scanner platen and press "SCAN."

(1) The four (4) 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.

NOTE: Appropriate notations must be entered in "LIVESCAN" computer when fingers 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 (72) hours.

NOTE: Complete "LIVESCAN" processing of a prisoner should not exceed three (3) hours from the time of arrest, unless exigent circumstances exist.

DESK OFFICER/SUPERVISOR, ARREST PROCESSING SITE

[I.O. 36 s 02] 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 (4) 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 OR IS REMOVED TO THE HOSPITAL:

6. Notify the Borough Court Section supervisor concerned immediately if the prisoner refuses to be fingerprinted 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.
 - 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 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.

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 upon completion of all other arrest related procedures.

IF PRISONER COMPLIES:

DESK OFFICER/SUPERVISOR, ARREST PROCESSING SITE

10. Have prisoner fingerprinted 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:

11. Proceed as in steps "10a-10c" above.

[I.O. 16 s 03] a. Place leg restraints on prisoner and direct that prisoner be brought directly to the Borough Court Section

[I.O. 16 s 03] NOTE: 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 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 REFUSED TO BE FINGERPRINTED ARRIVES AT THE BOROUGH COURT SECTION:

BOROUGH COURT SECTION SUPERVISOR

12. Question the prisoner and verify that he/she refuses to be fingerprinted.

IF PRISONER COMPLIES:

13. Direct that prisoner be fingerprinted 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:

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 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

[I.O. 36 s 02] 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 Management Information System Division (MISD) HELP DESK (212) 374-3800, and if necessary be guided by P.G. 208-12, "Alternate Procedures For Fingerprint Processing In The Event of Computer Failure".

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. The "LIVESCAN" machine is to be cleaned only with authorized cleaning materials, (i.e., "Windex with Ammonia D," "Lithopads"). These materials, in addition to "Corn Huskers Lotion," 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 Management Information Systems 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 (24) hours, seven (7) days a week, OR the Criminal Justice Bureau at (212) 374-5305, during business hours.

Technical problems and "LIVESCAN" outages are to be referred to the Management Information Systems Division (MISD) HELP DESK at (212) 374-3800.

RELATED PROCEDURES

Fingerprintable Offenses (P.G. 208-08)

Alternate Procedures For Fingerprint 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)

P.G. 208-12 Alternate Procedure For Fingerprint Processing Due To Computer System Failure

Date Effective: 01-01-00

PURPOSE

To set guidelines for fingerprint processing should the "LIVESCAN" System become disabled.

DEFINITION

"LIVESCAN" System - the electronic transmitting of fingerprints 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 Management Information Systems Division, Help Desk, at (212) 374-3800, if "LIVESCAN" becomes disabled at any time, to attempt to correct problem.
2. Ascertain from member assigned to Management Information Systems Division, 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 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.

NOTE: Borough Court Section supervisors are available twenty-four (24) hours a day, seven (7) days a week, at the following numbers: - Manhattan Court Section (212) 374-3916/21 - Brooklyn Court Section (718) 935-9240 - Queens Court Section (718) 268-4523 - Bronx Court Section (718) 590-2817/3830 - S.I. Court Section (718) 876-8490/3

IF THE DECISION IS MADE TO REVERT TO USING INK TO FINGERPRINT 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 Management Information Systems Division, 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 the prisoner using LIVESCAN.

BOROUGH COURT SECTION SUPERVISOR

5. Instruct desk officer/supervisor, command concerned, to ink print defendant(s) on appropriate fingerprint charts.

a. Have fingerprints 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 charts before they are delivered to the borough Court Section concerned for processing (see P.G. 208-12, "Alternate Procedure for Fingerprinting Processing due to Computer System Failure").

6. Have Court Section personnel available and ready to process ink fingerprints, including:

a. Backing up of fingerprint charts, and

b. Transmission of those fingerprints to Albany via the court site "Fax-4" machine.

DESK OFFICER/SUPERVISOR

7. Instruct arresting/assigned officer to ink print defendant(s) on appropriate fingerprint charts.

8. Have fingerprint 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 (3) 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 CHARTS (PD223-141)
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 System Failure (P.G. 208-10)
Arrest Processing-Livescan Fingerprinting (P.G. 208-11)

FORMS AND REPORTS

CRIMINAL FINGERPRINT CHART (PD223-141)
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)

P.G. 208-13 Arrest Report Supplement

Date Effective: 01-01-00

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 forfeits bail
 - e. Prisoner re-arrested for same offense for which bail was forfeited
 - f. Prisoner released on reasonable belief he did not commit the crime
 - g. Attorney visits prisoner
 - h. 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.
 - i. Prisoner released from hospital. (If the prisoner is under eighteen (18) include notifications to prisoner's parent or guardian and the arresting officer.)
 - j. Hospitalized prisoner issued a DESK APPEARANCE TICKET.
 - k. Prisoner is released to the custody of a member of the Accident Investigation Section to permit examination of a vehicle if a person has been killed or is injured and likely to die
 - l. Child released from a place of detention
 - m. Clothing removed from a homicide victim for examination at the Forensic Investigation Division
 - n. 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
 - o. Prisoner being charged with an additional arrest charge(s), after an arrest number has been issued and prior to arraignment in court. These arrest charges, meaning the original and additional, must have occurred within the same geographical borough. The member of the service filing the additional arrest charge(s) will not re-fingerprint the prisoner, but will be required to make an immediate notification to the borough Court Section supervisor concerned. This procedure will also be followed

in post arraignment indictment warrant cases. The initial indictment warrant must be issued a new arrest number and the prisoner fingerprinted. All subsequent indictment warrants for the same prisoner will require the preparation of an ARREST REPORT SUPPLEMENT.

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 Prisoner (P.G. 210-02)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT WORKSHEET (PD244-1516)

P.G. 208-14 Arrest By Uniformed Member Outside City

Date Effective: 01-01-00

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.

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 In Which The City Is Involved (P.G. 217-04)

P.G. 208-15 Arrest Report Preparation At Stationhouse

Date Effective: 01-01-00

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.

NOTE: The arrest processing officer will fingerprint prisoner (LIVESCAN) and assist the arresting officer by providing arrest related forms, taking photographs, and conducting necessary warrant checks.

ARRESTING OFFICER

3. IMMEDIATELY prepare ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).
 - a. Ensure that COMPLAINT REPORT (PD313-152), PROPERTY CLERK'S INVOICE (PD521-141), etc., case numbers are indicated.

DESK OFFICER

4. Review for completeness and accuracy and sign ON LINE BOOKING SYSTEM ARREST WORKSHEET and return to arresting officer.

ARRESTING OFFICER

5. Have arrest number generated utilizing On Line Booking System PF1/PF3 data entry.

NOTE: To correctly collate the different types of arrests that are processed, all arrests generated in the On-Line Booking System will use the following Arrest Processing Type codes when entering "PF1" data:

CODE	TYPE OF ARREST BEING PROCESSED
A	D.A.T. COMMUNITY COURT (MIDTOWN)
C	COMMUNITY COURT (MIDTOWN) ON LINE ARREST
D	DESK APPEARANCE TICKET
J	JUVENILE (NON FINGERPRINTABLE OFFENSES ONLY)
O	ON LINE ARREST
V	VOIDED ARREST

Personnel entering data into the On-Line Booking System must ascertain the correct "Arrest Processing Type" code for the type of arrest being processed before completing the "PF1" entry. (See "ADDITIONAL DATA" for a glossary of these codes and the types of arrests they represent).

- a. FAX completed ON LINE BOOKING SYSTEM ARREST WORKSHEET (with arrest number indicated,) to the borough Court Section/Assistant District Attorney, for on line

arrests ONLY (videoconferencing, BLAP), in accordance with current processing procedures in each borough.

6. Have arrest processing officer fingerprint prisoner utilizing LIVESCAN.
7. With the assistance of the arrest processing officer:
 - a. Have photograph(s) of prisoner taken
 - b. Prepare other necessary forms, (e.g., COMPLAINT REPORT, PROPERTY CLERK'S INVOICE), etc.
 - c. Have any necessary warrant checks conducted.
 - d. Have Prisoner Movement Slip prepared/generated.
8. 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.
9. Complete any additional arrest paperwork, as necessary.
10. Have desk officer review documents for completeness and accuracy.
11. Prepare affidavit based on the county District Attorney's method of preparation.

ADDITIONAL DATA

CODE	TYPE OF ARREST BEING PROCESSED AND EXPLANATION
A	DESK APPEARANCE TICKET COMMUNITY COURT (MIDTOWN) used when a D.A.T. is issued and returnable to Midtown Community Court.
C	COMMUNITY COURT (MIDTOWN) ON LINE ARREST used when a command processes an on line arrest to be arraigned in the Midtown Community Court.
D	DESK APPEARANCE TICKET used when a command processes a Desk Appearance Ticket.
J	JUVENILE (NON FINGERPRINTABLE OFFENSES ONLY) used to process juvenile delinquent arrests that are not fingerprintable offenses.
O	ON LINE 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).
V	VOIDED ARREST used when processing a voided arrest under P.G. 210-13, "Release of Prisoners-General Procedure."

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 (5) hours from time of arrest for lineups, prisoner debriefing, prisoner medical attention, etc., will be reported by telephone to the appropriate borough Court Section, as follows:

Manhattan

(212) 374-3838

Brooklyn	(718) 875-6586
Bronx	(718) 590-2849
Queens	(718) 520-9303
Staten Island	(718) 876-8493

RELATED PROCEDURES

Arrests - Removal To Department Facility For Processing (P.G. 208-02)
Arrest - 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 Generated As A Result Of Computer Failure (P.G. 208-10)
Alternate Procedure For Fingerprint Processing Due To Computer System Failure (P.G. 208-12)
Arrests - "FINEST" Checks And "NITRO" Debriefing (P.G. 208-21)
Release Of Prisoners-General Procedure (P.G. 210-13)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)
PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 208-16 Arrest Processing Indicators

Date Effective: 01-01-00

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.

- 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)

P.G. 208-17 Change In Arrest Charges

Date Effective: 01-01-00

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 COMPLAINT FOLLOW-UP (PD313-081).

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)

COMPLAINT FOLLOW-UP (PD313-081)

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

P.G. 208-18 Processing Arrests Effected By Housing Bureau Personnel At Precinct Stationhouses

Date Effective: 01-01-00

PURPOSE

To provide guidelines for processing arrests effected by Housing Bureau personnel at precinct stationhouses.

PROCEDURE

When an arrest is effected by a uniformed member of the service assigned to the Housing Bureau:

ARRESTING OFFICER

1. Remove prisoner to the appropriate precinct stationhouse of arrest, when police service area command is not authorized for the processing of prisoners.

NOTE: Housing Bureau uniformed members of the service will continue to have arrests verified at the scene. If that is not possible, the Housing Bureau supervisor will contact the desk officer/arresting officer to ascertain the details of the arrest, ensure the arrest is verified and that all necessary follow-up activities are completed in an expeditious manner.

2. Comply with the appropriate arrest procedures and/or the instructions from the precinct desk officer.

DESK OFFICER

3. Ensure that Housing Bureau uniformed members of the service are entered in the Command Log and Interrupted Patrol Log upon entering the stationhouse.

IF A DESK APPEARANCE TICKET (PD260-121) IS TO BE ISSUED:

4. Ensure that precinct personnel are available to access FINEST machine to process necessary warrant checks.

ARRESTING OFFICER

5. Comply with P.G. 208-27, "Desk Appearance Ticket - General Procedure".

ALL OTHER ARRESTS (FELONY, MISDEMEANOR AND PRISONER DOES NOT QUALIFY FOR A DESK APPEARANCE TICKET, ETC.)

ARRESTING OFFICER

6. Process according to existing Department arrest procedures, except:

a. In the borough of Manhattan, when an arrest has been effected for a Housing-related misdemeanor offense which utilizes a Supporting Deposition, the "Expedited Affidavit Program (EAP)" guidelines will be adhered to.

NOTE: All of the above described arrests must be verified by a Housing Bureau supervisor either at the scene or by contacting the desk officer/arresting officer at the stationhouse.

7. Prepare and sign a COMPLAINT REPORT prior to leaving for the borough Court Section facility.

NOTE: Transportation to the borough Court Section facility will be provided by Housing Bureau personnel, if available. However, if precinct personnel are responding to the borough Court Section facility and the Housing Bureau uniformed member of the service and the prisoner can be transported, the Housing Bureau uniformed member of the service may proceed to the borough Court Section with precinct personnel. In all other cases, the arresting officer will report to the Complaint Room for affidavit preparation. The Housing Bureau uniformed member of the service will deliver to the PSA a copy of the ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159) including arrest number, after completion of affidavit preparation.

DESK OFFICER

8. Ensure that COMPLAINT REPORTS and ON LINE BOOKING SYSTEM ARREST WORKSHEETS prepared for incidents occurring on Housing Authority jurisdictions include jurisdiction code "02."

ADDITIONAL DATA

All Housing Bureau commands which currently utilize "DAT Express" processing procedures will continue to do so.

For any arrest effected by other than Housing Bureau personnel for an offense committed on Housing Authority property, a copy of the COMPLAINT REPORT will be FAXED to the Housing Bureau PSA having jurisdiction. The Housing Bureau locations and FAX numbers are:

HOUSING BUREAU POLICE SERVICE AREA LOCATIONS

PSA	LOCATION	FAX NUMBER
1	2860 West 23rd Street Brooklyn, New York 11224	(718) 265-7316
2	560 Sutter Avenue Brooklyn, New York 11207	(718) 922-6805
3	25 Central Avenue Brooklyn, New York 11201	(718) 386-4488
(WHITMAN SATELLITE) (76, 78, 84, 88 Precincts)	4 Auburn Place Brooklyn, New York 11205	(718) 858-7161 (718) 265-7300
4	18-22 Jackson Avenue New York, New York 10002	(212) 375-9388
5	1385 Fifth Avenue New York, New York 10029	(212) 860-4224
6	2690 Eighth Avenue New York, New York 10030	(212) 694-7706
7	737 Melrose Avenue Bronx, New York 10451	(718) 292-0327
8E	2794 Randall Avenue Bronx, New York 10465	(718) 792-8293
8N (47, 49, 50, 52	1165 East 229th Street Bronx, New York 10466	(718) 515-0892

Precincts)

9 (POMONOK)	155-09 Jewel Avenue Flushing, New York 11365	(718) 591-7695
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9 (RAVENSWOOD) (108 and 114 Precincts)	34-41 21st Avenue Long Island City, New York 11106	(718) 786-0725
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RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

ON LINE BOOKING SYSTEM ARREST REPORT (PD244-159)

P.G. 208-19 Processing Arrests Effected By Transit Bureau Personnel At Precinct Stationhouses

Date Effective: 01-01-00

PURPOSE

To provide guidelines for processing arrests by Transit Bureau uniformed members of the service at precinct stationhouses.

PROCEDURE

When an arrest is effected by a uniformed member of the service assigned to the Transit Bureau:

ARRESTING OFFICER

1. Remove prisoner to the appropriate precinct stationhouse of arrest when transit district command is not authorized for the processing of prisoners. (See O.G. 101-04, "Chief of Department," for a complete listing of Transit Bureau posts/train stations and corresponding precinct of record for arrest and report processing).

NOTE: Transit Bureau uniformed members of the service will have arrests verified by a Transit Bureau supervisor at the scene. If that is not possible, the Transit Bureau supervisor will contact the desk officer/arresting officer at the precinct stationhouse to ascertain the details of the arrest, ensure the arrest is verified and that all necessary follow-up activities are completed in an expeditious manner.

2. Comply with the appropriate arrest procedures and/or instructions from the precinct desk officer.

PRECINCT DESK OFFICER

3. Ensure that the Transit Bureau uniformed members of the service are entered in the COMMAND LOG and INTERRUPTED PATROL LOG upon entering the precinct stationhouse.

IF A DESK APPEARANCE TICKET (PD260-121) IS TO BE ISSUED:

4. Ensure that appropriate precinct personnel are available to access FINEST terminal applications and conduct necessary warrant, recidivist, parole/probation checks, etc.

ARRESTING OFFICER

5. Comply with P.G. 208-27, "Desk Appearance Ticket - General Procedure" and P.G. 208-28, "Identification Standards For Desk Appearance Tickets."

a. Utilize pre-packaged arrest package available in each precinct.

NOTE: Any additional Transit Bureau specific forms, (e.g., Field Investigation Worksheet [TP-67]) will be provided for and prepared by, the arresting officer or the responding Transit Bureau supervisor.

6. Hand deliver the completed DESK APPEARANCE PACKAGE OR the arresting officer's copy of the OLBS WORKSHEET, COMPLAINT REPORT AND DESK APPEARANCE TICKET, as appropriate, to the transit district desk officer for entry into their On Line Transit Police System (OLTPS).

ALL OTHER ARRESTS (FELONY, MISDEMEANOR OR PRISONER DOES NOT QUALIFY FOR A DESK APPEARANCE TICKET, ETC.)

7. Process according to existing Department arrest procedures, except:

a. The arrest effected is for a transit related misdemeanor that utilizes a Supporting Deposition. Transit related misdemeanor arrest cases will be processed according to that borough's "Transit On Line Arrest FAX Program" guidelines.

8. Prepare and sign a COMPLAINT REPORT (PD313-152) prior to leaving for the borough Court Section facility.

NOTE: The Transit Bureau uniformed member of the service will deliver to the Transit District a FIELD INVESTIGATION WORKSHEET (TP-67) and a copy of the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) including arrest number, after completion of drawing of complaint at the Complaint Room.

PRECINCT DESK OFFICER

9. Ensure that COMPLAINT REPORTS and ON LINE BOOKING SYSTEM ARREST WORKSHEETS prepared for incidents occurring on New York City Transit systems (on-system) include Jurisdiction Code "01" (NYPD Transit Bureau) in appropriate captions.

NOTE: Members assigned to the Transit Bureau will continue to enter Reporting Agency Code "01" in appropriate captions of COMPLAINT REPORTS and OLBS WORKSHEETS.

10. Provide for transportation of the Transit Bureau uniformed member of the service and prisoner to the appropriate borough court section facility in cases where Transit Bureau radio mobile patrols are not available.

ADDITIONAL DATA

In all arrests effected by other than Transit Bureau personnel for an offense committed on New York City Transit facilities, the precinct desk officer must ensure that a copy of the ON LINE BOOKING SYSTEM ARREST REPORT (with the arrest number entered) is FAXED by the arresting officer to the desk officer of the transit district concerned.

In addition to arrest processing, the listing of Transit Bureau posts/train stations identifies the corresponding precinct of record for the preparation of COMPLAINT REPORTS and/or FIELD INVESTIGATION REPORTS, as well as other police reports (e.g., AIDED REPORT WORKSHEETS [PD304-152b], JUVENILE REPORTS [PD377-151], PARKING VIOLATION/MOVING/CRIMINAL COURT SUMMONSES, etc.)

Precinct commanding officers shall regularly confer with their Transit Bureau commanding officer counterpart(s) in order to keep fully apprised of crime conditions and patterns associated with Transit Bureau posts. They will jointly develop strategies to suppress crime along precinct boundaries and surrounding areas, regardless of the jurisdiction of such posts.

RELATED PROCEDURES

Desk Appearance Tickets - General Procedure (P.G. 208-27)

Identification Standards For Desk Appearance Tickets (P.G. 208-28)

P.G. 208-20 Turnover" Arrests

Date Effective: 01-01-00

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 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 ACTIVITY LOG (PD112-145) 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. Make Command Log entry indicating:
 - a. Identification of arresting officer

b. Identification of assigned officer

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.

DESK OFFICER

5. Assign a uniformed member of the service to provide transportation to civilian(s) for re-interview, if possible.

ASSIGNED OFFICER

6. Re-interview civilian complainant and any necessary civilian witnesses.

7. 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

8. Ensure that re-interview has been conducted prior to arresting officer being assigned to other duties.

NOTE: 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.

ADDITIONAL DATA

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)

Arraignment (P.G. 211-02)

Duties And Conduct In Court (P.G. 211-11)

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

DESK APPEARANCE TICKET (PD 260-121)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159)

P.G. 208-21 Arrests-"Finest" Checks And "Nitro" Debriefing

Date Effective: 01-01-00

ARRESTING OFFICER/ARREST PROCESSING 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:

LICENSE CHECKS THROUGH FINEST USING "D.A.L.L." FORMAT

To strengthen the prosecution of auto larceny cases, all uniformed members of the service perform a license check through FINEST, using the "D.A.L.L." format, on all defendants arrested for the following:

- a. Driving a stolen vehicle, OR
- b. Driving an auto with an altered vehicle identification number (V.I.N.), OR
- c. Possession of stolen license plates.

WARRANT NAME CHECKS VIA FINEST

Prior to releasing a prisoner who is being issued a DESK APPEARANCE TICKET (PD260-121) at the precinct of arrest, a warrant name check of local/state/federal files will be conducted via FINEST. If a "HIT" is revealed, such "HIT" will be circled on the FINEST printout. The caption "Search Completed" will also be circled and signed by the FINEST operator. If there is "NO HIT," the words "NO HIT" will be entered adjoining the same caption. If prisoner is released at precinct of arrest, attach FINEST print-out to file copies of arrest papers. If prisoner is removed to borough Court Section facility, attach FINEST print-out to prisoner's papers. If FINEST terminal is inoperative, request the patrol borough Finest operator to conduct the name check. Should the borough terminal also be inoperative, an adjoining precinct will be requested to conduct the name check. If the entire Finest system is out of service for more than twenty (20) minutes, the Central Warrant Unit will be requested by telephone to process the name check.

DEBRIEFING OF NARCOTICS ARRESTEES

Narcotics Investigative Tracking of Recidivist Offenders (NITRO) Unit personnel will debrief selected felony arrestees as follows:

- a. Whenever any arrest is made for a New York State felony narcotics offense within the city between 0800 hours and 2400 hours, the arresting officer must call the Narcotics Borough NITRO Unit concerned to provide pertinent arrest incident data, and receive a NITRO log number before booking the prisoner. Between 2400 hours and 0800 hours, the arresting officer will call the Organized Crime Control Bureau, Field Operations Desk at (212) 374-6620. The arresting officer will record the NITRO log number on the top center of the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).

Telephone numbers of borough NITRO Units are as follows:

Bronx	(718) 378-8784 or (718) 378-8785
Brooklyn North	(718) 573-5066 or (718) 573-5035
Brooklyn South	(718) 921-4051 or (718) 921-4052
Manhattan North	(212) 426-2733
Manhattan South	(212) 760-8349 or (212) 760-8350
Queens	(718) 468-3228 or (718) 468-3374
Staten Island	(718) 876-6858

b. The NITRO Unit member receiving the telephone notification will determine the usefulness of officially debriefing the arrestee based upon:

(1) Name check inquiry, re: arrestee's criminal status, i.e., Career Felony-Drug Offender, etc.

(2) Drug weight possessed by arrestee.

(3) Cash possessed by arrestee.

c. If the debriefing of the arrestee is deemed worthwhile, the NITRO Unit member will advise the arresting officer to make the arrestee available at a designated location, will respond to that location, and debrief the prisoner using the Narcotics Information Survey Sheet.

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

RELATED PROCEDURES

Arrests - Removal To Department Facility For Processing (P.G. 208-02)

Arrest - General Processing (P.G. 208-03)

Arrest - General Search Guidelines (P.G. 208-05)

Arrests - Security Measures (P.G. 208-06)

Preparation Of Arrest Related Documents At The Stationhouse (P.G. 208-15)

P.G. 208-22 Access Procedures For The Master Warrant File

Date Effective: 01-01-00

PURPOSE

To access information from the warrant master file computer system.

PROCEDURE

Whenever it is necessary to conduct a warrant name check via FINEST Terminal/Local Area Network System computer.

MEMBER CONCERNED

1. Conduct a Warrant Name Check/Basic Name Search by entering the following data into FINEST SYSTEM/MIS:

a. Type: WNAM/prisoner's LAST name/FIRST name/SEX (M or F)/DATE OF BIRTH (if not known, type in 000000) or range of age

b. Depress ENTER key.

NOTE: If the FINEST System response displays the name of the subject or prisoner's name as entered, and if followed by pedigree information on the name, which includes "matching date of birth," NYSID # and/or, docket number, if any, and an OCA # appears, this is an indication of a "POSSIBLE WARRANT" OR "HIT". This information is related to an open investigation or criminal history on a subject identified as a recidivist or target narcotic violator.

2. Conduct a search of the state and federal warrant files, if necessary, as follows:

a. Access the FINEST MESSAGE SWITCHING SYSTEM (MSWS) mode via MIS. (Password code required).

NOTE: This function is performed by typing MIS and then pressing the ENTER key. The MIS log will then be displayed on the screen. Press CLEAR key. Type MSWS and press ENTER key. FINEST logo will then be displayed. Fill in TAX # and "authorized" PASSWORD code. Press ENTER key. Main menu will then be displayed. Select the caption NYSPIN INFORMATION FUNCTIONS by typing "X" in the left margin on line with function of choice, then Press ENTER key. Sub-menu appears. Select WINQ (state and federal warrant inquiry) by typing I in left margin on line with function of choice, then Press ENTER key.

b. Enter the data required on the line titled "WINQ" formatted as follows:

(1) Name Field - Last name, First name (space) Middle initial

(2) DOB - date of birth must be six (6) digits

Example: 01 01 51
 Mo. Day Yr.

(3) Sex - Male = M; Female = F

(4) Race - W = White; B = Black, etc.

c. Obtain response to the WINQ request by pressing the PF24 key to display message on the screen

NOTE: In the upper left portion of the screen, Messages: # Total: # will be displayed. The number in the message box represents the number of messages that can be accessed from WINQ. The Total: # includes messages from other sub-menu functions.

d. Utilize PF 14 key to go to the next page of the message, if response is multi-page (i.e., page 1 of 10).

(1) All the pages of the message must be viewed.

e. Print messages by pressing the INDENT key to printout contents on the screen.

NOTE: PF keys may be different on LAN terminals.

IF OCA # DESIGNATIONS BEGINS WITH THE LETTER "Q:"

NOTE: OCA # designation that begins with the letter "Q" are not warrants and this designation does not permit a hold on the subject unless other charges are made. These "Q" designations require a notification to the originator as displayed on the screen.

3. Notify originator concerned, as follows:

a. Q652000 series is a MISDEMEANOR RECIDIVIST. ORIGINATOR: Boro/ECAB (Complaint Room/ADA).

NOTE: This notification is intended to identify career misdemeanants and secure their immediate arraignment. It is designed to vigorously prosecute misdemeanor defendants with a substantial record of previous arrests and convictions, coupled with a history of failure to appear in court. NO DESK APPEARANCE TICKET WILL BE ISSUED TO DEFENDANTS IDENTIFIED AS MISDEMEANOR RECIDIVISTS.

b. Q653000 series is a NYC FIREARM VIOLATOR. ORIGINATOR: NITRO UNIT concerned.

(1) Notify Narcotics Division, Borough NITRO Unit concerned if firearms arrest has an additional felony narcotic arrest.

NOTE: These notifications are necessary when any person is arrested and a firearm is involved (used or possessed).

c. Q654000 series is an ARMED CAREER CRIMINAL. ORIGINATOR: OCCB/ATF JOINT FIREARMS TASK FORCE.

(1) An automatic notification, via FINEST System, to the Organized Crime Control Bureau/Bureau of Alcohol, Tobacco and Firearms Joint Firearms Task Force is initiated in these cases.

NOTE: Persons in custody, who are categorized with a "Q" letter designation, will not be eligible to receive a Desk Appearance Ticket. (See P.G. 208-27, "Desk Appearance Ticket - General Procedure")

IF OCA # DESIGNATIONS BEGIN WITH THE LETTER "X:"

NOTE: OCA # designations that begin with the letter "X" are not warrants and this designation does not permit a hold on the subject unless other charges are made. These "X" designations require a notification to the Borough NITRO Unit concerned. This notification is intended to coordinate, develop, maintain and disseminate narcotics intelligence information. The NITRO Unit concerned will issue appropriate instructions.

4. Notify Borough NITRO Unit concerned, if OCA # designations are preceded by the letter "X", as follows:

NITRO UNITS	TELEPHONE NUMBER
Central	(212) 374-2312
Bronx	(718) 378-8784, 85, 86
SATCOM/Brooklyn North	(718) 573-5066, 67
Brooklyn South	(718) 921-4051, 52
Manhattan North	(212) 426-2733
Manhattan South	(212) 760-8350
Queens	(718) 468-3228, 3374
	(718) 468-4340, 4750
Staten Island	(718) 420-3572
	(718) 876-6858
Organized Crime Control Bureau	
Field Operations (2400 - 0800 hours)	(718) 374-6620

NOTE: Persons in custody who are categorized with an "X" letter designation will not be eligible to receive a Desk Appearance Ticket.

IF OCA # DESIGNATIONS BEGIN WITH THE LETTER "I:"

NOTE: OCA # designations that begin with the letter "I" are not warrants and this designation does not permit a hold on the subject unless other charges are made. These "I" designations require a notification to the Investigation Desk which is made to insure that the detective/investigator originating the "I" investigation is notified when the subject under investigation is arrested. Arresting officer should make every effort to notify Detective Squad concerned immediately.

5. Notify Investigation Desk at (212) 374-5163, if OCA # designations are preceded by the letter "I."

MEMBER CONCERNED INVESTIGATION DESK

6. Confirm "HIT."

7. Issue appropriate instructions as per P.G. 208-23, "Computerized Investigation Card System."

NOTE: WARRANTS

Warrants are issued ORIGINATING CASE AGENCY (OCA) SERIAL NUMBERS by the Warrant Section to identify the 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.

Borough Designation #

Manhattan - 1, Brooklyn - 2, Bronx - 3, Queens - 4, Richmond - 5

An example of an OCA # follows:

OCA # R9710001

R ==> Supreme Court/Bench Warrant

97 ==> Year of Issuance

1 ==> Manhattan

00001 ==> The first Supreme Court/Bench Warrant issued in Manhattan during the year 1997.

The following is a list of the OCA # letter designations indicating WARRANT TYPE and COURT OF ISSUANCE:

LETTER	TYPE OF WARRANT	COURT	VERIFICATION
A	Summons	Criminal Court	C.R.I.M.S.
C	Bench Warrant/MISD.	Criminal Court	C.R.I.M.S.
D	Bench Warrant/FELONY	Criminal Court	C.R.I.M.S.
E	Arrest Warrant	Criminal Court	C.R.I.M.S.
F	Arrest Warrant	Supreme Court	C.R.I.M.S.
H	P.I.N.S.	Family Court	Family Court
J	Juvenile Delinquent	Family Court	Family Court
N	Abuse/Neglect	Family Court	Family Court
P	Violation Probation	Supreme Court	C.R.I.M.S.
R	Bench Warrant	Supreme Court	C.R.I.M.S.
S	Parole Violator	Dept. of Parole	WD/T.I.U.
T	Training School	Div. for Youth Fac.	WD/T.I.U.
V	Bench/FEL vs Person	Criminal Court	C.R.I.M.S.
W	Support	Family Court	Family Court
Y	Material Witness	D.A. Office	WD/T.I.U.
Z	Fugitive Warrant	F.O.A.	WD/T.I.U.
Q	Recidivist	Not a warrant	Notify Unit Concerned
X	Narcotic Violator	Not a warrant	NITRO
I	Investigation	Not a warrant	Inv. Desk/Det. Squad Concerned

After conducting a WNAM search and the inquiry reveals a OCA # designation preceded by the letter A, C, D, F, H, J, N, P, R, S, T, V, W, Y, or Z, this is an indication of POSSIBLE WARRANT and is not sufficient authority for arrest.

MEMBER CONCERNED

8. Conduct a WOCA # inquiry.

NOTE: This search will provide the entire warrant data on the specific warrant OCA # as required. In addition, as part of the enhancement of the warrant master file, the WOCA function no longer requires CICS/CSSN sign-on (retrieved via MIS).

9. Clear screen.

10. Type in: Code letters WOCA/ followed by OCA # (retrieved from Basic WNAM/Name Check).

NOTE: The OCA # has nine (9) character positions, e.g., WOCA/R97100001.

11. Press ENTER key.

12. Retrieve PRINTOUT RESPONSE.

13. Type in: LOGOFF (to clear screen).

14. Press ENTER key.

IF OCA # DESIGNATION BEGINS WITH THE LETTER A, C, D, E, F, P, R, V, Y OR Z: (CRIMINAL COURT OR SUPREME COURT WARRANTS)

15. MUST conduct a further inquiry via Criminal Record Information and Management System (C.R.I.M.S.) court computer application, which will provide "the last status of the warrant."

NOTE: Family Court and Parole Warrant status cannot be verified utilizing the Criminal Record Information and Management System (C.R.I.M.S.) court computer application. If WNAM/BASIC Search indicates letter designations H, J, N, T, or W, these are Family Court warrants and require verification from the Family Court concerned (see below listed telephone numbers). A docket number is needed.

FAMILY COURT	WARRANT SECTION LIAISON #	RECORD ROOM #
Manhattan	(212) 374-8630	(212) 374-8779
Brooklyn	(718) 643-8860	(718) 643-5811
Bronx	(718) 590-3398	(718) 590-3425
Queens	(718) 523-9754/57	(718) 520-3881/84
Staten Island	(718) 876-8592	(718) 390-5460/61

The above telephone verifications are to be done during Family Court business hours, 0900 to 1700 hours, Monday through Friday.

"J" (Juvenile Warrants) can be verified by contacting Youth Records (Identification Section) at (212) 374-5570.

If WNAM/Basic Search indicates letter designation "S," this is a Parole Warrant and must be verified by the Warrant Section, Telephone Inquiry Unit (718) 217-8484.

TO GAIN ACCESS TO C.R.I.M.S. FOR WARRANT VERIFICATIONS:

16. Clear screen and type LOGOFF or CSSF LOGOFF.

17. Press ENTER (shield will appear).

18. Clear screen and type OCA.

19. Press ENTER (CICS-VS [Unified Court System] screen will appear).

20. Type in MODU and press ENTER. (Not necessary in LANS computers).

21. Clear screen and type CSSN.

22. Press ENTER (CICS screen appears with entry for PERSONAL DETAILS).

23. Type in:

a. PUBLIC - for name

b. PUBLIC - for password.

NOTE: As you type in PASSWORD, it will not appear on screen.

24. Press ENTER (screen will now display SIGN-ON IS COMPLETE).

25. Type SIGN.

26. Press ENTER (OCA/CICS Application screen appears).

27. Type in:

- a. CRMS - for APPLICATION ID, and
- b. PUBLIC - for OPERATOR ID.

28. Position cursor to PASSWORD and utilize one (1) of the appropriate COUNTY PASSWORD CODES, as follows:

COUNTY	PASSWORD CODE
New York	NY
Bronx	BX
Kings	KN
Queens	QU
Staten Island	SI

NOTE: The C.R.I.M.S. system can only be searched by county/borough. This program does not search citywide. The OCA/CICS Application Screen is the "hub" to the C.R.I.M.S. program.

29. Type in appropriate COUNTY CODE.

30. Press ENTER (IDENTIFIER SCREEN will appear automatically in county designated).

31. Type in Docket #, or Arrest #, or NYSID #.

32. Press ENTER.

NOTE: IMPORTANT HELPFUL KEYS - ENTER key (advances page); PF 5 key (scrolls back); PF 4 key (retrieves APPLICATION ID screen used to access other boroughs); PF 3 key (retrieves IDENTIFIER screen).

The primary purpose of conducting this inquiry is to verify the status of warrants. In an effort to ensure that the information in C.R.I.M.S. is interpreted properly, a list of court dispositions that indicate a warrant has been ordered on the defendant's last court appearance has been compiled as follows:

CRIMINAL COURT Abbreviation	Literal Meaning
W.O.	Warrant Ordered
B.F.W.O.	Bail Forfeited, Warrant Ordered
C.W.O.	Complaint and Arrest Warrant Ordered
P.R.W.O.	Parole Revoked, Warrant Ordered
SUPREME COURT	
S.I.A.W.O.	Sentence Imposed in Absentia, Warrant Ordered
T.C.A.W.O.	Trial Conducted in Absentia, Warrant Ordered
T.F.G.I.A.W.O.	Tried and Found Guilty in Absentia, Warrant Ordered

ADDITIONAL DATA

If C.R.I.M.S. response to inquiry indicates "NO PUBLIC RECORD" or "PURGED CASE" on an "A" warrant (summons) or "C" warrant (misdemeanor), the warrant has been VACATED.

If same response on any other warrant, verify with the court of issuance. If a response indicates "NO RECORD FOUND," make inquiry with NYSID #, if available.

Additional C.R.I.M.S. instructions are provided in C.R.I.M.S. Manual BM 633 (10-92) Court Computer Program for Warrant Verification.

Where any doubt exists, a verification should be made directly from the court records or if unable to determine warrant status via C.R.I.M.S. at the precinct level or if there are any operational questions, contact the Warrant Section, Telephone Inquiry Unit at (718) 217-8484. Provide Telephone Inquiry Unit member concerned with: arresting officer's name, shield #, tax registry #, call back telephone number, name of subject, subject's date of birth, warrant OCA #, docket # (if available) and NYSID # (if any). THIS INQUIRY IS TO BE MADE ONLY AFTER A NAME CHECK VIA FINEST (WNAM) IS PERFORMED AT A PRECINCT/UNIT COMMAND.

If FINEST terminal is inoperative, request patrol borough FINEST operator to conduct the name check. If the borough terminal is also inoperative, an adjoining precinct will be requested to conduct name check. If FINEST is inoperative for more than twenty (20) minutes, the Warrant Section, Telephone Inquiry Unit will be requested by telephone to process name check.

If system functional problems are encountered, contact the Management Information Systems Division, Help Desk at (212) 374-3800.

RELATED PROCEDURES

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

Desk Appearance Ticket - General Procedure (P.G. 208-27)

P.G. 208-23 Computerized Investigation Card System

Date Effective: 01-01-00

PURPOSE

To ensure that an investigator originating an [I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET (PD373-62), is notified when the wanted person is arrested or detained.

PROCEDURE

When processing an arrest or conducting an investigation in non-arrest situations:

ARREST SITUATIONS

ARRESTING OFFICER

1. Follow appropriate arrest processing guidelines.
2. Determine if the prisoner is wanted as a result of [I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET having been filed by the following data entered into the FINEST System at the precinct of arrest:
 - a. Code letters WNAM to initiate the inquiry
 - b. Prisoner's last name, first name, sex (M or F) and, if known, date of birth.

NOTE: If a "hit" is revealed, such "hit" will be circled on the FINEST printout. The caption "Search Completed" will also be circled and signed by the FINEST operator. If there is "no hit," the words "no hit" will be entered adjoining the same caption. If the FINEST system exhibits the prisoner's name followed by an OCA number that begins with the letter "I", the member conducting the inquiry will record the number, clear the screen, enter "INIQ/I" and the nine (9) digit number that follows the letter "I". The arresting officer will telephone the Investigations Desk ([212] 374-5163) and notify the member on duty thereat. The Investigations Desk will confirm the "hit" and issue appropriate instructions.

3. Have an additional inquiry of the FINEST System made, if the prisoner's NYSID number is known by inputting:
 - a. Code letters WNYS, followed by prisoner's NYSID number. (This inquiry may show prisoner is wanted under different name).
4. Make an ACTIVITY LOG (PD112-145) entry of the information received on the "hit," including name of the [I.O. 38 s 02] Wanted Desk member contacted, command originating [I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET, etc.

[I.O. 38 s 02] WANTED DESK MEMBER

5. Verify the "hit" and review data on subject.
6. Record name, shield number and command of arresting/notifying officer.
7. Notify detective borough "wheel" of details of "hit," including name and command of investigator who submitted [I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET.
8. Record name and shield number of detective borough "wheel" receiving notification.

NON-ARREST SITUATIONS

MEMBER CONCERNED

9. Comply with steps 2, 3, 4 and NOTE above.

NOTE: In non-arrest situations, the existence of an [I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET is insufficient authority, in itself, to hold a person in custody. Accordingly, when a subject, not under arrest, voluntarily accompanies a uniformed member of the service to a precinct for investigation, the uniformed member of the service will inform the subject he/she is free to leave at any time.

10. Confirm "hit" by calling [I.O. 38 s 02] Wanted Desk (212) 374-5163.

11. Advise that it is a NON-ARREST SITUATION.

12. Make ACTIVITY LOG entry of information received on the "hit."

13. Ascertain from [I.O. 38 s 02] Wanted Desk the specific felony for which the subject is being sought and whether as perpetrator or witness.

14. Notify desk officer of "hit" and all pertinent facts.

[I.O. 38 s 02] WANTED DESK MEMBER

15. Verify "hit" and review data on subject.

16. Record name, shield number and command of member confirming "hit" and present location of subject.

17. Notify detective borough "wheel" of details and name, shield number and command of member of the service confirming "hit" and location of the subject: ADVISE THAT IT IS A NON-ARREST SITUATION.

18. Record name and shield number of detective borough "wheel" receiving notification.

DESK OFFICER/COUNTERPART

19. Advise subject that he/she is NOT under arrest and is free to leave at any time, unless specifically informed by the [I.O. 38 s 02] Wanted Desk that the person in question is to be arrested for the detective command concerned.

20. Request subject not under arrest to remain voluntarily when contacted by a member of the Detective Bureau, but assure subject that he/she is free to leave if the detective does not appear within a reasonable time; before subject leaves, attempt to verify his/her address or other pertinent facts.

21. Direct member of the service conducting the inquiry NOT to handcuff or otherwise physically restrain the subject.

ADDITIONAL DATA

If FINEST System is inoperable, request patrol borough FINEST operator to conduct the name check. Should the borough terminal also be inoperative, an adjoining precinct will be requested to conduct the name check. If the entire FINEST System is out of service for more than twenty (20) minutes, the Central Warrant Unit will be requested by telephone to process the name check.

[I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET will be cancelled in accordance with the following schedule:

a. AFTER TWO (2) YEARS - Designated HOMICIDES, as indicated:

(1) Manslaughter - First Degree

- (2) Murder - Second Degree
- (3) Murder - First Degree
- b. AFTER ONE (1) YEAR - violent felonies, as indicated:
 - (1) Assault - Second Degree
 - (2) Assault - First Degree
 - (3) Aggravated Assault on a police officer
 - (4) Rape - First Degree
 - (5) Sodomy - First Degree
 - (6) Sexual Abuse - First Degree
 - (7) Aggravated Sexual Abuse
 - (8) Kidnapping - Second Degree
 - (9) Kidnapping - First Degree
 - (10) Burglary - Second Degree
 - (11) Burglary - First Degree
 - (12) Arson - Second Degree
 - (13) Arson - First Degree
 - [I.O. 38 s 02] (14) Robbery - Third Degree
 - (15) Robbery - Second Degree
 - (16) Robbery - First Degree
 - (17) Possession of a Dangerous Weapon - Third Degree
 - (18) Possession of a Dangerous Weapon - Second Degree
 - (19) Possession of a Dangerous Weapon - First Degree
 - (20) Criminal Use of a Firearm - Second Degree
 - (21) Criminal Use of a Firearm - First Degree
 - (22) Criminal Sale of a Firearm
- c. AFTER SIX (6) MONTHS - All other felonies.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)
[I.O. 38 s 02] INVESTIGATION REPORT WORKSHEET (PD373-62)

P.G. 208-24 Identification Lineups/Showups

Date Effective: 01-01-00

PURPOSE

To ensure fair and proper proceedings when lineup/showup identifications are conducted.

DEFINITION

IDENTIFICATION LINEUP - Placing of criminal suspect in lineup with at least five (5) 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.

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 (5) 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 (18) 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 officer present, if possible.

(d) Prevent photographs of lineup from being used for purposes other than evidence.

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 polaroid photographs of lineups being viewed by witnesses, when possible. Under no circumstances will black & white film 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 (1) 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 (PD 377-030)

LINEUP REPORT (PD373-141)

P.G. 208-25 First And Third Platoon Arrests

Date Effective: 01-01-00

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 (6) 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)

P.G. 208-26 Forfeiture Proceedings For Seized Property

Date Effective: 01-01-00

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'S INVOICE WORKSHEET (PD521-141A) or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A), as appropriate.

a. On PROPERTY CLERK'S INVOICE WORKSHEET, check box "Arrest Evidence" or "Investigatory Evidence," as appropriate. In addition, check box "Other" and make

entry under "Remarks," "Held For Forfeiture Proceedings," and state reasons for forfeiture recommendation in detail.

b. On PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET, check box "Arrest Evidence" or "Investigation," as appropriate. In addition, check box "Forfeiture" and state reason under "Remarks" for forfeiture recommendation in detail.

DESK OFFICER

3. Direct command clerk to type appropriate INVOICE from WORKSHEET.

4. Issue receipt to person from whom property was removed by utilizing pink copy (Prisoner Finder/Claimant) of appropriate property INVOICE.

a. Have person acknowledge receipt of pink copy of INVOICE by signing the remaining copies.

(1) If person refuses, note such fact on remaining copies.

5. Review facts and determine whether forfeiture is appropriate.

NOTE: If the property to be forfeited is a vehicle seized by the Narcotics Division, a Request for Forfeiture Proceedings form should be prepared and forwarded directly to the Commanding Officer, Legal Bureau. (The uniformed member of the service's command telephone number should be included).

6. Forward property to Property Clerk's Storage Facility with:

a. Appropriate copies of PROPERTY CLERK'S INVOICE prepared

b. Copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), if prepared

c. Copy of COMPLAINT FOLLOW-UP (PD313-081), if prepared

d. Copy of search warrant or other investigating documents, if prepared.

PROPERTY CLERK

7. Forward documents in support of forfeiture to Legal Bureau when a claimant makes a demand for return of property.

LEGAL BUREAU

8. Notify arresting officer if forfeiture proceeding is commenced.

ARRESTING/INVESTIGATING OFFICER

9. Comply promptly with requests received from Legal Bureau to conduct additional investigation, sign affidavits, supply additional documentation, provide testimony, etc.

ADDITIONAL DATA

Only ten (10) 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)

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

COMPLAINT FOLLOW-UP (PD313-081)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)

P.G. 208-27 Desk Appearance Ticket - General Procedure

Date Effective: 01-01-00

PURPOSE

To issue a DESK APPEARANCE TICKET in lieu of detention.

DEFINITION

DESK APPEARANCE TICKET - an appearance ticket issued in lieu of detention, at the direction of a desk officer, for misdemeanors, violations and certain Class "E" felonies for hospitalized prisoners (see ADDITIONAL DATA).

PROCEDURE

When arresting a prisoner charged with a misdemeanor or violation:

ARRESTING OFFICER

1. Comply with appropriate arrest processing guidelines and remove prisoner to precinct of arrest and advise desk officer of facts.

DESK OFFICER

2. Inform prisoner that he/she may be issued a DESK APPEARANCE TICKET, if qualified.

NOTE: A DESK APPEARANCE TICKET will not be issued in the following circumstances:

- a. Arrest on a warrant.
- b. Photographable offenses (see P.G. 208-07, "Photographable Offenses") unless prisoner is hospitalized. (If DESK APPEARANCE TICKET is issued, notify borough court section concerned).
- c. Prisoners under the influence of drugs/alcohol to the degree that they may endanger themselves or others.
- d. Family offenses - complainant/victim and offender are members of the same family/household as defined in the Family Court Act or as defined in the expanded definition of a family/household in P.G. 208-36, "Family Offenses/Domestic Violence," AND:
 - (1) Any offense is committed and an arrest is effected.
 - (2) Offender has violated an Order of Protection.
 - (3) Complainant/victim requests the opportunity to obtain an Order of Protection, OR the facts of the case indicate an immediate need to secure an Order of Protection because there is a strong possibility that violence against the complainant/victim will recur (e.g. past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.).
- e. Offender has violated an Order of Protection, OR complainant/victim requests the opportunity to obtain an Order of Protection, OR the facts of the case indicate an immediate need to secure an Order of Protection because there is a strong possibility that violence against the complainant/victim will recur (e.g. past history of assaults against complainant/victim, statements made by the defendant, active present hostility against complainant/victim, etc.)

f. Arrest for Harassment 1st degree (Penal Law 240.25, or Menacing 2nd degree (Penal Law 120.14[2]) - "Stalking" offenses.

g. Arrest for Criminal Sale of Marihuana 4th degree (Penal Law 221.40) or, Criminal Sale of Marihuana 5th degree (Penal Law 221.35).

h. Arrest for 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.

i. Arrest for violation of Section 1192, intoxication/impaired driving subdivisions 1, 2, 3, or 4 - Vehicle & Traffic Law (except DESK APPEARANCE TICKET may be issued to eligible prisoner, hospitalized more than twenty-four [24] hours).

j. Vehicle offenses:

(1) Arrest for Attempted Grand Larceny 4th Degree (Penal Law 110/155.30); Class "A" Misdemeanor.

(2) Intentionally damages a vehicle up to \$250 (window break) when in connection with attempt to steal auto, OR larceny of contents of auto (e.g., radio) - Class "A" Misdemeanor.

k. Arrest for an offense which 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/Domestic Violence").

l. Misdemeanor Recidivists - when a warrant check printout indicates "Misdemeanor Recid Notify DA In ECAB."

m. Graffiti offenses - Criminal Mischief 4th Degree (Penal Law 145.00); Class "A" Misdemeanor; and Making Graffiti (Penal Law 145.60).

[I.O. 4 s 01] n. Aggravated Unlicensed Operation of a Motor Vehicle, 2nd Degree (VTL 511 [2] [a]); Misdemeanor, and 1st Degree, VTL 511 [3] [a]; Felony).

o. Criminal Trespass, 3rd Degree (Penal Law 140.10), when in connection with a building utilized for commercial/office purposes.

[I.O. 49 s 01] p. 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.

q. Arrest for Unlawful Eviction (Administrative Code 26-521)

[I.O. 52 s 03] r. Arrest for Resisting Arrest (Penal Law 205.30); Class "A" Misdemeanor.

s. Arrest for Obstructing Governmental Administration 2nd Degree (Penal Law 195.05); Class "A" Misdemeanor.

t. Arrest for Interference with Professional Sporting Event (Administrative Code Section 10-162); Unclassified Misdemeanor.

3. Direct arresting officer to ascertain the defendant's identity in accordance with P.G. 208-28, "Identification Standards For Desk Appearance Tickets"

4. Direct arresting officer to conduct interview using DESK APPEARANCE TICKET INVESTIGATION (PD360-091).

NOTE: P.G. 208-28, "Identification Standards For Desk Appearance Tickets" describes a sequential six-step identification process to be followed during arrest processing in order to determine a defendant's eligibility for a DESK APPEARANCE TICKET and involves the following components:

- a. Stricter Identification Standards
- b. New York State Probation/Parole Status Inquiry
- c. WNAM Warrant Check/OCA Identification
- d. Department of Motor Vehicle Name Check
- e. Beta System Inquiry
- f. Warrant On Line File System (WOLF)

IF INDIVIDUAL IS NOT DISQUALIFIED UNDER THE SIX (6) STEP ELIGIBILITY PROCESS:

5. Ensure that Identification Section is conferred with to determine if prisoner has a previous conviction which would raise the current charge to a felony:

a. The current charge entered on the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) will not be changed solely from information received by telephone.

6. Assign precinct DESK APPEARANCE TICKET serial number and complete appropriate captions on DESK APPEARANCE TICKET INDEX (PD260-122).

7. Ensure that arrest data, including DAT return date and serial number, is entered into the On Line Booking System and the prisoner fingerprinted immediately utilizing "LIVESCAN."

a. Arrest processing type code "D" for DAT must be used, EXCEPT for those DATs returnable to the Midtown Community Court, in which case arrest processing type code "A" must be utilized.

8. Have arresting/assigned officer complete all DAT arrest related paperwork while awaiting the results of the fingerprint check.

9. Monitor the DAT Verification Printer installed in the vicinity of the desk for the "NYSID Return Notification" printout containing the prisoner's criminal history.

NOTE: If the printout indicates that the prisoner has warrants, is on parole/probation, is a recidivist, etc., the computerized DAT system will automatically preclude the desk officer from issuing a DAT.

The bottom of the "NYSID Return Notification" printout must be completed by the desk officer. This printout will be included in the arrest package.

10. Contact the borough court section if the "NYSID Return Notification" printout has not been received within four (4) hours from the time the prisoner was fingerprinted to ascertain the status of the fingerprint check.

NOTE: The Borough Court Section DAT Office telephone numbers are as follows:

Manhattan	(212) 374-0262, 0263
Bronx	(718) 590-3832, 2815
Brooklyn	(718) 935-9291, 9240

Queens (718) 268-4399, 4496, 4898
Staten Island (718) 876-8491, 8493

BOROUGH COURT SECTION

11. Determine the processing status of the prisoner's fingerprints and ensure that the Division of Criminal Justice Services expedites the required fingerprint search.

NOTE: The decision to issue a DAT to an eligible prisoner rests solely with the desk officer. UNDER NO CIRCUMSTANCES WILL THE PRISONER BE RELEASED UNTIL THE FINGERPRINT CRIMINAL HISTORY HAS BEEN RECEIVED AND REVIEWED. The desk officer, based upon the information contained in the "NYSID Return Notification," (in addition to the other information obtained during the course of the DAT investigation), will either have a DAT issued to the prisoner or have the arrest processed "on line." The Borough Court Section supervisor will be notified if an arrest, which was initially processed for a DAT, is subsequently placed "on line."

DESK OFFICER

12. Inform prisoner of ineligibility for DESK APPEARANCE TICKET if:

- a. Excluded in NOTE following step two (2) OR,
- b. The prisoner fails the six (6) step eligibility process, OR,
- c. The prisoner has a previous conviction which would raise the current charge to a felony.

13. Inform prisoner not eligible for DESK APPEARANCE TICKET that he/she may be processed for bail.

14. Direct issuance of DESK APPEARANCE TICKET if prisoner is eligible and is likely to appear in court on the return date.

NOTE: Although a DESK APPEARANCE TICKET is being issued in lieu of detention, a desk officer may request the precinct detective squad to debrief the prisoner.

15. Ensure that arrest processing officer, or other designated member, utilizes the computerized DAT system through any precinct FINEST or LAN terminal which has BADS access, in accordance with the simplified DAT Issuance Procedures listed below.

DAT ISSUANCE PROCEDURES:

- a. Select Option #8 on BADS Main Menu, and press "Enter."
- b. Type the three (3) digit command code for the precinct of arrest, and press "Enter."
- c. Press "PF10/PF22."
- d. Type in Arrest ID # and press "Enter."
- e. Enter Return Date (obtained as per borough guidelines).
- f. Press "PF10/PF22" to obtain printed DAT Form.

NOTE: The DESK APPEARANCE TICKET which is generated replaces the snap-out version of the DESK APPEARANCE TICKET (PD260-121). The printout DAT must be signed by the prisoner, the issuing officer and the desk officer; and the DAT serial number must be handwritten in the appropriate caption. Three (3) photocopies of the DAT will be prepared. The original copy will be included in the arrest package; the duplicate

copies will be distributed to the defendant, the arresting officer/complainant, and the precinct file.

In the event that a command does not have a computerized DAT system (FINEST or LAN terminal which has BADS access) or if such system becomes nonoperational, then the snap-out version of the DESK APPEARANCE TICKET (PD260-121) will be prepared.

ARRESTING OFFICER

16. Make DESK APPEARANCE TICKET returnable to arraignment part of Criminal Court except if:

- a. Returnable to Family Court
- b. Necessary to permit arraignment of all prisoners in same part of court.

17. Obtain DESK APPEARANCE TICKET return date and serial number and enter return date on appropriate forms.

18. Enter name, address and telephone number of civilian complainant, if any, in space marked "Additional Instructions" on original copy of DESK APPEARANCE TICKET ONLY.

19. Deliver completed DESK APPEARANCE TICKET and arrest related documents to desk officer.

NOTE: If the only charge against a prisoner is possession of marijuana (Section 221.05, P.L. - Violation) and the prisoner does not qualify for a summons, the prisoner MUST be processed for a DESK APPEARANCE TICKET. However, normal DESK APPEARANCE TICKET INVESTIGATION verifications do not apply in this type of case. The only disqualifying factors re: the issuance of a DESK APPEARANCE TICKET are:

- a. Inability to ascertain defendant's identification or address, OR,
- b. Officer reasonably suspects that identification or address given is inaccurate, OR,
- c. Officer believes that prisoner does not reside within the state.

In this instance, if the prisoner also does not qualify for a DESK APPEARANCE TICKET, the desk officer must release the prisoner if \$100.00 pre-arraignment bail is posted (see P.G. 210-09, "Bail").

DESK OFFICER

20. Check DESK APPEARANCE TICKET INVESTIGATION for completeness and accuracy.

21. Direct that two (2) front view (head & shoulders) Polaroid photos be taken of prisoner.

- a. Ensure that backs of photos are stamped and captions completed.

22. Have arresting officer prepare WARRANT INVESTIGATION REPORT (PD374-152).

23. Attach one (1) Polaroid photo to Warrants Section copy of WARRANT INVESTIGATION REPORT (original) and attach second Polaroid photo to court copy (third) of REPORT.

24. Attach FINEST and "NYSID Return Notification" printouts to DESK APPEARANCE TICKET INVESTIGATION.

25. Forward DESK APPEARANCE TICKET INVESTIGATION to borough court section booking facility:

- a. With DESK APPEARANCE TICKET arrest package when issued, OR
- b. With escorting officer when not issued.

NOTE: Borough court section booking facility will file DESK APPEARANCE TICKET INVESTIGATION, both issued and/or denied, in separate files marked as follows:

- a. DAT ISSUED - DAT INVESTIGATION by return date
- b. DAT DENIED - DAT INVESTIGATION by arrest date.

26. Forward completed DESK APPEARANCE TICKET arrest package to borough court section.

NOTE: Commands participating in the "Desk Appearance Ticket Express Program" must ensure that all necessary forms are completed, reviewed, and forwarded as per the appropriate Department directive that effects the command concerned.

ARRESTING OFFICER

27. Respond to Complaint Room and prepare affidavit when directed, if command is not participating in the "Desk Appearance Ticket Express Program."

ADDITIONAL DATA

Under this procedure, a prisoner who is an admitted drug addict, and not undergoing treatment at a Methadone Treatment Center, will continue to be eligible for DESK APPEARANCE TICKET consideration.

Prior to releasing a prisoner who is being issued a DESK APPEARANCE TICKET at the precinct of arrest, an INVESTIGATION CARD check and a warrant name check of local/state/federal files will be conducted via FINEST. If a "HIT" is revealed, such "HIT" will be circled on the FINEST printout. The caption "Search Completed" will also be circled and signed by the FINEST operator. If there is "NO HIT" the words "NO HIT" will be entered adjoining the same caption. In addition to the above, if the FINEST printout indicates "Misdemeanor Recid Notify DA In ECAB," the same procedure will be followed as when a printout reveals a prisoner with a "HIT." Prisoners identified as "Misdemeanor Recidivists" are not eligible for a DESK APPEARANCE TICKET.

In all cases, desk officers must review any relevant printouts to ensure that the six-step eligibility process was properly conducted. In addition, desk officers shall monitor the computerized DAT Criminal History/Fingerprint Notification System within their commands to ensure its proper use. If prisoner is released at precinct of arrest, or removed to borough court section booking facility, attach any relevant printouts to DESK APPEARANCE TICKET INVESTIGATION. If FINEST system is inoperative, request the patrol borough FINEST operator to conduct the name check. Should the borough terminal also be inoperative, an adjoining precinct will be requested to conduct the name check. If the entire FINEST system is out of service for more than twenty (20) minutes, the Warrants Section will be requested by telephone to process the name check.

DESK APPEARANCE TICKET ELIGIBILITY FOR OUT OF STATE RESIDENTS

When attempting to determine whether to issue a DESK APPEARANCE TICKET to a person who does not reside or work in New York State but is otherwise qualified, the desk officer should consider the distance the arrested person will have to travel on the arraignment date. The person should be questioned concerning his/her ability and willingness to appear in court for arraignment on the scheduled return date. If the desk officer believes that the person will not appear as required, a DESK APPEARANCE TICKET WILL NOT be issued. If the person arrested requests a minor adjustment in the return date and gives an unqualified promise to appear on the revised date, the desk

officer must use discretion in determining if the return date should be adjusted and a DESK APPEARANCE TICKET issued. It should be noted that the return date should not be changed if the adjustment will adversely affect the ability to deliver required DESK APPEARANCE TICKET paperwork to borough court section.

In unusual circumstances when the ends of justice will be served and undue hardship will be averted by not holding an out of state defendant in custody, e.g., elderly or infirm defendant or defendant accompanied by children, etc., a short date DESK APPEARANCE TICKET returnable the following day, may be issued. However, if doubt exists concerning attendance of the defendant, a DESK APPEARANCE TICKET WILL NOT be issued.

When a short date DESK APPEARANCE TICKET is issued to an out of state defendant by a desk officer in a precinct, all related papers must be delivered as soon as possible to the borough court section. Borough court section personnel will immediately process the DESK APPEARANCE TICKET related papers to ensure that the criminal history (RAP) sheet is available when the defendant is arraigned. In all such cases, the arresting officer (if not excused) and the complainant (in appropriate cases) will proceed to the Complaint Room. If the Complaint Room is not open, the officer and/or complainant will report to the Complaint Room as soon as it opens to draw the court complaint.

DESK APPEARANCE TICKET ELIGIBILITY FOR HOSPITALIZED PRISONERS

A DESK APPEARANCE TICKET may be issued to an eligible hospitalized prisoner who is charged with a Class "E" Felony except for those Class "E" Felonies listed as follows:

PENAL LAW SECTION	CHARGE
130.25	Rape, 3rd Degree
130.40	Sodomy, 3rd Degree
205.10	Escape, 2nd Degree
205.17	Absconding from Temporary Release, 1st Degree
205.19	Absconding from a Community Treatment Facility
215.56	Bail Jumping, 2nd Degree
[I.O. 52 s 03] 195.07	Obstructing Governmental Administration, 1st Degree

Criminal photographs need not be taken of a hospitalized prisoner who is issued a DESK APPEARANCE TICKET for a Class "E" Felony.

PARTICIPATING DEPARTMENT STORE PROGRAM

When an arrest is made by a security officer of a participating department store and the offense is one for which a DESK APPEARANCE TICKET may be issued, the desk officer will direct the arrest processing officer to assist the store security officer in processing the arrest in order to maintain compliance with this procedure.

RELATED PROCEDURES

Computerized Investigation Card System (P.G. 208-23)
Identification Standards For Desk Appearance Ticket (P.G. 208-28)
Family Offenses/Domestic Violence (P.G. 208-36)
Arrests - Intoxicated or Impaired Driver Arrest (P.G. 208-40)
Suspended or Revoked Vehicle Operator's License (P.G. 209-26)
Bail (P.G. 210-09)

FORMS AND REPORTS

DESK APPEARANCE INDEX (PD 260-122)
DESK APPEARANCE TICKET (COMPUTER FORM)
DESK APPEARANCE TICKET (PD260-121)
DESK APPEARANCE TICKET INVESTIGATION (PD360-091)
INVESTIGATION CARD (PD373-161)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
WARRANT INVESTIGATION REPORT (PD374-152)

P.G. 208-28 Identification Standards For Desk Appearance Tickets

Date Effective: 01-01-00

PURPOSE

To establish higher identification standards and tighten eligibility requirements prior to the issuance of a DESK APPEARANCE TICKET (PD260- 121).

SCOPE

The process to be followed during arrest processing in order to determine eligibility for a DESK APPEARANCE TICKET will be sequential. The following is a six-step procedure which shall be implemented by arresting officers in the order listed:

- a. Stricter Identification Standards
- b. New York State Probation/Parole Status Inquiry
- c. WNAM Warrant Check/OCA Identification
- d. Department of Motor Vehicle Name Check
- e. Beta System Inquiry
- f. Warrant On Line File System (WOLF)

As each category is checked, if there is a negative result, the inquiry will be brought to the next step. When information is received that will disqualify an individual from DESK APPEARANCE TICKET consideration, further inquiries will cease and the arrest will be processed on-line. This six (6) step eligibility process is both comprehensive and labor intensive.

PROCEDURE

When an individual is applying for the issuance of a DESK APPEARANCE TICKET:

ARRESTING OFFICER

1. Establish individual's identification and eligibility for the issuance of a DESK APPEARANCE TICKET by the following:

a. STRICTER IDENTIFICATION STANDARDS - The following forms of identification satisfy the need to properly identify individuals applying for release via DESK APPEARANCE TICKETS:

- (1) New York State Driver's License, Permit, or Non-Driver Photo Identification.
- (2) Valid passport.
- (3) United States military photo identification.
- (4) Citizenship or naturalization papers.
- (5) Resident alien card.
- (6) Driver's License (out of state/country).

NOTE: Members should note that these are general guidelines and other valid forms of identification may be acceptable. Even when an individual possesses identification and a uniformed member of the service has reasonable suspicion with regard to the

veracity of the identification presented, the desk officer will make the final determination as to whether the defendant's identity has been ascertained. In addition to producing one of the above valid forms of identification, the prisoner must also provide legitimate, verifiable proof of a valid current address.

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 with False Personation (Penal Law 190.23). The desk officer considering DESK APPEARANCE TICKET eligibility will determine the validity of the prisoner's offered address. If the desk officer is not satisfied that the prisoner has offered proper evidence of a valid current address, the prisoner shall NOT be issued a DESK APPEARANCE TICKET. In order to ensure that the process for determining eligibility for DESK APPEARANCE TICKET is properly conducted, desk officers will be responsible to have arresting officers bring to the borough court section a copy of any inquiry which eliminated the prisoner from DESK APPEARANCE TICKET consideration. In those cases where eligibility was denied because of unverified identification or address information, a notation will be entered on the ON LINE BOOKING SYSTEM WORKSHEET (PD244- 159) under "Details" and initialed by the desk officer.

b. NEW YORK STATE/U.S. EASTERN DISTRICT FEDERAL PROBATION/PAROLE STATUS INQUIRY - Inquiry will be made through the FINEST System into the Booking Arraignment Disposition Inquiry System [BADs] to ascertain Probation/Parole status of prisoners seeking release through the DESK APPEARANCE TICKET process. If it is confirmed that the prisoner seeking release on a DESK APPEARANCE TICKET is currently on probation or parole, a DESK APPEARANCE TICKET will NOT be issued to that individual. The process is as follows:

- (1) Log into BADs with BADs ID and password.
- (2) Select Option "5," Defendant Status, by typing "5" and pressing "ENTER."
- (3) Type defendants Last name, First initial (if desired), Sex, and Date of Birth (DOB).
 - (a) Type "0" in RANGE field for a direct hit on the DOB entered, or a number (1-9) for that range of years before and after the DOB entered, and press "ENTER."

NOTE: The number of possible hits for N.Y.S. Parole, N.Y.C. Probation and Eastern District Federal Probation will be displayed.

(4) To view information, press "1" for N.Y.S. Parole list, "2" for N.Y.C. Probation list and "3" for Eastern District Federal Probation list, then press "ENTER."

(5) When viewing one of the above lists, or to see additional data for an individual, move the cursor to the desired line and press "ENTER."

- (a) If the defendant has non-sealed New York City arrests:
 - (1) Defendant Data, NYSID Profile, and Parole/Probation Data will already be selected.
 - (2) Press "ENTER" to page through the screens.
- (b) If the defendant has no non-sealed New York City arrests:
 - (1) A Parole/Probation record will be displayed.
 - (2) Press "ENTER" to return to the list.

c. WNAM WARRANT CHECKS/OCA DESIGNATIONS - A New York City warrant check will be conducted via the FINEST system under the command WNAM. The presence of an active warrant from the above name check will disqualify an individual from receiving a DESK APPEARANCE TICKET. In addition, the FINEST system inquiry under WNAM will also access the Warrant Master File. Within this file are target groups which are displayed by the presence of an OCA# designation preceded by the letter Q, X, or I. Persons in custody who are categorized by any of the following designations will not be eligible to receive a DESK APPEARANCE TICKET:

(1) OCA designations that begin with letter Q:

Q65000000 Robbery Recidivist
Q65200000 Misdemeanor Recidivist
Q65300000 Firearm Violator
Q65400000 Armed Career Criminal

(2) OCA designations that begin with the letter X:

This category consists of individuals who are target narcotics violators.

(3) OCA designations that begin with the letter I:

This file contains individuals who are wanted by a particular detective squad for a specific crime, or for questioning relative to a crime. In these cases, telephone notification is required to the Investigations Desk at (212) 374-5163. (See P.G. 208-23, "Computerized Investigation Card System" and ADDITIONAL DATA).

NOTE: In the above OCA designation categories, notifications must be made to the command of origination, including arraignment date and the fact that identification is based on a name check only. Comply with any further instructions which appear on the display screen.

[I.O. 4 s 01] ARRESTING OFFICER

d. DEPARTMENT OF MOTOR VEHICLES NAME CHECK Name checks will be made through the FINEST System under the NYSPIN/DMV menu headings: NYS Driver Group Search (DGRP) and NYS Driver Inquiry (DLIC). First, use the DGRP command. This will determine if the individual is using multiple or similar names. If so, attempt to match the pedigree information provided on the display screen with the subject who is physically present. Next, enter this data into the DLIC system. If the DLIC system reveals that the subject:

(1) Has three (3) or more license suspension on three (3) or more different dates, or

(2) Is operating a vehicle with a revoked driver's license, or

(3) Has an outstanding federal, state, or local warrant, or

(4) Has ever been the subject of an issued federal, state, or local warrant at any time, or

(5) Is arrested for operating a motor vehicle while having a revoked driver's license, or

(6) Has been convicted of unlicensed operation of a motor vehicle any degree, within the previous eighteen (18) months or

(7) Has had their operator's license suspended based upon having ever refused to submit to a chemical test for alcohol or

(8) Has had their operator's license suspended based upon failure to pay child/spousal support as outlined in VTL 510 (4e), then the subject WILL BE DENIED a DESK APPEARANCE TICKET.

e. BETA SYSTEM INQUIRY - An inquiry will be made into Beta System through the FINEST System/MIS to determine DESK APPEARANCE TICKET eligibility based upon the prisoner's past criminal history. Specifically, this inquiry will reveal the presence of aliases, match them to a criminal identification number (NYSID #) and interface with the on-line warrant file, to determine if the subject has been previously issued a warrant. If subject is found to have previous warrant history, then a DESK APPEARANCE TICKET will NOT be issued. The process will be as follows:

(1) Type "NMOS/tax registry number" of requesting officer.

(2) Enter in center of screen corresponding reference numbers, i.e., 61 #, arrest #, case #, misc. #.

(3) After the caption, "NMCK" enter: Last name/first name/sex/dob - then press "Enter."

f. WARRANT ON LINE FILE SYSTEM (WOLF) - When NYSID # is ascertained sign onto the WOLF system as follows:

(1) Type WOLF in all capital letters and enter.

(a) WOLF screen will appear.

(2) Type 999999 on line captioned "tax registry number."

(3) Type WOLF in all capital letters on line captioned "Password" and enter.

(a) This will access the system.

(4) Type 07 and enter.

(a) Query menu will appear.

(5) Functions "22" (NYSID #) and "25" (name-age) will be utilized.

DESK OFFICER

2. Use common sense standards based upon the age and/or physical condition of a prisoner to ensure that the best interests of the Department will be served by not denying the issuance of a DESK APPEARANCE TICKET, in the course of determining eligibility.

INTEGRITY CONTROL OFFICER

3. Ensure that passwords are issued to uniformed members of the command so that access to the various systems is not restricted.

RELATED PROCEDURES

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)

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)

ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)

P.G. 208-29 Appearance Ticket Preparation Of Court Complaint Prior To Return Date

Date Effective: 01-01-00

PURPOSE

To conserve personnel hours and avoid unnecessary court appearances.

PROCEDURE

When a uniformed member of the service is directed to draw a court complaint prior to the return date of the DESK APPEARANCE TICKET (PD260-121) issued or is scheduled to appear in court on a pending matter prior to the return date:

NOTE: Due to DESK APPEARANCE TICKETS being processed via the DAT Express Program, this procedure will only be followed upon request of the District Attorney's Office.

ARRESTING/ASSIGNED OFFICER

1. Appear at appropriate court with all arrest related documents.
 - a. Report directly to the borough court section supervisor.
2. Comply with instructions of borough court section supervisor concerning preparation of processing of court complaint.

BOROUGH COURT SECTION SUPERVISOR

3. Verify that arresting/assigned officer has sworn to court complaint.
4. Inform member concerned if appearance on return date is necessary.

ARRESTING/ASSIGNED OFFICER

5. Notify roll call clerk if court appearance on return date of DESK APPEARANCE TICKET is cancelled.

ROLL CALL CLERK

6. Make appropriate entries or deletions if applicable, in diary concerning scheduled or cancelled court appearances.

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)

P.G. 208-30 Desk Appearance Ticket - Hospitalized Prisoner

Date Effective: 01-01-00

PURPOSE

To issue a DESK APPEARANCE TICKET (PD260-121) 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, including:

- a. DESK APPEARANCE TICKET control number
- b. Return date
- c. Court to which DESK APPEARANCE TICKET is returnable.

DESK OFFICER/COUNTERPART

7. Have arresting officer notified.

8. Distribute DESK APPEARANCE TICKET as indicated on form.

9. Make following entries on ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) or ARREST REPORT - SUPPLEMENT (PD244-1516):

- a. Return date of DESK APPEARANCE TICKET
- b. DESK APPEARANCE TICKET control number
- c. Court in which returnable.

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.

ADDITIONAL DATA

If prisoner is ineligible for a DESK APPEARANCE TICKET, he/she may be issued a DESK APPEARANCE TICKET providing he/she can post bail. If the hospitalized prisoner is confined outside the precinct of record, the desk officer/counterpart will notify the precinct where hospital is located that he/she has accepted bail (see P.G. 210-09, "Bail"). The member guarding the prisoner will fingerprint him/her, if required.

RELATED PROCEDURES

Bail (P.G. 210-09)

Hospitalized Prisoners (P.G. 210-02)

FORMS AND REPORTS

ARREST REPORT - SUPPLEMENT (PD244-1516)

DESK APPEARANCE TICKET (PD260-121)

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

P.G. 208-31 Desk Appearance Tickets Issued By Other Police Agencies

Date Effective: 01-01-00

PURPOSE

To assist other police agencies in conserving manpower.

PROCEDURE

When notified by a supervisory officer of another police agency that a DESK APPEARANCE TICKET (PD260-121) has been issued by that agency:

DESK OFFICER/COUNTERPART

1. Assign DESK APPEARANCE TICKET control number.
2. Obtain required information for entry on DESK APPEARANCE TICKET INDEX (PD260-122).
3. Have arresting officer and defendant report to borough court section only when the agency concerned is not equipped or arresting officer is not trained to take fingerprints.

ADDITIONAL DATA

The police agency concerned is required to deliver fingerprints, copies of DESK APPEARANCE TICKET, DESK APPEARANCE TICKET INVESTIGATION (PD360-091) and five (5) copies of the ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) to the borough court section concerned.

When a member of another police agency is present at the precinct of arrest with evidence to be vouchered, it will be processed in accordance with Department procedures. The member of the agency involved will prepare PROPERTY CLERK'S INVOICE (PD521-141) and any related forms with the assistance of the command clerk.

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)
DESK APPEARANCE TICKET INDEX (PD260-122)
DESK APPEARANCE TICKET INVESTIGATION (PD360-091)
PROPERTY CLERK'S INVOICE (PD521-141)

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)
Removal And Return Of Property From The Property Clerk Division (P.G. 218-07)

P.G. 208-32 Desk Appearance Ticket - Arrest By Civilian Complaint

Date Effective: 01-01-00

PURPOSE

To eliminate court appearances by uniformed members of the service when arrest is effected on complaint of civilian.

DEFINITION

CIVILIAN COMPLAINANT - Any person, other than a police officer or peace officer, who alleges the commission of an offense by another, and who, upon arrest of the accused, is required to swear to the allegation in court.

PROCEDURE

When a person arrested by a civilian complainant qualifies for a DESK APPEARANCE TICKET (PD260-121) and the uniformed member of the service concerned is not required to appear in court, the usual arrest and desk appearance ticket procedures will be followed, including the following modifications and additional steps:

ASSIGNED OFFICER

1. Prepare appropriate arrest/court documents and deliver to desk officer.
2. Deliver photocopy of DESK APPEARANCE TICKET to complainant for preparation of court complaint at time and date specified.

DESK OFFICER

3. Check forms for completeness and accuracy.
4. Excuse member concerned from the case, except if in the opinion of the desk officer he possesses information which is material to the prosecution of the case, or his appearance is otherwise necessary.
5. Enter notation "Officer Excused" on the upper right hand corner of DESK APPEARANCE TICKET above precinct serial number.
6. Review arrest related documents for completeness and accuracy.

NOTE: Arrests made by store detectives who are NOT Special Patrolmen, require that a uniformed member of the service be assigned for the purpose of issuing the DESK APPEARANCE TICKET only. In these cases, the additional forms listed will be prepared by the store detective at court and the uniformed member concerned need not appear in court on the return date.

ADDITIONAL DATA

Borough court section supervisor assigned to the court will, on the return date, assign a member of his staff to assist the civilian complainant with the various court procedures. The member designated will also obtain evidence, if any, from the Property Clerk's Office (unless the uniformed member originally assigned to the arrest is subpoenaed. In such cases, he will obtain the evidence).

An arrest made on the complaint of a civilian complainant, recorded on DESK APPEARANCE TICKET INDEX (PD260-122), will indicate the civilian complainant's name under caption "Complainant" and his telephone number under caption "Command/Agency."

FORMS AND REPORTS

DESK APPEARANCE TICKET (PD260-121)
DESK APPEARANCE TICKET INDEX (PD260-122)
PROPERTY CLERK'S INVOICE (PD521-141)

RELATED PROCEDURES

Arrest By A Civilian (P.G. 208-04)
Desk Appearance Ticket - General Procedure (P.G. 208-27)

P.G. 208-33 This Procedure Intentionally Left Blank

Date Effective: 01-01-00

P.G. 208-34 Bribery Arrest By Uniformed Members Of The Service

Date Effective: 01-01-00

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 (7) 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 direct to Commanding Officer, Employee Relations Section
- d. Fourth copy to the Chief of Department, through channels
- e. Fifth copy to commanding officer of arresting officer
- f. Sixth 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.

WHEN AN ASSISTANT DISTRICT ATTORNEY REFUSES TO CHARGE BRIBERY IN THE COMPLAINT:

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 ACTIVITY LOG (PD112-145) or INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156), as appropriate.

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.

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 (3) 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

ACTIVITY LOG (PD112-145)

ARREST REPORT - SUPPLEMENT (PD244-157)

DECLINE PROSECUTION ARREST CASE REPORT (PD244-1515)

INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156)

OLBS ARREST WORKSHEET (PD244-159)

Decline Prosecution Report

Typed Letterhead

P.G. 208-35 Attempted Bribery Of Uniformed Member Of The Service

Date Effective: 01-01-00

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 (24) hours a day, seven (7) 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 ACTIVITY LOG (112-145) or INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156), as appropriate.

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)

FORMS AND REPORTS

ACTIVITY LOG (112-145)

INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156)

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

Date Effective: 01-01-00

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 "g" 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.

FAMILY/HOUSEHOLD (NYPD EXPANDED DEFINITION) - includes subdivisions "a" through "e" above, AND persons who:

- f. Are not legally married, but are currently living together in a family-type relationship.
- g. Are not legally married, but 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 and in-laws.

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:

- Harassment 1st or 2nd degree
- Assault 2nd degree or Attempt
- Disorderly Conduct (including acts amounting to Disorderly Conduct NOT committed in a public place)
- Aggravated Harassment 2nd degree
- Assault 3rd degree or Attempt
- Reckless Endangerment
- Menacing 2nd or 3rd degree - that is committed by one member of the same family/household, AS DEFINED IN THE FAMILY COURT ACT (subdivisions "a" through "e" above), against another.

[REV 01-01] 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.

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.

PROBABLE CAUSE - A combination of facts, viewed through the eyes of a police officer, 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 "e" above (and NOT including the NYPD expanded definition) exists between the offender and the victim; AND
- c. The offender is sixteen (16) years of age or older.

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 (2) elements are not met, the complainant MUST go to Criminal Court. If the first two (2) elements are met, but the offender is less than sixteen (16) years of age, the complainant must go to Family Court.

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 (4) 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 take the 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 in all cases where a victim has visible injuries and/or damaged property as a result of domestic violence. Photographs as well as all other evidence must be vouchered in accordance with P.G. 218-01, "Invoicing Property - General Procedure.
3. Determine whether:
 - a. Probable cause exists that any 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.

(1) If a member REASONABLY SUSPECTS a child less than eighteen (18) 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 DAT or stationhouse bail will be issued.

WHEN OFFENDER HAS DEPARTED SCENE PRIOR TO ARRIVAL OF POLICE:

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. Officer has reason to believe that such search might yield positive results.

5. Advise complainant/victim to call police when offender returns, if search produces negative results and follow reporting procedures as set forth below.

WHEN COMPLAINANT/VICTIM INDICATES THAT AN ORDER OF PROTECTION HAS BEEN OBTAINED:

[I.O. 38 s 03] 6. Request complainant/victim to produce Order of Protection.

a. If Order of Protection cannot be produced, use the Central Records Division intranet database application to do a search for all Orders of Protection issued by a New York City based court. If the computer system is down, or for Orders of Protection issued outside New York City, telephone Central Records Division, Identification Section at (646) 610-5195 to verify that an Order of Protection was issued, court of issuance, specific conduct prohibited and the expiration date.

b. 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.

c. In the event the precinct of occurrence is unable to conduct the inquiry, request the Communications dispatcher to conduct the inquiry.

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:

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.

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 (30) 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 six (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 for violating any Order of Protection, his or her arrest will, in ALL cases, be processed in New York City Criminal Court, regardless of the court that issued the order. The offender will be charged with the appropriate criminal contempt charge. The offender will also be charged with any pertinent criminal offense for which probable cause exists. When an arrest is made for violation of a Family Court Order of Protection, the complainant/victim will be advised that he or she has a right to proceed independently in Family Court by filing a petition. However, uniformed members of the service are required to bring the offender before the local criminal court.

WHEN THERE IS PROBABLE CAUSE THAT ANY MISDEMEANOR HAS BEEN COMMITTED, IN OR OUT OF THE OFFICER'S PRESENCE, OR A VIOLATION HAS BEEN COMMITTED IN THE OFFICER'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 officer 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.

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 the Precinct Domestic Incident Database.
- b. The officer'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.).
- 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

9. Make an ACTIVITY LOG (PD112-145) entry if complainant/victim does not want an arrest for a misdemeanor or any violation committed in the officer's presence by family/household member.

- a. Request complainant/victim to sign 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 OFFICER'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,
- 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 police officers shall not determine who was the "Primary Physical Aggressor" and proceed as required by step eight (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 officer 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 officer 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 eight [8]).

UNIFORMED MEMBER OF THE SERVICE

13. Make an ACTIVITY LOG entry of:

a. Factors that resulted in determination or inability to determine that a particular offender was the primary physical aggressor.

b. Fact that the complainant/victim does not want an arrest to be made.

(1) Request complainant/victim to sign LOG entry.

(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 OFFICER'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 "f" and "g" above and/or non-family offense violations - to Summons Part - Criminal Court.

NOTE: An officer 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 paragraph 7(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 1-800-621-HOPE hotline number.

17. Prepare New York State Standardized 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) 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 SPRINT job number on form.

b. List in the "Narrative of the Incident" section all factors that resulted in determination or inability to determine that a particular offender was the primary physical aggressor and any property removed, (e.g. arrest evidence, safekeeping, etc.)

c. Ensure that the name and phone number of the precinct Domestic Violence Prevention Officer is printed on the rear of the last copy of the N.Y.S. Domestic Incident Report. Advise complainant/victim to contact the Domestic Violence Prevention Officer to obtain further information (e.g. referrals, voucher number, etc.)

[I.O. 7 s 04] d. Insert Tax Number of reporting member of the service in caption entitled "Officer I.D. No."

e. Give New York State Standardized Domestic Incident Report (pink copy) and Domestic Violence Notice (gold copy) to complainant/victim, if present.

f. Inform all parties that they may be contacted by the Precinct Domestic Violence Prevention Officer concerning this incident.

[I.O. 7 s 04] NOTE: In cross complaint situations, a New York State Standardized Domestic Incident Report shall be prepared for each complainant/offender. Every attempt should be made to have the complainant complete the "Victims Statement of Allegations" caption, regardless of what language he/she speaks or writes. DO NOT enter in "Victims Statement" caption "Refused" or "Same as above" if 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.

18. Use radio code dispositions to finalize assignment:

a. 10-90F(1) DIR 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) DIR Prepared/Unfounded

c. 10-92F Arrest Effectuated/DIR Prepared

d. 10-93F COMPLAINT REPORT/DIR Prepared

These dispositions MUST be used to finalize any incident involving a Family/Household-Expanded Definition. Communications Section will NOT accept any other disposition code. If the assignment was initially categorized as other than signal 10-52, notify Dispatcher and use above codes to finalize the assignment.

REPORTING PROCEDURE:

MEMBER OF THE SERVICE

19. Prepare COMPLAINT REPORT (PD313-152) for each complainant/victim in addition to the N.Y.S. Domestic Incident Report when 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":

- a. Whether an Order of Protection is in effect.
- b. Issuing court, and
- 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 (2) 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. When concurrent jurisdiction applies, make entry in ACTIVITY LOG indicating that complainant/victim was advised of:

- 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.

DESK OFFICER

22. DO NOT issue a DESK APPEARANCE TICKET (PD260-121) or stationhouse bail when any offense is committed and an arrest is affected involving members of the same Family/Household-Expanded Definition.

23. Verify accuracy and completeness of all required forms.

24. Have prisoner removed to borough Court Section facility to complete arrest process.

DOMESTIC VIOLENCE PREVENTION OFFICER

25. Perform duties and process all Domestic Incident Reports as per P.G. 202-29, "Domestic Violence Prevention Officer."

ADDITIONAL DATA

A police officer 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 police 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 of service.

Domestic Incident Reports, are potential Rosario material, and must be maintained at the precinct of occurrence. If an arrest is effected, the arresting officer must ensure that the Assistant District Attorney is provided with a copy of the Domestic Incident Report prepared in regards to the incident. When requested, the Domestic Violence Prevention Officer will make all Domestic Incident Reports prepared regarding the person arrested available to a 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 Domestic Incident Report as proof of the previous complaint.

Uniformed members of the service responding to a report of a domestic incident will question persons present about the existence of firearms in the household. Seize ANY firearms (including rifles and shotguns), and 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 police officer reasonably believes that the presence of firearms at a location creates imminent risk of physical injury or serious physical injury, the following actions should be taken to remove the weapon from the location:

- (1) Seize illegally possessed firearm(s) and make an arrest.
- (2) Seize legally possessed firearm(s) when such weapons create imminent risk of physical injury or serious physical injury.
- (3) Voucher legally possessed firearms which are voluntarily surrendered by participants in domestic incidents.

In all incidents involving pistol or permit holders, notify the License Division Incident Section at (212) 374-5538, and comply with A.G. 321-07, "Incidents Involving Holders of Pistol Licenses or Pre-Exemption License Permits." License/permit holders must immediately notify the License Division, Incident Section, of any police incident in which they are involved.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)

Invoicing Property General Procedure (P.G. 218-01)

Unlawful Evictions (P.G. 214-12)

Family Offenses and Domestic Violence Involving Uniformed or Civilian Members Of The Service (P.G. 208-37)

Emergency Removals Or Investigation And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)

Incidents Involving Holders Of Pistol Licenses Or Pre-Exemption License Permits (A.G. 321-07)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

DESK APPEARANCE TICKET (PD260-121)

STATEMENT OF PERSONAL SERVICE (PD260-152)

New York State Standardized Domestic Incident Report (DCJS 3221)

P.G. 208-37 Family Offenses And Domestic Violence Involving Uniformed Or Civilian Members Of The Service

Date Effective: 01-01-00

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.

(1) Give the last copy (pink) and the "Information to Victims of Domestic Violence" sheet (gold) to the complainant/victim.

IN ALL CASES INCLUDING WHEN NO OFFENSE HAS BEEN ALLEGED:

PATROL SUPERVISOR

5. Comply with P.G. 208-36, "Family Offenses/Domestic Violence."
6. Apprise the parties of the availability of counseling (See Additional Data Statement).

NOTE: When there is doubt as to who is the offender and who is the victim, or if there is a cross-complaint situation, the commanding officer/duty captain will be notified and will determine the course of action.

WHEN THE MEMBER OF THE SERVICE IS A VICTIM:

7. Notify precinct commanding officer/duty captain who will ensure that appropriate action is taken and apprise parties of the availability of counseling.

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:

8. 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."

9. Notify desk officer, precinct of occurrence.

DESK OFFICER

10. Notify and confer with precinct commander/duty captain.

11. Notify Internal Affairs Bureau Command Center and obtain Log Number.

[I.O. 27 s 03] a. Enter the IAB Log # in the "Details" section of the NYS Domestic Incident Report

b. Enter IAB Log # in the "Details" section of the COMPLAINT REPORT (IAB will determine the appropriate investigating command.)

c. Enter the words "IAB Log #" and the corresponding Log # in the precinct Domestic Incident Report Log under the caption Precinct Serial #." Also, have entered the corresponding SPRINT number in the caption "SPRINT NO." (For the purposes of this procedure, Transit Bureau personnel will use the "CAD. NO." in place of the "SPRINT NO." for assignments that originate through Transit Bureau communications).

[I.O. 27 s 03] d. Direct that the NYS Domestic Incident Report be entered into the Domestic Violence Database (including the IAB Log#).

[I.O. 27 s 03] 12. Prepare report on Typed Letterhead in all cases even if offender was not present. Provide details of incident and include domestic violence referrals/counseling offered to the victim. Forward with copy of COMPLAINT REPORT and NYS Domestic Incident Report in a sealed envelope, as follows:

a. Chief of Internal Affairs (original and canary copy of DIR)

b. Commanding officer, member of the service involved. (If more than one (1) 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."

f. Commanding officers of:

(1) Medical Division

(2) Employee Management Division (immediately, by fax at (212) 374-2768)

(3) Personnel Orders Section, if firearms are removed.

[I.O. 27 s 03] 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) 942-6906

COMMANDING OFFICER/DUTY CAPTAIN

13. 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) residing outside the City of New York is received, the appropriate duty captain will be responsible for conducting an investigation. All decisions concerning the initial investigation of the allegation remain the responsibility of the duty captain. Follow-up notifications concerning actions taken or anticipated will be made to update the Internal Affairs Bureau Command Center.

COMMANDING OFFICER/M.O.S. INVOLVED

14. 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

15. 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

16. Designate a supervisory member of the unit to be a "Domestic Violence Investigator."

17. Ensure that the investigations unit is equipped with a Domestic Incident Report database.

[I.O. 27 s 03] 18. Ensure that the NYS Domestic Incident Report has been entered into the Domestic Violence Database System. Conduct the Domestic Violence Database System Review Process and Finalize the DIR in the Database.

19. Check the database for a record of prior domestic incidents.

NOTE: In addition, confer with the integrity control officer of the subject's and victim's resident precincts to ascertain if other NYS Domestic Incident Reports 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.

20. Confer with Internal Affairs Bureau to ascertain whether there exists any record of prior domestic violence incidents involving the subject member of the service.

[I.O. 27 s 03] 21. Confer with the Domestic Violence Officer of the victims 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.

In all circumstances, no matter where issued, when a member of the service (uniformed or civilian) becomes aware that he or she is the respondent/defendant on an Order of Protection, the member concerned MUST IMMEDIATELY notify his/her commanding officer/supervisory head. The commanding officer/supervisory head will interview the member concerned and conduct an investigation to determine whether the member of the service is fit for duty. The commanding officer/supervisory head must then notify the Internal Affairs Bureau Command Center at (212) 741-8401 and obtain an Internal Affairs Bureau log number. If the member's command is not open when such situation occurs, the member concerned will immediately notify the Internal Affairs Bureau Command Center at (212) 741-8401 and obtain an Internal Affairs Bureau log number. The member will subsequently notify his/her commanding officer/supervisory head (providing the Internal Affairs Bureau log number obtained) at the first available opportunity. After obtaining the log number the commanding officer/supervisory head will prepare a report to the Chief of Internal Affairs, containing a decision as to duty status. Additional copies of the report will be forwarded to the commanding officer of the member's resident precinct, the Director of the Employee Management Division and the Investigation Unit concerned. Any decision regarding a uniformed member of the service's duty status should be made on a case by case basis. The Order of Protection should only be one factor considered in this determination.

In cases where the member of the service is a petitioner or complainant on an Order of Protection, the member may choose to notify their commanding officer for safety reasons. If necessary, those affected should comply with the provisions of P.G. 212-31, "Threats To Members Of The Service."

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 Counseling Unit	(718) 760-7665
Employee Relations Section	(212) 374-5434
Early Intervention Unit	(212) 374-6730
Counseling Service Unit	(212) 489-0586
Chaplains' Unit	(212) 374-6472
Psychological Services Section	(718) 760-7665
Sick Desk	(718) 760-7600
Sick Desk Supervisor	(718) 760-7606
NYPD HELPLINE	(718) 271-7777
Operations Unit	(212) 374-5580

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
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

Family Offenses/Domestic Violence (P.G. 208-36)
Threats To Members Of The Service (P.G. 212-31)
Member Of The Service Arrested -Uniformed Or Civilian (P.G. 206-11)
[I.O. 33 s 03] Employment Discrimination (P.G. 205-36)

FORMS AND REPORTS

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

P.G. 208-38 New York State Order Of Protection Registry

Date Effective: 01-01-00

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.

[I.O. 38 s 03] 2. Telephone Central Records Division, Identification Section at (646) 610-5195 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 Division dispatcher to conduct the inquiry.

[I.O. 38 s 03] 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 new state database will not contain orders of protection that have been issued prior to October 1, 1995.

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 procedure 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, at (212) 374-5195 to verify the existence of the order.

WHEN A STATE DATABASE INQUIRY REVEALS THAT THERE IS AN ACTIVE ORDER OF PROTECTION IN EFFECT

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)

P.G. 208-39 Family Offenses/Domestic Violence (Photographing Visible Injuries/Damaged Property)

Date Effective: 01-01-00

PURPOSE

To obtain photographic evidence of visible injuries and/or damaged property as a result of domestic violence.

PROCEDURE

When visible injuries and/or damaged property are apparent at the scene of domestic violence.

UNIFORMED MEMBER OF THE SERVICE

1. Comply with P.G. 208-36, "Family Offenses/Domestic Violence."
2. Determine if photographs must be taken.

NOTE: Photographs are to be taken if a victim has visible physical injuries, (e.g., lacerations, bruises, etc.) and/or there is significant damaged property, (e.g., damaged door or lock, broken window, broken vase, etc.).

3. Obtain camera and film from desk officer.
4. Take two (2) sets of photos of each victim and/or damaged property.
5. Number each set of photographs sequentially, (e.g., "1 of 5", "2 of 5", etc.).
6. Label the rear of each photograph as follows:

a. Description of injury, (e.g., laceration to cheek, bruise to left eye, etc.) or property damage (e.g., broken chair, telephone ripped from wall, hole in wall, etc).

b. Address where crime occurred.

c. Specific location, (e.g., bedroom, foyer, kitchen, etc.).

d. Complainant's name, age and date of birth.

e. Perpetrator's name, age and date of birth.

f. COMPLAINT REPORT (PD313-152) number.

g. Rank, shield, tax registry number and name of uniformed member of the service taking photographs.

h. Initials of uniformed member of the service.

IF ARREST IS EFFECTED OR CASE IS REFERRED TO PRECINCT DETECTIVE SQUAD

7. Voucher one (1) complete set of photographs as per P.G. 218-01, "Invoicing Property - General Procedure."
8. Forward second set of photographs:
 - a. With arrest package, to be utilized for bail application at arraignment, OR
 - b. Attach to Domestic Incident Report (DCJS 3221).

DOMESTIC VIOLENCE PREVENTION OFFICER

9. Retain Domestic Incident Report and set of photos on file.

10. Retrieve photos and deliver to arresting officer for inclusion in arrest package if arrest is subsequently made.

NOTE: Invoiced photographs can subsequently be retrieved as necessary as the case proceeds through the criminal justice system.

ADDITIONAL DATA

All precinct and police service area commanding officers will ensure that photographic equipment and supplies are available on a twenty-four hour a day basis to allow members of the service to take photographs of victims, scenes, or other aspects of domestic violence cases that can be used as evidence in the subsequent prosecution of the case.

Precinct and police service area commanders will direct that photographic equipment is safeguarded at the desk or other suitable location and that film and other supplies are properly utilized and accounted for.

Domestic violence prevention officers have been issued Spectra cameras which can take quality evidence photographs of injuries. These cameras should be safeguarded in the same manner as other Department equipment. These cameras are not for the exclusive use of the domestic violence prevention officers. However, Spectra cameras are to be used for evidence photographs only. They should not be used for pedigree photographs, (i.e., DAT photos, Prisoner Movement Slip, etc.,).

Bruising and swelling sometime becomes more apparent shortly (one [1] to seven [7] days) after the assault. Taking a follow-up photograph will more accurately document the severity of such injuries. Domestic violence prevention officers and domestic violence investigators will make an assessment as to the need to take follow-up photographs in certain cases. If follow-up photographs are taken of the complainant, these photographs will be invoiced as evidence with the duplicates forwarded to the District Attorney (if an arrest has been made) or attached to the original Domestic Incident Report if referred to the precinct detective squad.

RELATED PROCEDURES

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

Invoicing Property - General Procedure (P.G. 218-01)

Family Offenses And Domestic Violence Involving Uniformed Members Of The Service (P.G. 208-37)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

N.Y.S. Standardized Domestic Incident Report (DCJS 3221)

P.G. 208-40 Intoxicated Or Impaired Driver Arrest

Date Effective: 01-01-00

PURPOSE

To process persons arrested for operating a vehicle while under the influence of alcohol or drugs.

PROCEDURE

Upon arresting a person for operating a vehicle while under the influence of alcohol or drugs:

ARRESTING OFFICER

1. Remove prisoner to stationhouse, precinct of arrest, and comply with pertinent arrest procedures.

a. Arresting officer will voucher, as evidence, any credit card receipts from a recent stop from restaurants, bars, etc., found on the prisoner during the search.

DESK OFFICER PRECINCT OF ARREST

2. Verify arrest.

3. Direct arresting officer to request Communications Section to dispatch Highway District personnel to testing location.

a. State time of arrest when making request.

NOTE: THE CHEMICAL TEST MUST BE ADMINISTERED WITHIN TWO (2) HOURS OF TIME OF ARREST.

ARRESTING OFFICER

4. Prepare ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).

DESK OFFICER PRECINCT OF ARREST

5. Direct arresting officer to remove prisoner, in a Department vehicle, to designated testing location.

a. Assign adequate personnel to escort prisoner, depending on circumstances.

6. Make entry in Command Log of:

a. Identity of arresting officer and Department vehicle used

b. Identity and pedigree of prisoner.

7. Have prisoner's vehicle removed to precinct of arrest for safeguarding.

NOTE: A vehicle may be released to licensed operator designated by the prisoner if:

a. Vehicle not wanted on an alarm

b. Vehicle not required as evidence

c. Prisoner was in lawful possession

d. Vehicle not subject to forfeiture

If vehicle is not released within forty-eight (48) hours, have vehicle removed to Property Clerk's storage facility.

ARRESTING OFFICER

8. Report, with prisoner, to desk officer at testing location.

DESK OFFICER TESTING LOCATION

9. Make Command Log entry of presence of arresting officer and prisoner.

10. Verify that Highway District has been notified.

ARRESTING OFFICER

11. Conduct examination of prisoner on three (3) copies of INTOXICATED DRIVER EXAMINATION (PD244-154) and complete entries up to caption "Coordination Test."

IF LESS THAN TWO (2) HOURS HAVE ELAPSED FROM TIME OF ARREST

I.D.T.U. TECHNICIAN

12. Inform prisoner, with arresting officer as witness, of the following statement, verbatim:

"You have been arrested for driving while intoxicated. I am here to conduct a chemical breath test to determine the presence or absence of alcohol in your blood. I now request that you submit to the chemical test of your breath. If you refuse to submit to the chemical test, or any portion thereof, it will result in the immediate suspension and subsequent revocation of your license or operating privilege whether or not you are found guilty of the charges for which you have been arrested. Your refusal to submit to a chemical test, or any portion thereof, can be introduced in evidence against you at any trial, proceeding or hearing resulting from this arrest."

IF MORE THAN TWO (2) HOURS HAVE ELAPSED FROM TIME OF ARREST

I.D.T.U. TECHNICIAN

13. Inform prisoner, with arresting officer as witness, of the following statement verbatim:

"You have been arrested for driving while intoxicated. I am here to conduct a chemical test to determine the presence or absence of alcohol or drugs in your blood. You may take the test or refuse to do so. Will you submit to a chemical test to determine the alcohol/drug content of your blood?"

NOTE: If the prisoner indicates that he will consent to the chemical test, then the test may be administered.

14. Administer chemical test to prisoner.

15. Conduct "Coordination Test" of prisoner, in presence of arresting officer, and complete appropriate captions on INTOXICATED DRIVER EXAMINATION.

NOTE: In the event that the examination of the prisoner cannot be videotaped, the desk officer, testing location, will supervise the examination.

16. Provide arresting officer with a copy of CHEMICAL TEST ANALYSIS (PD244-063).

17. Enter results of examination of prisoner in appropriate captions of three (3) copies of INTOXICATED DRIVER EXAMINATION report.

a. Sign form and have arresting officer sign form.

b. Desk officer, testing location, will also sign form if examination was not videotaped.

NOTE: If a prisoner, under the age of twenty-one (21), has a chemical test reading of .02% to .05%, 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".

I.D.T.U. TECHNICIAN

18. Distribute EXAMINATION report as follows:

a. ORIGINAL - with arresting officer to Assistant District Attorney, Complaint Room.

b. COPY - to arresting officer for file at precinct of arrest.

c. COPY - to Highway District technician.

IF PRISONER REFUSES CHEMICAL TEST OR ANY PORTION THEREOF

I.D.T.U. TECHNICIAN

19. Prepare and sign CHEMICAL TEST REFUSAL (PD244-155).

a. Have arresting officer sign CHEMICAL TEST REFUSAL.

20. Distribute copies of CHEMICAL TEST REFUSAL as indicated on form.

a. Arresting officer must bring two (2) copies to court and give them to 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. Arresting officer must be able to articulate circumstances which led to original charge of Intoxicated or Impaired Driving. 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 (15) days of the arraignment. Roll call will schedule the arresting officer accordingly.

DESK OFFICER TESTING LOCATION

21. Enter chemical test reading as reported by arresting officer on the ON LINE BOOKING SYSTEM ARREST WORKSHEET under caption #11, "Narrative," and include:

a. Rank, name and shield number of technician

b. Date and time test conducted.

22. Determine charge against prisoner and enter on ON LINE BOOKING SYSTEM ARREST WORKSHEET.

NOTE: When chemical test reading is .05 of 1% or less, and prisoner still appears to be intoxicated request prisoner to submit to testing for controlled substances. If prisoner refuses, follow applicable steps in this procedure regarding chemical test

refusal. P.G. 210-13, "Release of Prisoners - General Procedure" may be followed if investigation discloses prisoner is apparently not intoxicated or impaired.

ARRESTING OFFICER

23. Deliver prisoner to borough court section facility or precinct of arrest as appropriate.

24. Notify Assistant District Attorney if prisoner has any previous arrests for same crime within the past ten (10) years.

ADDITIONAL DATA

TESTING LOCATIONS

Patrol Borough Manhattan North and South	28th Precinct
Patrol Borough Bronx	41st Precinct
Patrol Borough Brooklyn North and South	78th Precinct
Patrol Borough Queens	112th Precinct
Patrol Borough Staten Island	120th Precinct

In arrest cases for Driving While Intoxicated/Impaired, where a vehicle accident is involved, a photocopy of the Police Accident Report (MV104AN) will be attached to the arrest papers and delivered by the arresting officer to the Assistant District Attorney in the Complaint Room. If photocopy machine is inoperable or out of order, an additional copy will be prepared for this purpose.

[REV 04-01] Members assigned to a Patrol Borough Task Force Driving While Intoxicated Unit who have been trained and certified as Intoxilyzer Technicians will perform the functions (testing, videotaping, 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 or driving while impaired effected by members of their own units (Patrol Borough Task Force D.W.I. Units). However, those arrests which require the taking and delivery of any blood samples from a prisoner will continue to be the responsibility of Highway District personnel who will be notified and required to respond.

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 beyond the two (2) hour limit mandated by the Vehicle and Traffic Law, Section 1194. It should be noted that the obligation to allow contact with an attorney is triggered only by the defendant's specific request to do so. There is no obligation to inform the prisoner, prior to the test, that he may consult with an attorney if he or she wishes to. In addition, members of the service assigned to the Intoxicated Driver Testing Unit will record the prisoner's request to consult with an attorney and the reason, if any, for denial of said request in their ACTIVITY LOG (PD112-145).

Members of the service should be aware that a motorist's license may not be suspended or revoked for failure to submit to a chemical test conducted more than two (2) hours after arrest. In addition the fact that the motorist refused to submit to chemical testing beyond the two (2) hour time limit may not be used as evidence in a later prosecution.

If a prisoner requests to be tested for intoxication by his 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 shall not be allowed to have a test be administered by his 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 and on the file copy of the INTOXICATED DRIVER EXAMINATION. 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 central booking 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 technician will respond to the hospital to conduct appropriate tests. Any blood sample removed from the prisoner will be personally sealed, marked and delivered to the Police Laboratory by the Highway District technician. A prisoner charged with violation of Vehicle and Traffic Law, Sections 1192 (1), (2), (3) or (4) shall not be eligible for a Desk Appearance Ticket or stationhouse bail, unless such prisoner is hospitalized for more than twenty-four (24) hours. Such prisoner may be issued a Desk Appearance Ticket, if eligible, whether or not he submitted to a chemical test.

RELATED PROCEDURES

Release Of Prisoners - General Procedure (P.G. 210-13)

Arrests - Persons Under Twenty-One Operating A Motor Vehicle After Having Consumed Alcohol (P.G. 208-41)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

CHEMICAL TEST ANALYSIS (PD244-063)

CHEMICAL TEST REFUSAL (PD244-155)

INTOXICATED DRIVER EXAMINATION (PD244-154)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 208-41 Persons Under Twenty-one (21) Operating A Motor Vehicle After Having Consumed Alcohol

Date Effective: 01-01-00

PURPOSE

To process persons detained pursuant to Section 1192-a of the Vehicle and Traffic Law, for the purpose of administering a chemical test.

SCOPE

Pursuant to Section 1192-a, police officers can temporarily detain a motorist younger than twenty-one (21) years of age, for the purpose of administering a chemical test upon reasonable grounds to believe that the individual is operating a motor vehicle after having consumed alcohol. The statute defines reasonable grounds as:

"The totality of the circumstances surrounding the incident which, when taken together, indicate that the operator was driving in violation of such subdivision (VTL 1192-a). Such circumstances may include any visible or behavioral indication of alcohol consumption by the operator, the existence of an open container containing or having contained an alcohol beverage in or around the vehicle driven by the operator, or any other evidence surrounding the circumstance of the incident which indicates that the operator has been operating a motor vehicle after having consumed alcohol at the time of the incident."

PROCEDURE

Upon detaining a person, under twenty-one (21) years of age, for operating a motor vehicle after consuming alcohol:

DETAINING OFFICER

1. Inform detainee of authority and cause of detention, unless physical resistance, flight, or other factors render this action impractical.
2. Handcuff detainee with hands behind back.
3. Immediately frisk detainee for weapons (NOT for evidence or contraband).
4. Remove detainee to stationhouse, precinct of occurrence.

DESK OFFICER, PRECINCT OF OCCURRENCE

5. Verify that detaining officer made a lawful stop of detainee and that detainee violated Section 1192-a of the Vehicle and Traffic Law.
6. Direct detaining officer to request that Communications Division dispatch Highway District personnel to testing location.
 - a. State time of detention when making request.

NOTE: THE CHEMICAL TEST MUST BE ADMINISTERED WITHIN TWO (2) HOURS OF THE START OF DETENTION.

7. Direct detaining officer to remove detainee, in a Department vehicle, to the designated testing location. (See P.G. 208-40, "Arrests - Intoxicated Or Impaired Driving").
 - a. Assign adequate personnel to escort detainee, depending on circumstances.

8. Make entry in Command Log of:
 - a. Identity of detaining officer and Department vehicle used.
 - b. Identity and pedigree of detainee.

9. Have detainee's vehicle removed to precinct of occurrence for safeguarding.

NOTE: A vehicle may be released to licensed operator designated by the prisoner if:

- a. Vehicle not wanted on an alarm
- b. Vehicle not required as evidence
- c. Prisoner was in lawful possession
- d. Vehicle not subject to forfeiture

If vehicle is not released within forty-eight (48) hours, have vehicle removed to Property Clerk's storage facility.

DETAINING OFFICER

10. Report with detainee, to desk officer at testing location.

DESK OFFICER, TESTING LOCATION

11. Make Command Log entry of presence of detaining officer and detainee.
12. Verify that Highway District has been notified.

I.D.T.U. TECHNICIAN

13. Utilize Zero Tolerance Instruction Sheet, and perform chemical test on detainee.

UPON RECEIPT OF A BREATHALYZER OR INFRARED UNIT READING OF .02% THROUGH .05%, COMPLY WITH THE FOLLOWING STEPS

DETAINING OFFICER

14. Prepare Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol) (AA-137A.1).
15. Select a hearing date two (2) to thirty (30) days subsequent to the test date, Monday through Friday, excluding legal holidays.

NOTE: The hearing date must be compatible with the detaining officer's schedule. The detainee will be directed to respond to the second floor of 19 Rector Street, New York, New York at 1300 hours on the date selected by the detaining officer.

The detainee's license will not be suspended pending the administrative hearing.

I.D.T.U. TECHNICIAN

16. Provide the detaining officer and the detainee with a copy of the following:
 - a. Zero Tolerance Instruction Sheet
 - b. Instrument Calibration Sheet
 - c. Operator Certification Sheet

d. Notice of Hearing (Operating a Motor Vehicle After Consuming Alcohol).

NOTE: The detaining officer will bring a copy of all documents/forms, listed in step 16, to the hearing, unless the hearing is waived.

17. Forward original and one (1) copy of all documents/forms prepared to the Highway District concerned.

NOTE: A member of the Highway District will forward original copy of all forms/documents prepared to the New York State Department of Motor Vehicles within twenty-four (24) hours, and will have remaining copies of documents/forms filed in command.

IF THE DETAINEE REFUSES THE CHEMICAL TEST

DETAINING OFFICER

18. Prepare Notice of Chemical Test Refusal Hearing (Person Under Age 21) (DMV 137A) and Refusal to Submit to a Chemical Test (AA 134-a).

19. Select a hearing date two (2) to thirty (30) days subsequent to the test date, Monday through Friday, excluding legal holidays.

NOTE: The hearing date must be compatible with the detaining officer's schedule. The detainee will be directed to respond to the second floor of 19 Rector Street, New York, New York at 1300 hours on the date selected by the detaining officer.

20. Distribute copies of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test as follows:

- a. Original and one (1) copy of each form to IDTU technician.
- b. One (1) copy of each form to detainee.
- c. One (1) copy of each form to detaining officer.

I.D.T.U. TECHNICIAN

21. Forward original and one (1) copy of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test to the Highway District concerned.

NOTE: A member of the Highway District will forward original copy of Notice of Chemical Test Refusal Hearing and Refusal to Submit to a Chemical Test to the New York State Department of Motor Vehicles within forty-eight (48) hours, and will file one (1) copy of each form in the command.

The detainee's license WILL BE suspended by the New York State Department of Motor Vehicles, pending the refusal hearing.

IF THE DETAINEE SUBMITS TO THE CHEMICAL TEST AND A READING OF .06% OR GREATER IS OBTAINED, OR A READING OF .04% OR HIGHER FROM A COMMERCIAL DRIVERS LICENSE (CDL) HOLDER OPERATING A COMMERCIAL VEHICLE

I.D.T.U. TECHNICIAN

22. Advise the detaining officer of the reading.

DETAINING OFFICER

23. Arrest detainee and charge the individual with the appropriate Vehicle and Traffic Law section, based upon the reading obtained pursuant to the 1192-a Chemical Test.

24. Conduct inquiry to determine the location from which the detainee was served.

a. If positive information received, notify the Intelligence Division and comply with P.G. 212-12, "Citywide Intelligence Reporting System."

NOTE: In addition to the above requirements, the detainee/arrestee will be processed in accordance with current arrest processing procedures as well as P.G. 208-40, "Arrests - Intoxicated Or Impaired Driving."

ADDITIONAL DATA

Since an individual who violates this statute 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 Resisting Arrest.

If a detainee requests to be tested for intoxication by his personal physician, the test will not be allowed until the Department testing has been completed. If the detainee refuses the administration of a chemical test by this Department, he/she will not be allowed to have a test administered by a personal physician. The desk officer, testing location, will personally witness the test given by a physician and will direct that the detaining officer document the following information on the file copy of the Zero Tolerance Instruction Sheet: name, address, telephone number of physician, and the date and time the physician administered the test. At the Department of Motor Vehicle hearing, the detaining officer must be able to provide clear and convincing evidence on the following issues:

- a. The motorist, who was detained, operated the motor vehicle.
- b. A valid request was made by the police officer to submit to a chemical test, as provided in Section 1194 of the Vehicle and Traffic Law.
- c. The motorist was under twenty-one (21) years of age at the time of the incident.
- d. The chemical test was properly administered in accordance with Section 1194 of the Vehicle and Traffic Law.
- e. The chemical test concluded that the motorist had operated the motor vehicle after having consumed alcohol, as defined in Section 1192-a of the Vehicle and Traffic Law.
- f. The initial stop of the motorist was lawful.

If the detaining officer fails to appear at the hearing or fails to bring copies of all documents/forms prepared, the charges against the motorist may be dismissed.

If a person operates a motor vehicle when his/her license is suspended or revoked as the result of a Section 1192-a finding, the motorist may be charged with Aggravated Unlicensed Operation in the Second Degree, Section 511(2) of the Vehicle and Traffic Law. Absent an emergency, a hearing date should not be rescheduled. If it becomes necessary to reschedule a hearing, the detaining officer's command can request that the hearing be rescheduled by writing to the Department of Motor Vehicles, Safety and Business Hearing Bureau, Room 240, Empire Plaza, New York 12228, or the command may call the Safety and Business Hearing Bureau at (518) 474-1509.

RELATED PROCEDURES

Release Of Prisoners - General Procedures (P.G. 210-13)
Arrests - Intoxicated Or Impaired Driving (P.G. 208-40)

FORMS AND REPORTS

NOTICE of HEARING (OPERATING a MOTOR VEHICLE AFTER CONSUMING ALCOHOL) (AA-137A.1)

NOTICE of CHEMICAL TEST REFUSAL HEARING (PERSON UNDER AGE 21) (DMV 137A)

REFUSAL to SUBMIT to a CHEMICAL TEST (AA 134-a)

Instrument Calibration Sheet

Operator Certification Sheet

Zero Tolerance Instruction Sheet

P.G. 208-42 Arrest On A Warrant

Date Effective: 01-01-00

PURPOSE

To arrest persons for whom warrants have been issued.

DEFINITION

ARRESTING OFFICER - For the purposes of this procedure, an arresting officer is the borough/police service area warrant officer, or any other non-supervisory uniformed member, including detective squad personnel, assigned to arrest persons named on warrants issued by the court.

PURPOSE

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: Exceptions DO NOT apply when Family Court warrants, including Urgent Child Abuse Warrants, are being executed. However, limitation will NOT apply in an "urgent child abuse" case if the life or safety of the child or any other person is endangered, since the City Charter authorizes the immediate and unannounced entry into a premises in an emergency situation.

4. Break into premises, if necessary.

NOTE: If premises is a third party residence, such break-in is prohibited without a search warrant.

5. Make arrest and comply with the pertinent arrest processing guidelines.
 - a. Contact borough Court Section supervisor for instructions as to location to which prisoner is to be transported, if court is not in session.
6. Notify Central Warrant Investigation Team of the following:
 - a. Court issuing warrant and docket number
 - b. Warrant Section serial number
 - c. Rank, name, shield number and command of arresting officer
 - d. Name of defendant/respondent.

7. Conduct a FINEST System name search or NYSID number search (WNYS) to ascertain if any additional warrants or wanted cases exist concerning the subject of the immediate warrant.

a. If inquiry reveals a felony warrant or INVESTIGATION CARD (PD373-161), contact the investigative unit concerned.

NOTE: A FINEST System name check "HIT" is NOT considered conclusive and is NOT sufficient authority to arrest. Further inquiries (i.e., NYSID number search [WNYS]) MUST be made.

ARRESTING OFFICER

8. 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.

9. 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) Arraign prisoner in Staten Island Criminal Court when in session.

(b) Confer with Staten Island borough Court Section at telephone number (718) 876-8493 and process prisoner as directed, when not in session.

b. SUPREME COURT WARRANTS

(1) Take prisoner before Supreme Court that issued warrant, if in session. When a police officer can not bring the defendant to the Supreme Court for arraignment (after 1700 hours on weekdays and on weekends), the officer will deliver adult male defendants to the Department of Corrections facility in the county that issued the warrant. Adult male defendants arrested on a Staten Island Supreme Court arrest warrant or a Staten Island Supreme Court bench warrant will be delivered to the Brooklyn Corrections facility. All female defendants will be brought to the Rose M. Singer Center on Rikers Island. Male adolescents will be brought to the Adolescent Reception and Detention Center on Rikers Island. The police officer delivering the prisoner will provide the Department of Corrections with a copy of the Supreme Court arrest warrant or bench warrant (see ADDITIONAL DATA for Department of Corrections Locations).

NOTE: 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.

c. FAMILY COURT WARRANTS

(1) Remove prisoner to Family Court that issued warrant, if in session. When not in session, arraign prisoner in Weekend/Night Court, borough of arrest.

NOTE: Arresting officers, not assigned to Warrant Section, are required to arraign prisoners arrested on warrants, unless otherwise directed.

ARRESTING OFFICER

10. Prepare following statement on Court Complaint if arrest made in borough other than borough where warrant was issued (Inter- County Warrant):

"At (time) hours, on (date), Police Officer (name, shield number, command) performing duty in (borough) Criminal Court has verified through records on file at said court that the warrant forming the basis of this arrest is active."

WHEN AN ARREST IS EFFECTED SOLELY ON A BENCH WARRANT

DESK OFFICER

11. Make Command Log entry relative to the detention of the prisoner.

12. Ensure that WARRANT INVESTIGATION REPORT (PD374-152) is prepared.

SPECIAL OPERATIONS LIEUTENANT

13. Sign WARRANT INVESTIGATION REPORT and forward as indicated on form.

ARRESTING OFFICER

14. Prepare ARREST REPORT - SUPPLEMENT and submit to supervisor for review and signature.

a. Indicate on SUPPLEMENT if, and exactly how, the subject may have attempted to avoid arrest.

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 Central Warrant Unit at (718) 217-8484 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 Parole Absconder Search Unit. From Monday through Thursday from 0800 to 2000 hours and on Friday from 0800 through 1800 hours call (212) 239- 6159. At all other times call the Division of Parole referral service at (212) 594-5889 and leave a message on their voice mail consisting of the arresting officer's name, command and details of the arrest. The notification to the Division of Parole 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 who was notified at the Warrant Section and at the Parole Absconder Search Unit, prior to forwarding a copy of the WORKSHEET to the borough Court Section.

When a youth who is AWOL from a residential facility is apprehended on a Division for Youth Warrant, he will be returned directly to the residential facility if located in New York City. If AWOL from a facility outside New York City, he will be taken directly to the [REV 3- 01]Bridges Juvenile Center, 1221 Spofford Avenue, Bronx, New York. In NO CASE will the youth be taken to Family Court.

A person in need of supervision (PINS) will NOT be taken into custody without a court order. The defendant will be detained at a facility designated by the Emergency Children's Service of the Human Resources Administration, telephone (212) 334-7676, who will be requested to provide transportation. 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 [REV 3-01]Bridges Juvenile Center,, 1221 Spofford Avenue, Bronx.

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 Audit and Accounts Unit. If closed, funds may be obtained at the Office of the Chief of Detectives (see P.G. 212-83, entitled "Leaving City On Police Business"). The address of each Department of Corrections facility is as follows:

Manhattan	Brooklyn
Manhattan Detention Complex (MDC) 125 White Street New York, New York 10013	Brooklyn House of Detention for Men (BKLYN HDM) 275 Atlantic Avenue Brooklyn, New York 11201
Queens	Bronx
Queens House of Detention for Men (QHDM) 126-02 82nd Avenue Queens, New York 11415	Bronx House of Detention for Men (BX HDM) 653 River Avenue Bronx, New York 10451

Rikers Island Facilities

Rose M. Singer Center (RMSC) 19-19 Hazen Street East Elmhurst, New York 11370	Adolescent Reception and Detention Center (ARDC) 11-11 Hazen Street East Elmhurst, New York 11370
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RELATED PROCEDURES

Arrests - Certificate Of Warrant (Non-Support) (P.G. 208-50)
Documenting And Reporting Court Appearances Pertaining To Arrests On A Warrant (P.G. 211-08)
Leaving City On Police Business (P.G. 212-83)
Processing Warrants (P.G. 212-75)

FORMS AND REPORTS

APPEARANCE TICKET - FAMILY COURT (PD277-130)
ARREST REPORT - SUPPLEMENT (PD244-157)
INVESTIGATION CARD (PD373-161)

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
WARRANT INVESTIGATION REPORT (PD374-152)

P.G. 208-43 This Procedure Intentionally Left Blank

Date Effective: 01-01-00

P.G. 208-44 Prostitution

Date Effective: 01-01-00

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 Enforcement Squad (or OCCB/FOD, if unavailable) if:
 - a. Defendant is less than eighteen (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.

DESK OFFICER/COUNTERPART

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)

Arrests - Premises Licensed By The State Liquor Authority Involved (P.G. 208-63)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 208-45 Loitering For Purposes Of Prostitution

Date Effective: 01-01-00

PURPOSE

To process arrests for loitering for purposes of prostitution.

PROCEDURE

When a person is arrested for "Loitering for Purposes of Prostitution," follow normal arrest procedure and:

ARRESTING OFFICER

1. Notify Borough Vice Enforcement Squad (or OCCB/FOD, if unavailable) if:
 - a. Defendant is less than eighteen (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.
2. Draw up complaint detailing behavior of the defendant, including:
 - a. Conversation with various men, women or known prostitutes, as appropriate.
 - b. Repeatedly stopping or attempting to stop automobiles or leaning into cars and engaging motorists in conversation.
 - c. Time of observations.
3. Inform assistant district attorney of actions or any additional pertinent information including:
 - a. Known prostitute.
 - b. Consorts with known prostitutes or pimps.
 - c. Conduct and clothing.
 - d. Defendant's response to questioning.

ADDITIONAL DATA

This charge should be added when making an arrest for Prostitution, Section 230.00, Penal Law, on an overheard conversation.

No more than five (5) arrests for "Loitering For Purposes Of Prostitution" are to be made by the same uniformed member of the service at one (1) time.

A COMPLAINT REPORT (PD313-152) is NOT prepared for a pick-up arrest effected for "Loitering for Purposes of Prostitution," (Section 240.37, subdivision 2, Penal Law). However, fingerprints MUST be taken for this arrest.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

P.G. 208-46 Gambling

Date Effective: 01-01-00

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 PROCEDURES

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)

P.G. 208-47 Counterfeiting/Forging U.S. Government Obligations Or Counterfeiting/Unauthorized Use Of Access Devices

Date Effective: 01-01-00

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 (1) year period, and obtains anything valued at \$1,000 or more OR
- c. Possesses fifteen (15) 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, by telephone ([212] 466-4400).
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).

P.G. 208-48 Violation Of Postal Laws

Date Effective: 01-01-00

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)

P.G. 208-49 Contraband Weapons

Date Effective: 01-01-00

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 (PD521-161).
6. Bring weapon and REQUEST to Firearms Analysis Section.
7. Deliver weapon to Property Clerk with PROPERTY CLERK'S 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'S INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 208-50 Certificate Of Warrant (Non-support)

Date Effective: 01-01-00

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 Central Warrant Unit.

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)

P.G. 208-51 Forfeiture Of Bail

Date Effective: 01-01-00

PURPOSE

To process a re-arrest in a bail forfeiture case.

PROCEDURE

When notified that a prisoner has forfeited bail:

DESK OFFICER

1. Prepare ARREST REPORT - SUPPLEMENT (PD244-157) listing pertinent information and the words "Bail Forfeited" in capital letters, under "Details".
2. Indicate under caption Duplicate Copies Required, "Property Clerk", if property is involved.
 - a. If evidence is required against another prisoner, enter facts under "Details."
3. Notify member or unit concerned.

IF PRISONER IS RE-ARRESTED FOR SAME CHARGE FOR WHICH BAIL WAS FORFEITED

DESK OFFICER

4. Prepare one set of ARREST REPORT - SUPPLEMENT.
5. Telephone Property Clerk's office to determine disposition of evidence.
6. List property not disposed of on ARREST REPORT - SUPPLEMENT.
 - a. Indicate name of member at Property Clerk's office under "Details".
7. Notify arresting officer of re-arrest.

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)

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

P.G. 208-52 Traffic Violations

Date Effective: 01-01-00

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)

P.G. 208-53 Arrest Processing - Aggravated Unlicensed Operation Of A Motor Vehicle

Date Effective: 01-01-00

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

[I.O. 4 s 01] 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 system.
 - 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.

[I.O. 4 s 01] NOTE: In all instances related to the arrest of a motorist for the misdemeanor charge(s) of aggravated unlicensed operation of a motor vehicle, refer to P.G. 208-28, 'Identification Standards For Desk Appearance Tickets', Department of Motor Vehicle Name Check, to determine if a DESK APPEARANCE TICKET may be issued.

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)
- 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. Green copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147), if prepared.

[I.O. 4 s 01] 6. Prepare Criminal Court Summons for violation of VTL 511 (1) (a) or VTL 511 (2) (a) as appropriate.

- 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 6 above regarding the issuing of a summons is specific and applicable only to the following: Patrol Borough Brooklyn South, SATCOM Brooklyn North and Patrol Borough Staten Island. The district attorneys in both Brooklyn and Staten Island have mandated that a summons be issued and included as an ADDITIONAL part of the arrest package and arraignment process. The remaining Patrol Boroughs (Manhattan South, Manhattan North, Bronx, 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.

7. Fingerprint prisoner utilizing "Livescan."

NOTE: Persons charged with 511(3)(a) E Felony shall be processed in accordance with steps 5 ("b" through "g") and step 9 below. A Criminal Court Summons will not be prepared in felony cases.

UNIFORMED MEMBER OF THE SERVICE

8. Confiscate driver's license and comply with P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."

NOTE: Disregard subdivisions "a" and "b" of step 3 and the "NOTE" following subdivision "3b" in P.G. 209-26, "Suspended Or Revoked Vehicle Operator's License."

[I.O. 4 s 01] 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.

9. Inform desk officer when arrest processing is complete.

DESK OFFICER

10. Review all forms for completeness and accuracy.
11. Ensure that all applicable categories on SUPPORTING DEPOSITION are checked off.
 - a. Have arresting officer sign and date.

12. 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

13. Examine court papers for completeness and accuracy.

14. 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 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 Bureau Scofflaw Removal Program"[Additional Data]). The impounded vehicle will remain at the precinct stationhouse for forty-eight (48) 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.
- 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 (30) days or less.
- c. Where the vehicle was operated by a person who, at the time of the offense, was the owner, the following is required:
 - (1) Satisfactory evidence that the registered owner or other person seeking to redeem the vehicle has a license or privilege to operate a motor vehicle in New York, AND
 - (2) Satisfactory evidence that criminal charges have been terminated and that any fine imposed as a result of a conviction has been paid, OR
 - (3) A certificate issued by the court in which the criminal action was commenced ordering release of the vehicle prior to judgment or in compliance of the interest of justice, OR
 - (4) A certificate issued by the District Attorney, or other officer authorized to prosecute such charge, waiving the requirement that the vehicle be held.

In all Aggravated Unlicensed Operation of a Motor Vehicle 1st Degree arrests, the vehicle shall be seized and removed to a Property Clerk facility. As such, these vehicles will not remain at precinct stationhouse for forty-eight (48) hours. The arresting officer shall process said vehicle in accordance with P.G. 208-26, "Forfeiture Proceedings For Property Seized In Connection With An Arrest." The Property Clerk shall contact the Legal Bureau to ascertain if a statutory forfeiture proceeding will be commenced. Persons making a demand for the return of a vehicle

seized pursuant to this procedure must provide the same documenting evidence as required for release of a vehicle pursuant to Section 511-b of the VTL above, except that a District Attorney's release is required in all seizures made pursuant to Section 511-c of the VTL regardless of who was operating the vehicle at the time of the offense. In the event said requirements are met and the Legal Bureau indicates that a statutory forfeiture proceeding will not be commenced, the vehicle may be released from the Property Clerk facility.

RELATED PROCEDURES

Suspended Or Revoked Vehicle Operator's License (P.G. 209-26)
Forfeiture Proceedings For Property Seized In Connection With An Arrest (P.G. 208-26)
Safeguarding Vehicles In Police Custody (P.G. 218-12)
Removal And Storage Charges (P.G. 218-44)
Motor Vehicles Repossessed/Parking Violations Bureau 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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)
AGGRAVATED UNLICENSED OPERATION OF A MOTOR VEHICLE (PD171-121)

P.G. 208-54 Arrest Screening Guidelines For Cases Involving Forged Or Altered Motor Vehicle Documents

Date Effective: 01-01-00

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 (1) 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 (1) 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 (2) 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 RETURN-ABLE TO THE LOCAL CRIMINAL COURT.

[I.O. 10 s 01] (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) at (518) 473-3342 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 where the arrest was made, the following additional charge may be appropriate: Offering a False Instrument for Filing 1st Degree (Penal Law 175.35): Class "E" Felony. (see ADDITIONAL DATA statement)

b. POSSESSION OF A FORGED/ALTERED REGISTRATION

(1) A suspect who presents a registration card with a forged or altered registration (e.g., address known to be false, etc.) should be issued summonses for Vehicle and Traffic Law, Sections 392 and 401(a), Unregistered Vehicle. Vehicle and Traffic Law, Section 392, is a misdemeanor for which a "C" summons should be issued. Vehicle and Traffic Law, Section 401(a), is a traffic infraction for which a "C" summons should be issued. BOTH SUMMONSES SHOULD BE MADE RETURNABLE TO THE LOCAL CRIMINAL COURT.

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.

[I.O. 10 s 01] 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 (1) 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 (PD373-161) check
- b. Warrant check (local/state/federal).

NOTE: Unless there are exceptional circumstances, the checks are to be accomplished within one (1) hour from the time the suspect enters the stationhouse.

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) at (518) 473-3342 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, subdivision (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.

[I.O. 46 s 04] 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 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 our 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 the 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 (PD373-161)

P.G. 208-55 Vehicle Of Foreign Registry

Date Effective: 01-01-00

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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).
 - 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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

P.G. 208-56 Notifications For Arrests Of Aliens

Interim Order 39 Issued 11-03-00 Suspends Patrol Guide 208-56

PURPOSE

NOTIFICATIONS FOR ARRESTS OF ALIENS

To process arrests of aliens.

DEFINITION

ALIEN- 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 WHEN ONE OF THEIR CITIZENS/NATIONALS IS ARRESTED:

Albania	Dominica	Kyrgyzstan	Seychelles
Antigua	(Note:	Malaysia	Sierra Leone
Armenia	this country	Malta	Singapore
Azerbaijan	is NOT the	Mauritius	Slovak Republic
Bahamas	Dominican	Moldova	South Korea
Barbados	Rep.)	Mongolia	Tajikistan
Belarus	Fiji	Nigeria	Tanzania
Belize	The Gambia	Philippines	Tonga
Brunei	Georgia	Poland	Trinidad &
Bulgaria	Ghana	Romania	Tobago
Costa Rica	Grenada	Russia	Turkmenistan
China	Guyana	St. Kitts &	Tuvalu
Cyprus	Hungary	Nevis	Ukraine
Czech	Jamaica	St. Lucia	United Kingdom
Republic	Kazakhstan	St. Vincent	Uzbekistan
	Kiribati	&	Zambia
	Kuwait	Grenadines	

PROCEDURE

When a person arrested is an alien, comply with appropriate arrest processing procedures and:

ARRESTING OFFICER

1. 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.

NOTE: If doubt exists as to the status of the prisoner, enter "suspected alien" under "Narrative."

ARRESTING OFFICER

2. Determine from the above list if prisoner's embassy or consulate must be notified.

NOTE: If the prisoner is from one of the countries listed, the embassy or consulate concerned must be notified, regardless of the prisoner's wishes to the contrary. This notification must also be made even though a DESK APPEARANCE TICKET may be issued.

WHEN NOTIFICATION MUST BE MADE:

ARRESTING OFFICER

3. Contact the Inter-City Correspondence Unit.
4. Provide member at Inter-City Correspondence Unit with the following information:
 - a. Prisoner's name and address
 - b. Date of arrest
 - c. County of arrest
 - d. Major charge(s)
 - e. Exact location where prisoner is being detained
 - f. Telephone numbers of both the command of arrest and the borough court section.
5. Obtain from the Inter-City Correspondence Unit the following:
 - a. The name of the member contacted
 - b. A log number.
6. Enter this information in the "Narrative" portion of the ON LINE BOOKING SYSTEM ARREST WORKSHEET.

INTER-CITY CORRESPONDENCE UNIT MEMBER

7. Notify the embassy or consulate concerned.

WHEN NOTIFICATION IS NOT MANDATED (THE PRISONER IS NOT FROM A COUNTRY LISTED ABOVE):

ARRESTING OFFICER

8. Inform prisoner of right to have embassy or consulate notified.
9. Follow steps 3, 4, 5, and 6 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

10. Ensure that arresting officer has contacted the Inter-City Correspondence Unit when notification to the prisoner's embassy or consulate is required or in other cases when an arrested alien has so requested.

ADDITIONAL DATA

Arresting officers will contact the Intelligence Division if they experience any unusual circumstances or have questions regarding the arrest processing of an alien.

RELATED PROCEDURES

Mayor's Executive Order No. 124 - New York City Policy Regarding Aliens (P.G. 212-66)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159)

DESK APPEARANCE TICKET

P.G. 208-57 Holders Of Licenses Issued By New York City Department Of Consumer Affairs

Date Effective: 01-01-00

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)

P.G. 208-58 Taxicab And Towing Truck Owner/Operators

Date Effective: 01-01-00

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'S 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 PROCEDURES

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

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK'S INVOICE (PD521-141)
REPORT OF VIOLATION (PD672-151)

P.G. 208-59 Felony Arrests Of Parolees

Date Effective: 01-01-00

PURPOSE

To notify the New York State Division of Parole 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, other than narcotics or gambling:

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, other than narcotics or gambling.

MEMBER CONCERNED, P.D.S.

3. Conduct name check of person arrested against the "Target List of Recidivists" and the New York State 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 Parole 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 at (718) 217-8484 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 Parole Absconder Search Unit. Hours are Monday through Thursday from 0800 to 2000 hours and on Friday from 0800 through 1800 hours call (212) 239-6159. All other times, call the Division of Parole referral service at (212) 594-5889 and leave a message on their voice mail consisting of the arresting officer's name, command and details of the arrest.

The notification to the Division of Parole 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 Parole Absconder Search Unit. Parole officers doing absconder work are authorized to sign for Department radios at precincts, subject to their availability.

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 Division of Parole 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 Division of Parole.

The Division of Parole 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 Division of Parole.

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152a)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 208-60 Of Felony Warrant Defendants By Members Of New York State Police

Date Effective: 01-01-00

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 (212) 374-3970, if necessary.
3. Prepare Prisoner Movement Slip, take one (1) polaroid 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, "General Procedure - Prisoners," 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 (PD244-152).

10. Deliver prisoner, ARREST REPORT SUPPLEMENT, and Prisoner Movement Slip to appropriate court for processing.

RELATED PROCEDURES

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

General Procedure - Prisoners (P.G. 210-01)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-152)

Prisoner Movement Slip

P.G. 208-61 Material Witness

Date Effective: 01-01-00

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)

P.G. 208-62 Transient Prisoner

Date Effective: 01-01-00

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)

P.G. 208-63 This Procedure Intentionally Left Blank

Date Effective: 01-01-00

P.G. 208-64 City-wide Career Felony - Drug Offender Program

Date Effective: 01-01-00

PURPOSE

To identify targeted arrested "career felony-drug offenders" for enhanced investigation and to ensure vigorous prosecution.

PROCEDURE

When a uniformed member of the service effects an arrest for a FELONY DRUG OFFENSE:

ARRESTING OFFICER

1. Comply with pertinent arrest procedures.
2. Conduct a warrant check via FINEST System.

NOTE: Targeted felony drug offenders will be identified by the letter "X" following the letters "OCA" on the screen and the designation "Target Narcotics Violator" under the prisoner's name.

3. Notify the Organized Crime Control Bureau, Field Operations Desk by telephone (212) 374-6620, if warrant check reveals prisoner is a targeted felony drug offender.

NOTE: If arresting officer is assigned to the Narcotics Division such officer will be designated the "Enhancement Officer." If arresting officer is assigned to other than the Narcotics Division, the Organized Crime Control Bureau, Field Operations Desk will notify the Narcotics Division. An enhancement officer will be assigned at the discretion of the Narcotics Division.

NARCOTICS DIVISION ENHANCEMENT OFFICER

4. Carefully review all arrest processing forms for completeness and accuracy.
5. Prepare Narcotics Division Case Enhancement Worksheet in triplicate.
6. Ensure that all identifying data re: witnesses is recorded on Worksheet.
7. Obtain additional evidence, if possible.
8. Request expedited lab examination and report.
9. Distribute Narcotics Division Case Enhancement Worksheet as follows:
 - a. Original - appropriate Assistant District Attorney at the Complaint Room.
 - b. Duplicate - to Narcotics Division, Room 1100, Police Headquarters.
 - c. Triplicate - filed at enhancement officer's command.

ADDITIONAL DATA

If an arrested felony drug offender is not initially identified as a target on the computer data bank because of the use of an alias, the Organized Crime Control Bureau, Field Operations Desk subsequently will receive a notification based on the prisoner's NYSID number. The Field Operations Desk will then advise the Career Felony - Drug Offender Unit, Narcotics Division, which will make the appropriate notifications.

P.G. 208-65 Felony Augmentation Program

Date Effective: 01-01-00

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 (14) TO EIGHTEEN (18) 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 (2) 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. Have INVESTIGATION CARD (PD373-161)/Wanted/Juvenile Recidivist check conducted via FINEST system. See P.G. 208-23, "Computerized Investigation Card System."

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

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

Felony Arrests of Parolees (P.G. 208-59)

FORMS AND REPORTS

INVESTIGATION CARD (PD373-161)

P.G. 208-66 Felony Case Development

Date Effective: 01-01-00

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 (3) 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
* Sex Crimes (1st degree), including Aggravated Sexual Abuse	* Borough Special Victims Squad
* Narcotics (A1 & A2 felonies)	* Narcotics Division (212) 374-6960. If closed, OCCB Operations Desk (212) 374-6640
* Bribery	* Internal Affairs Bureau, Complaint Intake (212) 741-8401
* Grand Larceny - Auto	* Auto Crime Division (100 Major Violators) (718) 592-6787

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 the borough Special Victims Squad (SVS) if charge is for a first degree sex crime. When the SVS is closed (0100-0800 hours) notify the Detective Borough Night Watch Dispatcher.

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 (1) for the first case development of the calendar year, by the unit conducting the post-arrest development (e.g. RAM-01, etc.).

b. Each investigative unit will maintain its own CASE DEVELOPMENT/DETECTIVE CASE ASSIGNMENT LOG for the purpose of assigning AIR numbers. However, information on all cases must be phoned into the detective squad covering the precinct of arrest for inclusion on its LOG.

10. Investigate facts relating to commission of crime and subsequent arrest(s) and record facts on ARREST INVESTIGATION REPORT (PD244-1511).

11. Determine principal charge to be lodged against defendant.

a. Principal charge will be the highest level of crime for which probable cause can be demonstrated by facts determined during the investigation.

NOTE: If the assigned investigator determines that the original charge is not correct, the investigator shall enter the correct charge on the LOG and inform the desk officer. This step will be complied with even when it is determined that the amended charge is not a designated felony. If the desk officer disagrees with the investigating officer as to the proper charge, the investigative squad supervisor will confer with the desk officer to determine the appropriate charge.

12. Present completed ARREST INVESTIGATION REPORT to squad supervisor.

a. AIR should include the following checks:

(1) BCI - Criminal Record

(2) Warrant/Computerized Investigation Card

(3) Weapons - FINEST check when applicable.

DETECTIVE SPECIALIZED INVESTIGATIVE SQUAD SUPERVISOR

13. Review ARREST INVESTIGATION REPORT for completeness, sign in appropriate space and distribute as follows:

a. ORIGINAL (1st) and TRIPLICATE (3rd) copies - to arresting officer.

b. DUPLICATE (2nd) copy - together with appropriate COMPLAINT REPORT (PD313-152) to investigative squad which developed case for file.

c. QUADRUPPLICATE (4th) copy - maintain in separate folder at Precinct Detective Squad (PDS). Specialized investigative squads forward this copy to PDS concerned.

NOTE: On the fifth (5th) 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 (3rd) 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 (3) 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 (1) 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

P.G. 208-67 Follow-up Investigations On "Decline Prosecution" Arrest Cases

Date Effective: 01-01-00

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 (5) 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, anti-crime unit, precinct detective squad, Robbery Apprehension Module (RAM), 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 (10) 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)

P.G. 208-68 OLBS Computerized Arrest Notification Printout

Date Effective: 01-01-00

PURPOSE

To have Management Information Systems Division (MISD) 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:

MISD 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
* ALIEN	* Intelligence Division
* 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 Squad
* 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 Division - Only if arrest made by Narcotics Division personnel

* EXPLOSION BY BOMB or EXPLOSIVE DEVICE	* Arson and Explosion Squad
* EXPLOSIVE OR BOMB (possession)	* Arson and Explosion Squad
* FORCIBLE RAPE, FORCIBLE SODOMY, SEX ABUSE 1ST DEGREE, or attempts of these crimes	* Borough Special Victims Squad
* FRAUDULENT ACCOSTING OR LARCENY BY PICKPOCKET	* Special Frauds Squad
* GAMBLING OFFENSE	* Vice Enforcement Division
* 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 Division
* 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 Squad
* SEAMAN, foreign (violation of narcotics law)	* Chief of Department
* SPECIAL PATROLMAN	* License Division
* TELEPHONE SEIZURE (public morals arrest)	* Deputy Commissioner - Legal Matters
* TOWING CAR DRIVER or OWNER	* Department of Consumer Affairs
* NYC DEPARTMENT OF TRANSPORTATION EMPLOYEE (Department of Highways, Traffic, Marine &	* NYC Department of Transportation, Inspector General

Aviation or Parking Violations
Bureau)

* UNLAWFUL POSSESSION OF
RADIO DEVICES (P.L. 140.40)

* Communications 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. Management Information Systems 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
- * Staten Island Rapid Transit 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.

P.G. 208-69 Notifications In Certain Arrest Situations

Date Effective: 05-19-00

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/COUNTERPART

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, except Fire Department
 - (2) US Internal Revenue Service
 - (3) US Postal Service
 - (4) US Department of State
 - (5) New York State Department of Corrections.

[Rev 2-00] 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 Board 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.

1. Any offense and prisoner is impersonating a New York City Department of Health employee.

2. Make direct notification to agency or command concerned when arrest is effected for:

- | | |
|--|--|
| * Criminal Anarchy | * Intelligence Division |
| * Any offense, and prisoner possesses anarchistic literature advocating the violent overthrow of the existing government of this State or Nation | * Intelligence Division |
| * Any offense, and prisoner is an employee of: | |
| * New York State Division of Substance Abuse Services | * Division of Substance Abuse Services |
| * Port of New York Authority | * Port Authority |
| * Tri-Boro Bridge and Tunnel Authority (TBTA) | * TBTA |
| * United Nations | * Intelligence Division |
| * New York City Fire Department | * Inspector General, Fire Department |
| * New York State Parole, Senior Parole, Supervising Parole Officer | * Division of State Parole |
| * 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 Court Security Service (212) 417-5857 (Monday to Friday, 0900 - 1700 hours) or 800-225-0256, Code 97597, at all other times |
| * Any offense, and prisoner is a member of armed forces of a foreign nation | * Provost Marshal, Fort Hamilton, Brooklyn |
| * Felony and prisoner is employee of U.S. Department of Defense | * Provost Marshal, Fort Hamilton, Brooklyn |
| * Morals or perversion charge and prisoner is employee of U.S. Department of Defense | * Provost Marshal, Fort Hamilton, Brooklyn |
| * Any offense, and a youth gang is involved | * Intelligence Division |
| * Any offense, and Board of Education is involved in any way | * School Safety Division |
| [I.O. 17-7 c.s., 04] * Any graffiti-related offenses | [I.O. 17-7 c.s., 04] * Citywide Vandals Task Force, Transit Bureau (718) 714-3116 |

* 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 (212) 541-0407

* Any offense, and prisoner is involved in the private carting industry, city owned wholesale markets, or boats involved in off shore shipboard gambling emanating from New York city locations.

* Business Integrity Commission, (212) 676-6219, Monday through Friday, between 1000 and 1800 hours. After hours, contact OCID via the OCCB, Field Operations Desk at (646) 610-6610

* Any offense, and prisoner admits, or is determined to be an alien

* Notify borough Court supervisor

3. Direct arresting officer to notify Intelligence Division's Operations Desk at (646) 805-6400 twenty-four (24) hours/seven (7) days a week, to determine if an immediate response by a member of the Intelligence Division is warranted in regards to possible terrorist links, for arrests or seizures involving the following:

- a. Fraudulent documents
- b. Identity theft
- c. Welfare fraud
- d. Untaxed cigarettes
- e. Drug paraphernalia
- f. Telephone calling cards
- g. Shop lifting
- h. Baby formula
- i. Counterfeit money
- j. Money laundering
- k. Travelers checks (stolen/counterfeit)
- l. Money Orders (stolen/counterfeit)
- m. Credit cards (stolen/counterfeit/bust out schemes)
- n. Expired candy - consumer affairs violations
- o. Grand larceny fraud
- p. Firearms
- q. Trademark counterfeiting
- r. Marriage fraud
- s. Alien 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

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 (2) 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 (2) 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).

[Rev 2-00] 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.

The Department of Correction Investigations and Trials Division can be reach 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) 546-1348.

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 (24) hours a day, seven (7) 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)

P.G. 208-70 Processing Of New York State Domestic Incident Reports In The Domestic Violence Database

Date Effective: 03-26-04

PURPOSE

To improve the tracking, monitoring, and analysis of domestic violence cases.

PROCEDURE

Whenever entering information from a command's past/current New York State Domestic Incident Report (DCJS-3221) into the new Domestic Violence Database System:

UNIFORMED MEMBER OF THE SERVICE

1. Submit hard copy of Domestic Incident Report and any related paperwork [COMPLAINT REPORT (PD313-152), AIDED REPORT WORKSHEET (PD304-152b), ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) etc.] to desk officer.

NOTE: The current New York State Domestic Incident Report (DCJS-3221) does not have captions for certain pertinent information that is collected in the Domestic Violence Database System. Therefore, the following information is to be elicited from the person(s) involved and recorded in the NARRATIVE OF THE INCIDENT:

- a. Alcohol involved
- b. Narcotic involved
- c. Verbal dispute only
- d. Court and Docket number of Order of Protection
- e. Voucher number of photos (if taken)
- f. Social security number and alias of persons involved (record next to name if space allows, otherwise include name and information in narrative)
- g. Reporting officer's tax number in box titled "OFFICER I.D. NO."

DESK OFFICER

2. Review hard copy of Domestic Incident Report and any related paperwork for accuracy and completeness and sign.
3. Direct command clerk to enter information from the Domestic Incident Report into the Domestic Violence Database System.

COMMAND CLERK

4. Enter information from the Domestic Incident Report into the Domestic Violence Database System and print out computer copy.
5. Attach hard copy and computer copy and present them to the desk officer for review.

NOTE: With the implementation of new, linked computer systems, the command clerk must enter all associated reports and obtain numbers from the other appropriate computer systems (OLCS, Aided, etc.) PRIOR TO entering the data into the Domestic Violence Database System. The command clerk will record all appropriate numbers on the hard copy of the Domestic Incident Report. It is imperative that these numbers are obtained prior to the entry of the Domestic Incident report since these numbers link

to the other systems and links information contained therein and CAN NOT be entered or retrieved later. In the event that a Domestic Incident Report is entered into the database without these numbers, it MUST BE VOIDED and re-entered with this information.

The command clerk will prepare a Domestic Incident Report for walk-in complainants reporting domestic incidents whenever the command's domestic violence officer is not available to do so.

DESK OFFICER

6. Review computer copy and compare to the hard copy for accuracy and completeness.
7. Forward both copies to the command's domestic violence officer/designated reviewer.

DOMESTIC VIOLENCE OFFICER/DESIGNATED REVIEWER

8. Obtain previously assigned victim and/or offender numbers or generate new numbers, as appropriate, from database.
9. Query the Domestic Violence Database System for the following offender information:
 - a. Warrant history
 - b. Investigation card status
 - c. Gun license/permit status
 - d. Criminal recidivist history
 - e. Targeted narcotics violator status
 - f. Domestic violence history

NOTE: Results of the New York State Police Information Network (NYSPIN) inquiries concerning orders of protection, probation status and arrest history (Booking Arraignment Disposition System [BADS]), and complaint history (On Line Complaint System [OLCS]), will be entered onto the appropriate captions of the Domestic Incident Report review screen.

10. Ensure that all computer inquiries regarding the offender are completed during the tour in which they are commenced.

a. Attach printouts of all inquiries listed in step 9 to the Domestic Incident Report.

11. Forward both copies of the Domestic Incident Report back to the desk officer or domestic violence supervisor for endorsement.

DESK OFFICER/DOMESTIC VIOLENCE SUPERVISOR

12. Review the Domestic Incident Report computer summary screen. Ensure that all Domestic Incident Reports and the necessary offender queries are completed.

13. Utilize the supervisory sign off function to finalize each Domestic Incident Report thereby entering it into the Domestic Violence Database System.

- a. Print finalized copy of Domestic Incident Report.

NOTE: Any Domestic Incident Report prepared by a command other than PRECINCT OF OCCURRENCE, must be entered, reviewed and finalized by the COMMAND OF REPORT. The hard

copy of the Domestic Incident Report will then be faxed to the precinct of occurrence. The original will be maintained in a file folder marked, "Out of Command DIRs ". (This folder is not required if prepared by a PSA, and the incident occurs within the precincts that they cover).

14. Void any duplicate Domestic Incident Reports and those entered incorrectly or in error.

DOMESTIC VIOLENCE PREVENTION OFFICER

15. Prepare daily a Domestic Incident Index utilizing the computer's "Domestic Violence Query-Status Report" for all the Domestic Incident Reports entered the previous day.

a. Maintain a copy of the Index in the Domestic Violence office and at the desk.

16. Utilize the computer's add/view "follow-up comments function" to enter new information (e.g. results of home visits, phone contacts, additional information, etc.) related to the Domestic Incident Report.

17. Utilize the computer's "High Propensity Offender" function to add and remove offenders to the commands High Propensity List.

PRECINCT DETECTIVE SQUAD MEMBER

18. Enter case closing status of any resolved domestic violence case into the Domestic Violence Database System.

ARREST PROCESSING OFFICER

19. Complete a "Global Name Check" of the offender and victim in all domestic violence arrest cases.

a. Print out the result screen and the previously prepared Domestic Incident Report(s).

20. Forward the name check results and Domestic Incident Report(s) with the arrest package to the District Attorney's Office.

COMMAND INTEGRITY CONTROL OFFICER

21. Provide members of the service access to the Domestic Violence Database System utilizing the administrator options of the computer as appropriate.

22. Maintain a list of authorized users assigned to the command.

23. Print, review, and maintain on a monthly basis, a list of all voided Domestic Incident Reports entered into the Database.

a. Take corrective action where appropriate.

ADDITIONAL DATA

Domestic Incident Reports that are prepared by officers assigned to commands other than precinct of occurrence (i.e. Housing Bureau personnel, etc.) who have access to the Domestic Violence Database System, will be responsible for the data entry, review and finalization of the Domestic Incident Report. The follow-up investigation will be the responsibility of the precinct of occurrence or housing PSA, as appropriate.

Due to the sensitive nature of the Database information, access is limited to authorized users and is controlled using CESN passwords. The command's integrity

control officer provides access to the system; however, revoked passwords must be re-activated by the integrity control officer assigned to the Management Information Systems Division.

Commands will access the Domestic Violence Database System from local area network (LAN) workstations that have Internet Explorer Browser installed. Once the system issues a sequential number and the Domestic Incident Report is reviewed by the domestic violence officer, only a supervisor from the precinct of occurrence is permitted to make modifications.

Additionally, once a desk officer/domestic violence supervisor has finalized a Domestic Incident Report for entry into the Domestic Violence Database System, no modifications will be allowed. (This does not include domestic violence officer notes or detective case closing).

RELATED PROCEDURES

Domestic Violence Prevention Officer (P.G. 202-09)

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 Offense/Domestic Violence (Photographing Visible Injuries/Damaged Property) (P.G. 208-39)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

COMPLAINT REPORT (PD313-152)

ONLINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

New York State Domestic Incident Report (DCJS-3221)

P.G. 208-71 Documentation Of Activity Of Bail Enforcement Agents

Date Effective: 10-29-04

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.

DEFINITIONS

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 at (718) 217-8484 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.

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 reposessor, 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 Marshall.

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 (20) 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 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 at (646) 610-5400.

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)

Summonses

P.G. 209-01 Conditions Of Service

Date Effective: 01-01-00

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 Accident
 - * 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
 - * 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

P.G. 209-02 Summonses And Notices Of Violation Returnable Agencies

Date Effective: 01-01-00

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 Environmental Control Board 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	Environmental Control Board

NOTE: Specific section of law for which a Notice of Violation and Hearing may be issued are listed on COMMON SUMMONSABLE OFFENSES (PD160-102).

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 SUMMONSABLE OFFENSES (PD160-102)

P.G. 209-03 Obtaining And Returning Parking Summonses And Moving/Criminal Court Summonses

Date Effective: 01-01-00

PURPOSE

To maintain record of parking and moving/criminal court summonses distributed by uniformed members of the service.

SCOPE

Uniformed members of the service below the rank of captain who are assigned to enforcement duties must carry a sufficient amount of summonses.

PROCEDURE

When assigned to enforcement duty:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain summonses from desk officer as follows:

- a. Parking summonses and CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)
- b. Moving/criminal court summonses and CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145).

2. Examine summonses to ensure that packet contains twenty (20) summonses, consecutively numbered.

3. Sign for summonses on SUMMONS BOOK DISTRIBUTION CARD (PD160-143).

NOTE: Separate SUMMONS BOOK DISTRIBUTION CARDS will be maintained for parking and moving/criminal court summonses.

4. Sign and deliver completed CERTIFICATION OF PARKING SUMMONSES SERVED and CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED with appropriate copies of each summons served to clerical staff, after all summonses in packet have been served.

5. Deliver unused summonses and appropriate CERTIFICATION, with appropriate copies of each summons served, to command where summons packet(s) were issued, when transferred or separated from the Department.

6. Notify commanding officer without delay, when a summons is damaged or missing.

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.

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

CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)

CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146)

SUMMONS BOOK DISTRIBUTION CARD (PD160-143)

P.G. 209-04 Summons Return Date And Time

Date Effective: 01-01-00

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 (28) 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).

ENVIRONMENTAL CONTROL BOARD

a. Comply with applicable provisions of P.G. 209-12, Environmental Control Board Notice of Violation and Hearing - General Procedure.

b. When property of a food or general vendor has been seized, the return date will be scheduled for twenty-one (21) calendar days after date of issuance unless such date falls on weekend or holiday. In such case schedule "Notice of Violation and Hearing" for next business day.

NOTE: If respondent in Environmental Control Board 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.

P.G. 209-05 Processing Summonses

Date Effective: 01-01-00

PURPOSE

To ensure that summonses served are forwarded to the proper adjudicating agencies and that appropriate records are maintained.

PROCEDURE

When a uniformed member of the service issues a summons and delivers the remaining copies to the command where issued for recording:

DESK OFFICER

1. Examine entries on summonses for accuracy, completeness and legibility.

[I.O. 24 s 04] 2. DO NOT forward any summons returnable to Criminal Court if improperly prepared.

3. 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 - 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

4. Re-train issuing officer in proper preparation of summons returnable to the Criminal Court in accordance with pertinent command level materials and instruct issuing officer 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).

CLERICAL MEMBER

5. Separate summonses by date of service for each adjudicating agency.

6. Count number of summonses returnable to each agency.

[I.O. 24 s 04] 7. 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.

8. Package summonses served in lots of one hundred (100) or less.

9. Deliver summonses with appropriate pre-printed envelope to desk officer.

DESK OFFICER

10. Place Complaint/Information copies of summonses in pre-printed envelopes.

NOTE: Envelopes are pre-printed and colored for each adjudicating agency.

11. Seal envelopes, make required entries as per captions and sign in appropriate space on flap of each envelope.

12. Place remaining parts of summonses served in a separate Department envelope and mark "File" Envelope will not be sealed.

13. Have sealed envelopes containing Complaint/Information copies of summonses served forwarded to borough office with morning mail.

14. File envelope with command file copies of summonses served in command by date of service in command record room.

CLERICAL MEMBER

15. Maintain file copies of summonses served for six months.

16. Remove file copies after six (6) months and retain in storage cartons in command record room.

ADDITIONAL DATA

A summons served by a special patrolman will be processed in the same manner as summonses served by uniformed member of the service.

[I.O. 24 s 04] RELATED PROCEDURES

Quality Control Procedures For The Processing Of Summonses Returnable To Criminal Court (P.G. 209-06)

Summons Served Or Prepared In Error (P.G. 209-18)

FORMS AND REPORTS

MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD 381-145)

SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD 260-211)

P.G. 209-06 Quality Control Procedures For The Processing Of Summonses Returnable To Criminal Court

Date Effective: 01-01-00

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.

[I.O. 24 s 04] 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, "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 - 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 SUMMONS(ES) 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, 346 Broadway, 2nd 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. (Detective Bureau, Transit Bureau, Traffic Control Division, Patrol Services Bureau, Housing Bureau, and Organized Crime Control Bureau).

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
 - 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 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 (22) 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.

UNIFORMED MEMBER OF THE SERVICE

17. Correct summons(es) as directed by Operations Coordinator.
18. Return corrected summons(es) to Operations Coordinator.

OPERATIONS COORDINATOR

19. Review corrections made to summons(es).
20. Note action taken for each summons on transmittal sheet (corrected, void).
21. Forward corrected summonses, and transmittal sheet, to bureau command.
22. Forward summonses to bureau concerned in a brown, 13" X 10" inter-office envelope (Form No. NYC 36).
23. Mark envelope - "Returned Criminal Court Summonses."

BUREAU SUMMONS PROCESSING PERSONNEL

24. Check returned transmittal sheet to ensure that all summonses forwarded for action are accounted for.
25. Forward returned summonses, direct, to the New York City Criminal Court located at 346 Broadway, within twenty-four (24) hours of receipt.
26. Forward summonses to criminal court in a brown, 13" x 10" inter-office envelope (Form No. NYC 36).
27. Mark envelope - "Returned Criminal Court Summonses."

RELATED PROCEDURES

Summons Served Or Prepared In Error (P.G. 209-18)

P.G. 209-07 Parking Summons-General Procedure

Date Effective 05-30-03

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 (6) 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 (7) consecutive days.

c. For more than ninety-six (96) 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.

4. Print information legibly in block letters using a black 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 (1) 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 (1) summons for the same violation, at the same location, on the same day.
 9. Issue no more than three (3) summonses to any vehicle parked in violation at the same location on the same day.

NOTE: In cases where more than three (3) violations are evident, summonses for the three (3) most serious violations should be issued.
 10. Do not issue additional summonses to a vehicle displaying three (3) 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 ACTIVITY LOG (PD112-145).
 14. Detach and retain pink copy of Notice of Parking Violation.
 - a. This copy will be returned with CERTIFICATION OF PARKING SUMMONSES SERVED card.

15. Deliver remaining two (2) parts of Notice of Parking Violation intact to command at end of tour and place in appropriate receptacle at desk according to returnable agency.

ADDITIONAL DATA

Upon observing a vehicle displaying three (3) 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.

Manhattan Tow Pound (212) 971-0778

Brooklyn Tow Pound (718) 694-0092

Bronx Tow Pound (718) 585-1653

Queens Tow Pound (718) 786-9715

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 (2) months in the past will be processed in accordance with P.G. 214-30, "Removal of Expired New York State Registration Plates."
- c. Derelict vehicles with New York State plates will be processed in accordance with P.G. 214-29, "Derelict Vehicles Bearing New York State Registration Plates."
- 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 [30] 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 (1) of the following three (3) 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.

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)

Environmental Control Board Notice of Violation and Hearing - General Procedure (P.G. 209-12)

Diplomatic Incidents (P.G. 212-56)

Derelict Vehicles Bearing New York State Registration Plates (P.G. 214-29)

Removal of Expired New York State 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

ACTIVITY LOG (PD112-145)

CERTIFICATION OF PARKING SUMMONSES SERVED (PD160-146) HIGHWAY CONDITION RECORD (PD311-151)

P.G. 209-08 Parking Violations Summons-graphic

Date Effective: 01-01-00

(Figure 20)

P.G. 209-09 Personal Service Of Summones Returnable To Traffic Violations Bureau Or Criminal Court

Date Effective: 01-01-00

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. 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 ACTIVITY LOG (PD 112-145).
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(es) 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 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. Record only one violation per summons.

- a. Use a separate summons for each additional offense.

NOTE: If violator commits multiple offenses arising out of a single traffic incident, and one (1) offense is returnable to Criminal Court, make all related summonses returnable to Criminal Court.

10. 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 ACTIVITY LOG.

11. 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."

[I.O. 24 s 04] FOR SUMMONSES RETURNABLE TO CRIMINAL COURT

12. Refer to new ACTIVITY LOG (PD 112-145) insert, SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS (PD 260-211), after the violator has been released.

13. Utilize the SAMPLE CRIMINAL COURT SUMMONS INFORMATIONS to properly complete the Criminal Court Information section on rear of summons.

14. SIGN Criminal Court Information section on rear of summons.

IF SUMMONS IS FOR VIOLATION OF P.L. 221.05, "UNLAWFUL POSSESSION OF MARIJUANA"

15. Enter in Criminal Court Information section on rear of summons, the words: "See Attached SUPPORTING DEPOSITION REPORT."

16. Prepare new form, MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT (PD381-145).

17. Submit summons and MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT, to the desk officer when requesting a voucher for the marijuana.

NOTE: Do not staple the summons(es) to the MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT. Attach by using a paper clip only. Desk officers will refer to P.G. 209-06 for proper processing procedures regarding marijuana offenses.

18. Enter the information concerning the summons(es) on CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145).

19. Enter complete details in 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.

20. Detach and retain last two (2) 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.

21. Deliver the remaining copies, intact, to command at the end of tour, or as directed by commanding officer.

22. Deposit copies of summons(es) in appropriate receptacle as designated by commanding officer.

[I.O. 24 s 04] DESK OFFICER

23. Direct the arrest processing officer (if Field Test Qualified), in accordance with P.G. 209-18, to conduct field test of marijuana and complete the "Marijuana Field Test Results" side of the MARIJUANA SUPPORTING DEPOSITION/FIELD TEST REPORT.

NOTE: If a Field Test qualified arrest processing officer is not available, the desk officer will request another Field Test qualified officer from either the precinct's SNEU/CONDITIONS team, an adjoining command, or the borough task force to perform the test. Those qualified uniformed members of the service from either the precinct's SNEU/CONDITIONS team or assigned to outside commands (Narcotics Division, borough task force, etc.) will field test any marijuana that they recover.

ADDITIONAL DATA

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 (15) 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 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 premises.

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 laws will be issued a summons, providing such individuals are sixteen (16) years of age or older. A JUVENILE REPORT (PD377-151) will be prepared for a violator who is at least seven (7) and less than sixteen (16) years of age.

When a bicyclist is issued a summons for a violation of the traffic laws, the word "BICYCLE" will be entered in bold print on that portion of the summons designated for

the year and make of the vehicle. On the reverse side of both of the yellow motorist's copies of the summons, a line will be drawn through the instructions that direct the violator to answer the summons by mail.

[REV 04-02] The nineteen (19)) most HAZARDOUS VIOLATIONS are:

- (1) Failed to yield the right of way to vehicle
- (2) Following too closely
- (3) Speeding
- (4) Reckless driving
- (5) Improper turn
- (6) Fail to obey traffic signal
- (7) Disobey sign
- (8) Improper passing
- (9) Fail to yield right of way to pedestrian
- (10) Backing Unsafely
- (11) Fail to keep right
- (12) Driving while intoxicated
- (13) Defective brakes
- (14) Unlicensed operator
- (15) Driving while ability to operate is impaired by alcohol or drugs
- (16) Failure to wear seatbelt, use of child safety seat
- (17) Spill back
- (18) Use of a cellular telephone while driving

[REV 04-02] (19) Disobey pavement markings

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 an accident 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 summoning member is the complainant, occasionally results in a civilian complaint against the member. To verify and document the circumstances of the incident, the summoning 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 ACTIVITY LOG indicating summoning 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.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)

JUVENILE REPORT (PD377-151)

P.G. 209-10 Traffic Violations Bureau Summons -graphics

Date Effective: 01-01-00

(Figure 21)

(Figure 22)

P.G. 209-11 Criminal Court Summons - Graphic

Date Effective: 01-01-00

(Figure 23)

(Figure 24)

(Figure 25)

P.G. 209-12 Environmental Control Board Notice Of Violation And Hearing - General Procedure

Date Effective: 09-22-00

PURPOSE

To instruct uniformed members of the service of the proper manner by which to prepare and process an Environmental Control Board Notice of Violation and Hearing.

PROCEDURE

Upon observing a violation under the jurisdiction of the Environmental Control Board (ECB):

UNIFORMED MEMBER OF THE SERVICE

1. Inform violator of the offense committed.
 - a. Take NO enforcement action against a blind person for violation of the Canine Waste Law.
 - b. Use discretion when elderly or handicapped persons are observed violating the Canine Waste Law.
2. Request proof of identity and residence.
 - a. If proof is refused and/or validity of proof is doubtful, escort violator to command for further investigation.

WHEN VIOLATOR IS PROPERLY IDENTIFIED:

UNIFORMED MEMBER OF THE SERVICE

3. Prepare separate Notice of Violation and Hearing for EACH offense charged.
 - a. Complete captions in block letters, using a black ink, ball point pen.
4. Insert violation code, section of law, mail-in and maximum penalties on Notice of Violation, as determined from COMMON ENVIRONMENTAL CONTROL BOARD NOTICE OF VIOLATION OFFENSES (PD160-100).
 - a. If not listed, request desk officer to check ENVIRONMENTAL CONTROL BOARD NOTICE OF VIOLATION OFFENSES (PD160-101), maintained at desk.

NOTE: A summons, returnable to Criminal Court, may be issued for summonsable Administrative Code Violations or other violations of law NOT INDICATED on comprehensive list of violations maintained at desk.

5. Make Notice of Violations and Hearing returnable to Environmental Control Board.
 - a. If food or property is removed, make return date twenty-one (21) days after date of issuance unless that date is on a weekend or holiday, in which cases the return date is the next business day.
 - b. If no property is removed, make return date not less than thirty (30) days nor more than thirty-seven (37) days from date of issuance.
6. Give violator pink (Respondent) copy of Notice of Violation.
7. Record complete details in ACTIVITY LOG (PD112-145).

8. Enter required information on CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145).

9. Distribute remaining copies of Notice of Violation as follows:

a. WHITE (ECB) copy - To command of occurrence at end of tour, or as directed by commanding officer.

b. YELLOW (officer) copy - Retain with CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED.

c. WHITE CARDBOARD (Agency) copy.

DESK OFFICER

10. Examine entries on Notice of Violation to ensure:

a. Accuracy, completeness and legibility

b. That reverse side (affidavit portion) is signed by issuing member.

11. Sign affidavit section as certifying officer.

12. Separate Notice of Violation by date of service and process as follows:

a. WHITE (ECB) copies - insert all copies issued on SAME day in Environmental Control Board forwarding envelope addressed to Environmental Control Board, 59-17 Junction Boulevard, Queens and forward to patrol borough office with A.M. mail.

b. YELLOW (officer) copies - file in command by date of service and retain thereat for two (2) years.

PATROL BOROUGH OFFICE CLERK

13. Prepare two (2) copies of SUMMONS ENVELOPE RECEIPT (PD160-011).

14. Direct messenger to deliver envelope containing Notice(s) of Violation to Environmental Control Board.

MESSENGER

15. Obtain receipt on one (1) copy of SUMMONS ENVELOPE RECEIPT and return to borough office.

IF VIOLATOR CANNOT BE PROPERLY IDENTIFIED:

UNIFORMED MEMBER OF THE SERVICE

16. Confer with desk officer.

17. Effect arrest of violator as a last resort, and ONLY WHEN violation committed has CRIMINAL SANCTIONS in addition to civil penalties that may be imposed by the Environmental Control Board and desk officer directs that arrest be made.

NOTE: The Environmental Control Board has CIVIL JURISDICTION ONLY; therefore, an arrest MAY NOT be made for a violation returnable SOLELY to that agency.

ADDITIONAL DATA

Whenever a violator is brought to the command for further investigation and identification, and a positive identification CANNOT be made, or an arrest CANNOT be effected as indicated above, PRIOR TO RELEASING the violator, P.G. 210-13, "Release of Prisoners - General Procedure" will be complied with.

[REV 04-03 Issued 12-10-04 Replaces I.O. 28 s 03]

BICYCLE RIDING ON SIDEWALKS:

Administrative Code Section 19-176, "Bicycle Riding Prohibited on Sidewalks," will be the primary enforcement tool this Department utilizes to eliminate bicycle riding on sidewalks. Under this legislation, any person fourteen (14) years of age or older operating a bicycle upon a sidewalk shall be issued an Environmental Control Board (ECB) Notice of Violation and Hearing. If such person is operating the bicycle on the sidewalk in a manner that endangers any other person or property, the bicycle will be seized at the time the ECB Notice of Violation and Hearing is issued. The following are the steps to be taken when a bicycle is observed being operated upon a sidewalk:

a. If the operator is at least fourteen (14) years of age, and the bicycle is merely operated on a sidewalk, the operator shall be issued an ECB Notice of Violation and Hearing as follows:

Code - D62
Section - AC 19-176(b)
Description - Unlawful bicycle riding on sidewalk
Member of Service Must Appear - No
Penalty - \$50
Maximum - \$100

b. If the operator is at least fourteen (14) years of age, and the bicycle is operated in a manner that endangers any other person or property, the bicycle operator shall be issued an ECB Notice of Violation and Hearing and the bicycle will be seized. The ECB Notice of Violation and Hearing shall be completed as follows:

Code - D62
Section - AC 19-176(c) 1st offense
Description - Unlawful bicycle riding in a manner that endangers any other person or property
Member of Service Must Appear - No
Penalty - \$150
Maximum - \$300

Code - D6H
Section - *AC 19-176
Description - Unlawful bicycle riding 2nd offense in a manner that endangers any other person or property
Member of Service Must Appear - No
Penalty - \$300
Default - \$600

c. If the operator is at least fourteen (14) years of age and the bicycle is operated in a manner that endangers any other person or property with physical contact between the rider and another person, the bicycle operator shall be issued an ECB Notice of Violation and Hearing and the bicycle will be seized. The uniformed member of the service will indicate the fact that there was physical contact between the rider and another person on the summons (Information Section) or Notice of Violation (Details Section).

Code - D6I
Section - AC 19-176(c) 1st

Description - Unlawful bicycle riding offense in a manner that endangers any other person or property with physical contact between the rider and another person
Member of Service Must Appear - No
Penalty - \$250
Default - \$500

Code - D6J

Section - *AC 19-176(c)

Description - Unlawful bicycle riding 2nd offense in a manner that endangers any other person or property with physical contact between the rider and another person
Member of Service Must Appear - No
Penalty - \$500
Default - \$1000

*Civil penalties are doubled by ECB where the rider endangers another person or property a second time within a six month period. The current law's provision for seizing the bicycle remains in effect where the rider endangers another person or property.

At the time the bicycle is taken into custody, in addition to appropriately completing and issuing a PROPERTY CLERK'S INVOICE (PD521-141), the uniformed member of the of service issuing the ECB Notice of Violation and Hearing shall provide the respondent with a completed PROCEDURE FOR RECOVERING SEIZED BICYCLE/VEHICLE (PD521-148). This completed form shall serve as written notice to the respondent and/or bicycle owner explaining the procedures for obtaining release of the bicycle. The notice shall provide the location where the bicycle may be claimed, instructions on the applicable charges for removal and storage, as well as the steps necessary to request an ECB hearing. In all cases where the operator of a bicycle is less than eighteen (18) years of age, a copy of the ECB Notice of Violation and Hearing shall either be personally delivered to the operator's parent or guardian, or it shall be mailed to that person, if their name and address is reasonably ascertainable. Additionally, in any case where a bicycle is seized from an operator less than eighteen (18) years of age, the completed PROCEDURE FOR RECOVERING SEIZED BICYCLE/VEHICLE must be personally delivered to the operators parent or guardian, or it shall be mailed to that person, if their name and address are reasonably ascertainable.

Bicycles taken into custody by members of the Department, pursuant to New York City Administrative Code Section 19-176(c), shall be invoiced and stored in the precinct of occurrence for FIVE (5) business days following seizure. NEITHER A REMOVAL FEE NOR A STORAGE FEE SHALL ACCRUE WHILE THE BICYCLE IS STORED AT THE PRECINCT. Bicycles shall be removed to the Property Clerk's Warehouse (520 Kingsland Avenue, Brooklyn) on the next business day following the five (5) business day precinct holding period A twenty-five dollar (\$25.00) removal fee shall accrue upon the bicycle arriving at the Property Clerk's Warehouse. Additionally, a storage fee of five dollars (\$5.00) will be charged for each day, or fraction of a day, the Property Clerk stores the bicycle, after it is taken from the precinct. THE PROPERTY CLERK DIVISION WILL COLLECT ALL CHARGES FOR REMOVAL AND STORAGE.

NOTE: If a respondent desires to post bond in order to get their bicycle back prior to a hearing, they should be directed to the Environmental Control Board.

RETURNING A SEIZED BICYCLE

Prior to a member of this Department returning a bicycle seized pursuant to Administrative Code Section 19-176(c), the claimant must submit the following:

a. A Decision and Order issued by the Environmental Control Board that will indicate whether or not the respondent involved has been found in violation. If the respondent has been found in violation, an ECB receipt confirming that the fine has been paid must accompany the Decision and Order. A valid ECB receipt will include the time, date, and ECB location of payment as well as the violation number listed on the

Decision and Order. If the Decision and Order indicates that the respondent was not found in violation, no receipt will be required

b. The claimant's copy of the PROPERTY CLERKS INVOICE issued at the time of seizure.

c. In instances where a representative of the claimant appears to retrieve a seized bicycle, he or she must fulfill the requirements of "a" and "b" as well as providing a notarized letter, signed by the named claimant, expressly authorizing the representative to claim the bicycle.

Removal and storage fees will not accrue until the bicycle reaches the Property Clerk's Storage facility, and fees will only be collected by authorized members assigned to the Property Clerk. Desk officers returning a bicycle at the precinct stationhouse shall comply with Patrol Guide procedure 218-02, "Return of Property/Vehicles at Command and Processing Voided Property Invoices," and forward the ECB Decision and Order to the Borough Property Clerk.

Under limited circumstances where an encounter with a bicyclist takes on the characteristics of a criminal investigation, or if the violator is not properly identified, uniformed members of the service may still enforce criminal laws.

In lieu of issuance of an ECB Notice of Violation and Hearing, members may, under appropriate circumstances, make an arrest or issue a summons returnable to criminal court in connection with bicycle riding on a sidewalk. Mere operation on a sidewalk, unless permitted by sign, is a traffic infraction pursuant to Traffic Rules Section 4-07(c)(3)(i), for which a criminal court summons may be issued. This prohibition does not apply to the operation of bicycles with wheels of less than twenty-six (26) inches in diameter upon the sidewalk by children twelve (12) years of age or less. When the offender is at least seven (7), but less than sixteen (16) years of age, a JUVENILE REPORT (PD377-151) will be prepared. When such operation is under circumstances, which create a substantial risk of physical injury to another person or recklessly create a substantial risk of serious physical injury to another person, Administrative Code Section 19-176(c), as an unclassified misdemeanor or Penal Law Section 120.25, Reckless Endangerment in the second degree, a class A misdemeanor, respectively, may be charged. In misdemeanor cases, the bicycle should be seized and invoiced as "arrest evidence" pursuant to normal Department procedure. Members of the service should confer with the Legal Bureau, if in doubt as to the proper charges.

In circumstances where a bicycle rider is eligible for an ECB Notice of Violation and Hearing the uniformed member of the service involved shall not issue a criminal court summons in lieu of the ECB Notice of Violation and Hearing.

RELATED PROCEDURES

Personal Service Of A Summons Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)

Release of Prisoners - General Procedure (P.G. 210-13)

Juvenile Report (P.G. 215-08)

Invoicing Property - General Procedure (P.G. 218-01)

Return of Property/Vehicles at Command and Processing Voided Property Invoices (P.G. 218-02)

Summons Regulations and Distribution (A.G. 309-01)

Return of Summons Packet (A.G. 309-02)

Summonses Records (A.G. 309-03)

Summonses - Forwarded by Patrol Boroughs (A.G. 309-04)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

CERTIFICATION OF MOVING/CRIMINAL COURT SUMMONSES SERVED (PD160-145)

COMMON ENVIRONMENTAL CONTROL BOARD NOTICE OF VIOLATION OFFENSES (PD160-100)

ENVIRONMENTAL CONTROL BOARD NOTICE OF VIOLATION OFFENSES (PD160-101)

JUVENILE REPORT (PD377-151)

PROCEDURE FOR RECOVERING SEIZED BICYCLE/VEHICLE (PD521-148)
PROPERTY CLERK'S INVOICE (PD521-141)
SUMMONS ENVELOPE RECEIPT (PD160-011)

P.G. 209-13 Environmental Control Board Notice Of Violation And Hearing - Graphic

Date Effective: 01-01-00

(Figure 26)

(Figure 27)

P.G. 209-14 Transit Adjudication Bureau - Notice Of Violation

Date Effective: 01-01-00

PURPOSE

To record the distribution of the Transit Adjudication Bureau - Notices of Violation and Hearing (TAB/NOV) issued to uniformed members of the service assigned to the Transit Bureau and ensure the integrity of returned TAB/NOV packets.

SCOPE

Uniformed members of the service below the rank of captain, assigned to the Transit Bureau, who perform duty of an enforcement nature, must carry a sufficient amount of Transit Adjudication Bureau - Notices of Violation.

PROCEDURE

When assigned to enforcement duty in the Transit Bureau:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain TAB/NOV packet and CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED (PD160-147) from desk officer.
2. Examine TAB/NOTICES OF VIOLATION to ensure packet contains twenty-five (25) TAB/NOV's, consecutively numbered and in good condition.
3. Sign for TAB/NOV packet on the TAB/NOTICE OF VIOLATION DISTRIBUTION CARD (PD160-148).

NOTE: In addition to maintaining separate SUMMONS BOOK DISTRIBUTION CARDS (PD160-143) for the distribution of Moving/Criminal Court Summonses and Parking Violation Summonses, Transit Districts shall maintain TAB/NOTICE OF VIOLATION DISTRIBUTION CARDS for TAB/NOV packet distribution.

4. Sign and deliver completed CERTIFICATION OF TAB/NOTICES OF VIOLATION SERVED, along with the "Officer" copy of each TAB/NOV served, to immediate supervisor, after all TAB/NOV in packet have been served.

NOTE: The member's immediate supervisor shall ensure that all TAB/NOV are accounted for by reviewing the completed CERTIFICATION OF TAB/NOTICES OF VIOLATION SERVED and comparing the serial numbers sequentially written on the CERTIFICATION with the serial numbers printed on "Officer" copy of each TAB/NOV returned. The immediate supervisor will document said verification by initialing the top portion of the CERTIFICATION.

5. Deliver unused TAB/NOTICE OF VIOLATION and CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED with the "Officer" copy of each TAB/NOV served, to the command where they were issued, when transferred or separated from the Department.

6. Notify commanding officer, without delay, when a TAB/NOV is damaged or missing.

NOTE: Only Transit Bureau members of the service who regularly perform enforcement duties on the subway are required to obtain full packets of TAB/NOV's in accordance with the above procedure. However, if a member is temporarily assigned to a Transit Bureau command for enforcement duties, those members shall obtain a sufficient number of TAB/NOV's from the Transit Bureau command where temporarily assigned. Unused TAB/NOV's will be returned at the end of the assignment.

TRANSIT DISTRICT COMMANDING OFFICER/RANKING SUPERVISOR DESIGNEE

7. Examine CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED to verify that:
 - a. All information has been recorded
 - b. The "Officer" copy of each TAB/NOV is returned with the CERTIFICATION
 - c. No discrepancies exist.
8. Take appropriate action if discrepancies are found.
9. Indicate inspection of CERTIFICATION by completing the "Supervisory Review" captions on the reverse side.
10. Have clerical staff member enter the date that the CERTIFICATION was received in the "Date Returned" caption of the appropriate TAB/NOTICE OF VIOLATION DISTRIBUTION CARD and cross-reference each for filing in the command.
11. Obtain partially used packets from transferred or separated members:
 - a. Ensure CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED, "Officer" copy and remaining unused TAB/NOV's are in order
 - b. Complete "Supervisory Review" captions on reverse side of the CERTIFICATION
 - c. Enter the number of TAB/NOV's remaining in packet on TAB/NOTICE OF VIOLATION DISTRIBUTION CARD, under the "Date Returned" caption.
12. Re-issue unused TAB/NOV's to another uniformed member of the service.
 - a. Make appropriate entries on the bottom of TAB/NOTICE OF VIOLATION DISTRIBUTION CARD utilizing the captions on the card as a guide.
13. Mark "CANCELLED" on unserviceable TAB/NOV's and forward a report on Typed Letterhead, through channels, to Chief of Transit Bureau.
14. Ensure the Integrity Control Officer verifies the integrity of the TAB/NOV packets returned.

TRANSIT DISTRICT INTEGRITY CONTROL OFFICER

15. Select returned TAB/NOV packets, at random, for inspection.
16. Verify a random sampling of TAB/NOV copies returned with the CERTIFICATION from each packet selected.
 - a. Compare TAB/NOV "Officer" copy with information entered on CERTIFICATION.

NOTE: Since this procedure is intended as an integrity control, all TAB/NOTICE OF VIOLATIONS in a packet need not be verified, nor all TAB/NOV packets be inspected. The number of TAB/NOV packets, and TAB/NOV's therein, to be verified is a prerogative of the commanding officer.

TRANSIT DISTRICT INTEGRITY CONTROL OFFICER

17. Indicate inspection by entering date and initials on the reverse side of CERTIFICATION.
18. Report discrepancies, if any, to the commanding officer.

ADDITIONAL DATA

Uniformed members of the service who are not assigned to the Transit Bureau will issue a personal summons when enforcing violations of the NYC Transit Authority Rules (NYCRR Part 1050), which will be adjudicated in Criminal Court.

RELATED PROCEDURES

Transit Adjudication Bureau - Notice of Violation and Hearing - Graphic (P.G. 209-15)

FORMS AND REPORTS

CERTIFICATION OF TAB/NOTICE OF VIOLATION SERVED (PD160-147)

TAB/NOTICE OF VIOLATION DISTRIBUTION CARD (PD160-148)

Typed Letterhead

P.G. 209-15 Transit Adjudication Bureau Notice Of Violations And Hearing - Graphic

Date Effective: 01-01-00

(Figure 28)

(Figure 29)

P.G. 209-16 Service Of A Summons - Special Procedures

Date Effective: 01-01-00

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 16, to less than 21 years of age, make summons returnable to Summons Part, Criminal Court. If violator is under 16 - prepare JUVENILE REPORT (PD377-151).
2. Report facts to commanding officer.

Violation of Administrative Code-Criminal and Civil Penalty

1. Serve summons and prepare ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151).

Public Service Commission Certificate-Violation of Section 61, subd. 14, Public Service Law

1. Make summons returnable to Summons Part, Criminal Court.
2. Report facts to commanding officer.

Garages and Parking Lots

1. Summons returnable to Summons Part, Criminal Court.
2. Report facts to commanding officer.

Speeding

1. Circle actual speed when violator is traveling 25 MPH or more over speed limit.

Traffic infraction observed, unable to serve summons

1. Report circumstances to commanding officer, who may direct member to apply for court summons.

Missing Meter Number

1. Determine number from numbers of adjoining meters.

Overtime Parking

1. Enter time of observation.

Possession of 25 grams or less of Marijuana (Sec. 221.05, Penal Law)

1. Serve summons returnable to Summons Part, Criminal Court, only if no other charges are involved.

NOTE: Marijuana gram content of each cigarette determines cumulative weight. Usually 129 marijuana cigarettes DO NOT EXCEED 25 grams).

Owner of motor vehicle reports that summons was served or delinquency notice received during period when vehicle/registration plates were reported stolen

1. Desk officer will have two copies of VERIFICATION OF STOLEN MOTOR VEHICLE/PLATES (PD371-152) prepared AFTER verifying theft.
2. A copy will be given to the registered owner/operator and the other copy filed.

Las Vegas Nights (unlicensed)

1. Uniformed member of the service will notify desk officer.
2. Request patrol supervisor to respond.
3. Serve summons for violation of Administrative Code, returnable to Criminal Court-Summons Part.
4. Comply with applicable provisions of P.G. Procedure 212-12, "Citywide Intelligence Reporting System."
5. If licensee violates provisions of license, the patrol supervisor will notify

Operations Unit by telephone,
and comply with applicable
provisions of P.G. Procedure
212-12, as indicated above.

Graffiti or unauthorized
sale or display of 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(PD377-151)
VERIFICATION OF STOLEN MOTOR VEHICLE/PLATES (PD371-152)

P.G. 209-17 Report Instead Of Summons

Date Effective: 01-01-00

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 (2) 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

P.G. 209-18 Summons Served Or Prepared In Error

Date Effective: 01-01-00

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).
6. Mark all copies of summons "Void" across face.
7. Forward first two (2) 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.
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 (2) 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.

FORMS AND REPORTS

SUMMONS VOIDANCE FORM (PD160-153)

P.G. 209-19 Transit Adjudication Bureau - Notice Of Violation And Hearing Served Or Prepared In Error

Date Effective: 01-01-00

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 (3) 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 (5) 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 (5) 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)

P.G. 209-20 Summons Served Outside Permanent Command

Date Effective: 01-01-00

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 (2) 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 (7) 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 Manhattan 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

Processing Summonses (P.G. 209-05)

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)

P.G. 209-21 Summons Served Outside Permanent Command Papers Lost

Date Effective: 01-01-00

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 PROCEDURES

Summons Served Outside Permanent Commands (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)

P.G. 209-22 Summons Notification

Date Effective: 01-01-00

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 Board of Education, Bureau 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 Environmental Control Board; and, violations of the NYC Department of Consumer Affairs or the NYC Department of Health.	==> [I.O. 35 s 02] Business Integrity Commission

2. Forward REPORT OF VIOLATION (PD672-151) to:

- a. Department of Consumer Affairs when summons issued to towing car owner or driver.

NOTE: Tow trucks of certain organizations and tow truck operators who are employed by and are actually operating a tow truck of such organization are exempt from Department of Consumer Affairs licensing regulations. Those EXEMPT ORGANIZATIONS are:

- a. Governmental agencies
- b. Franchise public transportation companies
- c. Taxi companies - licensed by Taxi and Limousine Commission
- d. School bus companies (as defined in VTL)
- e. Public utility companies
- f. Motor vehicle rental agencies.

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 summoning 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

P.G. 209-23 Notification To New York City Taxi And Limousine Commission Re: Enforcement Action

Date Effective: 07-25-03

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. Notices of Violation and Hearing returnable to the New York City Environmental Control Board.

NOTE: A REPORT OF VIOLATION (PD672-151,) will not be prepared when a summons or Notice of Violation and Hearing 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, "Environmental Control Board Notice of Violation and Hearing - General Procedure," as appropriate.

TRAFFIC SAFETY OFFICER

2. Make two (2) photocopies of front of original summons/Notice of Violation and hearing.
3. Enter next sequential number from "Report of Violation" log on the top of each photocopy of summons/Notice of Violation and Hearing.
4. Have one (1) photocopy of summons or Notice of Violation and Hearing forwarded to the New York City Taxi and Limousine Commission, in lieu of REPORT OF VIOLATION.
5. File second (2nd) copy of summons or Notice of Violation and Hearing 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 PG. 208-58, "Arrest of Taxicab and/or 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 (1) copy of REPORT OF VIOLATION to Taxi and Limousine Commission.
 - a. File other copy in precinct.

ADDITIONAL DATA

Licenses 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 an accident, 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

Arrest of Taxicab and/or Tow Truck Owners/Operators (P.G. 208-58)

Personal Service of Summonses Returnable to Traffic Violations Bureau or Criminal Court (P.G. 209-09)

Environmental Control Board Notice of Violation and Hearing - General Procedure (P.G. 209-12)

Taxicab Drivers (P.G. 216-10)

Taxicab Violations (A.G. 321-17)

FORMS AND REPORTS

REPORT OF VIOLATION (PD672-151)

P.G. 209-24 Mandatory Driver'S License Checks

Date Effective: 01-01-00

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 accidents involving death or physical injury (whether injury is observed or complained of).
- b. Traffic accidents 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).

NOTE: If computer equipped vehicle is not available, uniformed member of the service concerned will request Communications Section to conduct driver's license check.

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

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 ACTIVITY LOG (PD112-145) and include the operator's name, address, telephone number, date of birth, and driver's license number.

[I.O. 46 s 04] 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/addresses 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 (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

Suspended or Revoked Vehicle Operator's License (P.G. 209-26)

Vehicle Accidents - General Procedure (P.G. 217-01)

Vehicle Accidents Which Result in Death or Serious Injury and Likely to Die (P.G. 217-02)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 209-25 Processing Warrant Checks Over Citywide I And Ii Radio

Date Effective: 01-01-00

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 (1) or two (2) person unit.

IF ASSIGNED TO RMP OR OTHER DEPARTMENT VEHICLE EQUIPPED WITH A MOBILE DIGITAL TERMINAL (MDT)

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 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 SATCOM Brooklyn North.

a. Only the uniformed member initiating the stop will switch frequencies; all other uniformed members will remain on the 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 (2) 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.

P.G. 209-26 Suspended Or Revoked Vehicle Operator's License

Date Effective: 01-01-00

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.

[I.O. 46 s 04] 2. Prepare SEIZED DRIVER'S LICENSE RECEIPT/REPORT (PD634-152) and CONSOLIDATED 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 operator has any suspensions or his license has been revoked for any reason, remove to command and process for Desk Appearance Ticket (D.A.T.). If ineligible for D.A.T. continue arrest processing and bring FINEST printout, if available, to Central Booking with prisoners.

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

[I.O. 46 s 04] 6. Forward confiscated license with original top half of SEIZED DRIVER'S LICENSE RECEIPT/REPORT, and CONSOLIDATED CLIENT IDENTIFICATION REQUEST form, if appropriate, as directed.

a. Review for accuracy CONSOLIDATED CLIENT IDENTIFICATION REQUEST form prior to forwarding.

7. File duplicate copy of SEIZED REPORTDRIVER'S LICENSE RECEIPT/REPORT and CONSOLIDATED CLIENT IDENTIFICATION REQUEST form, if applicable, in command.

IF VIOLATOR CLAIMS SUSPENSION/REVOCATIONS HAVE BEEN REMOVED AND CONDITION CORRECTED WITHIN PAST 14 DAYS:

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).

NOTE: If documents presented are dated AFTER suspension/revocation order, such documents will verify that license is no longer suspended/revoked.

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 local Department of Motor Vehicles Office and obtain a temporary license until original license is returned.

[I.O. 46 S 04] ADDITIONAL DATA

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/addresses 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 (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

Desk Appearance Ticket - General Procedure (P.G. 208-27)
Suspension and Revocation Orders (P.G. 212-80)

FORMS AND REPORTS

SEIZED DRIVER'S LICENSE RECEIPT/REPORT (PD634-152)

P.G. 209-27 Service Of A Summons - Removal Of Ignition Key

Date Effective: 01-01-00

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 (3) minutes:

UNIFORMED MEMBER OF THE SERVICE

1. Lock ignition.
2. Remove key.
3. Prepare two (2) copies of REMOVAL OF IGNITION KEY (PD571-121).
4. Attach one (1) 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 (48) hours.

FORMS AND REPORTS

REMOVAL OF IGNITION KEY (PD571-121)

P.G. 209-28 Unlicensed Tow Truck Operators

Date Effective: 01-01-00

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.

TOWING - The moving of a vehicle where a fee, charge or other consideration is directly or indirectly imposed for such moving or where the towing service is performed by a person engaged in the servicing or repairing of vehicles.

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.

NOTE: Uniformed members of the service observing an unlicensed tow truck parked unattended will prepare a REPORT OF VIOLATION and complete as fully as possible.

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 the white and blue copy, 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 must have in their possession a Tow Truck Operator Driver's 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)

P.G. 209-29 Seizure Of Unlicensed Tow Trucks

Interim Order 41 Issued 11-08-00 Suspends Patrol Guide 209-29

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 - A tow truck being driven or operated on public streets whether or not it is actually transporting another vehicle. Towing shall also include the offering to transport a vehicle by means of a tow truck.

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. Additionally, tow trucks from outside New York City that are passing through or merely picking up or dropping off a vehicle within New York City are not subject to 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 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.

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'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A).

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 an accident, 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 (5) 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.

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 at (718) 257-1556. 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.

PATROL SUPERVISOR

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 (1) tow truck if only an unlicensed tow truck is involved and two (2) tow trucks if the unlicensed tow truck was towing a vehicle.

14. Ensure that the Department of Consumer Affairs tow company acknowledges that the requested tow truck is for a seizure and not any other program (e.g. Rotation Tow, etc.).

15. Enter in the REPORT OF VIOLATION log the name of the:

a. Department of Consumer Affairs approved tow company notified to remove the seizure.

b. Person at the approved tow company who was notified.

UNIFORMED MEMBER OF THE SERVICE

16. Inspect Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer provided by the responding Department of Consumer Affairs tow company operator for:

a. Authorized signature

b. Embossed seal.

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

17. Advise the Department of Consumer Affairs tow company operator to complete and sign the top portion of the Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer form.

18. Complete bottom portion of form and sign.

a. Retain the completed form.

19. Allow the Department of Consumer Affairs authorized tow operator to remove the unlicensed tow truck.

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

20. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET for seized tow truck only.

a. Check "Investigation" caption box in category of property section on top of form.

b. Indicate in "Remarks":

(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 CLERKS 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 (CACCS).

24. Verify the accuracy and completeness of the INVOICE WORKSHEET.

25. Direct the command clerk to prepare the next PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) from the WORKSHEET and enter on the PROPERTY INDEX (PD542-103).

26. Indicate on the PROPERTY INDEX that the unlicensed tow truck was released to the Department of Consumer Affairs representative - "CLOSED - RELEASED F.O.A."

27. Direct the member to:

a. Notify the Department of Consumer Affairs at telephone number (212) 487-4142 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 [24] hours a day) at telephone number (212) 487-4221:

(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.

28. Attach Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer to white copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

a. Give blue copy of INVOICE to the officer.

29. File the white copy of the INVOICE in the "Closed" file at command.

30. 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.

31. 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'S MOTOR VEHICLE/BOAT INVOICE number.

g. Return date for hearing.

UNIFORMED MEMBER OR THE SERVICE

32. Make a complete ACTIVITY LOG (PD112-145) entry of the seizure.

ADDITIONAL DATA

PRIMARY AUTHORIZED DEPARTMENT OF CONSUMER AFFAIRS TOW COMPANY

SOLID GOLD
578 COZINE AVENUE
BROOKLYN, NEWYORK 11208
Attention: Daniel P. Danner
FAX (718) 256-0628
TELEPHONE (718) 257-1556

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
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Russo & Whitlock
452 Coster Street
Bronx, New York 10474

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 « 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

ACTIVITY LOG (PD112-145)
NOTICE OF VIOLATION (PD260-151)
PROPERTY CLERKS INVOICE (PD 521-141)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)
PROPERTY INDEX (PD542-103)
REPORT OF VIOLATION (PD672-151)
Department of Consumer Affairs Summons/Notice of Violation and Hearing
Department of Consumer Affairs Vehicle Transfer Authorization - Acknowledgment of Transfer

P.G. 209-30 Summons Served On Vehicle Used On Department Business

Date Effective: 01-01-00

PURPOSE

To investigate circumstances of summons served on vehicle used for official Department business.

DEFINITION

VALID VERIFIABLE DEFENSE - Parking Violations procedure for dismissing summonses issued to vehicles used for official business. The following are violations not generally acceptable under this procedure:

- a. Double Parking
- b. Fire Hydrant or Fire Zone
- c. Bus Stop
- d. Sidewalk
- e. Crosswalks and Driveways
- f. Obstruct 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 Zone - as indicated on rear of vehicle identification plates.

PROCEDURE

Upon receipt of a summons issued to a vehicle used for official Department business:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare SUMMONS PLEA FORM (PD160-152).
2. Submit summons and SUMMONS PLEA FORM to commanding officer.

COMMANDING OFFICER

3. Investigate to determine eligibility for Valid Verifiable Defense processing.
4. Endorse SUMMONS PLEA FORM indicating results of investigation and recommendations.
5. Instruct member to answer summons if conditions of Valid Verifiable Defense are not confirmed.
6. Process copies of SUMMONS PLEA FORM as indicated on FORM within thirty (30) days.

ADDITIONAL DATA

When summons is served on a Department/private vehicle used in performance of URGENT POLICE ACTION and the violation charged is NOT GENERALLY ACCEPTABLE as a VALID VERIFIABLE DEFENSE, the commanding officer investigating the circumstances will, if facts are verified, endorse SUMMONS PLEA FORM with supportive details and forward through channels, recommending that the Chief of Department request dismissal of the summons by Parking Violations.

When notified by the Chief of Department that urgent circumstances are NOT CONFIRMED or that a Valid Verifiable Defense has been denied by Parking Violations, the commanding officer concerned will direct recipients to obtain final disposition of summons. A copy of such disposition will be forwarded to the Chief of Department, through channels, within thirty (30) days.

A "Notice of Liability" will be generated by the Department of Finance for violations of the "Red Light Camera Program," where a vehicle used on official Department business is photographed passing a steady red light signal. The RED LIGHT VIOLATION PLEA FORM (PD160-154) will be used to request dismissal consideration through Parking Violations. 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. Commanding officers will have form prepared detailing an urgent police action defense describing the circumstances surrounding the violations, e.g., an active pursuit, response to an emergency 911 call or an ongoing surveillance of a moving subject. All appropriate 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 (30) days. All inquiries and requests for additional forms will be directed to the Office of the Chief of Department, Investigation Review Section, One Police Plaza, Room 1100A, (212) 374-6953, 6954.

FORMS AND REPORTS
RED LIGHT VIOLATION PLEA FORM (PD160-154)
SUMMONS PLEA FORM (PD160-152)

P.G. 209-31 Statement Of Correction By A Police Officer

Date Effective: 01-01-00

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 (1) headlight, damaged lens covers or defective tires, etc. DOES NOT include defective brakes, two (2) 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)

P.G. 209-32 Release Of Vehicles Prior To Tow Utilizing A Field Release Agreement (FRA)

Date Effective: 10-17-03

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 Control Division's Parking Enforcement District (PED). 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 (8) 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 (30) 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 key (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.

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 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 ACTIVITY LOG (PD112-145), i.e., location of incident, tow operator's name, vehicle owner's/representative's name, etc.

RELATED PROCEDURES

Allegations Of Corruption And Misconduct Against Members Of The Service (P.G. 207-21)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

Agreement To Pay Vehicle Release Fee (Field Release Agreement)

Claim Against The City Of New York Automobile Property Damage

Field Inspection Report

Tort Claim

P.G. 209-33 Parental Notification For Criminal Court Summonses Issued To Individuals Under 18 Years

Date Effective: 07-25-03

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.

PROCEDURE

When issuing a Criminal Court (C) summons 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 officer and process the original in the usual manner.

YOUTH OFFICER

4. Attempt to notify the parent or guardian by telephone if they were not already notified by the summoning 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 officer.

YOUTH 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)

Prisoners

P.G. 210-01 Prisoners General Procedure

Date Effective: 01-01-00

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:

NOTE: 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.

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, sex 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.

7. Record any change of custody in Command Log.

[I.O. 22 s 04] NOTE: 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.

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. Clergyman (upon request by prisoner)
- i. New York State Division of Parole officers to serve parole violation papers
- j. Foreign Consulate/Embassy Officers.

9. Enter the following information under "Details" on OLBS ARREST REPORT SUPPLEMENT WORKSHEET (PD244-1516) when an attorney interviews a prisoner at precinct/district/PSA/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 the ages of sixteen (16) and twenty-one (21), for not longer than fifteen (15) minutes, in the muster room, provided:

- 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 (4) hours
- d. Prisoner is not eligible for a summons
- e. Visit does not interfere with police business.

11. Enter name, address and relationship of person visiting prisoner on OLBS ARREST REPORT SUPPLEMENT WORKSHEET.

NOTE: 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 OLBS ARREST REPORT SUPPLEMENT WORKSHEET.

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. DO NOT 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 (2) prisoners being guarded and transport chains are not available
OR

b. More than nine (9) prisoners being transported by transport chains OR

c. Several detention stops are involved OR

d. More than one (1) prisoner with different destinations.

[I.O. 53 s 03] e. Prisoner is designated "high risk" escape threat.

NOTE: 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.

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 (5) prisoners are secured on chain.

b. Double lock transport chain cuffs.

NOTE: 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.

[I.O. 16 s 03] 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.

[I.O. 16 s 03] NOTE: 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.

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 (1) or two (2) prisoners; more than two (2) 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.

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 (1) 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.

NOTE: Members of the Citizens' 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.

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

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

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

- 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 should 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 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."

All commands with detention cells will forward monthly report on Typed Letterhead addressed to the Chief of Department (attention: Strategic Analysis Section), no later than the 15th day of the month listing the number of male and female prisoners detained during the previous month. Negative reports are required.

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

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.

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.

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 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."

[REV 03-03] 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 Corrections at (518) 485-2467.

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

MEDICAL TREATMENT OF PRISONER (PD244-150)

OLBS ARREST REPORT SUPPLEMENT WORKSHEET (PD244-1516)

PRISONER ROSTER (PD244-145)

PRISONER TRANSPORT DISPATCH (PD171-132)

[REV 03-03] UNUSUAL OCCURRENCE REPORT

Typed Letterhead

P.G. 210-02 Hospitalized Prisoners

Date Effective: 01-01-00

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 (1) 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: Male prisoners should be searched by male uniformed members. Female prisoners should be searched by female uniformed members. If a uniformed member of the appropriate sex 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 or would facilitate escape
- 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).
- 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 OLBS computer system (PF1/PF3 entries).
- 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 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 (PD260-121).

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.
- NOTE: 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.

[I.O. 53 s 03] c. Ensure that appropriate relief's are provide to uniformed members of the service guarding prisoners.

NOTE: 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.

16. Have a duplicated copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET and fingerprint 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.

NOTE: 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.).

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. Clergyman (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 spouse, parents, or brothers, sisters and children sixteen (16) years or over.

Note: 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.

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 immediate family (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.

NOTE: If visitors are likely to interfere with an ongoing investigation, the desk officer, precinct of arrest, will consult with the investigative supervisor concerned before issuing an authorization to visit the 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 WORKSHEET (PD244-1516) 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 (18) years of age.
 - a. Make entry in Command Log of notification.

ADDITIONAL DATA

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, 230 West 41st Street, (5th Floor), New York City 10036. 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.

SECURITY PROCEDURES

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, last stages of pregnancy, or otherwise immobilized.

Furthermore, the use of regular handcuffs may be impractical if the prisoner has arm or wrist injuries, burns, etc.

[I.O. 16 s 03] 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 (1) 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 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 (2) sets of handcuffs available. All hospitalized prisoners (EXCEPT those not deemed to have an escape potential) will be handcuffed to the bed with one (1) wrist secured to one (1) 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, etc.).

Patrol supervisors and desk officers shall direct that, when one (1) 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)

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

Hospitalized Prisoners - Arrested By Other Police Agencies (P.G. 210-03)

Bedside Arraignment (P.G. 210-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

ARREST REPORT - SUPPLEMENT WORKSHEET (PD244-1516)

DESK APPEARANCE TICKET (PD260-121)

OFFICIAL LETTERHEAD (PD158-151)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 210-03 Hospitalized Prisoners - Arrests By Members Of Other Police Agencies

Date Effective: 01-01-00

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 Correction
- c. Uniformed Court Officers
- d. Port Authority Police
- e. Metropolitan Transportation Authority Police
- f. Amtrak
- g. Sea Gate Police
- h. F.D.N.Y. (Fire Marshals).

[I.O. 40 s 02] i. Department of Environmental Protection.

NOTE: Uniformed members of the service of the New York City Police Department will continue to guard hospitalized prisoners arrested by members of the Triborough Bridge and Tunnel Authority Police Department.

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 (1) 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.

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 Prisoner (P.G. 210-02)

Bedside Arraignment (P.G. 210-05)

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 210-04 Prisoners Requiring Medical/Psychiatric Treatment

Date Effective: 05-19-00

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:

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

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

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 to secure prisoners when appropriate.

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 ACTIVITY LOG (PD112-145) 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.

[Rev 2-00] SUPERVISOR AT SCENE

2. Ensure that MEDICAL TREATMENT OF PRISONER (PD244-150) form is prepared in accordance with step #4 below and accompanying NOTES which follow, 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

3. Request ambulance and have prisoner removed to hospital, if medical/psychiatric/drug addiction treatment is required during arrest processing.

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).

NOTE: A prisoner requiring medical/psychiatric/drug addiction attention in a non-emergency situation will be transported to a city hospital EXCEPT in Staten Island. If ambulance attendant refuses to remove a non-emergency prisoner to a city hospital, the desk officer will notify the ambulance dispatcher and make a Command Log entry. 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.

When a prisoner is transported 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.

[Rev 2-00] 4. Ensure that MEDICAL TREATMENT OF PRISONER is prepared 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.

[Rev 2-00] NOTE: 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 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.

5. Direct, in non-emergency situations, that MALE prisoners requiring medical/psychiatric/drug addiction treatment, which may result in being admitted to the hospital, be removed to:

a. BELLEVUE HOSPITAL (DIRECT) in the boroughs of Manhattan and Bronx

b. KINGS COUNTY HOSPITAL, BUILDING "G" (using Albany Avenue entrance) (DIRECT) in the boroughs of Brooklyn, Queens and Staten Island.

6. Direct FEMALE prisoners requiring psychiatric treatment, which may result in being admitted to a hospital be removed to ELMHURST GENERAL HOSPITAL (DIRECT).

7. Assign uniformed member of the service to escort prisoner.

[I.O. 53 s 03] a. Ensure that appropriate relief's are provided to uniformed members of the service guarding prisoners.

8. Make entry in Command Log when prisoner leaves.

9. Direct arresting officer to continue arrest processing, and have another uniformed member of the service assigned to escort prisoner, when possible.

ARRESTING/ESCORTING OFFICER

[I.O. 16 s 03] 10. Rear cuff and place leg restraints on prisoner before transporting to hospital.

a. Handcuffs and leg restraints will be double locked.

NOTE: 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.

11. Remain with prisoner at all times in hospital.

NOTE: 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.

12. Make 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).

13. 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

14. 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].

ESCORTING OFFICER

15. Request room change if security is inadequate.

[I.O. 16 s 03] 16. Do not remove handcuffs or leg restraints, unless requested by attending physician.

a. If requested to remove handcuffs or leg restraints, inform physician of circumstances of arrest.

b. If physician still requests removal, request the response of the patrol supervisor to evaluate the need for additional personnel and equipment (including Emergency Service Unit) to ensure safety during prisoner treatment prior to removal of handcuffs or leg restraints.

17. Remain immediately outside room and attempt to maintain visual contact even if requested to leave examination room after informing physician of circumstances of arrest.

18. Make appropriate entries of foregoing in ACTIVITY LOG and request attending physician to sign entries.

a. Indicate physician's refusal to sign any entries.

19. Complete entries on MEDICAL TREATMENT OF PRISONER form.

20. Notify desk officer, precinct of arrest, who will notify borough court section concerned immediately, if prisoner is admitted to any hospital (see P.G. 210-02.

21. Forward copy of OLBS ARREST WORKSHEET (PD244-159) to Department of Correction supervisor for any prisoner admitted for psychiatric treatment in Bellevue, Kings County, or Elmhurst General Hospitals.

22. Request borough court section concerned to supply transportation, if available, to return prisoner to command of arrest/borough court section facility, as appropriate, when prisoner is released to police custody.

a. Return prisoner to command of arrest if arrest processing not completed thereat.

b. Remove prisoner to borough court section facility if arrest processing was completed at command of arrest.

23. Deliver completed MEDICAL TREATMENT OF PRISONER form to desk officer, borough court section facility.

DESK OFFICER, BOROUGH COURT SECTION

24. Forward three (3) copies of completed MEDICAL TREATMENT OF PRISONER form (white, blue and pink) with prisoner to Department of Correction.

a. Retain 4th (buff) copy of MEDICAL TREATMENT OF PRISONER form at borough court section facility.

25. 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 and return to command of arrest.

b. File pink copy of form at borough court section facility.

NOTE: If the arresting officer is not assigned to the command of arrest, a duplicated copy of MEDICAL TREATMENT OF PRISONER form will be forwarded to the arresting officer's command for file.

DESK OFFICER, COMMAND OF ARREST

26. File buff copy of MEDICAL TREATMENT OF PRISONER form in folder maintained at desk.

ADDITIONAL DATA

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.

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'S 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'S INVOICE, as appropriate.

b. Sign and complete caption "R.T.O." on PROPERTY CLERK'S INVOICE. Include pertinent details under "Remarks:" section including name of physician, hospital, and name of uniformed member assigned to deliver medication.

c. Complete entries on PROPERTY INDEX (PD542-103).

(1) Enter name of hospital and physician on INDEX in "Disposition" column.

d. Sign name indication release of medication in column captioned "Desk Officer's Signature."

e. Release medication to uniformed member assigned to make delivery.

f. 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 ACTIVITY LOG. If the physician refuses to sign, the uniformed member of the service concerned will note such fact in his/her 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 notification and the desk officer/supervisor receiving it will make respective command log entries. The entries will include the time of notification, the prisoner's name, and the name of the desk officer/supervisor receiving/making the notification. In addition, the desk officer/supervisor at the lodging facility receiving information relating to the prisoner's need for prescription medication shall prepare a MEDICAL TREATMENT OF PRISONER form.

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

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

When a prisoner dies, is seriously injured in connection with a police activity, 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, assess the situation, notify the desk officer and establish crime scene if necessary. The desk officer will notify the patrol borough, Operations Unit, commanding officer/duty captain, Internal Affairs Bureau Command Center, the precinct detective squad and detective borough command.

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. 216-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
MEDICAL TREATMENT OF PRISONER (PD244-150)
OLBS ARREST WORKSHEET (PD244-159)
PROPERTY CLERK'S INVOICE (PD521-141)
PROPERTY INDEX (PD542-103)

P.G. 210-05 Bedside Arraignment

Date Effective: 01-01-00

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 charts, (if required), delivered to guarding officer (see P.G. 210-02, "Hospitalized Prisoners").

8. Assign uniformed member of the service to fingerprint prisoner, if required.

a. Obtain assistance from Identification Section, if fingerprints 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, 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 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 charts to the borough court section supervisor concerned, if necessary.

14. Request Photographic Unit to photograph prisoner.

a. Furnish Photographic Unit with information listed on BEDSIDE ARRAIGNMENT WORKSHEET.

GUARDING MEMBER

15. Notify desk officer, precinct of detention, when prisoner has been photographed.

16. After arraignment, notify desk officer, precinct of detention, with the following information:

a. Judge's name

b. Arraignment date

c. Disposition of arraignment

DESK OFFICER, PRECINCT OF DETENTION

17. Record arraignment information on BEDSIDE ARRAIGNMENT WORKSHEET and in Telephone Record.

18. Reassign guarding officer if prisoner is released from custody or posts bond.

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

GUARDING MEMBER

19. Obtain copy of Court Commitment order from the court officials, if prisoner is held on bail or remanded.

20. Contact hospital liaison and inquire about arrangements made for transfer of prisoner to Department of Correction.

21. Notify desk officer, precinct of detention, of transfer arrangements.

22. Deliver prisoner and Court Commitment order to the Department of Correction officer at hospital.

23. Sign Department of Correction form "Prisoner Ward Record" as a receipt for prisoner.

24. Make appropriate entries in ACTIVITY LOG (PD112-145) and include prisoner's name, arrest number, correction officer's name and shield number.

a. Ensure 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 (6) 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.

PLANNING OFFICER, PRECINCT OF DETENTION

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

ACTIVITY LOG (PD112-145)

BEDSIDE ARRAIGNMENT WORKSHEET (PD244-1411)

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

P.G. 210-06 Prisoners' Meals

Date Effective: 01-01-00

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 Audit 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)

P.G. 210-07 Prisoners - Unusual Occurrence

Date Effective: 07-25-03

PURPOSE

To make notifications and investigate certain unusual occurrences relating to prisoners.

DEFINITION

UNUSUAL OCCURRENCE - relating to prisoners means that a prisoner in custody of this Department, or an unarraigned prisoner in the custody of the New York City Department of Correction:

- a. Dies, or
- b. Attempts suicide, or
- c. Assaults a member of the service, or
- d. Escapes or attempts to escape, or
- e. Is involved in any other occurrence of an unusual nature.

PROCEDURE

When an adult prisoner or a child under sixteen (16) in custody is involved in an unusual occurrence:

DESK OFFICER

1. Notify commanding officer or 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 (212-741-8401) if prisoner dies, attempts suicide, escapes or attempts to escape.

COMMANDING OFFICER OR DUTY CAPTAIN

4. Conduct investigation of incident.
5. Prepare a report on Typed Letterhead.
6. Forward three (3) copies of report in all adult prisoner cases, one (1) copy of report for child in custody and two (2) copies of report if child in custody dies to Chief of Department, DIRECT. If death occurs, include photographs and any other supportive information.
7. Forward one (1) additional copy of report to each of the following:
 - a. Chief of Patrol (DIRECT)
 - b. Chief of Internal Affairs Bureau
 - c. Commanding Officer, Office of Management Analysis and Planning

- d. Commanding Officer, Criminal Justice Bureau
- e. Commanding Officer, Performance Monitoring Analysis Unit
- f. Each intermediate command
- g. Commanding officer of member of the service concerned, if member not assigned to reporting command.

ADDITIONAL DATA

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 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 of the facility or the duty captain responsible for the immediate follow-up investigation, will complete the form entitled, Report of Inmate Death to State Commission of Correction (SOC M187). Only items one (1) through thirty-six(36) 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 commanding officer/duty captain will then fax (518) 485-2467 the form directly to the State Commission of Correction within six (6) hours of the death. The form will also be mailed within ten (10) days of the death to:

The State Commission of Correction
Attention: Medical Review Board
4 Tower Place
Albany, New York 12203

If any problems are encountered a New York State Commission of Correction representative may be reached at (518) 485-2466 (twenty-four [24] hour telephone number).

RELATED PROCEDURES

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

FORMS AND REPORTS

Typed Letterhead

P.G. 210-08 Guidelines For Prisoner Holding Pens

Date Effective: 01-01-00

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).

NOTE: A copy of the PRISONER HOLDING PEN ROSTER will be kept at the desk and detective squad office, as appropriate. The completed forms will be filed at the end of every twenty-four (24) hour period at the desk and detective squad office.

2. Designate a member of the service to specifically inspect and check condition of prisoners every thirty (30) 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 (3) 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. A female prisoner will only be searched by a female police attendant or female uniformed member of the service (see "ADDITIONAL DATA" statement, P.G. 208-05, re: search of prisoners).

e. Belts, neckties, shoelaces, and clothing items such as jackets, overcoats or other similar outer garments shall be removed and stored temporarily where they will not be accessible to the prisoner.

f. At no time detain male and female prisoners in the same holding pen.

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

[I.O. 22 s 04] h. 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

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

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

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 should 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

General Procedure - Prisoners (P.G. 210-01)
Prisoners Requiring Medical Psychiatric Treatment (P.G. 210-04)
Unusual Occurrences Involving Prisoners (P.G. 210-07)

FORMS AND REPORTS

PRISONER HOLDING PEN ROSTER (PD244-1410)

P.G. 210-09 Bail

Date Effective: 01-01-00

PURPOSE

To release prisoners on bail prior to court arraignment.

DEFINITIONS

PRE-ARRAIGNMENT BAIL - a sum of United States currency posted by a surety at the time of arrest, to secure the defendant's appearance for court arraignment.

SURETY - the person or prisoner who offers money for bail.

PROCEDURE

To require a prisoner, who has been approved for a Desk Appearance Ticket pursuant to P.G. 208-27, "Desk Appearance Ticket - General Procedure", to post pre-arraignment bail to secure his/her attendance in court.

NOTE: The Criminal Procedure Law permits the issuance and service of an appearance ticket to be conditioned upon the posting of a sum of money, known as pre-arraignment bail. This money will be forfeited by the defendant should the defendant fail to comply with the directions of the appearance ticket.

DESK OFFICER

1. Comply with P.G. 208-27, "Desk Appearance Ticket - General Procedure" and 208-02, "Arrests - Removal To Department Facility For Processing."
2. Determine if the charge is one for which bail may be accepted as follows:

CHARGE	BAIL
Family Court warrant	Yes, between 1400 and 0800, if court is not in session
Superior Court warrant of arrest	NO
Criminal Court warrant of arrest	NO
Bench warrant	NO
Order of Protection	NO
Violation of parole	NO
Violation of probation	NO
Material witness	NO
Fugitive from justice	NO
Violation of federal law	NO
Any offense involving members of the same Family/Household-Expanded Definition	NO
Any crime against a child less than	NO

eighteen (18)

Felony

NO

Violation

YES

Misdemeanor

YES, (where eligible for a Desk Appearance Ticket pursuant to P.G. 208-27 EXCEPT, prisoners charged with the misdemeanors listed below may not be bailed after fingerprints have been processed by NYSIIS and the report lists previous convictions, as described below, which would raise the misdemeanor to a felony:

CURRENT CHARGE

PREVIOUS CONVICTION

Aggravated Harassment, 2nd Degree (P.L. 240.30, [3])

Same offense or 240.31, P.L., within ten (10) years

Article 17 - Election Law

Any crime in Art. 17-Election Law

Auto Stripping, 2nd Degree

Same offense, OR repealed subdivision 8, Section 1224, VTL within five (5) years

Avoidance of Cigarette Tax (A.C. 11-1317)

Two (2) for same offense

Avoidance of Cigarette Tax (New York State Tax Law 481)

Two (2) for same offense

Cigarette Tax (A.C. 11-4012, [a], [1])

Two (2) for same offense

Computer Tampering, 2nd Degree (P.L. 156.20)

Any crime under Article 156, or Section 165, (10) P.L.

Criminal Possession Weapon, 4th Degree (P.L. 265.01, [1], [2], [3], [5])

Any crime

Criminally Using Drug Paraphernalia, 2nd Degree (P.L. 220.50)

Same offense

False Reporting an Incident, 2nd Degree (P.L. 240.55)

Same offense

Illicit Alcoholic Beverages (A.B.C. Law 152 or 154)

Same offense

Obscenity, 3rd Degree (P.L.235.05)

Same offense

Sale or purchase of Stolen, False, or Fraudulent License, Certificate of Registration, or Number Plate (V.T.L. 392a)

Same offense with ten (10) years

Transporting Hazardous Materials (V.T.L. 380) Two (2) for same offense

Unauthorized Use of Vehicle, 3rd Degree (P.L. 165.05) P.L. 165.05, subdivision 1, OR P.L. 165.06 within ten (10) years

NOTE: A prisoner charged with violation of Vehicle and Traffic Law, Sections 1192 (1), (2), (3) or (4) shall not be eligible for a Desk Appearance Ticket or Stationhouse Bail, unless such prisoner is hospitalized for more than twenty-four (24) hours. Such prisoner may be issued a Desk Appearance Ticket, if eligible, whether or not he/she submitted to a chemical test.

3. Have a Warrant and INVESTIGATION CARD (PD373-161) name check conducted via FINEST (see P.G. 208-23, "Computerized Investigation Card System" and 208-27, "Desk Appearance Ticket - General Procedure").

4. Set the amount of bail (CASH ONLY) as follows:

- a. For each Class A misdemeanor \$500
- b. For each Class B misdemeanor \$250
- c. For each unclassified misdemeanor \$250
- d. For each violation \$100
- e. For a Family Court warrant Amount stated on warrant

5. Have surety swear an oath of ownership of the bail money.

6. Prepare and sign BAIL RECEIPT (PD209-011).

7. Have surety sign all copies of BAIL RECEIPT.

8. Give surety white copy of BAIL RECEIPT.

9. Instruct surety concerning return of bail as follows:

a. Appear at court arraignment of defendant and present copy of BAIL RECEIPT and proof of identity, or

b. After court arraignment, personally present copy of BAIL RECEIPT and proof of identity at the borough Property Clerk's Office.

10. Prepare DESK APPEARANCE TICKET (PD260-121) and give to defendant.

11. Direct that two (2) front view (head and shoulder) Polaroid photos be taken of prisoner.

- a. Ensure that back of photos are stamped and captions completed.

12. Have WARRANT INVESTIGATION REPORT (PD374-152) prepared.

- a. Attach one (1) Polaroid photo to warrant for Warrant Section copy of report
- b. Attach second (2nd) Polaroid photo to court copy of report.

13. Release prisoner.

14. Make notation in Box 11, "Narrative," of ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) that prisoner has been bailed.

15. Place bail money in Property Clerk envelope and print on face:

- a. "CASH BAIL"
 - b. Precinct
 - c. Arrest number
 - d. Defendant's name
 - e. Surety's name, if other than defendant.
16. Seal envelope and sign across flap.
 17. Attach three (3) copies (yellow, pink, and blue) of BAIL RECEIPT.
 18. Designate a messenger to deliver bail to borough Property Clerk's office.
 - a. If borough Property Clerk's office is closed, bail will be delivered next business day.
 19. Have messenger sign for bail in the Property Receipt Book.

MESSENGER

20. Deliver bail and BAIL RECEIPTS to borough Property Clerk's Office and obtain receipt on blue copy of BAIL RECEIPT.
21. Deliver receipted copy of BAIL RECEIPT to desk officer.

DESK OFFICER

22. File receipted blue copy of BAIL RECEIPT with file copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET.
23. Give green copy of BAIL RECEIPT to arresting/assigned officer.

ADDITIONAL DATA

When prisoner is released on bail, the desk officer of command/borough court section facility where bail has been posted, will notify the arresting/assigned officer and include, the time, date, court of arraignment, location of bail money and that he/she must deliver the bail to court. In addition, the desk officer will notify the borough court section supervisor concerned, where the bail money is located and the name of the officer and defendant. If defendant released from other than the precinct of arrest, the desk officer, command of arrest, will be notified for appropriate entry on the ON LINE BOOKING SYSTEM ARREST WORKSHEET.

RELATED PROCEDURES

Computerized Investigation Card System (P.G. 208-23)
Desk Appearance Ticket - General Procedure (P.G. 208-27)
Arrests - Removal To Department Facility For Processing (P.G. 208-02)
Delivery Of Bail Money To Court From Stationhouse (P.G. 210-10)
Delivery Of Bail Money To Court From Property Clerk (P.G. 210-11)

FORMS AND REPORTS

BAIL RECEIPT (PD209-011)
DESK APPEARANCE TICKET (PD260-121)
INVESTIGATION CARD (PD373-161)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
WARRANT INVESTIGATION REPORT (PD374-152)

P.G. 210-10 Delivery Of Bail Money To Court From Stationhouse

Date Effective: 01-01-00

PURPOSE

To deliver bail to court on date of arraignment.

PROCEDURE

On date of arraignment, if cash bail has not been forwarded to borough Property Clerk's office:

ARRESTING/ASSIGNED OFFICER

1. Obtain bail and three (3) copies (pink, yellow and blue) of BAIL RECEIPT (PD209-011) from desk officer.
2. Sign for bail in the Property Receipt Book.
3. Appear at the defendant's arraignment and if defendant and surety are present:
 - a. Examine surety's copy of BAIL RECEIPT and establish surety's identity.
 - b. Have surety sign receipt for cash bail, on reverse side of pink copy of BAIL RECEIPT, and return money to surety
 - c. Deliver receipted pink copy of BAIL RECEIPT to the desk officer
 - d. Destroy blue copy of BAIL RECEIPT.
4. Comply with the following if the defendant is present but surety is not:
 - a. Immediately after arraignment, deliver bail and pink copy of BAIL RECEIPT to borough Property Clerk's office
 - b. Inform member of the service at Property Clerk's office that defendant did appear at arraignment
 - c. Obtain receipt from Property Clerk's office on the blue copy of BAIL RECEIPT
 - d. Deliver receipted copy of BAIL RECEIPT to desk officer.
5. Comply with the following if defendant does not appear and bail is forfeited:
 - a. Give bail to court clerk and have him sign on reverse of pink copy of BAIL RECEIPT
 - b. Deliver receipted copy of BAIL RECEIPT to desk officer
 - c. Destroy blue copy of BAIL RECEIPT.

DESK OFFICER

6. File receipted copy of BAIL RECEIPT with file copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).
7. Give green copy of BAIL RECEIPT to arresting/assigned officer.

ADDITIONAL DATA

The Borough court section supervisor will ascertain that the arresting/assigned officer has obtained the bail if defendant had been released on bail. If the arresting/assigned officer has not obtained bail, he/she will be directed to location where bail is located to pick up and deliver the bail to court.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)

Bail (P.G. 210-09)

Delivery Of Bail Money To Court From Property Clerk (P.G. 210-11)

FORMS AND REPORTS

BAIL RECEIPT (PD209-011)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 210-11 Delivery Of Bail Money To Court From Property Clerk

Date Effective: 01-01-00

PURPOSE

To deliver bail to court on date of arraignment.

PROCEDURE

On date of arraignment, if cash bail has been forwarded to borough Property Clerk's office:

ARRESTING/ASSIGNED OFFICER

1. Pick up bail and pink copy of BAIL RECEIPT (PD209-011) at borough Property Clerk's office.

a. Receipt for the bail on yellow copy of BAIL RECEIPT.

2. Appear at the defendant's arraignment at court and if defendant and surety are present:

a. Examine surety's copy of BAIL RECEIPT and establish surety's identity

b. Have surety sign receipt for cash bail, on reverse side of pink copy of BAIL RECEIPT, and return bail money to surety

c. Deliver receipted pink copy of BAIL RECEIPT to Property Clerk's office, immediately after court appearance

d. Obtain yellow copy of BAIL RECEIPT from Property Clerk's office and retain as receipt.

3. Comply with the following if the defendant is present but surety is not:

a. Immediately after court appearance, return bail and BAIL RECEIPT to borough Property Clerk's office

b. Inform member of the service at Property Clerk's office that defendant did appear at arraignment

c. Obtain yellow copy of BAIL RECEIPT from Property Clerk's office and retain as receipt.

4. Comply with the following if defendant does not appear and bail is forfeited:

a. Give bail to court clerk and have him sign on reverse of pink copy of BAIL RECEIPT

b. Deliver receipted copy of BAIL RECEIPT to Property Clerk's office, immediately after the court appearance

c. Obtain yellow copy of BAIL RECEIPT from Property Clerk's office and retain as receipt.

ADDITIONAL DATA

Borough court section supervisor will ascertain that the arresting/assigned officer has obtained the bail if defendant has been released on bail. If the

arresting/assigned officer has not obtained the bail, he/she will be directed to location where bail is located to pick up and deliver the bail to court.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)

Bail (P.G. 210-09)

Delivery Of Bail Money To Court From Stationhouse (P.G. 210-10)

FORMS AND REPORTS

BAIL RECEIPT (PD209-011)

P.G. 210-12 Processing Prisoner When Bail Application Made To Judge

Date Effective: 01-01-00

PURPOSE

To process a prisoner, not eligible for pre-arraignment bail, who may be admitted to bail by a judge or justice.

PROCEDURE

Upon receiving information that an application for bail will be made to a judge or justice for a prisoner in custody:

DESK OFFICER

1. Expedite the forwarding of the prisoner's fingerprints.
2. Prepare CERTIFICATION OF CHARGES AGAINST PRISONER (PD244-062).
3. Send messenger to Fax Terminal with the CERTIFICATION OF CHARGES

AGAINST PRISONER with instructions to:

a. Obtain a copy of the prisoner's rap sheet from NYSIIS, and attach it to CERTIFICATION OF CHARGES AGAINST PRISONER, and

b. Deliver them to the judicial authority concerned.

4. Have prisoner photographed.

5. Upon receipt of written notice from the judicial authority, inform prisoner of time and location to appear for arraignment and release prisoner.

6. Enter facts of release on ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) and file the written notice with ON LINE BOOKING SYSTEM ARREST WORKSHEET.

7. Notify arresting officer that prisoner has been bailed and the time and location of arraignment.

FORMS AND REPORTS

CERTIFICATION OF CHARGES AGAINST PRISONER (PD244-062)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 210-13 Release Of Prisoners

Date Effective: 01-01-00

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.

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.
 - a. If unavailable, confer with desk officer/borough court section supervisor.
 - b. If prisoner has been removed from stationhouse/borough court section facility, confer with supervisor assigned to court.

PATROL SUPV/DESK OFFICER/BORO COURT SECTION SUPERVISOR

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

NOTE: If the arresting officer, prior to removal of the prisoner to the stationhouse/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. In all "Release of Prisoner" cases, the desk officer of the precinct of occurrence MUST always be informed of the circumstances of the release. A prisoner may be released by our Department at any time from the initial custody until the arraignment in the courtroom.

ARRESTING OFFICER

4. Make ACTIVITY LOG (PD112-145) entry of facts.
5. Prepare OLBS ARREST WORKSHEET (PD244-159), immediately.
6. Have arrest number generated by utilizing the On Line Booking System PF1/PF3 data entry; use code "V" for voided arrest. (See P.G. 208-15, "Preparation Of Arrest Related Documents At The Stationhouse")

SUPERVISOR AUTHORIZING/NOTIFIED OF RELEASE

7. Examine and initial arresting officer's ACTIVITY LOG entry.

NOTE: When an arrest is voided at a location other than the borough court section, the arresting officer will telephone the voided arrest information to the borough court section.

DESK OFFICER/SUPERVISOR CONCERNED

8. Assign uniformed member of the service to prepare and forward ARREST REPORT SUPPLEMENT (PD244-157) to borough court section concerned, if OLBS ARREST WORKSHEET has been prepared.

9. Enter "VOIDED ARREST" across top of OLBS ARREST WORKSHEET or ARREST REPORT SUPPLEMENT.

10. Indicate under "Details" the reason the arrest was voided and include:

- a. Statement indicating property was returned, if applicable
- b. Names of witnesses, if any
- c. Supervisor who authorized or was notified of release
- d. Time of release.

11. Indicate "Duplicate Copies Required For":

- a. Patrol borough commander concerned (F2)
- b. Commanding Officer, Identification Section (F)
- c. Borough court section concerned (F)
- d. Commanding officer of arresting officer, if different from precinct of occurrence (F).

12. Distribute OLBS ARREST WORKSHEET or ARREST REPORT SUPPLEMENT in normal manner.

13. Make Command Log entry.

[Rev 02-01] 14. Make OLBS "Record Voiding" (PF5) entry.

15. Notify precinct commanding officer.

PATROL BOROUGH COMMANDER

16. Review report and if satisfied release was proper, signify by endorsement and return to originating commanding officer.

ADDITIONAL DATA

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 (PD244-159) or ARREST REPORT SUPPLEMENT (PD244-157), 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 OLBS WORKSHEET or 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.

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

ACTIVITY LOG (PD112-145)

ARREST REPORT SUPPLEMENT (PD244-157)

OLBS ARREST WORKSHEET (PD244-159)

P.G. 210-14 Release Of Prisoner - Narcotic Arrest Negative Findings

Date Effective: 01-01-00

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 green copy of PROPERTY CLERK'S INVOICE (PD521-144) received from Property Clerk's office, and note storage number on PROPERTY INDEX (PD542-104).

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 Stationhouses (P.G 218-24)

Processing Controlled Substances/Marihuana Not Stored At Stationhouses (P.G. 218-25)

FORMS AND REPORTS

POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)

PROPERTY CLERK'S INVOICE (PD521-144)

PROPERTY INDEX (PD542-104)

P.G. 210-15 Release Of Prisoners Arrested By Other Police Agencies

Date Effective: 01-01-00

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 - General Procedure."
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- General Procedure (P.G. 210-13)

P.G. 210-16 Release Of Prisoner At The Complaint Room By Direction Of The Assistant District Attorney

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) entry.

3. Notify desk officer.

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"

DESK OFFICER

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

ARRESTING OFFICER

5. Conduct a warrant name check (WNAM) via FINEST SYSTEM .

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."

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

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.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)

P.G. 210-17 Arrest Processing Of Pre-arraignment Prisoners Designated As "Special Category"

Date Effective: 02-28-01

PURPOSE

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

NOTE: This procedure applies only to pre-arraignment prisoners. It does not apply to prisoners who will be issued Desk Appearance Tickets or summonses and released directly from the precinct, district, or police service area.

DEFINITION

SPECIAL CATEGORY PRISONER - A "Special Category Prisoner" is a prisoner who should be removed from the general population because of a medical condition, physical disability, or any other reason that would lead one to believe that placing that prisoner in a general population of prisoners may pose a safety or health risk to that prisoner or other prisoners. (Hospitalized prisoners will not be designated as "Special Category" and will be treated in accordance with P.G. 210-02, "Hospitalized Prisoners.")

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."

NOTE: 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.

GUIDELINES FOR HANDLING "SPECIAL CATEGORY PRISONERS".

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, disability, etc.
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.

NOTE: 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 lodge in a separate cell in a precinct, or police service area command.

6. Have form MEDICAL TREATMENT OF PRISONER (PD244-150 Rev. 12-99) 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.

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

9. Oversee and expedite the processing of all "Special Category Prisoners" and their co- defendants, if any.

NOTE: "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.

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.

NOTE: 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 Attention (P.G. 210-04)

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

Court and Agency Appearances

P.G. 211-01 Duties And Conduct In Court

Date Effective: 01-01-00

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.

NOTE: Proper business attire requires male members of the service to wear a dress shirt with collar and tie, suit or sports coat, dress trousers, and female members of the service to wear dress or appropriate suit. No member of the service will appear wearing dungarees or sneakers.

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 ACTIVITY LOG (PD112-145).
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 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.
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

General Procedure - Prisoners (P.G. 210-01)

Prevention Of Appearance In Court On Scheduled Regular Day Off (P.G. 211-07)

Notifications To Appear At Court Or Other Governmental Agencies (P.G. 211-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COURT ATTENDANCE RECORD (PD468-141)

IDENTIFICATION CARD (PD 416-091)

OVERTIME REPORT (PD138-064)

ROLL CALL (PD406-144)

P.G. 211-02 Arraignment

Date Effective: 01-01-00

Procedure Deleted [Rev 01-01]

P.G. 211-03 Arraignment Without A Complaint

Date Effective: 01-01-00

Procedure Deleted [Rev 01-01]

P.G. 211-04 Computerized Court Appearance Control System(Cacs)

Date Effective: 01-01-00

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.

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), a governmental agency, or for a District Attorney's assignment:

ROLL CALL

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 (1/2) hour prior to close of roll call office.

NOTE: If the requested member is scheduled to appear on an RDO, other than a short date notification, the roll call clerk will bring the notification to the attention of the operations coordinator or counterpart.

2. Prepare a separate NOTIFICATION (PD406-122) slip for each court appearance.

3. Comply with P.G. 211-05, "Notification To Appear At Court Or Other Governmental Agencies ."

NOTE: If the notification is a request for Department documents, comply with P.G. 211-18, "Processing Request For Police Department Documents Received From Assistant Corporation Counsels And Assistant District Attorneys."

4. 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 slip 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, death in the family, authorized annual vacation, etc.

NOTE: In the instances cited above, (steps 4b and 4c), the roll call clerk must notify the assistant district attorney concerned. This enables the assistant district attorney to reschedule the case and inform the other parties involved in the proceeding that the member of the service will not be present.

5. Utilize the CACS electronic re-routing feature to forward notifications to a member's new command, when the member has been transferred.

NOTE: 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.

6. 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.

NOTE: All notifications received and processed by the desk officer/supervisor, whether successfully served or not, will be returned to the roll call clerk the next business day for a notification update entry into CACS.

DESK OFFICER

7. Monitor FINEST or LAN printer for short date notifications.

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.

8. Log notifications into FINEST Message Log.

9. Inform roll call personnel of notification immediately, if office is open.

10. Attempt to immediately notify member of the service.

NOTE: When a member of the service is not at the command (i.e. RDO, at 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 Log.

11. Give incomplete short date notifications to the relieving supervisor, or if available, to the roll call personnel, who will continue to attempt to notify the member of the service.

OPERATIONS COORDINATOR/COUNTERPART

12. 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

13. Report to the police room as directed on the NOTIFICATION and follow instructions of the Court Section supervisor.

14. Use IDENTIFICATION CARD (PD 416-091) to sign into court. (If circumstances warrant, request sign-in room personnel to record your presence via a manual computer entry.)

NOTE: 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.

15. Comply with P.G. 211-01, "Duties and Conduct in Court."

16. Report immediately to the Police Sign-In Room at the conclusion of the court appearance and obtain the completed COURT ATTENDANCE RECORD (PD468-141).

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

18. Deliver COURT ATTENDANCE RECORD to desk officer when instructed to return to command or, if otherwise instructed, at earliest possible convenience.

DESK OFFICER

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

POLICE ROOM PERSONNEL

20. 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.

21. Enter the necessary court information into the CACS, when the member of the service 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.).

22. 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

23. Enter into the CACS, notifications received from governmental agencies which are not enabled with this system.

24. Telephone commands immediately, when notifications are received, which are directed to commands not enabled in the CACS.

25. Resolve any conflicts that may occur, (e.g., member of the service unable to appear, sick, conflicting court appearance, etc.)

26. 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.

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 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 the report 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. 314-01, "Supervision of Uniformed Members of the Service at Court." In addition, each business day, the commanding officer will forward a communication to the Investigations Unit in the overhead command, identifying officers who failed to appear in court, including the reasons for the non-appearances and the disciplinary actions taken, if any.

In the future, additional management features (e.g. user screens, court appearance reports) for use by supervisory personnel at the local and overhead command levels will be incorporated into the CACS.

FORMS AND REPORTS
COURT ATTENDANCE RECORD (PD468-141)
IDENTIFICATION CARD (PD 416-091)
NOTIFICATION (PD406-122)

P.G. 211-05 Notifications To Appear At Courts And Other Government Agencies

Date Effective: 01-01-00

PURPOSE

To effectively monitor and control, via a formal notification process, appearances by members of the service (uniformed and civilian) at various courts, other government agencies, and for District Attorney's assignments.

SCOPE

With the establishment of the computerized Court Appearance Control System (CACS), the Appearance Control Unit's responsibilities have been re-defined in order to more effectively monitor and control the appearance process. Appearance Control Unit functions will now 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.

DEFINITION

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

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.

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.

MEMBER OF THE SERVICE

3. Notify desk officer or roll call clerk 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/ROLL CALL CLERK

4. Immediately notify the Appearance Control Unit when informed of any of the above (step 3), and

- a. Direct member of the service to appear in court as per the subpoena or verbal instructions.

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

ROLL CALL CLERK

5. Immediately notify requesting agency. In addition, notify the Appearance Control Unit for all notifications received from that 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.

6. Make entry in Command Diary if the appearance notification was not received via the CACS.

7. Notify member concerned of scheduled appearance.

8. Promptly notify the roll call clerk 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.

9. Deliver to desk officer, at the close of business day, information concerning outstanding notifications.

DESK OFFICER

10. Make all outstanding notifications.

NOTE: This includes "short date" or "next day" computerized CACS notifications that are received via the FINEST System at the desk in commands enabled with this computerized system.

11. Notify roll call clerk on next business day of completed and/or incomplete notifications.

OPERATIONS COORDINATOR

12. Ensure that all members of the service are notified of their court and/or other governmental agency appearances.

13. Ensure that the roll call clerk promptly 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.

14. Direct that the roll call clerk 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.

MEMBER OF THE SERVICE

15. Comply with instructions received from desk officer/roll call clerk.

16. Perform duty with second platoon.

17. Muster in command in uniform or as otherwise authorized by the commanding officer.

18. 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, to other than an Assistant District Attorney or Assistant Corporation Counsel, is governed by P.G. 211-15, "Processing Subpoenas For Police Department Records And Testimony by Members Of The Service." In essence, documents will be disclosed to private attorneys only pursuant to subpoenas that are "so ordered" by a judge.

19. Report to Police Sign-In Room at the specific time stated on appearance notification.

20. Comply with provisions of Department Manual pertaining to court appearances, as appropriate.

21. Contact the desk officer at least one (1) hour prior to completion of tour if required to continue assignment beyond normal end of tour.

22. Notify desk officer if not interviewed within two (2) hours after arrival at the District Attorney's Office for trial preparation.

NOTE: When notified as per step (21) or (22), the desk officer will confer with the assigned Assistant District Attorney or Assistant District Attorney Supervisor to determine if the member's services are required or if the member should return to command.

DISTRICT ATTORNEY'S FIELD ASSIGNMENT

MEMBER OF THE SERVICE

23. 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.

24. Notify desk officer when reporting for a District Attorney's field assignment.

TEMPORARY ASSIGNMENT TO DISTRICT ATTORNEY'S OFFICE

MEMBER OF THE SERVICE

25. Process request through appropriate Appearance Control Unit.

a. Such assignments will not exceed five (5) days.

b. Requests for temporary assignment of more than thirty (30) days will be processed as per A.G. 320-07, "Temporary Assignments."

26. Forward requests for extension of such assignment and/or requests for temporary assignments of six (6) to thirty (30) days to commanding officer of member concerned.

COMMANDING OFFICER, MEMBER CONCERNED

27. 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 by 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, sick desk supervisor, or desk officer. The desk officer or roll call clerk 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).

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.

RELATED PROCEDURES

Duties And Conduct In Court (P.G. 211-01)

Prevention Of Appearance In Court On Scheduled Regular Day Off (P.G. 211-07)

Criminal/Civil Court - Telephone Alert System (P.G. 211-06)

Processing Subpoenas For Police Department Records And 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 (112-145)

P.G. 211-06 Criminal/Civil Court Telephone Alert System

Date Effective: 01-01-00

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:

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 (30) minutes between 0900 and 1300 hours if not equipped with a portable radio or assigned to a radio equipped department vehicle.

a. Member will not be assigned a meal period prior to 1300 hours.

APPEARANCE CONTROL UNIT

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

DESK OFFICER

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

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

ADDITIONAL DATA

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

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

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

RELATED PROCEDURES

Duties And Conduct In Court (P.G. 211-01)

Prevention Of Appearance In Court On Scheduled Regular Day Off (P.G. 211-07)

Notifications To Appear At Court Or Other Governmental Agencies (P.G. 211-05)

REPORT AND FORMS

NOTIFICATION (PD406-122)

P.G. 211-07 Prevention Of Court Appearance On Scheduled Day Off

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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 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

Notifications To Appear At Court Or Other Governmental Agencies (P.G. 211-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COURT ATTENDANCE RECORD (PD468-141)

OVERTIME REPORT (PD138-064)

P.G. 211-08 Documenting And Reporting Court Appearances Pertaining To Arrests On A Warrant

Date Effective: 01-01-00

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 Patrol Borough, Housing and Transit Bureau warrant enforcement team member, 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 (see Additional Data for listing of phone numbers).

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 ACTIVITY LOG (PD112-145).

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 AND TELEPHONE NUMBERS

MANHATTAN

* Supreme and Family Court Warrants

80 Baxter Street, report to basement level between 0800 hours and 1700 hours, (212) 374-5087

100 Centre Street, report to room 132 between 1700 hours and 0800 hours, (212) 374-3921 or (212) 374-3838

* Criminal Court Warrants

100 Centre Street, report to room 132 all times, (212) 374-3921 or (212) 374-3838

BROOKLYN

* Supreme and Family Court Warrants

350 Jay Street, report to 1st floor, all times, (718) 875-6667 and (718) 875-6668

* Criminal Court Warrants

120 Schermerhorn Street, report to room 109, all times, (718) 875-6586

BRONX

* Supreme, Criminal and Family Court Warrants

215 East 161 Street, main floor, room M-2B, all times, (718) 590-2951

QUEENS

* Supreme, Criminal and Family Court Warrants

125-01 Queens Blvd., report to basement, all times, (718) 268-9202

STATEN ISLAND

* Supreme, Criminal and Family Court Warrants

78 Richmond Terrace, report to second floor, all times, (718) 876-8490

RELATED PROCEDURES

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

Duties And Conduct In Court (P.G. 211-01)

Processing Warrants (P.G. 212-75)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COURT ATTENDANCE RECORD (PD468-141)

OVERTIME REPORT (PD138-064)

P.G. 211-09 Appearances By Members Of The Service Before Governmental Agencies Or Private Organizations

Date Effective: 07-25-03

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, investigative 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, Division of Parole revocation hearings, Traffic Violations Bureau, Parking Violations Bureau, Environmental Control Board, 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.

PROCEDURE

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

MEMBER OF THE SERVICE

1. Prepare a written request/notification, on Typed Letterhead, in triplicate addressed to the Police Commissioner and include a synopsis of the subject matter to be addressed, as well as the following:

- a. Rank
- b. Name
- c. Tax Registry Number
- d. Command
- e. Name and address of agency/organization
- f. Date and location of testimony/statement

g. Type of proceeding

h. Date of receipt of subpoena/invitation

i. Name, rank, tax registry number (if known), command of member of the service or name, address, etc., or for other than a member of the service, and any other relevant or necessary identifying information for person concerned, if character testimony is to be given.

2. Forward request/notification no later than five (5) business days before the date of testimony/statement as follows:

a. ORIGINAL, to Police Commissioner, DIRECT

b. COPY, to Police Commissioner, THROUGH CHANNELS

c. COPY, to Deputy Commissioner, Public Information, DIRECT.

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

OFFICE OF THE POLICE COMMISSIONER

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

NOTE: If a member of the service is unable to comply with the five (5) 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.

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 testimony in their private capacity must do so during off duty time.

RELATED PROCEDURES

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)
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

P.G. 211-10 Traffic Violations Bureau Notifications

Date Effective: 04-25-03

PURPOSE

To effectively monitor and control the appearances of uniformed members of the service who are being requested by the Department of Motor Vehicles to appear at the Traffic Violations Bureau (TVB) for summons hearings.

SCOPE

The New York State Department of Motor Vehicles forwards two (2) copies of a computer notification print-out entitled "POLICE APPEARANCE LISTING" to affected commands, via Department mail, each business day. This printout is an appearance schedule designating when and where the officer of record will appear for a summons hearing. It also provides other pertinent information, i.e., summons number, date/type of violation, and the defendant's name.

PROCEDURE

Upon receipt of a Police Appearance Listing at a police command:

ROLL CALL PERSONNEL

1. Review Listing and enter member's scheduled appearance in the command's court diary.
2. 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 (roll call personnel must verify)
 - g. Arrest by member (roll call personnel must notify TVB with an arrest number)

NOTE: Requests for rescheduling must be made at least ten (10) calendar days before originally scheduled hearing date.

3. Prepare NOTIFICATION (PD406-122) and attach to that member'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.

- [I.O. 45 s 04] 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).

4. Ensure all TVB hearing cases are included in daily roll calls as appropriate.

5. Post a copy of the Police Appearance Listing in the muster room of the command.

NOTE: Under no circumstances will a member report to a TVB hearing on his/her RDO.

DESK OFFICER/SUPERVISOR

6. Ensure that member concerned receives NOTIFICATION.

NOTE: When notification of appearance is made to a uniformed member of the service, the notifying supervisor will ensure that the issuing officer conducts a warrant check.

UMOS CONCERNED

7. Review copy of NOTIFICATION and immediately notify roll call of any conflicts with the scheduled date/time of hearing.

[I.O. 45 s 04] a. Notify Integrity Control Officer if the notification received involves a summons issued prior to November 1993 and there is no independent recollection of the case.

b. Request AFFIDAVIT OF NO RECOLLECTION/SEPARATION FROM SERVICE be prepared.

8. Sign NOTIFICATION and return receipt copy to desk officer/supervisor.

NOTE: Members will comply with P.G. 211-01, "Duties And Conduct In Court" and P.G. 211-11, "Recording And Monitoring Appearances At Traffic Violations Bureau Hearings," when reporting for a hearing.

[I.O. 45 s 04] INTEGRITY CONTROL OFFICER

9. Conduct an investigation to ensure that an officer who claims no recollection on a pre-November 1993 case has no independent recollection of the events in question. (i.e., request to see officer's memo book entries, etc.)

NOTE: 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 memo book entries, if after having read those memo book 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 memo book entries, the uniformed member of the service is still unable to testify from recollection, the memo book 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 insure that effective testimony can not be offered by the uniformed member of the service prior to preparation and forwarding of the AFFIDAVIT OF NO RECOLLECTION / SEPARATION OF SERVICE. In instances where the memo book entries of the officer cannot be located and/or are lacking sufficient information, the Integrity Control Officer should take appropriate disciplinary action.

10. 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 or if a member of the service notified to appear is no longer employed by this department.

DESK OFFICER/SUPERVISOR

11. Obtain signed receipt copy of NOTIFICATION from member concerned and forward to roll call.

ROLL CALL PERSONNEL

12. Check notification receipts daily to ensure notifications have been received and acknowledged by members concerned.

[I.O. 45 s 04] a. Forward approved AFFIDAVIT OF NO RECOLLECTION / SEPARATION FROM SERVICE at least 10 (ten) calendar days prior to the originally scheduled hearing date to the Department of Motor Vehicles central Albany officer via fax (518) 473-6535.

TVB COURT SECTION PERSONNEL

13. Prepare TRAFFIC VIOLATIONS BUREAU NON-APPEARANCE NOTICE (PD160-121), in all cases where a member fails to appear at a TVB hearing.

14. Forward original copy of completed TRAFFIC VIOLATIONS BUREAU NON-APPEARANCE NOTICE to the member's commanding officer.

a. Forward copy to the appropriate patrol borough office.

COMMANDING OFFICER

15. Review NON-APPEARANCE NOTICES and forward to the command's integrity control officer.

INTEGRITY CONTROL OFFICER

16. Investigate and ascertain reason for non-appearance at TVB hearing and take disciplinary action, if appropriate.

17. Document findings and action(s) taken on NON-APPEARANCE NOTICE and return to the commanding officer of the borough court section concerned within fourteen (14) days.

a. Forward copy of NOTICE to borough office concerned.

COURT SECTION, INTEGRITY CONTROL OFFICER

18. Monitor receipt of NON-APPEARANCE NOTICES to:

a. Ensure commands are preparing and forwarding investigations in regards to NON-APPEARANCE NOTICES as required.

b. Ascertain reasons for non-appearances and take appropriate action(s) as necessary.

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, investigation 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 Court Section 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.

ALERT STATUS

TVB is now recognizing an "ALERT" procedure that may be utilized for uniformed members scheduled for TVB hearings. A member will have forty-five (45) minutes to report once TVB has activated that member through their command. A member's operations coordinator may request roll call to place a member on "ALERT STATUS" under the following conditions:

- a. Hearing scheduled for 1030 or 1300 time period and
- b. Hearing appearance scheduled for one motorist only, (regardless of number of summonses issued) and
- c. Member's command is located within the same patrol borough as the TVB hearing location and
- d. The ability of a command to ensure the expeditious appearance of its personnel once an "ALERT" has been activated.

Uniformed members on "ALERT" will not be assigned to any duty that will prevent their immediate dispatch to TVB; nor will members be scheduled for a meal during the "ALERT" period. "ALERT" periods are between the hours of 1030-1200 hours (1030 hour cases) and 1300-1400 hours (1300 hour cases). When notified by TVB to activate member, the desk officer concerned will immediately notify the member to report directly to TVB; both a Telephone Record and Command Log entry are required.

EXTENDED TOURS FOR MEMBERS ASSIGNED TO THE 1st AND 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 (3) hours may be rescheduled to the 2nd platoon. These provisions apply only to TVB appearances, and not to other court appearances.
- c. Members must be on a MUST APPEAR status. Members on ALERT STATUS will continue to be rescheduled.

d. Members are not eligible for portal to portal compensation.

e. 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.

RELATED PROCEDURES

Duties And Conduct In Court (P.G. 211-01)

Recording And Monitoring Appearances At Traffic Violations Bureau Hearings (P.G. 211-11)

FORMS AND REPORTS

NOTIFICATION (PD406-122)

TRAFFIC VIOLATIONS BUREAU NON-APPEARANCE NOTICE (PD160-121)

TVB Police Appearance Listing

P.G. 211-11 Traffic Violations Bureau Appearances/Computerized Time Slips

Date Effective: 01-01-00

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 reports to a Traffic Violations Bureau office for a hearing:

UNIFORMED MEMBER OF THE SERVICE

1. Immediately report to Police Sign-In Room supervisor.

UNIFORMED SUPERVISOR ASSIGNED TO T.V.B.

2. 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

3. 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.

4. Have one (1) copy of "Officer Time Slip" delivered to uniformed member and file duplicate copy.

UNIFORMED MEMBER OF SERVICE

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

DESK OFFICER

6. Make notation of uniformed member's dismissal and instruction given on appropriate department record.

UNIFORMED MEMBER OF THE SERVICE

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

DESK OFFICER

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

CLERICAL MEMBER

9. File "Officer Time Slips" at command in chronological order in separate folder.

INTEGRITY CONTROL OFFICER

10. Review "Officer Time Slips" frequently for integrity purposes.

TRAINING SERGEANT

11. 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 (10) uniformed members of the service with the highest percentage of dismissals due to the aforementioned reasons. These members will be retrained and/or subject to any other corrective action(s) as deemed necessary by the commanding officer.

ADDITIONAL DATA

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

DISPOSITIONS

CODES

N = Not Guilty

1. Evidence not clear and convincing.
2. Justification.

G = Guilty Disposition Plea at Trial (Contested cases only.)

NONE

W = Guilty with Appearance Disposition (Used for Appearance Room only.)

NONE

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

D = Dismissing Case

3. Equipment Documents - The motorist presented proper documentation to the judge. Dismissing the case by statute.
4. No Prima Facie case.
5. Police cannot identify motorist.
6. No recollection.
7. Non-Owner/No Knowledge (uninsured vehicle cases) - When motorist summoned claims he had no knowledge that vehicle he/she was operating was uninsured.

The locations and telephone numbers of borough Traffic Violations Bureau offices are:

Manhattan South T.V.B

Queens South T.V.B.

Brooklyn North T.V.B.

19 Rector Street
New York, New York 10006
(212) 747-1191 or 1194

168-35 Rockaway Blvd.
Queens, N.Y. 11434
(718) 656-8200

30 Rockwell Place
Brooklyn, New York 11201
(718) 596-6779

Manhattan North T.V.B.
2116 Adam Clayton Powell
Boulevard
New York, New York
(212) 678-1640

Queens North T.V.B.
30-56 Whitestone
Expressway
Flushing, N.Y. 11354
(718) 321-2357

Staten Island T.V.B.
141 East Service Road
Staten Island, N.Y. 10314
(718) 698-1354

Bronx T.V.B.
696 Fordham Road
Bronx, New York 11224
(212) 367-5411

Brooklyn South T.V.B.
2875 West 8th Street
Brooklyn, N.Y.
(718) 996-5978

FORMS AND REPORTS
COURT ATTENDANCE RECORD (PD468-141)

P.G. 211-12 Hearings At Department Of Motor Vehicles

Date Effective: 01-01-00

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 accident while performing police duty.

PROCEDURE

When notified to appear at a hearing in connection with an accident 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 (5) 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

P.G. 211-13 Official Appearances At Department Of Consumer Affairs

Date Effective: 01-01-00

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 at (212) 374-5087/5088 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 at (212) 374-3921/3942 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 dismissed directly, from the Department of Consumer Affairs will notify the Police Room Supervisor and their command's desk officer. Both 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.

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 at (212) 487-4136 during business hours, or at (212) 487-4142 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)

Notifications To Appear At Court Or Other Governmental Agencies (P.G. 211-05)

FORMS AND REPORTS

COURT ATTENDANCE RECORD (PD468-141)

P.G. 211-14 Investigations By Civilian Complaint Review Board

Date Effective: 01-01-00

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) 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 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.

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

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. MGMT. RESOURCES SECTION, CCRB LIAISON

8. Forward a REQUEST FOR RECORDS AND/OR INFORMATION REGARDING CCRB CASE (PD149-164) 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 Management Resources Section, 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 via Department mail within ten (10) days of receipt to:

a. Internal Affairs Bureau, Management Resources Section, CCRB Liaison, 315 Hudson Street, New York, New York 10013.

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 Document Production 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.

When records being requested are not available at the command, the specific reason why the request cannot be satisfied must be indicated on Line 16 of the REQUEST FOR RECORDS form. For example, if a particular COMPLAINT REPORT 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" on the REQUEST form. Similarly, if a document is lost or missing, this finding will likewise be indicated on the form. 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 included on the form. The Civilian Complaint Review Board Liaison will redirect all such requests to the appropriate command.

RELATED PROCEDURES

Interrogation Of Members Of The Service (P.G. 206-13)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT(PD313-152)

REQUEST FOR RECORDS AND/OR INFORMATION REGARDING CCRB CASE (PD149-164)

P.G. 211-15 Processing Subpoenas For Police Department Records And For Testimony By Members Of The Service

Date Effective: 01-01-00

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

1. 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.

DOCUMENT PRODUCTION 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 Document Production Unit also processes all requests under the Freedom of Information Law that are received by the Department. The Document Production 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 Document Production Unit without the express permission of the Supervisor, Document Production 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 Audit 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), 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 Document Production 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 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 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 Document Production Unit (212) 374-4296 /4297 /3985 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 Document Production 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 Document Production Unit is required.

COMMAND LIAISON OFFICER

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 Document Production 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 Document Production Unit will be notified and consulted whenever court process compels production of original copies of Department records.

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 Document Production Unit.

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)

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
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

CASE OF: _____	DATE: _____
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

Clerk of Court	DATE: _____
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

P.G. 211-16 Subpoenas Issued By Courts Outside New York City

Date Effective: 01-01-00

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:

- 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 - Document Production Unit should be consulted at (212) 374-4297 /4296 /3985.

(a) Instructions received from the Document Production Unit will be complied with.

(b) Comply with P.G. 212-83, "Leaving City On Police Business."

SUBPOENA ISSUED BY FEDERAL COURTS:

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 Document

Production Unit will be notified and in addition to any directions received from the Document Production 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
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 (100) 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:

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.

ADDITIONAL DATA

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".

RELATED PROCEDURES

Any time a member has a question concerning the validity of a subpoena, the Legal Bureau - Document Production Unit will be consulted.
Processing Subpoenas For Police Department Records And 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 Requests For Police Department Documents Received From Assistant Corporation Counsels And Assistant District Attorneys (P.G. 211-18)
Leaving City On Police Business (P.G. 212-83)

FORMS AND REPORTS
FEE RECEIPT (PD122-017)
Typed Letterhead

P.G. 211-17 Processing Legal Bureau Requests For Department Records Including Requests Under The Freedom Of Information Law

Date Effective: 01-01-00

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 Document Production 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 Section 87 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 very narrowly drawn and are only available when substantial confidentiality interests of law enforcement can be demonstrated.

DOCUMENT PRODUCTION 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 Document Production Unit also processes all requests under the Freedom of Information Law that are received by the Department. The Document Production 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 Document Production Unit of the Legal Bureau, or his designee. Any command receiving a F.O.I.L. request shall immediately forward it 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 Document Production Unit of the Legal Bureau. While commanding officers/counterparts may delegate the gathering of these records to subordinates, they will be responsible for their commands' compliance with all requests from the Document Production Unit.

NOTE: Subpoenas served directly at individual commands will not be forwarded to the Document Production Unit without the permission of the Supervisor, Document Production Unit. Such subpoenas are handled in accordance with P.G. 211-15, "Processing Subpoenas For Police Department Records And Testimony by Members Of The Service."

PROCEDURE

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

SUPERVISOR, DOCUMENT PROD. 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, Document Production Unit, will make every effort to screen and/or narrow unnecessary or unduly burdensome requests for Department records.

DOCUMENT PROD. UNIT STAFF MEMBER

4. Prepare and forward specific request for Department records to Liaison Officer, command concerned.
5. Set forth time limits within which the Document Production Unit must receive a response from the command concerned.

NOTE: Certain document requests require an expeditious response, such as F.O.I.L. requests, which require a response from the F.O.I.L. Records Access Officer within ten (10) days of initial receipt by the Police Department. Subpoenas and court orders frequently require immediate production in court of the records concerned.

LIAISON OFFICER, COMMAND CONCERNED

6. Record receipt of request for Department records from the Document Production Unit.
7. Gather and photocopy documents requested.

NOTE: While commanding officers/counterparts may delegate the gathering of these records to subordinates, the commanding officers/counterparts are responsible for their commands' compliance with all requests from the Document Production Unit.

8. Forward photocopies in compliance with request within time limits given by Document Production Unit.

NOTE: Under no circumstances will original records be forwarded to the Document Production Unit without the permission of the Supervisor, Document Production Unit.

9. If unable to comply within the time limit set by the Document Production Unit:
 - a. Make immediate telephone notification to the Document Production Unit staff member assigned to the case
 - b. Forward report to Supervisor, Document Production 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 Document Production Unit
 - d. Forward completed photocopies of all records requested as soon as they are available.

10. Prepare a report explaining the status of the records and forward to the Supervisor, Document Production Unit, if the records requested by the Document Production Unit have been lost, destroyed or are otherwise unavailable.

SUPERVISOR, DOCUMENT PROD. UNIT

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

ADDITIONAL DATA

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 to the Supervisor, Document Production Unit, setting forth the basis for these concerns. The Supervisor, Document Production Unit, is charged with the responsibility to prevent release of confidential information contained in Department records whenever possible under law. The telephone number for the Document Production Unit is (212) 374-4273/4279.

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

Any individual denied access to a record by the Record Access Officer has the right to appeal, within thirty (30) 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.

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 (212) 374-6902. Except as otherwise provided, the fee shall be twenty-five cents (\$0.25) a page for photocopying.

RELATED PROCEDURES

Processing Subpoenas For Police Department Records And Testimony By Members Of The Service (P.G. 211-15)

Subpoena Fees And Accounting Procedures (P.G. 212-79)

Processing Subpoenas Issued By Courts Outside New York City (P.G. 211-16)

Processing Requests For Police Department Documents Received From Assistant Corporation Counsels and Assistant District Attorneys (P.G. 211-18)

P.G. 211-18 Processing Requests For Police Department Documents Received From Assistant District Attorneys And Assistant Corporation Counsels

Date Effective: 01-01-00

PURPOSE

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

SCOPE

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

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

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

PROCEDURE

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

MEMBER OF THE SERVICE RECEIVING REQUEST

1. Record receipt of request in Subpoena Record Book completing all appropriate captions therein.

a. Under caption entitled, "TYPE OF SUBPOENA" enter "D.A. Request" or "Corporation Counsel Request", as applicable.

b. Under caption entitled "ISSUING COURT" enter the D.A.'s Office or Corporation Counsel Unit concerned (e.g., N.Y. CO. D.A., etc.).

2. File copy of request in Command Subpoena File.

NOTE: If a member of the service receiving a request has any doubts regarding the propriety of complying with the request, the Legal Bureau - Document Production Unit may be consulted by telephone at (212) 374-4296 /4297 /3985.

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) 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 make all reasonable efforts to 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. For arrests processed through Queens or Brooklyn C.A.P.S. Program, or in cases where a DESK APPEARANCE TICKET (PD 260-121) has been issued, the arresting/assigned officer will include such photocopies in the arrest package forwarded to court.

RELATED PROCEDURES

Processing Subpoenas For Police Department Records And Testimony By Members Of The Service (P.G. 211-15)

Subpoena Fees And Accounting Procedures (P.G. 212-79)

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)

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

DESK APPEARANCE TICKET (PD 260-121)

P.G. 211-19 New York City Transit Law Torts "Quick Response" Unit

Date Effective: 01-01-00

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.

DEFINITIONS

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 at the following telephone numbers: (718) 694-3835, 3842 or 3860.

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 photostatic copies or information was given to the investigator.
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 WORKSHEET (PD304-152b)
 - b. FIELD INVESTIGATION WORKSHEET (TP-67)

- c. PROPERTY CLERK'S INVOICE (PD521-141)
- d. MISSING-UNIDENTIFIED REPORT (PD336-151)
- e. COMPLAINT REPORT (PD313-152)
- f. UNUSUAL OCCURRENCE REPORT (PD370-152)
- g. 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 Corporation Counsels And Assistant District Attorneys."

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 ACTIVITY LOG (PD112-145).

a. Obtain the scope of the questions to be asked of the member of the service and ensure they do not violate Department provisions or the definition of RESTRICTED MATERIAL.

TRANSIT BUREAU COMMUNICATIONS UNIT OPERATIONS DESK OFFICER

7. Notify NYC Transit Law Department personnel of non-crime incidents resulting in serious injuries to members of the public, as soon as possible after the serious injury occurs. Notifications will be made in the following incidents:

- a. Death
- b. Amputation or crushed limb
- c. Fractured skull
- d. Severe bleeding
- e. Unconsciousness
- f. Admitted to hospital in critical condition
- g. Four (4) 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 NYC Transit Law Department personnel, Monday through Friday (0600 - 2200 hours) and Saturday/Sunday (0800 - 2200 hours) as follows:

Manhattan (718) 694-3845

Brooklyn (718) 694-3838
(718) 694-3837

Bronx/Queens/S.I. (718) 694-3844

RELATED PROCEDURES

Processing Requests For Police Department Documents Received From Assistant Corporation Counsels and Assistant District Attorneys (P.G. 211-18)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

FIELD INVESTIGATION WORKSHEET (TP-67)

PROPERTY CLERK'S INVOICE (PD521-141)

MISSING-UNIDENTIFIED PERSON REPORT (PD336-151)

COMPLAINT REPORT (PD313-152)

DUTY COMMANDERS REPORT

SPECIAL REPORT (TP-68C)

EMERGENCY SERVICE REPORT (PD304-151)

P.G. 211-20 Conferral With Department Attorney

Date Effective: 01-01-00

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 (212) 374-5400.
 - 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

P.G. 211-21 Obtaining Assistance Of Corporation Counsel

Date Effective: 01-01-00

PURPOSE

To ensure that legal representation is provided to members of the service (uniformed or civilian) who are served with papers or are otherwise involved in a legal proceeding arising from an act committed in the performance of duty.

PROCEDURE

When a member of the service (uniformed and civilian) is served with legal papers concerning such legal proceeding:

DESK OFFICER

1. Accept service of legal papers for member assigned to the command.
2. Notify member concerned immediately.
3. Deliver papers to member.
 - a. Give papers to commanding officer without delay if member is unavailable (sick leave, vacation, etc.).
4. Make appropriate Command Log entry including:
 - a. Date and time of service.
 - b. Date and time member actually received legal papers.

NOTE: Legal papers WILL NOT be accepted from a process server for a member who has been transferred. The process server will be directed to the member's new command.

MEMBER CONCERNED

5. Deliver papers to commanding officer immediately.

COMMANDING OFFICER CONCERNED

6. Review legal papers to determine if incident occurred while the member was performing police duty.
 - a. If incident occurred while member was assigned to another command, the member's current commanding officer will prepare the form required by step 8 below.
7. Telephone Internal Affairs Bureau and Department Advocate's Office to determine if any investigations or charges and specifications are pending or likely to be filed regarding the incident.
8. Prepare REQUEST FOR LEGAL ASSISTANCE (PD411-160) and distribute as follows:
 - a. WHITE COPY of REQUEST FOR LEGAL ASSISTANCE form, with original legal papers served, AND duplicate copies of all related police reports, e.g., OLBS WORKSHEET (PD244-159), COMPLAINT REPORT (PD313-152), AIDED REPORT (PD304-152), UNUSUAL OCCURRENCE REPORT (PD370-152), etc., without delay, DIRECT to: Commanding Officer, Legal Bureau, Room 1406, One Police Plaza, Monday through Friday, 0900 to 1700 hours.

b. PINK COPY of REQUEST FOR LEGAL ASSISTANCE form, with duplicated copies of legal papers served AND all related police reports prepared, through channels, to the Chief of Department/commanding officer, parent command, as appropriate.

(1) Each intermediate command will endorse REQUEST FOR LEGAL ASSISTANCE form.

c. BLUE COPY of REQUEST FOR LEGAL ASSISTANCE form, with duplicated copies of legal papers served AND all related police reports prepared will be FILED.

CHIEF OF DEPT./C.O., PARENT COMMAND

9. Forward all forms and reports received to the Commanding Officer, Legal Bureau.

COMMANDING OFFICER, LEGAL BUREAU

10. Review all papers and reports received in connection with request for legal assistance.

ADDITIONAL DATA

A member of the service (uniformed or civilian) who is served with legal papers or is otherwise involved in a court proceeding arising out of an act committed 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 (uniformed or civilian) 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. In addition, the member of the service (uniformed or civilian) MUST cooperate with the Office of the Comptroller in the investigation of any Notice of Claim.

Service of a Notice of Claim is required before commencement of a tort action against a public corporation. A Notice of Claim will NOT generally be served on a member of the service (uniformed or civilian).

When effecting process of federal complaints upon active members of the service, representatives of the Federal Marshal's Office will respond to the command where the individual is assigned or to the Legal Bureau, if the individual is assigned to Police Headquarters. Service may be made by delivering the papers to an individual authorized to accept service, i.e., commanding officer or desk officer. Service at the command need not be made directly on the named individual. Marshals will also provide a "return of service" and a stamped, self-addressed envelope. Such "returns of service" must be completed and returned to the Marshal's office in order to notify the Marshal's office that service has been effected. If service is attempted on an individual no longer assigned to that command, that fact should be indicated on the form. The member's current assignment need not be provided.

FORMS AND REPORTS

AIDED REPORT (PD304-152)

COMPLAINT REPORT (PD313-152)

OLBS WORKSHEET (PD244-159)

REQUEST FOR LEGAL ASSISTANCE (PD 411-160)

UNUSUAL OCCURRENCE REPORT (PD370-152)

Command Operations

P.G. 212-01 Roll Call Formations

Date Effective: 01-01-00

PURPOSE

To inspect, instruct and conduct roll call of uniformed members of the service prior to tour.

PROCEDURE

Five (5) minutes before the start of tour of duty:

PATROL SUPERVISOR

1. Assemble platoon in ranks in sitting or muster room.

NOTE: Either muster or sitting room may be utilized at discretion of commanding officer.

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

5. March the platoon, when directed, into muster/sitting room.

6. Face platoon toward desk/ranking officer conducting roll call and dress up platoon.

7. Take position at front-center of platoon.

DESK OFFICER

8. Direct, "Report (1st, etc.) platoon."

PATROL SUPERVISOR

9. Salute desk/ranking officer.
10. Report, "Platoon inspected."
11. Command, "Parade rest."

DESK OFFICER

12. Conduct roll call.
13. Issue necessary instructions.
14. Command, "Post your platoon."

PATROL SUPERVISOR

15. Assume position of attention.
16. Command, "Platoon attention."
17. Face platoon in direction to be marched.
18. Instruct platoon not to congregate in groups around the stationhouse.
19. Direct members of platoon to leave stationhouse for post or assignments at selected intervals.

ADDITIONAL DATA

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.

RELATED PROCEDURES

Uniforms (P.G. 204-03)
Inspection of Uniforms (A.G. 305-06)

P.G. 212-02 Meal Period

Date Effective: 01-01-00

PURPOSE

To provide for meal periods, obtain authorization for out of command meal and report meal location to radio dispatcher/stationhouse.

PROCEDURE

When commencing meal period:

UNIFORMED MEMBER OF THE SERVICE

1. Notify switchboard operator at beginning of meal, of location where meal is to be taken.
2. Obtain meal on assigned post, if possible, and in a place maintained for eating purposes.
3. Make ACTIVITY LOG (PD112-145) entry prior to leaving post including meal location address, and again upon returning to post.
4. Inform switchboard operator on return to post.

R.M.P. CREWS

5. 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 RMP
 - c. "Stationhouse" when meal taken in command facility.
6. Remain in area designated by commanding officer, if meal is taken in command facility.
 - a. Be available for assignment by desk officer.
7. 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 requests for police service and make ACTIVITY LOG entry.
8. Notify desk officer when deprived of normal mealtime due to police service.

PATROL SUPERVISOR

9. Notify radio dispatcher, via landline, from meal location when commencing meal period.

DESK OFFICER

10. Make appropriate adjustments so members are not deprived of meal.

PRECINCT COMMANDING OFFICER

11. Assign a police officer, if available, for relief of radio motor patrol crew, when appropriate.

ASSIGNED POLICE 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 as recorder during relief period.

R.M.P. 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 (15) minutes after end of meal period.

ADDITIONAL DATA

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

Whenever a uniformed member of the service, including personnel assigned to the Detective Bureau and Organized Crime Control Bureau, is authorized to leave the command to obtain a meal in another precinct, such member will, in addition to other requirements:

- a. Request permission from supervisor to leave the command and advise the supervisor of the intended meal location
- b. Notify the desk officer of the command where meal is to be obtained of the intended meal location
- c. Enter in ACTIVITY LOG the names of the supervisors notified.

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

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

P.G. 212-03 Expiration Of Tour

Date Effective: 01-01-00

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 (1) 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.

R.M.P. 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.

R.M.P. 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 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 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.

P.G. 212-04 Crime Scene

Date Effective: 01-01-00

PURPOSE

To safeguard evidence and detain witnesses for further investigation.

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, 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. Detain witnesses and persons with information pertinent to the crime.
4. Record in ACTIVITY LOG (PD112-145):
 - a. Observations
 - b. Identity of suspects/witnesses with addresses and telephone numbers and any relevant statements made whether casually or as a formal statement.
5. Advise patrol supervisor and detective squad/detective specialty squad personnel of:
 - a. Identity of witnesses detained
 - b. Other information regarding the case.

PATROL SUPERVISOR

6. Assess crime scene.
7. 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.

8. 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.

9. Notify desk officer of details and request additional assistance, if required.

10. 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.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)

Crime Scene Investigations Affecting New York City Subway Service (P.G. 212-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 212-05 Scene Investigations Affecting New York City Transit Train Service

Date Effective: 01-01-00

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.

DEFINITION

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

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. Expedite the crime scene investigation if the train cannot be moved.
 - a. Provide for prompt resumption of service upon completion of investigation.

RELATED PROCEDURE

Crime Scene (P.G. 212-04)

P.G. 212-06 Radio Motor Patrol Transport Reserve Surgeon

Date Effective: 01-01-00

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

4. Reassign recorder.

R.M.P. OPERATOR

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

DESK OFFICER

7. 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.

P.G. 212-07 Transporting Non-members Of The Service In Radio Motor Patrol Cars

Date Effective: 01-01-00

PURPOSE

To record instances when non-members of the service are transported in police vehicles.

DEFINITION

NON-MEMBERS - Persons not members of the service including prisoners, complainants, witnesses, abandoned children, lost persons and mentally ill persons, and others as necessary.

PROCEDURE

When it is necessary to transport a non-member in a radio motor patrol car:

R.M.P. RECORDER

1. Obtain permission from the patrol supervisor or desk officer, if possible.
2. Notify the radio dispatcher at the start and conclusion of the trip.
3. Search passenger area of vehicle for contraband, weapons or other property immediately upon conclusion of trip.
4. Enter in ACTIVITY LOG (PD112-145):
 - a. Time trip starts
 - b. Identity of persons transported
 - c. Place of beginning and end of trip
 - d. Purpose of trip
 - e. Time trip ends
 - f. Results of vehicle inspection.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 212-08 Activity Logs

Date Effective: 01-01-00

PURPOSE

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

SCOPE

ACTIVITY LOGS (PD112-145) are prepared by all uniformed members of the service below the rank of captain, except members performing permanent administrative or clerical duties or members required to prepare INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156). However, when any uniformed member below the rank of captain is assigned to a detail, e.g., parade, election duty, etc., the member concerned will maintain and make required entries in an ACTIVITY LOG.

PROCEDURE

Upon reporting for a tour of duty:

UNIFORMED MEMBER OF THE SERVICE

1. Record in ACTIVITY LOG:

a. Required information from roll call, before start of tour, including:

- (1) Day, date and tour
- (2) Assignment (post, sector, RMP number, etc.)
- (3) Meal time
- (4) Name of operator/recorder, when applicable
- (5) School crossing or church crossing, if applicable.

b. Result of vehicle inspection when assigned as RMP operator:

- (1) Condition of vehicle
- (2) Odometer reading
- (3) Amount of gas in vehicle.

c. Chronologically:

(1) Assignments received - Indicate time received, type of assignment, location, origin, code signal, disposition and time completed and/or given to dispatcher. If summons, enter summons number.

- (2) Tasks performed
- (3) Absences from post/sector or place of assignment
- (4) Rank and surname of supervisor(s) responding to assignment

(5) Information pertinent to an assignment or observed/suspected violation of law, i.e., action taken, narrative disposition, forms prepared with identifying serial

number, etc., to include the name, rank, shield number and command of off-duty uniformed member(s) of the service involved in any off-duty incident

(6) Other entries required by Department directives

(7) Completion of tour, odometer reading, signature and shield number, if any.

2. Make entries in black ink, beginning on first line at top of page and continuing thereafter accounting for each scheduled tour:

a. Utilize blank side of each page for notes, diagrams, sketches, etc., when necessary

b. Carry ACTIVITY LOG in regulation leather binder

c. Correct errors by drawing single line through incorrect entry and initial; do not erase

d. Begin tour's entries on next open line, following previous tour closing entry. Do not skip lines or pages.

e. Write or print legibly; abbreviations may be used

f. Do not remove pages for any reason or use ACTIVITY LOG as scrap or for note pads, etc.

3. Submit ACTIVITY LOG to supervising officer for inspection and review upon request.

4. Direct attention of supervisor to entry which may be a matter of concern, i.e., unusual occurrence, absence from post, etc.

SUPERVISORY MEMBER

5. Indicate supervision and inspection of member's ACTIVITY LOG by inserting on the next open line the date, time, rank, signature and comment, if any.

a. Comments relating to a particular member's activity will be made known to the member's immediate supervisor.

UNIFORMED MEMBER OF THE SERVICE

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

ADDITIONAL DATA

Upon being permanently transferred, member will submit ACTIVITY LOG to a supervisor in the previous command for signature after the last entry and notation of member's "new" command in the "Distribution Record" under "Remarks." Member will then submit the ACTIVITY LOG to a supervisor upon arrival in the "new" command, for signature. The supervisor will then enter required information in rear of command's "Distribution Record".

Upon completion of an ACTIVITY LOG, the member concerned will submit it to a designated supervisor for review. After ascertaining that all required information has been entered on the cover of the ACTIVITY LOG, the supervisor will enter his/her signature on the last page and cover of the LOG, complete required entries in "Distribution Record" and issue a new LOG to the member. Member and supervisor will complete required captions on cover of new LOG.

RELATED PROCEDURE

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

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

INVESTIGATOR'S DAILY ACTIVITY REPORT (PD439-156)

P.G. 212-09 Unusual Occurrence Reports

Date Effective: 01-01-00

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 "SPRINT" PRINTOUT, if documented, to the UNUSUAL OCCURRENCE REPORT, prior to forwarding.

COMMANDING OFFICER

8. Report results of investigation on Typed Letterhead, addressed to Chief of Patrol:

a. If preliminary report has been forwarded, prepare supplementary report indicating results of investigation and attach a copy of the "SPRINT" PRINTOUT, 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 Deputy Commissioner-Community Affairs, if occurrence affects police-community relations.
- g. Copy to Deputy Commissioner - Strategic Initiatives, 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 activity 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, SPRINT 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 shooting team leader/duty inspector 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 command of assignment for a minimum of three (3) consecutive scheduled tours (exclusive of sick time or regular days off). (If member involved is assigned to other than a Patrol Services Bureau command, he may be temporarily assigned to own bureau/counterpart command). The borough/counterpart commander will review the assignment and forward a report to the bureau chief concerned 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, "Unusual Occurrences Involving Prisoners"), or any other unusual incident determined not appropriate by the investigating precinct commander/duty captain.

RELATED PROCEDURES

Bias Motivated Incidents (P.G. 207-10)

Unusual Occurrences Involving Prisoners (P.G. 210-07)

Emergency Incidents (P.G. 213-02)

FORMS AND REPORTS

UNUSUAL OCCURRENCE REPORT (PD370-150)

SPRINT PRINTOUTS

P.G. 212-10 Interrupted Patrol Log

Date Effective: 01-01-00

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	ASSIGNMENT	REASON	TIME OUT	TOTAL TIME	DESK OFFICER
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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.

P.G. 212-11 Stop And Frisk

Date Effective: 07-25-03

PURPOSE

To conduct criminal investigations and protect uniformed members of the service from injury while conducting investigations involving stop and question situations.

DEFINITIONS

STOP - To temporarily detain a person for questioning.

FRISK - A running of the hands over the clothing, feeling for a weapon.

SEARCH - To place hands inside pocket or other interior parts of clothing to determine if object felt is a weapon.

PROCEDURE

When a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a felony or a Penal Law misdemeanor:

UNIFORMED MEMBER OF THE SERVICE

1. Stop person and request identification and explanation of conduct.
 - a. If not in uniform, identify yourself as a police officer.
2. Frisk, if you reasonably suspect you or others are in danger of physical injury.
3. Search, if frisk reveals object which may be a weapon.

NOTE: Only that portion of the suspect's clothing where object was felt may be searched.

4. Detain suspect while conducting investigation to determine whether there is probable cause to make an arrest.
 - a. Suspect may be detained for a period of time reasonably related to the facts, which initially justified the stop or are discovered during the stop.
 - b. Complete investigation as expeditiously as possible.
5. Release suspect immediately after completing the investigation if probable cause to arrest does not exist.
6. Prepare STOP, QUESTION AND FRISK REPORT WORKSHEET (PD344-151A) for EACH person stopped.

NOTE: If person stopped refuses to identify him/herself (and there is no reason to take summary action) check off "REFUSED" in the appropriate space of STOP, QUESTION AND FRISK REPORT WORKSHEET. Allow suspect to depart only after completing investigation and only if investigation does not establish probable cause to arrest the suspect. Request patrol supervisor to respond and confirm refusal, review STOP, QUESTION AND FRISK REPORT WORKSHEET, and action taken. Do not detain suspect while awaiting arrival of patrol supervisor if investigation is completed and no probable cause to arrest suspect.

UNIFORMED MEMBER OF THE SERVICE

7. Enter details in ACTIVITY LOG (PD112-145).
8. Inform desk officer, precinct of occurrence, of facts.
9. Submit STOP, QUESTION AND FRISK REPORT WORKSHEET to desk officer, precinct of occurrence.

DESK OFFICER

10. Review each STOP, QUESTION AND FRISK REPORT WORKSHEET submitted and:
 - a. Instruct member preparing WORKSHEET, if necessary.
 - b. Enter precinct serial number and sign WORKSHEET(S).

NOTE: A separate precinct serial number will be assigned for EACH WORKSHEET.

11. Bring STOP, QUESTION AND FRISK REPORT WORKSHEET(S) to the attention of the commanding officer.
12. Photocopy STOP, QUESTION AND FRISK REPORT WORKSHEET(S) and forward as follows:
 - a. ORIGINAL - Criminal Records Section.
 - b. Photocopy - Precinct binder.
 - c. Photocopy - Detective Squad.
13. Make appropriate entries on STOP, QUESTION AND FRISK INDEX COVERSHEET (PD344-152).

COMMANDING OFFICER

14. Maintain a STOP, QUESTION AND FRISK WORKSHEET binder at the desk for use by other uniformed members of the service.

ADDITIONAL DATA

A suspect should not be moved or transported from the location where she/he is stopped for questioning unless s/he voluntarily consents or there is an exigency e.g., hostile crowd gathers and officer must move suspect from the area for safety purposes, victim/witness is injured and cannot be brought to location where suspect is being detained, so officer transports suspect to injured party.

Some factors which contribute to "reasonable suspicion":

- a. The demeanor of the suspect.
- b. The gait and manner of the suspect.
- c. Any knowledge the officer may have of the suspect's background and character.
- d. Whether the suspect is carrying anything and what he is carrying.
- e. Manner of dress of suspect including bulges in clothing.
- f. Time of day or night.
- g. Any overheard conversation of the suspect.
- h. The particular streets and areas involved.

- i. Any information received from third parties.
- j. Proximity to scene or crime.

Desk officers or designated supervisors in other than patrol precinct commands (i.e. PSAs, transit districts, OCCB, borough task force or anti-crime units, etc.) who receive completed WORKSHEETS will be responsible for obtaining the next precinct serial number from the desk officer of the precinct concerned. This number ONLY will be entered into the box captioned "PCT SER. NO." on the STOP, QUESTION AND FRISK REPORT WORKSHEET. The desk officers or designated supervisors in other than the patrol precinct commands will then review, sign, and photocopy the WORKSHEET. A copy will be immediately faxed to the precinct concerned, and the completed original WORKSHEETS delivered back to the precinct concerned within twenty four (24) hours.

In addition, desk officers or designated supervisors in other than patrol precinct commands will also maintain a standardized Stop, Question and Frisk binder with corresponding INDEX COVERSHEET, and will enter a command tracking number consisting of the command abbreviation, followed by a serial number, beginning with number one (1) each year (e.g. TD32-001) in the upper right hand corner section of each WORKSHEET. This command tracking number is not the same as, and is NOT to be entered in the precinct serial number caption on the WORKSHEET received. A third photocopy of each WORKSHEET will also be made and maintained with the Stop, Question and Frisk binder at that command.

NOTE: The STOP, QUESTION AND FRISK REPORT WORKSHEET is not prepared where the officer makes a summary arrest or issues a summons for an observed violation unless the suspect was initially stopped for investigation based on reasonable suspicion.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

STOP QUESTION AND FRISK REPORT WORKSHEET (PD344-151A)

STOP QUESTION AND FRISK INDEX COVERSHEET (PD344-152)

STREET ENCOUNTERS - LEGAL ISSUES (PD344-153)

P.G. 212-12 Citywide Intelligence Reporting System

Interim Order 30 Issued 05-13-04 Suspends Patrol Guide 212-12

PURPOSE

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

SCOPE

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

PROCEDURE

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

UNIFORMED MEMBER OF THE SERVICE

1. Obtain as much information as possible, including names, vehicle descriptions, times of the day, description of persons, etc.
2. Comply with P.G. 212-13 "Reporting Gang Related Criminal Activity," if information concerns criminal gangs, gang related/motivated incidents, etc.
3. Notify the Intelligence Division at 1-877-4INTELL (1-877-446-8355) or 646-805-6400.
 - a. Report all pertinent information.
4. Record Intelligence Division Log number and Intelligence Division member notified in ACTIVITY LOG (PD112-145).

NOTE: Any member of the service (uniformed or civilian) with information concerning suspected terrorist activity will notify the Desk Officer of the command of occurrence and the Intelligence Division direct at 1-877-4INTELL (1-877-446-8355). The Desk Officer of the command of occurrence will ensure that the contents of this order are adhered to when the reporting member of service is a civilian, and will enter the Intelligence Division Log number and Intelligence Division member notified in the Command Log.

All members of the service (uniformed and civilian) should become familiar with the contents of Interim Order, 28(04), "Communications Between The Intelligence Division And Units In The Field Regarding Suspected Terrorist Activity," and Activity Log insert, "POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)."

REGIONAL INTELLIGENCE SUPPORT CENTER ANALYST

5. Enter all available information into intelligence database and issue Intelligence Division Log number to member who reported the information.
6. Fax completed report of information received to command intelligence officer of command that reported the information.

7. Confirm receipt of report with command concerned by telephone and enter name of person confirming receipt on bottom of printout.

8. Forward any intelligence as follows:

a. Relating to suspected terrorists activity - Counter Terrorism Division.

b. Relating to vice, narcotics or organized auto theft - Vice, Narcotics or Auto Crime Division concerned, without delay. (In Staten Island, intelligence regarding auto crime should be forwarded to the Staten Island Auto Crime Squad.)

c. Organized crime as it relates to the private carting industry, city owned wholesale markets, and boats involved in off shore shipboard gambling emanating from New York City locations - Business Integrity Commission, (212) 676-6219, Monday through Friday, between 1000 and 1800 hours. After hours, contact OCID via the Organized Crime Control Bureau, Field Operations Desk at (646) 610-6610.

d. Sexual exploitation of children information - Sexual Exploitation of Children Squad, Vice Enforcement Division. Additionally, a telephone notification will be made to the Vice Enforcement Division 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, at (646) 610-7288, or (644) 610-6640, 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."

DESK OFFICER

9. Confirm receipt of faxed printout.

10. Forward printout to field intelligence officer.

FIELD INTELLIGENCE OFFICER

11. Review printout for accuracy and completeness.

a. Interview reporting officer to ascertain additional, relevant information or to clarify or explain, as necessary.

b. Notify the Intelligence Division of any additional information.

12. Confer with commanding officer on a regular basis regarding information obtained and reported.

13. Meet and confer with Intelligence Division liaison officer on a regular basis.

INTELLIGENCE DIVISION LIAISON OFFICER

14. Conduct necessary review and follow up on reported information.

15. Confer with field intelligence officers frequently regarding on-going investigations, crime trends or patterns, significant crimes, etc.

a. Notify field intelligence officers concerned when useful information is obtained regarding an ongoing investigation or crime pattern, etc., from a different NYPD command, another law-enforcement or confidential source, or as a result of analysis performed by the Intelligence Division.

NOTE: Intelligence Division liaison officers will meet on a regular basis with all field intelligence officers within area of assignment. In addition, Intelligence Division liaison officers will meet on a regular basis with other members of the Intelligence Division and query other sources within the NYPD and other agencies to identify trends, patterns or information relevant to ongoing investigations across the City and affecting other law-enforcement agencies and jurisdictions.

16. Confer frequently with Regional Intelligence Support Center 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.

REGIONAL INTELLIGENCE SUPPORT CENTER SUPERVISOR

17. Ensure that all intelligence reports generated by this process are forwarded to field intelligence officers and Intelligence Division liaison officers 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 Regional Intelligence Support Center will forward monthly reports to all commands concerned regarding the number of reports and type of intelligence received by the Intelligence Division pursuant to this procedure.

COMMANDING OFFICER, CRIMINAL INTELLIGENCE SECTION

19. Ensure timely reporting of useful intelligence to operational field commands under this procedure.

20. Ensure that all intelligence is filed chronologically within command and produced when necessary to aid an investigation or as otherwise required by law.

COMMANDING OFFICER, INTELLIGENCE DIVISION

21. Provide quarterly reports to the Chief of Department on the results of this procedure.

ADDITIONAL DATA

Members of the service who become aware of hidden compartments (traps) in specific vehicles, regardless of whether an arrest is effected, will comply with this procedure and report this information as criminal intelligence. In addition to any other information, the following data will be obtained and reported for entry into the Intelligence Database (I-Base):

- a. Year, make and model of vehicle (e.g., 1998 Nissan Maxima)
- b. Registration plate number
- c. VIN number
- d. Location of trap (e.g., passenger side airbag compartment, floorboard, etc.)
- e. Property in trap (e.g., guns, drugs, empty, etc.)

f. How trap is activated, if known (e.g., defroster "on", emergency brake "on", cigarette lighter "pushed in", cruise control "on", driver's seatbelt in "locked position")

g. Name/location of trap installer, if known (e.g., "JJ's Car Audio Systems, 1313 Tremont Avenue Bronx, N.Y.")

Nothing in this procedure alters the obligation of members of the service to report complaints of public morals, narcotics and organized crime related offenses to the Investigative Support Division of the Organized Crime Control Bureau (pursuant to P.G. 207-08, "Preliminary Investigation Of Vice, Narcotics Or Organized Crime Related Complaints").

Detectives assigned to the Intelligence Division are available twenty-four (24) hours a day to assist investigators and arresting officers in debriefing prisoners with regard to developing intelligence information.

The Intelligence Division may be contacted 24 hours a day at 1-877-4INTELL (1-877-446-8355). The Intelligence Division's 24-hour Regional Intelligence Support Center may also be contacted 24 hours a day through (646) 805-6000.

Members of the service also have the ability to contact the Regional Intelligence Support Center while in the field via the Mobile Digital Terminal (MDT) or the Mobile Digital Computer (MDC).

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)

Communications Between The Intelligence Division And Units In The Field Regarding Suspected Terrorist Activity (I.O. 28, c.s.)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

POSSIBLE INDICATORS OF TERRORIST ACTIVITY (PD378-111)

P.G. 212-13 Reporting Gang-related Criminal Activity

Date Effective: 01-01-00

PURPOSE

To establish and define the procedures required of uniformed members of the service for reporting gang-related criminal activity or suspected gangs or gang members.

DEFINITION

For the purpose of this procedure, the following definitions will be used:

GANG - A group of persons, with a formal or informal structure that includes designated leaders and members, that engages in or is suspected of engaging in unlawful conduct.

DRUG GANG - A gang as defined above that exists primarily for the purpose of distributing illegal narcotics and/or marijuana.

GANG RELATED INCIDENT - Any incident of unlawful conduct by a gang member or suspected gang member.

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 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 gang members to organize or take part in protests, marches, and other public events, self-styled "community" events organized by a gang, as well as any information useful in developing profiles and intelligence about gang activities.

PROCEDURE

Upon 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 ACTIVITY LOG (PD112-145), if appropriate.
4. Contact the Intelligence Division's Operations Desk immediately at (877) 4-INTELL (877-446-8355) or (718) 834-4301 [24 hours/7 days a week].
 - a. Provide all pertinent information to the Intelligence Division member accepting the report, along with the telephone number of the command/location calling from.
5. Prepare COMPLAINT REPORT WORKSHEET (PD313-152A) and/or ON LINE BOOKING SYSTEM ARREST WORKSHEET, as appropriate.

NOTE: If incident or information is not recorded on COMPLAINT REPORT or ON LINE BOOKING SYSTEM ARREST WORKSHEET, follow P.G. 212-12, "Citywide Intelligence Reporting System."

Gang related intelligence (not an incident or arrest) will be recorded as such, and will be reported to the Intelligence Division as per P.G. 212-12, "Citywide Intelligence Reporting System." This will insure proper information can be forwarded to all commands concerned. If the information received involves a drug gang, in addition to notifying the Intelligence Division, also notify the Organized Crime Control Bureau's Field Operations Desk at (212) 374-6620.

6. Be guided by direction given by the Intelligence Division member.

a. If requested, and when feasible, remain at command until Intelligence Division investigators arrive.

7. Provide full cooperation to Intelligence Division personnel conducting investigation of the reported gang incident.

8. Enter the following information in the "Details Section" of the COMPLAINT REPORT WORKSHEET (PD313-152A) and in "Box # 11" (when an arrest is made) of the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159):

a. Name of Intelligence Division member taking notification, and

b. Intelligence Division Log Number.

NOTE: Uniformed members of the service will also record in the "Details Section" of the COMPLAINT REPORT WORKSHEET the following :

a. If victim/witness has gang affiliation and name of gang

b. Perpetrator's gang affiliation and name of gang.

9. Enter the appropriate designated gang code on the COMPLAINT REPORT WORKSHEET in the caption which reads "Detective Squad Case Number":

a. Codes 30 (Gang-Motivated) or 31 (Gang-Related) for incidents occurring within the confines of Patrol Services Bureau Patrol Boroughs/S.A.T.COM. Brooklyn North (excluding Transit and Housing)

b. Codes 40 (Gang-Motivated) or 41 (Gang-Related) for incidents occurring within the New York City Transit System

c. Codes 50 (Gang-Motivated) or 51 (Gang-Related) for incidents occurring on New York City Housing Authority Developments or Properties.

NOTE: Desk officers will ensure that those members of the service assigned to the operation of the On Line Complaint System (OLCS) enter the aforementioned gang information and designated code in the appropriate fields.

10. FAX copy of completed COMPLAINT REPORT (PD313-152) to the Intelligence Division at (718) 625-3076.

NOTE: All uniformed members of the service, regardless of Bureau/District assignment (Patrol Services, Housing, Detective, Organized Crime Control, Transit, etc.) will be responsible for complying with the contents of this order, and telephone notification to the Intelligence Division. Clerical members assigned to precincts, transit districts, housing police service areas, detective squads, etc. will immediately

notify their command's desk officer when a walk-in complaint is received concerning a possible gang-related incident and be guided by this supervisor's instruction.

INTELLIGENCE DIVISION MEMBER ACCEPTING NOTIFICATION

11. Obtain as much information as possible from member of the service making notification.
12. Enter information on Intelligence Division Report of Possible Gang Incident.
13. Assign next Intelligence Division Log number to member making notification.
14. Obtain telephone number of location from which member is calling.
 - a. Advise member making notification to remain available, when feasible, if it appears additional information will be needed or if Gang Intelligence Unit personnel are responding to the member's location.

NOTE: If the member making the notification is about to end his/her tour, he or she will re-contact the Intelligence Division on their next available tour of duty, if necessary.

GANG INTELLIGENCE UNIT MEMBER

15. Notify Gang Intelligence supervisor immediately.
16. Review information received and confer with supervisor to determine whether immediate response to precinct/command of occurrence is necessary.
17. Notify, when appropriate, the member who made the original notification to the Intelligence Division.
 - a. Advise member that a team from the Gang Intelligence Unit is responding.
18. Obtain, prior to responding:
 - a. Any and all information on gang incidents or activity which may have previously occurred within subject area of precinct/command in question
 - b. Results of name checks on gang members involved in subject incident
 - c. Results of query to all pertinent Intelligence Division databases
 - d. Photographs of gang members involved.
19. Provide all pertinent intelligence to, and assist, arresting officer/precinct squad detective assigned.
20. Prepare COMPLAINT FOLLOW-UP (PD313-081) describing any intelligence gathered from the incident and attach photos of the subjects involved.
21. FAX copy of COMPLAINT REPORT and COMPLAINT FOLLOW-UP if prepared to Borough Gang Unit or Transit C.A.G.E. unit if appropriate.
22. Enter all information obtained during debriefing, etc. into pertinent Intelligence Division database(s).

UNIFORMED MEMBER OF THE SERVICE

23. Provide Gang Intelligence Unit member with all information available.

24. Permit Gang Intelligence Unit member to interview prisoner(s), complainant(s), witness(es), or other police officer(s).

25. Notify, when appropriate, Gang Intelligence Unit member of the:

- a. Name of the Assistant District Attorney assigned;
- b. Charges preferred against the defendant;
- c. Charges on any indictment;
- d. Amount of any bail;
- e. Next court date;
- f. Scheduling of each subsequent court appearance;
- g. Status of the prisoner;
- h. Final disposition.

NOTE: A uniformed member of the service will immediately notify both the Gang Intelligence Unit member and complainant if the defendant posts bail or is released from custody.

26. Submit all completed forms to desk officer for review.

PRECINCT/BUREAU DETECTIVE SQUAD MEMBER ASSIGNED

27. Keep the Gang Intelligence Unit informed of developments in the investigation, particularly those that may either support or disprove that the Incident was gang related or gang motivated.

28. Report disposition of case to the Gang Intelligence Unit.

NOTE: The Commanding Officer, Intelligence Division or his/her designee, will have sole authority to designate an incident as gang related or motivated. Whenever possible, this determination will be made within five (5) days from the date of occurrence. Once this determination is made, the Gang Intelligence Unit member assigned will notify the commanding officer, precinct of occurrence and the arresting officer or detective concerned, without delay.

PRECINCT/PSA/TRANSIT DISTRICT DESK OFFICER

29. Review and sign COMPLAINT REPORT WORKSHEET and (when an arrest is made) ON LINE BOOKING SYSTEM WORKSHEET, paying particular attention for notification to Intelligence Division and Gang Incident Log number.

PRECINCT YOUTH OFFICER

30. Review all COMPLAINT REPORTS/ARREST REPORTS with Gang Incident Log numbers, and all Gang Related Intelligence.

NOTE: The precinct youth officer will send notification to Youth Processing Unit whenever there is a gang member involved who is less than sixteen (16) years of age.

COMMANDING OFFICER, INTELLIGENCE DIVISION

31. Prepare and forward to the Chief of Department each month the following:

- a. A statistical report summarizing all gang-related/motivated incidents.

b. An analysis summarizing activity and trends concerning violent street gangs.

ADDITIONAL DATA

The Gang Intelligence Unit has a 24 hour, 7 day-a-week, response capability and can dispatch experienced detectives to debrief gang prisoners, and victims and witnesses of gang-related incidents. The Gang Intelligence Unit serves as the Department's central repository of intelligence on violent street gangs.

The Intelligence Division will ensure that any valuable criminal intelligence obtained regarding suspected gangs or gang members is rapidly disseminated to all units within the Department that can use this information to further their investigations and to reduce crime.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)

Guidelines for Uniformed Members of the Service Conducting Investigations of Unlawful Political Activities (P.G. 212-72)

Juvenile Reports (P.G. 215-08)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

JUVENILE REPORTS (PD377-151)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 212-14 Traffic Intelligence Report

Date Effective: 02-01-02

PURPOSE

To report traffic conditions that need to be addressed by the New York City Police Department or other outside agencies (i.e., accident-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 an accident-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
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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 (1) precinct serial number. The traffic safety officer will forward only one (1) TRAFFIC INTELLIGENCE REPORT to the borough traffic safety coordinator, but will indicate how many other REPORTS were received to report the same condition.

WHEN AN ACCIDENT-PRONE LOCATION HAS BEEN IDENTIFIED BY TAMS:

TRAFFIC SAFETY OFFICER

7. Conduct a survey of each accident-prone location to determine what specific factors contribute to a location's high accident rate.

8. Prepare TRAFFIC INTELLIGENCE REPORT as specified in step 2 above for each accident-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 Control Division 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 CONTROL DIVISION 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 at (718) 706-6062.

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 - 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)

P.G. 212-15 Lojack Stolen Vehicle Recovery System And Monthly Report

Date Effective: 01-01-00

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 (5) 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 (5) 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 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 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. 212-39, "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. 212-39, "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 dispatcher when a signal is lost, a vehicle is recovered, or when an arrest is effected.

14. Make an appropriate ACTIVITY LOG (PD112-145) 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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) that the vehicle was recovered using the Police Tracking Computer (PTC).

DESK OFFICER

17. Enter "LOJACK" on PROPERTY INDEX (PD542-104) when vehicle recovered using a Lojack Police Tracking Computer.

COMMANDING OFFICER

18. Ensure that the LOJACK MONTHLY REPORT (PD171-152) is forwarded to the Chief of Patrol, through channels, by the third (3rd) 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.

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 Division, if available to determine whether a search warrant should be obtained, or whether a COMPLAINT REPORT (PD313-152) should be prepared or the Intelligence Division 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 accident, 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.

In addition, the desk officer will now indicate "LOJACK" on the PROPERTY INDEX (PD542-104) indicating that the vehicle was recovered using a Lojack Police Tracking Computer. This will simplify the processing of retrieving information required for the LOJACK MONTHLY REPORT.

In addition, the desk officer will now indicate "LOJACK" on the PROPERTY INDEX (PD542-104) indicating that the vehicle was recovered using a Lojack Police Tracking Computer. This will simplify the processing of retrieving information required for the LOJACK MONTHLY REPORT.

The LOJACK MONTHLY REPORT will be forwarded by the third (3rd) 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 (1) 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. 212-39)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

LOJACK MONTHLY REPORT (PD171-152)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-147)

P.G. 212-16 Evacuations Of New York City Transit Trains

Date Effective: 01-01-00

PURPOSE

To provide procedures for the evacuation of trains.

DEFINITION

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 (24) 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

P.G. 212-17 Procedures At Scenes Of Critical Situations On New York City Transit

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)
Typed Letterhead

P.G. 212-18 Searches For Armed/Dangerous Persons On New York City Transit Tracks

Date Effective: 01-01-00

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. Commanding Officer, Special Operations Division, 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 (1) 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 (1) 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.

FIREARMS CONTROL - Firearms control requires that no member of the service on the scene will discharge a firearm unless and until directed to do so by the supervisory officer in charge, unless discharging a firearm is absolutely necessary for self-defense or the defense of another and there is no other alternative.

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

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.

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.

a. As soon as circumstances permit, designate one (1) 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.

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

Command Post Operations (P.G. 213-01)
Removal of Power In Subway (P.G. 212-24)

P.G. 212-19 Animals On New York City Public Transportation

Date Effective: 01-01-00

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 1050.0(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 and may usually be identified by a orange collar and/or leash
- d. Support or therapy dogs or other service animals that are trained to assist a person with a physical impairment and may usually be identified by a red collar and/or leash
- e. Guide dogs/service animals undergoing training by 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: There shall be no more than one (1) dog in a car during training.

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 Division, Transit Communications Unit, 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 & 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 & Control of New York City (A.C.&C.).

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 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 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 DIVISION, TRANSIT COMMUNICATIONS UNIT

[I.O. 43-1, c.s. 04] 5. Notify the Animal Care and Control of New York City (A.C.&C.) in cases of stray or injured animals at (212) 788-4000. In emergency situations between 2000 hours and 0800 hours weekdays, and twenty four (24) hours a day on weekends and holidays contact the Operations Division at (646) 610-5580.

NOTE: Operations Division personnel will then notify the A.C.&C. member who is on-call for emergencies who will respond and/or provide instructions.

6. Notify New York City Transit Maintenance-of-Way Department in cases where a dead animal is on the roadbed.

7. Notify New York City Transit Station Department to remove dead animal from the station to the street.

8. Notify the Department of Sanitation of street location where dead animal is to be removed.

9. Ensure that Emergency Service Unit vehicle equipped with a restraining device and tranquilizer gun is dispatched when it has been requested, and animal poses a safety hazard.

RELATED PROCEDURES

Personal Service of Summonses Returnable To Traffic Violations Bureau Or Criminal Court (P.G. 209-09)

Care and Disposition of Animals (P.G. 214-33)

P.G. 212-20 Ejection From New York City Transit Property

Date Effective: 01-01-00

PURPOSE

To provide procedures for uniformed members of the service having occasion to eject a passenger from New York City Transit property.

PURPOSE

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 ACTIVITY LOG (PD112-145) 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

ACTIVITY LOG (PD112-145)

TRANSIT SYSTEM EJECTION REPORT (PD372-140)

P.G. 212-21 Photography On The New York City Transit System

Date Effective: 01-01-00

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.

P.G. 212-22 Malfunction Of Transit Bureau Radio Network

Date Effective: 01-01-00

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:

RADIO DISPATCHER

1. Notify district/commands in affected area immediately, via telephone and OLTPS message, that the radios are inoperable.
2. Notify uniformed members of the service on patrol via radio and OLTPS, if it is known in advance, that maintenance work is to be performed in a particular area.
3. Notify uniformed members of the service assigned adjacent to the affected area of the condition.
4. Conduct a radio check of various units in strategic areas within the affected area when malfunction has been corrected.
5. Notify district desk officer when condition is corrected.

DISTRICT DESK OFFICER

6. Ensure that uniformed members of the service in affected area are notified to make hourly signals and to conduct all police business via telephone.
7. Assign uniformed members of the service to paired patrols until such time as the malfunction is corrected.

UNIFORMED MEMBER OF THE SERVICE

8. Make hourly signals to district office.
9. Keep radio in the "On" position in the event that radio repairs are made.
10. Attempt to contact the radio dispatcher via radio every half hour until the condition is corrected.
11. Notify radio dispatcher and the district desk officer, when condition is corrected.

ADDITIONAL DATA

New York City Police Department radios, other than those that come from the Transit Bureau, will not work underground (except for those few Manhattan stations equipped with underground repeaters).

P.G. 212-23 Inspection Of Rapid Transit Stations On Post

Date Effective: 01-01-00

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:

UNIFORM 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 all 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 WILL NOT enter until their departure, UNLESS informed of criminal activity therein.

3. Visit each station on post at least once, and as often as practicable, unless otherwise directed.
4. Make ACTIVITY LOG (PD112-145) 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 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 (1st) platoon that any post not inspected during the previous twenty-four (24) 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.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)

P.G. 212-24 Removal Of Power In Subway

Date Effective: 01-01-00

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

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 at (212) 374-5580 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 (718-243-8906/7) of any removal of power within the transit system which occurs as a result of police action.

- a. A second notification will be made upon restoration of power.

NOTE: Uniformed members of the service will not personally shut off power, unless there is a grave risk of IMMINENT danger to the officers concerned or to others and NO OTHER safe alternative is available.

WHEN IT IS NECESSARY TO IMMEDIATELY REMOVE POWER FROM TRACK AREA DUE TO IMMINENT DANGER:

UNIFORMED MEMBER OF THE SERVICE

13. Open emergency alarm box and pull lever down as far as it will go and release the lever (located in subway tunnels, spaced about 400 to 600 feet apart, beneath the blue light).

- a. Power on all tracks in the vicinity will be immediately turned off.

14. Use the telephone (located at the alarm box), immediately after removing power, to notify the Rapid Transit Operations Command Center Desk Superintendent of the situation.

NOTE: New York City Transit will automatically RESTORE THE POWER if notification is not made immediately.

15. Notify the radio dispatcher via radio, if telephone notification cannot be made, and request that immediate notification be made to the Desk Superintendent concerned.

NOTE: The train operator or conductor's New York City Transit radio can be used by police personnel for conducting direct communications with the Rapid Transit Operations Command Center.

The removal of power may be avoided, in many instances, by obtaining the cooperation of train motormen and riding in the lead cars of trains, in both directions, through the affected area to search for fleeing suspects.

PATROL SUPERVISOR/RANKING OFFICER IN CHARGE

16. Confer with a New York City Transit supervisor on the scene, after ensuring that all personnel are off the tracks, as to whether power can be restored immediately after the condition, which required the removal of power, has been corrected.

ADDITIONAL DATA

Members of the service are reminded that the NYC Transit has the capability of limiting the removal of power to the actual tracks involved in the critical incident. Turning off the power directly from the emergency alarm boxes will remove the power in both directions and on all tracks for several stations. This can cause a major tie-up on the subway system thereby creating other hazards. Therefore, when possible, all requests for the removal or restoration of third rail power will be made directly to the Rapid Transit Operations Command Center Desk Superintendent. This request can be made via the motorman's radio, Rapid Transit Operations Radio or if no other alternative exists by the radio dispatcher in the usual manner. In all cases, an immediate follow-up notification will be made to the Communications Division, Transit Communications Unit.

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)

P.G. 212-25 Revenue Escorts

Date Effective: 01-01-00

PURPOSE

To provide procedures for performing revenue escorts.

PROCEDURE

When post or sector assignment includes a scheduled New York City Transit revenue escort, upon arrival at station:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain from railroad clerk the exact time of the scheduled escort.
2. Report to booth five (5) minutes prior to the time of the escort.
3. Walk approximately five (5) feet behind the railroad clerk and to the side where clerk is carrying revenue.
4. Keep hand on firearm with glove off.
 - a. Remain alert at all times.

NOTE: Uniformed members of the service equipped with traditional revolver holster shall break safety seam.

5. Make ACTIVITY LOG (PD112-145) entries, upon completion of revenue escort.
6. Contact the district desk officer and be guided by instructions, if revenue escort is not ready to leave at scheduled time.
7. DO NOT carry New York City Transit revenue or any other articles that could impede the safety of the escort, under any circumstances.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 212-26 Inspection Of New York City Housing Authority Facilities

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) entries.
3. Frequently inspect security of NYCHA facilities on assigned post during tour of duty.
 - a. Make appropriate 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 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

ACTIVITY LOG (PD112-145)
COMPLAINT REPORT (PD313-152)

P.G. 212-27 Record Room Blotter

Date Effective: 01-01-00

PURPOSE

To record all visits to Record Rooms by members of the service and any important information relating to patrol conditions at Housing Authority locations.

DEFINITION

RECORD ROOM BLOTTER - A bound ledger 7-1/2" x 12" with pre-numbered pages 1 to 500. Each page divided into three (3) vertical columns.

PROCEDURE

When a uniformed member of the service is assigned to a Housing Authority location and/or visits a Record Room during a tour of duty:

UNIFORMED MEMBER OF THE SERVICE

1. Make all entries in Record Room Blotter in black ink using a ballpoint pen.
2. Enter on the inside cover, prior to the first page, the date opened, the date closed, and the rank, name and shield number of the uniformed member of the service who opened and closed the blotter.
3. Enter the day of the week and the date, on the first writing page, on the first writing line.
 - a. Begin a new page each day beginning at 0001 hours.
 - b. Close out previous day's entries by drawing a diagonal line from left to right, top to bottom on the last page used and initial same.
4. Do not skip pages or lines.
5. Do not make erasures.
 - a. Corrections must be legible and shall be made by drawing a single horizontal line through the entry to be corrected and initialing it.
 - b. Place the correct entry directly beneath the corrected entry.
6. Draw a horizontal line midway between the last writing line of the entry and the first new writing line, after completion of an entry.
7. Begin any new entry directly beneath the previous entry.
8. Record all entries in chronological order as follows:
 - a. Column I - Enter the exact time of the entry.
 - b. Column II - Enter the word "NOTIFICATION" when an entry relates to information passed on or received from competent authority.
 - (1) Enter the COMPLAINT REPORT (PD313-152) number, FIELD REPORT (PD313-1511) number, or other available report number, when the entry to follow is in reference to same.

c. Column III - Enter rank, name, shield number and a concise summary of the reason for entry.

UNIFORMED MEMBERS ASSIGNED TO FOOT OR SCOOTER PATROL AT A HOUSING AUTHORITY LOCATION SHALL:

UNIFORMED MEMBER OF THE SERVICE

9. Enter time, rank, shield number and specific roll call information, i.e., post, ring, meal and relief, in blotter, immediately upon arrival at Record Room.

10. Record, in the blotter, immediately upon entering the Record Room, each time entry is made into the Record Room, specifying time and reason for the entry (e.g., meal, clerical, etc.).

NOTE: The following information will be recorded in the blotter:

- a. All facilities checked.
- b. All civilians entering the Record Room, by name.
- c. All important information relating to patrol conditions.

11. Sign out of the blotter within a reasonable period of time after each entry into the Record Room.

NOTE: All other members of the service, including supervisors, must record all visits to a Record Room by signing the blotter immediately upon arrival at a Record Room, indicating the time and the reason for the visit.

- a. Such members shall sign out of the blotter within a reasonable period of time.

PATROL SUPERVISOR

12. Ensure that all Record Room Blotter entries are accurate and correct.

13. Have all completed Record Room Blotters delivered to the appropriate police service area command, by the member of the service who completes same.

- a. Ensure that there is a new blotter available for use at all times.

ADDITIONAL DATA

Blotters shall be stored at the concerned police service area command with the binding up and a gummed label affixed to the binding indicating:

- a. Name of development.
- b. Opening date.
- c. Closing date.
- d. Blotter number.

ALL Record Room Blotter entries MUST be made in the member's own handwriting.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

FIELD REPORT (PD313-1511)

P.G. 212-28 Disabled Housing Authority Elevator Car With Passengers

Date Effective: 01-01-00

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 (PD313-1511) and AIDED REPORT WORKSHEET (PD304-152b), if necessary, upon completion of assignment.

a. Include names and addresses of passengers and names and shield numbers of responding Emergency Service personnel.

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 N.Y.C.H.A. Involved."

RELATED PROCEDURES

Housing Bureau - Accidents N.Y.C.H.A. Involved (P.G. 217-11)

FORMS AND REPORTS
AIDED REPORT WORKSHEET (PD304-152b)
FIELD REPORT (PD313-1511)

P.G. 212-29 Firearms Discharge By Uniformed Members Of The Service

Date Effective: 01-01-00

PURPOSE

To record and evaluate incidents in which uniformed members of the service discharge firearms.

NOTE: 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 at a firearms safety station within a Department facility. See ADDITIONAL DATA for accidental firearms discharge at a firearms safety station.

DEFINITION

PATROL BOROUGH SHOOTING TEAM - Consists of, on an ad hoc basis, personnel assigned to the Borough Investigations Unit, Detective Bureau, Emergency Service Unit, community affairs officers, precinct patrol supervisors and precinct police officers.

SHOOTING TEAM LEADER - Each patrol borough shooting team will have as its leader one (1) of the following ranking officers: Commanding Officer, Borough Investigations Unit or, one (1) of the number of captains designated by the borough commander and approved by the Chief of Department.

NOTE: When appropriate, the shooting team leader can request the assistance of personnel assigned to the Internal Affairs Bureau, Office of Deputy Commissioner - Public Information, Office of Deputy Commissioner - Community Affairs, Office of Deputy Commissioner - Legal Matters, etc. However, in all cases involving an injury as a result of a firearms discharge, a notification regarding the incident must be made to the Internal Affairs Bureau, Command Center. Additionally, borough commanders will implement a plan to equitably distribute shooting investigations among shooting team leaders and ensure their availability, whether on or off duty, at all times.

INVESTIGATING OFFICER - Shooting team leader conducts investigation, whenever a uniformed member of the service discharges a firearm, and signs required report, under the supervision of:

- a. Duty inspector when no personal injury occurs or when a perpetrator or bystander sustains a non-serious firearms injury
- b. Duty chief when anyone is killed or seriously injured by gunshot or a uniformed member of the service is injured by gunshot.

NOTE: When no shooting team leaders are on duty and a uniformed member of the service discharges a firearm which results in an injury, the patrol borough concerned will activate a shooting team leader from off-duty. In such cases, the precinct commanding officer/duty captain will respond to the scene and take charge of the investigation. When the shooting team leader arrives, the leader will be briefed by the precinct commanding officer/duty captain and will thereupon assume responsibility for the investigation (see Appendix "A").

Commanding/executive officer, precinct of occurrence/duty captain conducts investigation and signs required report, under the supervision of the duty inspector, whenever a uniformed member of the service discharges a firearm under circumstances where there:

- a. Is no injury to a person, and

b. No shooting team leaders on duty. (Commanding officers of Transit Bureau districts and Housing Bureau police service areas where the incident occurred, if on duty at the time of the shooting, will perform this function when the shooting involves uniformed members of the service within their respective jurisdictions (see Appendix "A").

Interim and final reports on firearm discharges, initially reported by shooting team leaders, will be the responsibility of the Commanding Officer, Patrol Borough Investigations Unit. The commanding officer, precinct of occurrence, will be responsible for interim and final reports initially investigated by non-shooting team ranking officers (see Appendix "A").

PROCEDURE

When a uniformed member of the service discharges a firearm either on or off-duty:

UNIFORMED MEMBER OF THE SERVICE

1. Request patrol supervisor, and:

- a. Call for ambulance and render assistance to injured, if necessary
- b. Safeguard the scene.

NOTE: If firearm is discharged outside New York City, uniformed member of the service concerned will promptly report discharge to local police authorities and the Operations Unit, either personally or by responsible messenger. Pursuant to the investigation of these incidents, investigating officers may use Department vehicles without obtaining prior permission, if responding outside the City but within the residence counties. Incidents occurring outside the City but within the residence counties will be investigated as follows:

a. Patrol Borough Bronx will assign an investigating officer to conduct investigations in Westchester, Rockland, Orange or Putnam Counties.

b. Patrol Borough Queens South and Patrol Borough Queens North will alternately assign an investigating officer to conduct investigations in Nassau or Suffolk Counties.

PATROL SUPERVISOR

2. Respond to scene and take command.

- a. Establish crime scene, if necessary
- b. Notify the desk officer.

DESK OFFICER

3. Notify precinct commanding officer/executive officer, Operations Unit and patrol borough command, without waiting for details.

a. Notify Internal Affairs Bureau, Command Center, immediately, if an injury is involved.

OPERATIONS UNIT

4. Notify duty chief.

PATROL BOROUGH COMMAND

5. Notify:

- a. Duty inspector
- b. Appropriate investigating officer, i.e., duty captain, shooting team leader.

DUTY INSPECTOR

6. Respond to scene, and:

- a. Confer with commanding officer or executive officer/duty captain/shooting team leader.

INVESTIGATING OFFICER

7. Respond to scene and conduct investigation.

8. Notify District Attorney's Office in all shooting cases.

- a. Confer with District Attorney before interviewing uniformed member(s) of the service.

NOTE: Unresolved issues with the District Attorney will be brought to the attention of the duty inspector/duty chief and be guided by their direction.

9. Interview:

- a. Witnesses
- b. Other persons involved
- c. Uniformed member concerned, if appropriate.

10. Direct patrol supervisor to inspect firearms for evidence of recent discharge (i.e., presence of spent rounds).

- a. Have Firearms Analysis Section notified if firearm was discharged.

NOTE: If anyone was injured as a result of police firearms discharge, direct patrol supervisor to secure all weapons that were discharged. A member assigned to the Borough Investigations Unit will transport the firearm(s) to the Firearms Analysis Section.

11. Direct uniformed member concerned to prepare FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151).

- a. Direct patrol supervisor to prepare REPORT, if uniformed member concerned is incapacitated.

12. Assign uniformed member(s) of the service involved, temporarily, to patrol borough office of assignment, or counterpart, for a minimum of three (3) consecutive scheduled tours (exclusive of sick time or regular days off), if firearms discharge causes death or injury.

13. Notify Operations Unit and patrol borough command of details of investigation and temporary assignment of uniformed member concerned, if such assignment was made.

14. Prepare report on Typed Letterhead, addressed to the Chief of Department, based on "Firearms Discharge Manual, A Guide to the Preparation of a Shooting Incident Report."

a. Include findings as to whether firearms discharge was within or outside Department guidelines, if investigation is completed, and

b. Include any recommendations, as per the following schedule:

(1) FINDINGS

(a) No violation of Department firearms guidelines

(b) Violation of Department guidelines

(c) Accidental discharge - violation

(d) Accidental 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: Ordinarily, there will be one (1) "finding" per firearms discharge incident and one (1) or more "recommendations" about follow-up action to be taken. However, an incident involving multiple firearms discharges by an individual uniformed member of the service may have more than one (1) "finding." For example, an incident wherein two (2) rounds are fired may have a "finding" that one (1) discharged round was "No violation of Department firearms guidelines," and the other fired round was a "Violation of Department guidelines." In these split "findings" cases, the investigating officer will clearly specify the nature of each fired round.

In many cases the investigating officer'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 erratic, 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 in its "Miscellaneous" section.

c. Indicate in report the time and date uniformed member concerned was temporarily assigned to patrol borough/counterpart command.

15. Review and sign report.

a. Distribute as follows:

(1) Original and first copy - to Chief of Department's Investigation Review Section, Firearms Discharge Review Board, Room 1100A, Police Headquarters, DIRECT.

(a) Attach first copy of FIREARMS DISCHARGE/ASSAULT REPORT.

[I.O. 21 s 04] (2) Copy - Deputy Commissioner, Strategic Initiatives, (if death or injury) Deputy Commissioner, Training

Chief of Department

Chief of Patrol

Chief of Housing Bureau, if appropriate

Chief of Personnel

Chief of Transportation, if appropriate

Commanding Officer, Firearms and Tactics Section

Patrol borough commander

Uniformed member's commanding officer, if other than precinct of occurrence.

16. Distribute remaining copies of FIREARMS DISCHARGE/ASSAULT REPORT, as indicated on form.

PATROL BOROUGH/COUNTERPART COMMANDER

17. Prepare report on Typed Letterhead for bureau chief concerned reviewing temporary assignment of uniformed member(s) of the service concerned.

a. Recommend continuance or discontinuance, as appropriate.

NOTE: Uniformed member(s) of the service involved in such incidents will not be returned to permanent command without prior approval of Chief of Department.

COMMANDING EXECUTIVE OFFICER, MEMBER CONCERNED

18. Conduct informal interview 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, Employee Relations Section (see P.G. 205-08, "Trauma Counseling Program").

19. Conduct a follow-up interview of the uniformed member concerned within twenty-four (24) to forty-eight (48) hours.

a. Observe uniformed member's post trauma reaction.

b. Repeat offer of the Counseling Services Unit services.

COMMANDING OFFICER, BOROUGH INVESTIGATION UNIT/PCT OF OCCURRENCE

20. Prepare final report on Typed Letterhead within ninety (90) days of the incident.

a. Submit interim reports on a monthly basis, if unable to comply within ninety (90) days, indicating reason for delay, e.g., District Attorney requested delaying interview of uniformed member(s) concerned, etc.

b. Include, in the final report, all information not available at the time of the initial report, and

- (1) Findings and recommendations
- (2) Medical Examiner's report
- (3) Ballistics report
- (4) Department Gunsmith's report (accidental 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) District Attorney/grand jury findings, if applicable
- (8) Internal Affairs Bureau findings, if applicable.

21. Forward report to Chief of Department, as follows:

- a. Original - DIRECT to Chief of Department's Investigation Review Section
- b. Duplicate - through channels.

NOTE: The Commanding Officer, Investigation Review Section will note all cases not finalized by the first anniversary of their occurrence due to a District Attorney's request to refrain from interviewing the uniformed member of the service under P.G. 206-13, "Interrogation of Members of the Service." A report of these cases will be forwarded to the Deputy Commissioner-Legal Matters. The Deputy Commissioner-Legal Matters will confer with the appropriate District Attorney to expedite judicial proceedings so that the shooting investigation can be finalized without undue delay. The Deputy Commissioner-Legal Matters will report the results of his/her conferral on Typed Letterhead to the Chief of Department.

PATROL BOROUGH COMMANDER

22. Call meeting of borough Firearms Discharge Review Board on a monthly basis.

BOROUGH FIREARMS DISCHARGE REVIEW BOARD

23. Review incident and sustain/alter findings and recommendations previously made.

24. Prepare report, addressed to the Department Firearms Discharge Review Board, containing findings and recommendations per the schedule in step 14.

NOTE: Each member must sign report.

PATROL BOROUGH COMMANDER

25. Endorse findings and recommendations to Chief of Department's Firearms Discharge Review Board including:

- a. Summary of findings
- b. Indication of concurrence with findings and recommendations
- c. Current duty status and assignment of uniformed member(s) concerned.

ADDITIONAL DATA

FIREARMS DISCHARGE BY UNIFORMED MEMBERS OF THE SERVICE

Investigating officers conducting the preliminary investigation will attempt to ascertain and note in the preliminary report on Typed Letterhead, any action, statement, clothing or equipment utilized by civilian clothed, uniformed members of the service concerned to identify the uniformed member(s) as police officers (see step 13, "Firearms Discharge Manual," [M.O.S. Description]). Additionally, the investigating officer preparing the final report on Typed Letterhead will include any additional information concerning identification which is obtained during the course of the subsequent investigation, including information obtained through interviewing civilian witnesses and/or the uniformed member(s) concerned, pursuant to the provisions of P.G. 206-13, "Interrogation of 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 at a safety station within a Department facility does not require a report based on the "Firearms Discharge Manual" as per step 14 of this procedure, it does require a brief report by the uniformed member's commanding officer to the Commanding Officer, Firearms and Tactics Section.

In all cases of firearms discharge, the firearm of the uniformed member concerned will be delivered to and examined by the Firearms Analysis Section. If accidental discharge of a firearm is alleged, the investigating officer will direct that after Firearms Analysis Section examination, the firearm be delivered to the Firearms and Tactics Section, Outdoor Range, at Rodman's Neck for examination by a Department gunsmith. Department gunsmiths are available Monday to Friday, 0730 to 2300 hours. Uniformed member(s) concerned will not use the firearm(s) in question until such examination is completed (see P.G. 204-12, "Repair/Replacement of Authorized Firearms"). If uniformed member's service revolver/pistol has accidentally discharged and the incident occurs when a Department gunsmith is not available, the uniformed member concerned will be assigned to non-enforcement duty pending repair or replacement of the firearm. The FIREARMS DISCHARGE/ASSAULT REPORT is the primary method used by the Department to gather intelligence information regarding incidents which are life-threatening for police officers. The effectiveness of tactics training in identifying dangerous new criminal practices and in promoting safe new habits by uniformed members of the service depends upon the accuracy and completeness of these reports.

FIREARMS DISCHARGE INVESTIGATIONS-ACCIDENTAL DISCHARGES AND SELF-INFLICTED WOUNDS

During the initial investigation of an incident involving a firearm discharge by a member of the service), information sometimes indicates that the firearm was discharged under accidental circumstances (with or without injury or death), or may have apparently been a self-inflicted wound. In all such cases, the ranking officer responsible for conducting the investigation must determine whether the firearms removal procedure (P.G. 206-17, "Removal And Restoration Of Firearms) would be appropriate.

All firearms discharge investigation reports under accidental circumstances shall include a finding and recommendation under Miscellaneous Information (Para. 25 - standard format) whether or not the member's firearms should be removed. In all cases of apparently self-inflicted wounds, absent mitigating circumstances, firearm removal is mandatory.

Members do not have to be suspended or placed on modified assignment in order to have their firearms removed. When the ranking member conducting the investigation determines that a firearms removal is appropriate, P.G. 206-17, "Removal And Restoration Of Firearms," shall be followed.

The circumstances of each case shall be judged on their own merit. Factors such as on/off duty status, fitness for duty, contributing circumstances (e.g., struggle with suspect), shooting range incidents etc., shall be considered in making a determination about the necessity of firearms removal.

When firearms removal would not be appropriate, if an accidental discharge of a firearm is alleged, the investigating officer will direct that after ballistics examination, the firearm be delivered to the Firearms and Tactics Section, Outdoor Range, at Rodman's Neck for examination by a department gunsmith (gunsmiths are available Monday to Friday, 0730 to 1530 hours). Members concerned will not use firearm in question until such examination is completed (see P.G. 204-12, "Repair/Replacement of Authorized Firearms"). If member's service firearm has accidentally discharged and the incident occurs when a department gunsmith is not available, such member will be assigned to non-enforcement duty pending repair or replacement of the firearm.

In all firearm discharge cases, the ranking investigator shall determine whether a referral should be made to the Early Intervention Unit, Counseling Service, or Trauma Counseling Program. When a member is shot, or causes, accidentally or otherwise, serious injury or death to another, the member will be referred to the Trauma Counseling Program.

All uniformed members of the service who discharge a firearm, on or off duty, at other than an approved firing range, 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

- Interrogation of Members of the Service (P.G. 206-13)
- Line of Duty Injury or Death Occurring Within City (P.G. 205-05)
- Line of Duty Injury or Death Occurring Outside City in Residence Counties (P.G. 205-06)
- Removal and Restoration of Firearms (P.G. 206-17)
- Trauma Counseling Program (P.G. 205-08)
- Repair/Replacement of Authorized Firearms (P.G. 204-12)
- Boards and Committees (O. G. 101-23)

FORMS AND REPORTS

- FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151)
- Typed Letterhead

RESPONSIBILITY FOR SHOOTING INVESTIGATION

	Type of Shooting	
	No Injury	Injury Initial Report
Duty Captain	See Note.	No. However, he/she will promptly respond to scene and initiate investigation until the arrival of the Shooting Team Leader.
Shooting Team Leader	Yes, if on duty at time of the firearm discharge.	Yes.
C.O. (X.O.) of Housing Bureau PSA (Area of	See Note.	No. However, if on-duty, he/she will promptly

Occurrence)

respond to scene and initiate investigation with the assistance of the Duty Captain until the arrival of the Shooting Team Leader.

C.O. (X.O.) of Transit District (Area of Occurrence) See Note

No. However, if on-duty he/she will promptly respond to scene and initiate investigation with the assistance of the Duty Captain until the arrival of the Shooting Team Leader.

NOTE: All firearms discharges by uniformed members of the service will be investigated by a Shooting Team Leader if one is on duty at the time of the shooting. If none is on duty and anyone is injured by a firearms discharge, the borough will activate a Shooting Team Leader from off duty status. If none is on duty and no one has been injured, the investigation will be conducted by the duty captain concerned. (This function will be performed by the Commanding Officer or Executive Officer, precinct of occurrence, if he/she is on duty. In addition, non-injury shootings involving on duty uniformed members of the service assigned to the Housing Bureau and Transit Bureau, when occurring on Housing or Transit facilities, will be conducted by the Commanding Officer of the PSA concerned or the Commanding Officer of the transit district concerned if he/she is on duty at the time of the shooting.) Further, if an incident involves firearms discharges by multiple officers assigned to the Housing Bureau or Transit Bureau and other Department bureaus, the investigation will be conducted by the Patrol Services Bureau Duty Captain.

Interim and final reports relative to police shootings will be prepared by:

The Commanding Officer, Borough Investigations Unit concerned whenever the initial report is prepared by a Shooting Team Leader. The Commanding Officer, precinct of occurrence whenever the initial report is prepared by a non-Shooting Team Leader.

P.G. 212-30 Uniformed Member Of The Service Fired Upon, Subject Of Assault, Harassment, Menacing Or Reckless Endangerment, While Performing Lawful Duty

Date Effective: 01-01-00

PURPOSE

To record and evaluate incidents when a uniformed member of the service is fired upon, but no police firearms use occurs, or is the subject of an assault, harassment, menacing, or reckless endangerment, while performing lawful duty, either on or off duty.

PROCEDURE

When a uniformed member of the service is fired upon, but no use of police firearms occurs, or is the subject of an assault, harassment, menacing or reckless endangerment, either on or off duty:

UNIFORMED MEMBER OF THE SERVICE

1. Promptly notify desk officer, precinct of occurrence.
2. Request response of patrol supervisor.

DESK OFFICER

3. Notify precinct commander/duty captain, Operations Unit, and patrol borough command, without waiting for full details.

COMMANDING OFFICER/DUTY CAPTAIN

4. Respond to scene and conduct investigation.
5. Direct uniformed member concerned to prepare FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151).
 - a. Direct patrol supervisor to prepare a report of incident, if uniformed member is incapacitated.
6. Prepare report on typed letterhead, addressed to the Chief of Department, Investigation Review Section.
 - a. Attach first copy of FIREARMS DISCHARGE/ASSAULT REPORT.
 - b. Forward copies of report, through channels.

ADDITIONAL DATA

The FIREARMS DISCHARGE/ASSAULT REPORT is the primary method used by the Department to gather intelligence information regarding incidents which are life-threatening for police officers. The effectiveness of tactics training in identifying dangerous new criminal practices and in promoting safe new habits by uniformed members of the service depends upon the accuracy and completeness of these reports.

RELATED PROCEDURES

Firearms Discharge By Uniformed Members Of The Service (P.G. 212-29)

FORMS AND REPORTS

FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151)

P.G. 212-31 Threats Against Members Of The Service

Date Effective: 01-01-00

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 Division, Operations Unit immediately (available twenty-four [24] hours a day at [718] 834- 4301) for debriefing and assessment of threat precautions to be implemented, if necessary.

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 Division, Threat Assessment Unit.

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 (1) copy - DIRECT

b. One (1) copy - THROUGH CHANNELS

c. One (1) copy and copy of COMPLAINT REPORT to Intelligence Division, Threat Assessment Unit - 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, THREAT ASSESSMENT UNIT

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 Threat Assessment Unit 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."

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, Threat Assessment Unit.

COMMANDING OFFICER, THREAT ASSESSMENT UNIT

29. Review recommended personal security measures.

a. Forward, with additional recommendations if any, to Commanding Officer, Intelligence Division.

COMMANDING OFFICER, INTELLIGENCE DIVISION

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 Threat Assessment Unit, as necessary.

BOROUGH COMMANDER/COUNTERPART

32. Monitor progress of on-going investigations.

33. Consult with Commanding Officer, Intelligence Division, regarding continuing personal protective measures afforded uniformed members residing or assigned within borough.

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 Organized Crime Control Bureau, Fugitive Enforcement Division, Street Crime Unit, borough task force and other patrol and specialized resources to attack the condition, criminal organization or enterprise from which the threat emanates, if applicable.

DETECTIVE ASSIGNED, THREAT ASSESSMENT UNIT

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 Division, Threat Assessment Unit. Upon such referral, the Threat Assessment Unit 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 not reside within the City, the Intelligence Division, Threat Assessment Unit, 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.

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 Division, Threat Assessment Unit 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 Division, Threat Assessment Unit, 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 Division, or as directed by higher authority.

[I.O.49 s 01] 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)

P.G. 212-32 Off Duty Incidents Involving Uniformed Members Of The Service

Date Effective: 01-01-00

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.

COMMANDING OFFICER/COUNTERPART

6. 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.

RELATED PROCEDURES

Interrogation of Members of the Service (P.G. 206-13)
Unusual Occurrences (P.G. 212-09)

P.G. 212-33 Confrontation Situations

Date Effective: 01-01-00

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 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 armed person is observed will be called the challenging officer.

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.

PROCEDURE

When on duty personnel, whether uniformed or civilian clothed, respond to a scene and challenge an unidentified armed 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.

NOTE: 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. Utilize any cover available (car, garbage can, lamppost, mailbox, etc.). Any object is a form of protection, even though its value might be only of a concealment nature. Members of the service who perform duty in civilian clothes should ensure that they are aware of the "color of the day" and that it is displayed in a conspicuous manner.

2. Identify self, in a loud clear voice, stating "Police! Don't move."

NOTE: Avoid using directives which are contradictory such as, "Don't move and raise your hands." This will only confuse the person. Avoid using slang terms such as "Freeze" or "Hold It." Additionally, avoid using stereotypes which are based on a person's race, color, ethnicity, hairstyle, clothing or physical appearance. Remember, the Department is multicultural, and stereotypes based on the above WILL NOT BE USED TO JUSTIFY YOUR ACTIONS.

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.

NOTE: Civilian clothed uniformed members of the service should make it a practice to carry their shields in a pocket opposite their shooting hands. Remember, the IDENTIFICATION CARD (PD416-091) is the primary form of identification and must always be carried, but the shield need not be carried when an officer is not armed.

CONFRONTED OFFICER

6. Inform challenging officer of exact location of identification before moving.
7. Produce identification slowly, in a controlled manner, without unnecessary movement.

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 ACTIVITY LOG (PD112-145) entry.

CHALLENGING OFFICER

12. Request patrol supervisor of precinct of occurrence and supervisory officer of on duty member to respond.

RESPONDING SUPERVISOR

13. Have members involved report to stationhouse of precinct of occurrence.

NOTE: If confrontation occurs inside a Department building or other Department facility, the supervisor who responds will direct all officers involved to report to the office of the commanding officer of the building/facility.

COMMANDING OFFICER, PRECINCT OF OCCURRENCE/DEPARTMENT 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 O.E.E.O., during business hours, or the next business day, Monday through Friday, 0800 and 1800 hours, at telephone number (212) 374-5330. (If during non-business hours, leave message on answering machine and an O.E.E.O. representative will contact caller.)

a. Obtain O.E.E.O. case number.

19. Confer with personnel officers and/or personnel assigned to Employee Relations Section, if appropriate.

20. Prepare report and include:

- a. O.E.E.O. 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. Office of Equal Employment Opportunity, 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.

ADDITIONAL DATA

A member who is dissatisfied with the final determination of the commanding officer may request the commanding officer of the next higher command to review the matter. The reviewing commander will notify the Office of Equal Employment Opportunity immediately, by telephone, of such review (refer to O.E.E.O. case number) and any change in final decision. In addition, reviewing officer will forward report within five business days to O.E.E.O. detailing changes in final decision.

Supervisors of uniformed members of the service who perform enforcement duty in civilian clothes should ensure that their subordinates are made aware of the "color of the day" at the commencement of their tours of duty.

FORMS AND REPORTS
ACTIVITY LOG (PD 112-145)

P.G. 212-34 Probationary Police Officer, Police Eligible Or Civilian Employee Involved In A Police Incident

Date Effective: 01-01-00

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. Have three (3) copies of report prepared on Typed Letterhead, containing all pertinent information.

4. Forward one (1) copy of report to:

- a. Commanding Officer, Medical Division, when person is on a police eligible list.
- b. Commanding Officer, Performance Analysis Section, for probationary police officers or civilian employees.

(1) If probationary police officer is assigned to the Police Academy, forward duplicated copy of report to Commanding Officer, Police Academy AND notify Recruit Operations Unit at (212) 477-9721.

- c. Commanding Officer, Applicant Processing Division, if incident involves a police eligible.

5. File remaining copy.

ADDITIONAL DATA

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

P.G. 212-35 Incidents Involving Enforcement Personnel Of Other Agencies

Date Effective: 01-01-00

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 [24] hours), if allegation of unnecessary force is made (see P.G. 207-31).
6. Notify precinct commander/duty captain and:
 - a. The Department of Transportation Central Communications telephone number (212) 442-7070/7120, if incident involves Department of Transportation Highway Inspection/Quality Assurance inspector or Department of Transportation Parking Control Unit agent.
 - b. The Sanitation Enforcement Headquarters Division: (718) 373-3870 (0600 x 1600 hours/7 days) (if closed, notify Sanitation Bureau Operations Office: [212] 788-4043/4045) if incident involves Sanitation Department enforcement personnel.

NOTE: Detective squad member will make the above notifications if, while conducting an official investigation involving enforcement personnel of the specified agencies, a complaint of unnecessary force is alleged or it appears an arrest must be made or a summons issued to the enforcement agent.

PRECINCT COMMANDER/DUTY CAPTAIN

7. Conduct investigation.
8. Confer with supervisory/managerial personnel of enforcement personnel involved.
9. Prepare three (3) 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 PROCEDURES

Processing Civilian Complaints (P.G. 207-31)

FORMS AND REPORTS

DESK APPEARANCE TICKETS (PD260-121)

Typed Letterhead

P.G. 212-36 Incidents Involving Former/Retired Members Of The Service Or Off Duty/Retired Federal, State And City Law Enforcement Agents Authorized To Carry A Weapon

Date Effective: 01-01-00

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 accidents, 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 PROCEDURE

Confrontation Situations (P.G. 212-33)

Pistol License Verification (P.G. 212-84)

Removal of Firearms from Intoxicated Member of the Service (P.G. 206-12)

Incident Involving Pistol Licensee (A.G. 321-07)

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)

P.G. 212-37 Hazardous Materials

Date Effective: 01-01-00

PURPOSE

To protect persons from the effects of hazardous materials.

DEFINITION

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.

[Rev 02-01] 2. Establish minimum "frozen areas" as follows:

- a. Outdoors - At least 300 feet 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.

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.

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.

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 Control Division 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 Control Division 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, if substance enters sewer system, 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 not 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, in all cases, 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
- 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.

OFFICER 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 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 (2) or more (each member of the group must be designated to observe the activities of at least one (1) 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 immediately 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 (1) 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)

Mayor's Plan for Coordinated Action at Emergencies (A.G. 316-06)

P.G. 212-38 Hostage/Barricaded Person(S)

Date Effective: 01-01-00

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 (2) 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. Commanding Officer, Special Operations Division, 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 (1) 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 (1) 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.

FIREARMS CONTROL - Firearms control requires that no member of the service on the scene will discharge a firearm unless and until directed to do so by the supervisory officer in charge, unless discharging a firearm is absolutely necessary for self-defense or the defense of another and there is no other alternative.

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 that the patrol supervisor, Emergency Services Unit, and hostage negotiation team respond.
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.

4. 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.

5. Refrain from any action which would unnecessarily jeopardize the safety of the hostage.

6. 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

7. Assume command of the situation.
8. Ensure that all members of the service present are directed to maintain firearms control.

- a. As soon as circumstances permit, designate one (1) 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.

PATROL SUPERVISOR

9. Assess situation and ensure sufficient patrol response pending arrival of Emergency Service Unit.

10. Verify that Emergency Service Unit and Hostage Negotiation Team are responding.

11. Request response of precinct commander/duty captain.

12. 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.

13. 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.

14. Establish field command post outside of inner perimeter and the potential line of fire.

15. 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 COMMANDER/DUTY CAPTAIN

16. Assume command of the incident.

17. Ascertain that firearms control has been established.

18. Confer with patrol supervisor and Emergency Service Unit Supervisor to determine if sufficient personnel are present to maintain inner and outer perimeters.
19. Ensure that field command post is established outside inner perimeter and potential line of fire.
20. Assign sufficient personnel to maintain outer perimeter.
21. Have duty inspector and patrol borough commander or duty chief notified to respond in verified hostage or barricade situation.

EMERGENCY SERVICE UNIT SUPERVISOR

22. Ensure that a clearly delineated inner perimeter has been established.
23. Ensure that only properly equipped and designated personnel enter the inner perimeter.

PATROL BOROUGH COMMANDER/DUTY INSPECTOR/DUTY CAPTAIN

24. Assume overall command and ascertain that the outer perimeter and inner perimeter have been established.
25. Ensure that hostage negotiation team and coordinator have been notified.
26. Ensure that detective borough commander is notified.
27. 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

28. Report to ranking Patrol Services Bureau officer present.
29. 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. 216-05)

Mental Health Removal Orders (P.G. 216-06)

Command Post Operations (P.G. 213-01)

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)

Suspected Explosive Devices and Post Explosion Bomb Scenes (P.G. 212-40)

P.G. 212-39 Vehicle Pursuits

Date Effective: 01-01-00

PURPOSE

To determine the necessity of commencing a vehicle pursuit and the method to be employed in conducting such a pursuit.

DEFINITION

PRIMARY VEHICLE - vehicle initiating pursuit.

SECONDARY VEHICLE - first additional unit assisting in pursuit.

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: Whenever a vehicle pursuit results from another assignment, SPRINT code 10-88 will be utilized. 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 (5) 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 an accident, 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. Commanding Officer, 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 Training Unit, Police Academy
- b. Commanding Officer, Personnel Records Section.

C.O., PERSONNEL RECORDS SECTION

23. Have report placed in the personal folder of officers involved.

DIRECTOR, M.I.S.D.

24. Prepare and forward a monthly report of all 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 prohibited and will 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).

Unmarked Department vehicles will limit pursuits.

Department vans and scooters (2 and 3 wheel) will not be used in pursuits.

Two (2) wheel motorcycles will limit pursuits and terminate pursuit when four (4) wheel Department vehicle has joined pursuit.

RELATED PROCEDURES

Vehicle Accidents - General Procedure (P.G. 217-01)

Leaving the Scene Of A Vehicle Accident (P.G. 217-02)

FORMS AND REPORTS

SUPERVISOR'S COMPLAINT REPORT (PD468-123)

VEHICLE PURSUIT REPORT (PD371-153)

P.G. 212-40 Bomb Threats/Unattended Articles-suspected/Reported Explosive Devices And Post Explosion Bomb Scenes

Date Effective: 01-01-00

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 packages, parcels, containers, luggage or other baggage,) whose contents are undetermined or 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 (including letters and packages) 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 details.
 - a. Provide caller's location and telephone number, if available.

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 the nature of the threat (e.g., time, location, type of device, etc.)
 - a. Interview person receiving communication, if possible.

PATROL SUPERVISOR

6. Review actions taken and determine if additional personnel or equipment are required.

7. Confer with premise owner/representative.

NOTE: The scope of the preliminary search and/or evacuation will be determined based upon all available information including the type of premise, premise location, nature of business conducted at the location, and prior history of similar threats.

8. Conduct preliminary search of location, if appropriate.

NOTE: If at anytime during the preliminary search a suspected explosive device is discovered or is believed to exist, immediately comply with the procedure for a suspected explosive device as outlined below.

UNATTENDED ARTICLE

UNIFORMED MEMBER OF THE SERVICE

9. Interview complainant and witnesses, if available.

10. Attempt to determine owner/custodian of article or property.

a. Ascertain circumstances under which the unattended article was discovered.

11. Notify owner/custodian to retrieve property if inquiry reveals the identity of the owner/custodian and the nature of the article.

NOTE: An unattended article will not be physically examined or otherwise disturbed by a member of the service other than a member assigned to the Bomb Squad.

12. Comply with the procedure for suspected explosive devices if owner/custodian cannot be determined and/or circumstances indicate that an article may be a danger to public safety.

NOTE: Members of the service must consider the totality of circumstances when determining whether an unattended article poses a possible threat to public safety. The following factors should be taken into consideration:

a. Prior history or threats at location or vicinity;

b. Sensitive nature of business or activity which 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);

e. High volume of pedestrian or vehicular traffic (e.g., subway stations, railroad/bus terminals, bridges, tunnels, etc.).

SUSPECTED/REPORTED EXPLOSIVE DEVICES

UNIFORMED MEMBER OF THE SERVICE

13. Evacuate area, as necessary.

14. Notify Communications Section, via landline, (DO NOT USE CELLULAR TELEPHONE OR PORTABLE RADIO) and request:

- a. Patrol supervisor to respond,
- b. Emergency Service Unit to respond,
- c. Duty captain to respond, and
- d. Operations Unit be notified.

PATROL SUPERVISOR

15. 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 ranking member of the Police Department at the scene is in command; however, he/she will consult with the ranking Fire Officer and other City officials, if present, to determine if further evacuation is required or if emergency action taken should be expanded or curtailed.

16. Establish Command Post.

17. Assign uniformed members of the service to prevent entry of persons into evacuated areas.

18. Assign uniformed members of the service to direct responding personnel to Command Post.

a. Notify Traffic Control Division if a significant re-routing of traffic is expected.

19. Organize search of premises or area.

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. Remain at command post to coordinate search activities and maintain control of search teams.

e. Have search teams use stairways instead of elevators (if elevators must be used, use those not accessible to the public).

NOTE: DO NOT USE PORTABLE RADIOS OR CELLULAR TELEPHONES WHEN SEARCHING A BUILDING FOR AN EXPLOSIVE DEVICE.

20. Discontinue search twenty (20) minutes prior to threatened time of explosion when building is unoccupied or evacuated.

a. Do not resume search for at least one (1) hour after threatened time.

SEARCH TEAM

21. Do not touch or disturb a suspected device under any circumstances.

22. Notify Command Post when a suspected device is found or search of premises is completed.

NOTE: Secondary explosive devices may be involved; continue search of premises or area until completed.

PATROL SUPERVISOR

23. Request Communications Section to notify Operations Unit and request Bomb Squad to respond if a suspected device is found.

a. Notify Bomb Squad of incident upon 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.

NOTE: The Emergency Service Unit supervisor shall determine the necessary preliminary steps to be taken to safeguard the device pending the arrival of the Bomb Squad personnel. Absent an Emergency Service Unit supervisor, the senior member of the Emergency Service Unit on the scene will determine the necessary preliminary steps to be taken.

24. Direct that all persons be evacuated to at least 1,000 feet from any unattended article or suspected device.

a. Distance to which persons are evacuated may be either increased or decreased, depending upon circumstances and location, upon the recommendation of personnel assigned to the Emergency Service Unit or Bomb Squad.

25. Notify Communications Section and Operations Unit when search is completed without results or when device is removed.

26. Direct uniformed members of the service to return to command or post upon completion of search.

POST EXPLOSION BOMB SCENE

PATROL SUPERVISOR

27. Conduct immediate and expeditious search for deceased, injured or trapped persons.

a. Have property of evacuated, injured persons safeguarded, if necessary.

NOTE: To enhance safety and preserve the integrity of the bomb scene, the ranking officer on the scene will limit search crews to the minimum number necessary to effectively accomplish the task. Due to the possible existence of secondary explosive devices, including devices specifically designed to injure responding emergency personnel, search crew members will use extreme caution while searching for or removing injured/deceased persons.

28. 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.

29. Have Emergency Medical Service administer medical treatment at safe locations.

NOTE: After necessary medical assistance has been rendered, and initial search for deceased, injured, 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.

30. Make certain Bomb Squad has been notified to respond.

31. Locate witnesses.

- a. Request they remain at scene to be interviewed by precinct detectives.
32. Direct that traffic, both vehicular and pedestrian, be detoured from bomb scene, as necessary.
33. Direct preparation of COMPLAINT REPORT (PD313-152) for a bomb threat, suspected explosive device, or post explosion incident, as appropriate.

ADDITIONAL DATA

If letter/package is a threatening communication, the uniformed member of the service concerned will put the communication in a suitable envelope to minimize handling. The envelope will be marked, "FOR LATENT FINGERPRINT PROCESSING" and forwarded immediately to the Police Laboratory with REQUEST FOR LABORATORY EXAMINATION (PD521-161) . A list of all persons who handled the letter and envelope, with shield numbers, tax registry numbers, if any, and social security numbers, if known, will be included in the list. The contents of threatening letters will not be copied.

No persons will be permitted to enter the post explosion/bomb scene, nor 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 (this includes Fire Department personnel unless a fire exists). Only those persons having a clear need to examine the scene and/or conduct an investigation will be allowed access to the scene subsequent to the area being declared free of secondary devices by the Bomb Squad.

RELATED PROCEDURES

Preliminary Investigation Of Complaints (Other Than Vice Or Narcotic Complaints) (P.G. 207-07)
Command Post Operations (P.G. 213-01)
Emergency Incidents (P.G. 213-02)
Rapid Mobilization (P.G. 213-03)
Mayor's Plan For Coordinated Action At Emergencies (A.G. 316-06)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 212-41 Alarms - Board Of Education Facilities

Date Effective: 01-01-00

PURPOSE

To investigate alarms at Board of Education facilities.

PROCEDURE

Upon receipt of a radio code signal 10-11 (Alarm Condition) at a Board of Education facility:

RESPONDING UNIFORM MEMBER

1. Conduct immediate investigation.

IF INVESTIGATION REVEALS FORCED ENTRY:

RESPONDING UNIFORM MEMBER

2. Request radio dispatcher to:

- a. Direct patrol supervisor to respond to scene
- b. Notify Board of Education Central Monitoring Station.

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 (PD313-152).

IF PREMISES ARE APPARENTLY SECURE AND THERE IS NO SIGN OF FORCED ENTRY:

RESPONDING UNIFORM MEMBER

7. Transmit radio code signal 10-90N (Unnecessary Alarm).

8. Make entry in ACTIVITY LOG (PD112-145).

9. Resume patrol.

RADIO DISPATCHER

10. Notify Board of Education Central Monitoring Station for notification to custodian, unless premises has been classified chronic alarm location.

ADDITIONAL DATA

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 Board 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

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

P.G. 212-42 Escort For Physicians

Date Effective: 01-01-00

PURPOSE

To prevent assaults and other criminal acts against physicians.

DEFINITION

PHYSICIANS - Medical Examiners or their assistants performing their official duties and other physicians, who have reason to believe that they may become the victims of crime when responding to an emergency.

PROCEDURE

When dispatched to a location where a physician requires an escort:

UNIFORMED MEMBER OF THE SERVICE

1. Respond to the location and accompany physician to call.
2. Remain until completion of the visit.
3. Escort physician back to original location.
4. Notify radio dispatcher that escort is completed.

NOTE: Special attention is to be given to doctors' and dentists' offices, residences and vehicles to prevent crimes against their person and property.

P.G. 212-43 Vacate Orders For Residential Buildings

Date Effective: 01-01-00

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 (24) 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.

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 (72) 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 (212-374-5175), 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 ACTIVITY LOG (PD122-145) 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.

Agencies issuing vacate orders and anticipating the need for police assistance should contact the Chief of Department's Investigation and Review Section (374-5175), twenty-four (24) 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)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 212-44 Response To Firearms Dealer Locations

Date Effective: 01-01-00

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 at (212) 374-5580.

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.

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 (24) hours a day, seven (7) days a week at (212) 217-8484. 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 at (212) 374-5522 or 5560.

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

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 at (877) 444-NICS 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)

P.G. 212-45 Foreign National Requesting Asylum

Date Effective: 10-17-03

PURPOSE

To protect persons seeking asylum and notify proper agencies.

PROCEDURE

Upon coming in contact with a foreign national seeking asylum in this country:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer.
2. Provide necessary protection.
3. Accompany person to command.

DESK OFFICER

4. Make immediate notification to Commanding Officer, Intelligence Division.
5. Interview person seeking asylum and obtain the following:
 - a. Name
 - b. Nationality
 - c. Date and place of birth
 - d. Occupation
 - e. Description of documents possessed
 - f. What foreign authorities, if any, are aware of his seeking asylum
 - g. Circumstances surrounding request for asylum
 - h. Where asylum was requested, e.g., aboard vessel, aircraft. Estimated time of arrival of next intended port or airport.
 - i. Reason for requesting asylum
 - j. Description of criminal charges known or alleged to be pending against asylum seekers.
6. Telephone information to Commanding Officer, Intelligence Division.
7. Afford the person proper protection until determination is made of his status.

P.G. 212-46 Unlawful Possession Of Rifles/Shotguns

Date Effective: 01-01-00

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/Shotgun Section of action taken.
6. Prepare PROPERTY CLERK'S INVOICE (PD521-141) and invoice weapons as evidence.
 - a. Forward copy of INVOICE to Rifle/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 (72) 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/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/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/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 (P.G. 218-23)
Processing Requests for Rifle/Shotgun Permits at Precinct Stationhouse (A.G. 321-24)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 212-47 Counterfeit Money

Date Effective: 01-01-00

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 (4) 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 (1) 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 Letterhead for file in borough office.
10. Deliver money and two (2) remaining copies of letterhead to the Special Agent-In-Charge, United States Secret Service.
11. Obtain one (1) copy of report, receipted by Special Agent, for file in the Patrol Services Bureau.

RELATED PROCEDURES

Counterfeiting Or Forgery Of U.S. Government Obligations (P.G. 208-47)

REPORTS AND FORMS

Typed Letterhead

P.G. 212-48 Motor Vehicles Repossessed/Parking Violations Scofflaw Removal Program

Date Effective: 01-01-00

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 (212) 374-5100.

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 (30) 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.

6. Examine papers authorizing seizure of the vehicle.

7. Sign and return one (1) 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 number (212) 374-5082/5100.

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.

P.G. 212-49 Incidents Involving Media Representatives

Date Effective: 01-01-00

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 at (212) 374-6700, 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, at (212) 374-6700 of any incident involving the media, 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.

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 not interfere with the video taping or the photographing of incidents in public places. Intentional interference such as blocking or obstructing cameras or harassing the photographer constitutes censorship. Working Press Cards clearly state the bearer "is entitled to cross police and fire lines." This right will be honored and access will not be denied. However, this does not include access to interior crime scenes or areas frozen for security reasons.

In order to cooperate more fully with members of the news media and provide them with access to cover newsworthy events, the following guidelines will be adhered to unless safety interests or proper performance of police duties require otherwise:

- a. To the extent it is feasible to do so, the media's access to demonstrations on private property will not be impeded by the Department.
- b. The media will be given access as close to the activity as possible, with a clear line of sight and within hearing range of the incident.
- c. When incidents spill over or occur on private property, members of the media will not be arrested for criminal trespass, unless an owner or representative expressly indicates that the press is not to be permitted to enter or remain on the property.
- d. If the ranking officer at the incident determines that press access must be restricted in certain circumstances (i.e., in order for the Department to carry out its law enforcement functions), he retains the discretion to do so.

RELATED PROCEDURES

Information Concerning Official Business of Department (P.G. 212-76)

Release of Information to News Media (P.G. 212-77)

FORMS AND REPORTS

Typed Letterhead

P.G. 212-50 Aircraft Violations

Date Effective: 01-01-00

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 Communications Section 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 Special Operations Division.

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 ACTIVITY LOG (PD112-145) entry, including name, address, and telephone number of any witnesses.

DESK OFFICER

12. Prepare three (3) copies of report of the circumstances on Typed Letterhead.

- a. Send copy to Aviation Unit
- b. Send copy to Special Operations Division
- c. File copy in binder at desk.

COMMANDING OFFICER

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 (10) 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 (2) copies of a report to the Chief of Department and one (1) copy to the Commanding Officer, Aviation Unit.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

OFFICIAL LETTERHEAD (PD158-151)

Typed Letterhead

P.G. 212-51 Response To Work Disruptions At City Construction Sites

Date Effective: 01-01-00

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.

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

Command Post Operations (P.G. 213-01)

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)

P.G. 212-52 Labor Dispute

Date Effective: 01-01-00

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 (1ST) 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 (2ND) 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 (2nd) degree.

PROCEDURE

Upon arriving at the scene of a strike or labor dispute:

UNIFORMED MEMBER OF THE SERVICE

1. Take action to preserve the peace and prevent destruction of property.
2. Request response of patrol supervisor.
3. Notify desk officer.

PATROL SUPERVISOR

4. Respond to location.
5. Interview, separately, a management representative and union representative.
 - a. Obtain information for a STRIKE REPORT (PD332-151).
6. Advise management and union representatives that:
 - a. Force or violence will not be tolerated
 - b. The law will be enforced impartially
 - c. Right of the public to use streets and sidewalks will be protected
 - d. Striking employees may conduct orderly picketing in accordance with conditions at the location
 - e. The precinct commander will designate the number of pickets permitted

f. Professional agitators and the use of language offensive to public decency will not be permitted

g. The carrying of sticks or poles that are affixed to signs, or other objects, which may be injurious to the public, by any individual or group, will not be permitted.

7. Telephone the desk officer for immediate assignment of personnel, if required.

8. Deliver the STRIKE REPORT to the desk officer.

DESK OFFICER

9. Confer with precinct commanding officer/duty captain concerning personnel assignments.

PRECINCT COMMANDING OFFICER/DUTY CAPTAIN

10. Determine personnel requirements.

a. Obtain the following information, if the dispute involves a large plant and a considerable number of employees:

(1) Location and size of plant

(2) Location of entrances, exits, loading platforms, etc.

(3) Employees arrival and departure times

(4) Entrances and exits used by employees

(5) Time of employee's meal periods and location of premises where meals taken

(6) Transit facilities, parking lots and routes used by employees

(7) Times merchandise is shipped or received

(8) Other locations that may be affected by dispute

(9) Special hazards or conditions affecting police duty.

PATROL SUPERVISOR

11. Set up command post, if conditions require.

NOTE: Facilities of management or labor are not to be used as a command post or meal location.

DESK OFFICER

12. Make assignments as directed by precinct commander/duty captain from precinct personnel, if available, or request additional personnel from patrol borough command.

13. Notify Operations Unit.

14. Have STRIKE REPORT prepared.

15. Sign STRIKE REPORT above caption "Reviewed By."

a. Forward as indicated on form.

ADDITIONAL DATA

When individuals are engaged in labor related activity such as picketing, distributing leaflets or otherwise demonstrating in a labor relations context, they are exempt from arrest for the categories of harassment discussed above. Instead, the victim may be referred to court for an injunction, or to the National Labor Relations Board. The only permissible arrest for harassment in this situation is now where the individual strikes, shoves, kicks, or otherwise subjects the victim to physical contact, or attempts or threatens to do the same. It should also be remembered that no other Penal Law section has been amended in this way, so that a person who violates other provisions such as disorderly conduct, menacing, criminal mischief, etc., will still be subject to arrest even if the violation occurred in a labor demonstration.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)

Command Post Operations (P.G. 213-01)

Emergency Incidents (P.G. 213-02)

FORMS AND REPORTS

STRIKE REPORT (PD332-151)

P.G. 212-53 Command Responsibilities When A Person Dies Or Sustains A Serious Injury In Connection With Police Activity

Date Effective: 01-01-00

PURPOSE

To establish command responsibility and notification requirements when a person dies, is seriously injured in connection with a police activity, or sustains an injury resulting from a police firearms discharge.

DEFINITIONS

POLICE ACTIVITY - includes, but is not limited to:

- a. Any death while in police custody.
- b. Serious injury suffered by a person (prisoner/EDP) prior to police custody, (i.e., community intervention prior to police arrival, etc.) self inflicted serious injury.
- c. Police use of force resulting in serious injury.
- d. Death or serious injury to a person fleeing from a police foot or vehicle pursuit.
- e. Serious physical injury of a person resulting from police restraint, (i.e., EDP).
- f. Any injury to a person resulting from a police firearms discharge.

PROCEDURE

When a person dies, is seriously injured in connection with a police activity, or sustains an injury resulting from a police firearms discharge:

UNIFORMED MEMBER OF THE SERVICE

1. Immediately request the response of the patrol supervisor, and
 - a. Safeguard possible crime scene.
 - b. Provide and/or secure appropriate medical attention for the injured person.

PATROL SUPERVISOR

2. Respond to scene, assess the situation.
3. Notify the desk officer.
4. Establish crime scene, if necessary.

DESK OFFICER

5. Make the following notifications:
 - a. Borough command
 - b. Operations Unit
 - c. Commanding officer/duty captain

d. Internal Affairs Bureau, Command Center

e. Detective squad and borough commands.

OPERATIONS UNIT

6. Notify duty chief.

PATROL BOROUGH COMMAND

7. Notify duty inspector.

8. Notify shooting team leader when:

a. Injury occurs as a result of a police shooting.

b. Requested by duty inspector regarding a death in custody or serious injury in connection with police activity.

NOTE: Notifications to next of kin in ALL cases where a person dies while in police custody will be the responsibility of the Borough Commander and/or a member of their staff.

DUTY INSPECTOR

9. Respond to scene.

10. Confer with commanding officer/duty captain/shooting team leader.

11. Confer with Internal Affairs Bureau Response Team.

IAB RESPONSE TEAM

12. Respond to scene.

13. Confer with commanding officer/duty captain/shooting team leader.

14. Advise Internal Affairs Bureau Duty Captain, as appropriate.

COMMANDING OFFICER/DUTY CAPTAIN/SHOOTING TEAM LEADER

15. Respond and assess the situation.

16. Confer with Internal Affairs Bureau Duty Captain/Internal Affairs Bureau Response Team.

WHEN IT IS DETERMINED THAT A POSSIBLE CRIMINAL INVESTIGATION WILL COMMENCE:

INTERNAL AFFAIRS BUREAU, DUTY CAPTAIN

17. Respond and assess the circumstances.

18. Confer with the commanding officer/duty captain/shooting team leader.

PATROL SERVICES BUREAU DUTY CHIEF

19. Respond to scene and assume command.

20. Confer with duty inspector/commanding officer/duty captain/shooting team leader, and Internal Affairs Bureau Duty Captain to determine if a criminal investigation against a member of the service is warranted.

21. Assume responsibility for the non-criminal investigation when:

- a. Person dies in custody.
- b. Person sustains any injury resulting from police firearms discharge.
- c. Person sustains a serious injury in connection with a police activity.

NOTE: When a criminal investigation against a member is required, the Internal Affairs Bureau will be responsible for the investigation.

IF CRIMINAL INVESTIGATION AGAINST A MEMBER IS REQUIRED:

PATROL SERVICES BUREAU DUTY CAPTAIN

22. Confer with the Chief of Detectives and Chief of Internal Affairs, as appropriate.

23. Coordinate the activities of the Detective Bureau and Internal Affairs Bureau personnel.

NOTE: In those cases where no criminal investigation by the Internal Affairs Bureau is required the follow-up investigation, including interviews conducted under P.G. 206-13, "Interrogation Of Members Of The Service" will be conducted by the borough commanding officer or designee.

If at any time during the investigation, it becomes apparent that a criminal investigation is required, the Internal Affairs Bureau will be notified and will take over responsibility for the criminal investigation, including any additional interviews.

ADDITIONAL DATA

When it is determined that the Internal Affairs Bureau will conduct the investigation, the local detectives will provide assistance (e.g., canvass interviews, etc.), as necessary. Conversely, when it is determined that Detective Bureau personnel will conduct the investigation, the Internal Affairs Bureau will provide assistance as requested by the Detective Bureau. The patrol borough Investigations Unit will also participate in these investigations, where warranted.

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 commanding officer/duty captain and the Internal Affairs Bureau will be immediately notified.

Whenever a person dies while in police custody or sustains death or serious injury in connection with a police activity, or sustains death or injury resulting from a police firearms discharge, forward copy of Typed Letterhead to Deputy Commissioner-Strategic Initiatives, 1 Police Plaza, Room 1403.

RELATED PROCEDURES

Interrogation of Members of the Service (P.G. 206-13)

FORMS AND REPORTS

Typed Letterhead

P.G. 212-54 Person Threatening To Jump From Structure

Date Effective: 01-01-00

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 Communications Section 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 PROCEDURES

Mentally Ill Or Emotionally Disturbed Persons (P.G. 216-05)

P.G. 212-55 Investigation Of Aided Cases Involving Injuries Resulting From Illegal Fireworks

Date Effective: 01-01-00

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 WORKSHEET (PD304-152B), if applicable.

PATROL SUPERVISOR

8. Review action taken and ascertain that precinct detective squad has been notified to respond, if not present at scene.

PRECINCT DETECTIVE SQUAD MEMBER

9. Investigate circumstances of injury to determine source of illegal fireworks.
10. Notify Intelligence Division and Vice Enforcement Division member of results of investigation.

NOTE: In cases where the aided is less than eighteen (18) 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.

ADDITIONAL DATA

The Intelligence Division 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 Division, will review the results of each investigation and coordinate the distribution of intelligence obtained in the investigation. In addition, those cases requiring

further investigation will be referred to the appropriate unit for follow-up investigation, as deemed necessary.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

AIDED REPORT WORKSHEET (PD304-152b)

P.G. 212-56 Diplomatic Incidents

Date Effective: 01-01-00

PURPOSE

To process incidents involving persons classified as "Diplomats."

DEFINITIONS

DIPLOMATS - Members of foreign missions, delegations, embassies and legations to the United Nations or United States, and their families and staff. (Identification cards are signed by the United States Secretary of State and the Chief of Protocol). Consuls of foreign nations do not possess Department of State identification cards, but they are to be treated in the same manner as "Diplomats."

DIPLOMATIC IMMUNITY - Diplomats shall not be arrested or personally served with a summons. Uniformed members of the service will extend every courtesy and consideration to them. All reasonable assistance will be given to them.

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.

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 represents.
3. Notify Operations Unit (212-374-5580) and Intelligence Division (718-834-4301) immediately by telephone that an incident involving a diplomat has occurred.

NOTE: The Operations Unit will verify diplomatic status when identification is in doubt.

4. Do not detain a diplomat who is properly identified or when doubtful identification has been verified by Operations Unit 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.

DESK OFFICER

9. Notify:
 - a. Precinct commander/duty captain.
 - b. Patrol borough.
 - c. Intelligence Division.

d. Operations Unit - to provide additional details and/or confirm incident.

UNIFORMED MEMBER OF THE SERVICE

10. Prepare required forms/reports.

11. Make ACTIVITY LOG (PD112-145) entry.

INTELLIGENCE DIVISION MEMBER

12. Transmit details of incident to:

- a. United States Mission to United Nations
- b. New York City Commission for the United Nations and Consular Corps
- c. United States Department of State
- d. Federal Bureau of Investigation.

PATROL SUPERVISOR

13. Investigate incident and interview witnesses.

14. Determine if incident is of a serious or non-serious nature.

15. Take immediate action as required by circumstances of incident.

16. Report actions taken to precinct desk officer.

NOTE: The desk officer will notify the precinct commander/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.

17. Review actions already taken, conduct additional investigation as necessary.

18. Telephone results of preliminary investigation to:

- a. Operations Unit
- b. Patrol borough office concerned
- c. Intelligence Division - indicate whether incident serious or non-serious.

19. Prepare four (4) 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 (1) copy DIRECT
- b. Intelligence Division - two (2) copies DIRECT
- c. File last copy in precinct desk binder.

20. Notify precinct commander/duty captain of actions taken, when incident is of a non-serious nature.

PRECINCT COMMANDER/DUTY CAPTAIN

21. Review actions taken by the patrol supervisor in non-serious incidents.

INTELLIGENCE DIVISION MEMBER

22. Forward one (1) copy of report, if appropriate, to:

- a. United States Mission to the United Nations
- b. New York City Commission for the United Nations and Consular Corps
- c. United States Department of State
- d. Federal Bureau of Investigation.

DESK OFFICER

23. 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.

RELATED PROCEDURES

Parking Summons - General Procedure (P.G. 209-07)

Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

TYPED LETTERHEAD

P.G. 212-57 Service Of Family Court/Supreme Court Orders Of Protection By Uniformed Members Of The Service

Date Effective: 01-01-00

PURPOSE

To effect the service of all orders of protection, and any associated papers, issued by Family Court or Supreme Court to the respondent, and to ensure proper entry of police service into the order of protection database.

PROCEDURE

When an order of protection issued by a Family Court or Supreme Court is to be served:

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO FAMILY/SUPREME COURT

1. Obtain, on a daily basis, all orders of protection and any related papers from the Family Court or Supreme Court clerk.
2. Review order of protection and associated papers to ensure that respondent's address is provided, or petitioner's address if order is to be served at petitioner's residence.
 - a. Any set of papers lacking an address will be returned to the Family Court or Supreme Court clerk.
3. Separate orders of protection by patrol borough based on the respondent's address.
4. Prepare two (2) copies of a letter of transmittal on Typed Letterhead for each patrol borough, as necessary, including:
 - a. Respondent's name
 - b. Docket number
 - c. Caption for final disposition.

NOTE: In addition to orders obtained from Family Court, members of the service assigned to Family Court will also be delivered orders from Supreme Court. These Supreme Court orders will be processed in the same manner as those from the Family Court. Orders from both Family Court and Supreme Court may be listed on the same letter of transmittal but should be separated by a single blank line. No more than ten (10) orders of protection will be listed on each letter of transmittal.

5. Attach letter of transmittal to orders of protection, that have been separated by patrol borough, to be picked up by local patrol borough personnel.
 - a. File photocopy of letter of transmittal.

PATROL BOROUGH COORDINATOR WHEREIN FAMILY COURT LOCATED

6. Obtain all orders of protection and accompanying letters of transmittal on a daily basis.

NOTE: Messengers from Patrol Boroughs Manhattan North and Brooklyn South will pick up their borough's orders of protection from the uniformed member of the service assigned to the local Family Court.

7. Forward via Department mail orders of protection to be served in other patrol boroughs.

8. Verify all orders of protection listed on letter of transmittal have been received.
9. Number each order of protection received by precinct and serial number beginning with the number one (1) at the start of each year. (Example, the first order of protection in the 60th Precinct would be listed as 60-1).
10. Prepare two (2) copies of a letter of transmittal on Typed Letterhead captioned as in step 4 for each precinct where an order of protection is to be served.
11. Attach STATEMENT OF PERSONAL SERVICE (PD260-152) and WARRANT OFFICER'S REPORT OF INVESTIGATION (PD374-1510) to each order of protection.
12. Forward letter of transmittal and orders of protection to appropriate precinct(s).
 - a. File photocopy of letter(s) of transmittal.

NOTE: A separate file of letters of transmittal will be maintained for each precinct within the patrol borough.

DESK OFFICER

13. Verify all orders of protection listed on letter of transmittal have been received.
14. Make an entry in a log 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	Date & Time of Attempt(s)
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RIGHT PAGE

2nd Tour UMOS Assigned/ Desk Officer	Date & Time of Attempt(s)	(Through)	6th Tour UMOS Assigned/ Desk Officer	Date & Time of Attempt(s)	Final Disposition	Time/Date Entered In Database
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15. 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

16. Attempt to serve the order of protection.

NOTE: The order of protection may be served at any time seven (7) days a week, twenty-four (24) hours a day.

IF ORDER OF PROTECTION IS SERVED

UNIFORMED MEMBER OF THE SERVICE

17. Prepare STATEMENT OF PERSONAL SERVICE and then photocopy.
 - a. Examine and account for all documents served by insuring that appropriate box is checked.

18. Deliver form to desk officer

- a. Forward photocopy 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".

IF UNABLE TO SERVE ORDER OF PROTECTION

UNIFORMED MEMBER OF THE SERVICE

19. Document each attempt on WARRANT OFFICER'S REPORT OF INVESTIGATION.

20. Make an ACTIVITY LOG (PD112-145) entry of each attempt to serve the order of protection.

21. Return the order of protection and related forms at end of tour to the desk officer.

DESK OFFICER

22. Repeat step 15.

- a. Indicate name under caption "2nd TOUR UMOS," etc.

NOTE: Service of the order of protection must be attempted at least once on each tour for six (6) consecutive tours. After the sixth tour the order of protection will be considered to be "Undeliverable." Service of the order of protection will be initiated on the same tour that the order is received.

DESK OFFICER

23. Enter into the log one (1) of four (4) final dispositions:

- a. Order of protection served.
- b. Undeliverable-respondent not known at address.
- c. Undeliverable-respondent's new address located outside of command.
- d. Undeliverable-attempts completed on six (6) consecutive tours.

(1) Ensure that dates and times of attempted service are indicated in the log.

24. Prepare STATEMENT OF PERSONAL SERVICE and write "NOT SERVED" on the top right hand corner of the form, if the order of protection was not served.

- a. Strike out the heading "Family Court" and write in "Supreme Court", if the order was issued by a Supreme Court.

25. Place "Undeliverable" orders of protection in log for precinct domestic violence prevention officer to forward.

DOMESTIC VIOLENCE PREVENTION OFFICER

26. Coordinate all tasks relating to the service and recording of orders of protection including filing, forwarding, etc.

27. Enter applicable information into the State Order of Protection Registry, via the FINEST system, upon receipt of each photocopy of a STATEMENT OF PERSONAL SERVICE.

28. Enter the date and time entry into the registry was made under the appropriate caption in log.

a. Place initials inside same caption.

NOTE: The 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.

29. Check log containing orders of protection on a daily basis.

a. Ensure that for every disposition indicating service was made a corresponding entry was made into the order of protection registry.

30. Forward to the patrol borough coordinator any orders of protection and related forms, if investigation reveals that respondent resides outside of precinct.

31. Maintain a file of letters of transmittal.

32. Enter a final disposition on letters of transmittal as indicated in step 23.

NOTE: Every order of protection received must be assigned one (1) of the four (4) final dispositions.

33. Forward to the patrol borough coordinator:

a. Original (white copy) of the completed STATEMENT OF PERSONAL SERVICE for all orders of protection.

b. Original of completed WARRANT OFFICER'S REPORT OF INVESTIGATION for orders of protection that are "Undeliverable."

34. Attach to file copy of appropriate letter of transmittal:

a. Second (blue copy) of STATEMENT OF PERSONAL SERVICE and

b. Photocopy of WARRANT OFFICER'S REPORT OF INVESTIGATION, if applicable.

PATROL BOROUGH COORDINATOR

35. Attach to the file copy of appropriate letter of transmittal, a photocopy of the STATEMENT OF PERSONAL SERVICE and the WARRANT OFFICER'S REPORT OF INVESTIGATION, if applicable.

a. Ensure that a final disposition is indicated on letter of transmittal.

36. Forward original (white copy) of STATEMENT OF PERSONAL SERVICE and/or WARRANT OFFICER'S REPORT OF INVESTIGATION to the uniformed member of the service assigned at the Family Court that issued the order of protection.

NOTE: If the originating Family Court is located outside the patrol borough, the STATEMENT OF PERSONAL SERVICE and/or WARRANT OFFICER'S REPORT OF INVESTIGATION will be returned via the patrol borough coordinator in which the Family Court is located.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED FAMILY COURT

37. Indicate on original letter of transmittal a final disposition:

- a. Order of protection served
- b. Undeliverable-respondent not known at address
- c. Undeliverable-attempts completed on six (6) consecutive tours.

38. Forward STATEMENT OF PERSONAL SERVICE to Family Court or Supreme Court clerk.

39. File WARRANT OFFICER'S REPORT OF INVESTIGATION.

ADDITIONAL DATA

Each attempt made to serve the order of protection shall be documented on a WARRANT OFFICER'S REPORT OF INVESTIGATION and an ACTIVITY LOG entry shall be made. The respondent's name shall be entered under the caption "Defendant Surname" and the docket number shall be entered under the caption "Docket/Indict #." Service must be attempted at least once each tour for six (6) consecutive tours, after which the order of protection may be considered undeliverable.

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 for an additional six (6) consecutive tours. A new log entry will be required.

If the new address is outside the precinct concerned, indicate this on the WARRANT OFFICER'S REPORT OF INVESTIGATION. The order of protection will be returned to the patrol borough coordinator for forwarding to the proper patrol borough. Although most of the Family Court or Supreme Court orders of protection will be delivered through the patrol borough coordinator, the petitioner may elect to personally seek police assistance in serving the order of protection. In that instance, the desk officer will inspect the "Order of Protection" log to determine if the order of protection has already been served. If it has not been served, a uniformed member of the service will provide assistance in serving the order and give the original (white copy) of the completed STATEMENT OF PERSONAL SERVICE to the petitioner. The petitioner will be instructed to deliver the form to the Family Court or Supreme Court clerk that issued the order of protection. The blue copy of the STATEMENT OF PERSONAL SERVICE will be delivered to the desk officer who will indicate in the log that the order of protection was served, and then forward the copy to the domestic violence prevention officer who will process it in accordance with the foregoing procedure.

When an exclusionary Order of Protection has been served, uniformed members of the service may not assist respondents who wish to remove clothing/property (commonly known as "clothes jobs"), where an exclusionary Order of Protection exists which prohibits contact between the petitioner and respondent and/or excludes the respondent from being present at said location. 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.

RELATED PROCEDURES

Arrests - Removal To Department Facility For Processing (P.G. 208-02)
Family Offenses/Domestic Violence (P.G. 208-36)
Arrests - Removal To Department Facility For Processing (P.G. 208-02)
Family Offenses/Domestic Violence (P.G. 208-36)

FORMS AND REPORTS

ACTIVITY LOG (PD112-1450)
STATEMENT OF PERSONAL SERVICE (PD260-152)
WARRANT OFFICER'S REPORT OF INVESTIGATION (PD374-1510)

P.G. 212-58 Fire

Date Effective: 01-01-00

PURPOSE

To protect life and property and assist the Fire Department.

PROCEDURE

Upon arriving at the scene of a fire:

UNIFORMED MEMBER OF THE SERVICE

1. Send an alarm or make sure one has been sent.
2. Park RMP car to prevent interference with fire fighting operation.
3. Direct responsible person to remain in front of location to direct fire apparatus if fire is not in view.
4. Warn and assist occupants in evacuation of building.
5. Take other action required by situation.

UPON ARRIVAL OF FIRE APPARATUS:

UNIFORMED MEMBER OF THE SERVICE

6. Establish police lines beyond the fire apparatus and hydrants in use.
 - a. Establish police lines behind the building beyond fire operations, if necessary.

PATROL SUPERVISOR

7. Supervise members of the service.
 - a. Notify desk officer if fire is suspicious and request detectives concerned.
8. Immediately assign uniformed members of the service to direct and control responding emergency vehicles to allow free access to affected area.
 - a. Ensure that fire hydrants remain accessible for use.

UNIFORMED MEMBER OF THE SERVICE

9. Permit only the following persons or vehicles to enter fire lines:
 - a. The Mayor
 - b. Members of governmental agencies in performance of duty
 - c. Employees of public service corporations in the performance of emergency duties
 - d. Persons holding unexpired:
 - (1) Working Press cards
 - (2) Fire Line cards signed by the Fire Commissioner
 - e. The Mayor's car

- f. Police and Fire Department vehicles
- g. Ambulances
- h. Public service corporation vehicles for duty in connection with the fire
- i. City agency vehicles for duty in connection with the fire
- j. U.S. Mail vehicles
- k. Prison vans transporting prisoners.

10. Record following information in ACTIVITY LOG (PD112-145):

- a. Time and date of fire
- b. Part of premises in which fire occurred
- c. Type of building and number of stories
- d. Address of building
- e. Name and address of building owner
- f. Name and address of premises occupant
- g. Number of persons injured, if any
- h. Cause of fire, extent of damage, and any suspicion of arson (obtained from fire officer in charge)
- i. Any dangerous condition resulting from the fire.

11. Prepare COMPLAINT REPORT WORKSHEET (PD313-152a) if the fire is suspicious.

DESK OFFICER

12. Notify Operations Unit and borough command if:

- a. Injury or death occurs
- b. Three (3) alarms or more
- c. Unusual type of fire
- d. Cause of fire is suspicious
- e. Forced entry by Fire Department
- f. Relocation of tenants required.

13. Review COMPLAINT REPORT if prepared.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)
COMPLAINT REPORT (PD313-152)

P.G. 212-59 Vertical Patrol

Date Effective: 01-01-00

PURPOSE

To prevent, detect, and take necessary enforcement action regarding illegal activity occurring in public areas of multiple occupancy buildings.

SCOPE

Vertical patrol, the tactically planned patrol of the interior hallways, stairways, and rooftops of selected multiple occupancy buildings, is a valuable problem solving tool, as well as an important component of the Department's drug control strategy.

PROCEDURE

When past incidents at a location indicate vertical patrol would be useful:

COMMANDING OFFICER

1. Confer with members of the community to identify buildings appropriate for vertical patrol.

a. Obtain permission of building owner/authorized agent to conduct vertical patrol when private property is involved.

2. Maintain lists of potential vertical patrol locations and update as necessary.

a. Lists will include:

(1) Address and description of location

(2) Nature of problem(s) or condition(s)

(3) Times when illegal activity is prevalent.

PLATOON COMMANDER/PATROL SUPERVISOR/ASSIGNED SUPERVISOR

3. Assign groups of two (2) or more uniformed members of the service to conduct vertical patrol at designated times and locations.

a. Vertical patrols will be scheduled based on the times when the subject conditions are prevalent.

NOTE: In order to improve officer safety and enhance the effectiveness of vertical patrol, the platoon commander/supervisor will instruct the officers performing vertical patrol that they are to remain together at all times except in exigent circumstances. The platoon commander must consider the number of two (2) officer teams necessary to effectively perform the vertical patrol. The number of police officers that are required to conduct a particular vertical assignment should be based on the size of the location, the number and location of exits, and the nature of the crimes being addressed.

UNIFORMED MEMBER OF THE SERVICE

4. Respond to location at designated time and coordinate activities with other assigned members.

5. Transmit radio code signal "10-75 V" to radio dispatcher.

UPON TRANSMISSION OF RADIO CODE SIGNAL "10-75 V:"

ASSIGNED SUPERVISOR

6. Respond to location, if available, and supervise vertical patrol.

a. Patrol supervisor or any other available supervisor on patrol in uniform will respond, if the assigned supervisor is unavailable. The assigned uniformed members of the service will commence the assignment whether or not a supervisor is present.

COMMUNICATIONS SECTION SUPERVISOR

7. Enter post or sector designation of uniformed members of the service and location of vertical patrol into SPRINT System under incident code "10-75 V."

NOTE: Incident code "10-75 V" will trigger an overdue resource notice on the dispatcher's queue every thirty (30) minutes until a final disposition is transmitted.

8. Advise patrol supervisor/platoon commander, via radio, of unit performing vertical patrol and location.

NOTE: The patrol supervisor will monitor the assignment by radio if unable to respond to the location.

UNIFORMED MEMBER OF THE SERVICE

9. Conduct vertical patrol of assigned location and take appropriate police action.

10. Advise Communications Section dispatcher of the final disposition.

NOTE: Uniformed members of the service concerned will transmit the appropriate interim disposition radio code signals, when appropriate.

11. Make ACTIVITY LOG (PD112-145) entry of results of vertical patrol.

COMMUNICATIONS SECTION SUPERVISOR

12. Enter disposition of assignment into SPRINT System.

COMMANDING OFFICER

13. Monitor vertical patrols to ensure that they are conducted in compliance with guidelines.

14. Evaluate results of vertical patrols.

a. Make necessary adjustments for efficient use of resources.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

RELATED PROCEDURES

Interior Vertical Patrol Of Housing Authority Buildings (P.G. 212-60)

P.G. 212-60 Interior Vertical Patrol Of Housing Authority Buildings

Date Effective: 01-01-00

PURPOSE

To ensure that Housing Authority buildings receive interior vertical patrol by uniformed members of the service.

PROCEDURE

Uniformed members of the service, when not on an authorized assignment (i.e., meal, personal necessity, etc.), shall frequently inspect the interior of Housing Authority buildings on assigned posts as follows:

UNIFORMED MEMBER OF THE SERVICE

1. Notify Communications Section and make ACTIVITY LOG (PD112-145) entry of the time and street address upon entering the building.

[I.O. 41 s 04] NOTE: Prior to conducting vertical patrols in housing authority locations where VIPER units are established, whenever practical, uniformed members of the service should notify VIPER unit personnel by radio that they are conducting a vertical patrol at the location. VIPER unit personnel should advise the UMOS of any known conditions that would call for their attention, or might significantly affect their safety, and should provide appropriate information and assistance to the UMOS during the vertical patrol. If VIPER unit personnel cannot be contacted prior to the vertical patrol, or if a significant delay would result from waiting for VIPER unit personnel to provide information about the building, UMOS may conduct the vertical patrol without waiting for a response from the VIPER unit.

2. Inspect mailboxes and the interior of the lobby.

3. Inspect elevators and ascertain if they are operable.

a. Notify Housing Authority maintenance personnel of inoperable elevators.

4. Proceed to top floor of building by elevator, if operable.

a. Use staircase to gain access to the roof of the building.

5. Conduct inspection of roof landing, elevator rooms, and any other installations.

6. Patrol each floor, staircase and hallway within the building from the top floor to the ground floor.

7. Inspect elevator doors on each floor, taking immediate action when necessary.

a. Notify Housing Authority Emergency Service or NYPD Emergency Service Unit personnel immediately if:

(1) Elevator door glass is missing and await repairs.

(2) Outer elevator door opens when elevator is not present. Remain at scene and secure location until condition has been corrected.

(3) There are any other dangerous conditions concerning elevators.

8. Inspect all accessible basement areas.

9. Be alert for persons loitering within the buildings, or suspicious conditions.

10. Notify Communications Section upon exiting building and make ACTIVITY LOG entries indicating time building inspection completed and any condition noted.

a. Prepare FIELD REPORT (PD313-1511) or COMPLAINT REPORT (PD313-152), if necessary.

11. Alternate between outside area patrol and interior vertical patrol of Authority grounds and buildings, unless otherwise directed.

12. Inspect each building on assigned post as deemed necessary during tour of duty.

MEMBERS ASSIGNED TO RMP DUTIES

13. Comply with above requirements if not on assignment, when available to perform interior patrol.

PATROL SUPERVISOR

14. Inspect ACTIVITY LOGS of members during tour of duty to ensure that interior vertical patrol is being performed.

DIRECTED VERTICAL PATROL

PLATOON COMMANDER/PATROL SUPERVISOR/ASSIGNED SUPERVISOR

15. Assign at least two (2) officers to conduct the directed vertical patrol.

NOTE: During the course of conducting a directed vertical patrol, officers shall be instructed that absent exigent circumstances, two (2) or more officers must remain together.

PSA COMMANDING OFFICER

16. Direct that members concentrate on buildings which are in need of increased interior vertical patrol during roll call.

ADDITIONAL DATA

When inspecting Housing Authority buildings, members of the service shall take note of unauthorized persons remaining in lobbies, basements, staircases, roof landings and take appropriate police action when necessary.

RELATED PROCEDURES

Complaint Reporting System (P.G. 207-01)

Field Reports (P.G. 207-29)

Vertical Patrol (P.G. 212-59)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

FIELD REPORT (PD313-1511)

P.G. 212-61 Robbery Apprehension Module

Date Effective: 01-01-00

PURPOSE

To reduce the occurrence of robberies by identifying and apprehending those individuals committing robberies within a designated geographical area.

SCOPE

The precinct Detective Squad/Robbery Apprehension Module (PDS/RAM) will maintain a dedicated focus on 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 robbery:

UNIFORMED MEMBER OF THE SERVICE

1. Determine whether a 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 (see P.G. 212-04, "Crime Scene").
4. Transport complainant and witnesses in verified cases to the precinct detective squad office, unless circumstances dictate a response by investigative personnel is appropriate.
5. Resume patrol immediately after delivering complainant to the Precinct Detective Squad/Robbery Apprehension Module (PDS/RAM) investigator and after advising investigator of relevant facts.

NOTE: If the Precinct Detective Squad/Robbery Apprehension Module (PDS/RAM) office is closed (e.g., between 0100-0800 hours) a notification to the Detective Borough Night Watch is required.

PDS/RAM INVESTIGATOR

6. Interview complainant and initiate investigation.
7. Prepare COMPLAINT REPORT WORKSHEET (PD313-152A).
 - a. Obtain complaint number from OLCS of precinct of occurrence and enter on COMPLAINT REPORT WORKSHEET.
 - b. Fax/Telephone/Provide WORKSHEET to stationhouse clerk, precinct of occurrence for entry in OLCS.
8. Provide return transportation for complainant.

COMPLAINANT CANNOT APPEAR AT PDS/RAM OFFICE:

UNIFORMED MEMBER OF THE SERVICE

9. Prepare COMPLAINT REPORT WORKSHEET in a normal manner.

10. Make immediate telephone notification to PDS/RAM investigator.

a. Provide all available information necessary to initiate investigation.

b. Notify Detective Borough Night Watch if PDS/RAM office is closed (0100-0800 hours).

NOTE: Copies of robbery complaints recorded on COMPLAINT REPORTS (PD313-152) in the precinct on late tours will be picked up at 0800 hours by a PDS/RAM member.

DESK OFFICER

11. Review and finalize (i.e., sign-off) in the OLCS the completed COMPLAINT REPORT.

12. Have a copy of COMPLAINT REPORT forwarded to the Precinct Detective Squad.

13. Ensure that additional copies of COMPLAINT REPORT are sent to other units/agencies, as required.

PDS/RAM SUPERVISOR

14. Review all robbery complaints received at the office to determine case status.

a. Maintain statistics, including arrest clearance data.

15. Review all ROBBERY COMPLAINT WORKSHEETS (PD313-158), COMPLAINT FOLLOW-UPS (PD313-081) and COMPLAINT FOLLOW-UP INFORMATIONALS (PD313-081A) prepared by PDS/RAM investigators to determine whether the cases should remain ACTIVE or CLOSED, and to ensure that all necessary investigative steps have been taken.

ADDITIONAL DATA

Assignment to a Precinct Detective Squad/Robbery Apprehension Module (PDS/RAM) 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/Robbery Apprehension Module (PDS/RAM) 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 PDS/RAM program:

a. The creation of a specialized RAM unit within every precinct detective squad. These units are commanded by, and are accountable to a precinct detective squad commander who is responsible for the investigation of all robbery 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 RAM unit, commensurate with the number of reported 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 (1) member of each PDS/RAM will be designated as liaison with the Borough Robbery Squad and the Patrol Borough's Pattern Identification Module for the purpose of identifying emerging patterns and suspects.

d. The development and utilization of precinct Photo Books that contain photographs of persons previously arrested for robbery, grand larceny from the person, as well as

all other photographable offenses within the same geographical area. Each PDS/RAM must regularly review the precinct's arrest records and obtain all such prisoner photographs, including photos listing parolees with robbery convictions.

When it is learned that a court has, under the provisions of Section 160.50 of the Criminal Procedure Law, mandated the sealing and returning of an arrestee's arrest photo, such photo will be immediately removed from the precinct Photo Book and forwarded to the Sealed Records Unit for destruction.

e. Uniformed members of the service on patrol are required to bring victims of robberies to the precinct in order to view the Photo Books.

f. An innovative Case Management System which ensures prompt, thorough and flexible investigation of robbery complaints. Every robbery complaint, after assignment of a precinct complaint number, will be reviewed and signed-off in the OLCS 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 will be forwarded to the precinct detective squad. A thorough investigation will be conducted on all robbery cases and the case status (open or closed) will be determined by the PDS/RAM 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, booking and arraigning the prisoner.

A uniformed member of the service who apprehends two (2) PDS/RAM 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

Request for Departmental Recognition (P.G. 205-39)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081A)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

ROBBERY COMPLAINT WORKSHEET (PD313-158)

P.G. 212-62 Community Policing Unit General Guidelines

Date Effective: 01-01-00

GOAL

In order to achieve the objectives of community policing, members assigned to the community policing unit are committed to the following goals:

- a. Involving the community in identifying its own public safety concerns and eliciting input in setting the Department's priorities for addressing same.
- b. Increasing community participation in policing activities and community based public safety programs.
- c. Exchanging information with the community on a regular basis.
- d. Using a problem solving approach to develop strategies for police operations that respond to specific community problems, including non-traditional tactics and strategies.
- e. Coordinating strategies for addressing community problems with other agencies and private organizations.

NOTE: While members assigned to precinct community policing units are specifically charged with the furtherance of the above goals, it should be recognized that ALL members of the service are expected to perform duty in a manner that accomplishes these goals.

DEFINITIONS

BEAT - Geographic area of responsibility to which a beat officer is assigned.

BEAT BOOK - Ongoing profile of beat area maintained at the community policing unit office.

OFF-PATROL TIME - Scheduled or unscheduled time not spent performing visible foot patrol.

COMMUNITY POLICING UNIT DIARY - Maintained at the community policing unit office and used to record excusals, court appearances, and scheduled "off-patrol" time.

VEHICLE UTILIZATION LOG - Maintained at the community policing unit office. For this purpose, an adapted UNMARKED VEHICLE UTILIZATION LOG (PD571-1413) will be utilized for each Department RMP and twelve (12) passenger Department van assigned to the unit.

ROLL CALL CLERK

1. A weekly ADMINISTRATIVE ROLL CALL with scheduled activities (i.e., meetings, special projects, etc.,) noted, will be submitted to the precinct roll call office in a timely fashion for inclusion on the precinct ARCS roll call. Scheduled activities will be carried on the precinct roll call as "post - changes."
2. Precinct roll call personnel will maintain conformity within ARCS by ensuring the Employee Master File (AR02) and Assignment Master File (AR10) reflect all community policing assignments.
3. One (1) copy of the ADMINISTRATIVE ROLL CALL, with any changes noted, will be supplied to the precinct roll call office on a daily basis. After changes have been made to the ARCS roll call or Roll Call Adjustment Sheet, the ADMINISTRATIVE ROLL CALL

is to be delivered to the desk and placed chronologically into a suitable binder for reference and inspection.

4. All changes to the ADMINISTRATIVE ROLL CALL require the approval of the Special Operations Lieutenant.
5. Community policing unit members will, when practical, attend precinct roll call.
6. Community policing unit officers and sergeants will be assigned a fair share of "out of precinct" details, consistent with other precinct specialized unit members.

WORKING CHART

1. Community policing units are seven (7) day a week operations, as consistent with identified precinct conditions and community needs.
2. Community policing unit officers will work a miscellaneous chart, working eight (8) hour and thirty-five (35) minute tours.
3. Community policing unit members will have flexible tours, on a daily basis, and consistent with strategies developed to address identified conditions on the beat.
4. The submitted ADMINISTRATIVE ROLL CALL is considered to be a working chart.
5. Weekly work schedule is subject to the approval of the special operations lieutenant.
6. Community policing officers and sergeants will have regular days off which can only be changed as a result of a chart change (permanent change of regular day off [RDO]).
7. Community policing unit sergeants will work a miscellaneous chart, working eight (8) hour and fifty-seven (57) minute tours.
8. Community policing unit sergeants will have flexible tours, on a daily basis, as approved by the special operations lieutenant. Such tours should maximize supervision of unit members by the community policing sergeant.

NOTE: Vacation selections for members assigned to community policing unit will be made as a separate squad within the precinct structure. They are not to be exempt from excusal ratios (see A.G. 304-06, "Ranking Officer Vacation," and P.G. 203-19, "Vacation Policy.").

DEPARTMENT VEHICLES

1. SCOOTER UTILIZATION - The primary patrol function of the community policing unit officer is the performance of visible foot patrol in a specified beat area. It is recognized that both the topographic and geographic factors present in many of our commands would make, at times, the use of scooters desirable as a means of facilitating an officer's assignment. Accordingly, Department scooters are authorized for use within the following parameters:

- a. Scooters will be used only when deemed necessary and approved by an immediate supervisor.
- b. Scooters will not be routinely assigned but will be used on an "as needed" basis only.
- c. Scooters may be utilized only by those uniformed members who are qualified Department scooter operators (see A.G.320-16, "Driver Training").

2. VAN UTILIZATION - Twelve (12) passenger Department vans are assigned to precinct community policing units to enable members to perform special projects and accomplish other duties as directed by unit supervisors. They are also utilized to facilitate supervision of unit members by the community policing sergeant. Accordingly, the following guidelines will be adhered to:

a. Vans will not be used for routine patrol or other non-related duties (i.e., sector duty, property transport, etc.).

b. In the event of an extreme emergency, the commanding officer may authorize the use of the van for other than prescribed reasons. In such cases, a detailed entry will be made in the Command Log, including purpose, member assigned, and the identity of the authorizing commander.

c. The van will not be used for transport of more than two (2) prisoners, unless extreme exigent circumstances exist.

d. Vans may be utilized only by uniformed members who are Department qualified twelve (12) passenger van operators (see A.G. 320-16, "Driver Training").

RELATED PROCEDURES

Vacation Policy (P.G. 203-19)

Community Policing Duties And Responsibilities (P.G. 212-63)

Ranking Officer Vacation (A.G. 304-06)

Driver Training (A.G. 320-16)

FORMS AND REPORTS

UNMARKED VEHICLE UTILIZATION LOG (PD571-1413)

P.G. 212-63 Community Policing Duties And Responsibilities

Date Effective: 01-01-00

PRECINCT COMMANDING OFFICER

1. Inspect Beat Books periodically.
2. Regularly confer with community leaders, residents, and business persons to ensure viability of community policing effort at the command.
3. Ensure that community policing unit members are not routinely utilized as backfill for other precinct assignments.
4. Ensure that Department vehicles assigned to the precinct community policing unit are utilized in accordance with specified Department guidelines.
5. Ensure that Department mandates, as they relate to community policing, are carried out.
6. Ensure that utilization of community policing unit personnel is in accordance with specified guidelines.
7. Obtain approval for all requests for community policing programmatic overtime, through channels, from the Resource Management Section, Patrol Services Bureau.
8. Supervise and evaluate performance of all members assigned to the community policing unit.
9. Ensure that community policing officers and sergeants are assigned to out of precinct detail assignments commensurate with the number performed by other specialized precinct units and personnel.
10. Ensure that community policing officers periodically stand roll call with the outgoing platoon, when practical, and as not to interfere with ongoing programs and operations.
11. Act as chairperson for Precinct Management Team (PMT) meetings.
12. Prepare monthly evaluation report and submit, through channels.
 - a. Include observations as to the unit's effectiveness, impact on precinct's overall efforts, information that cannot be quantified numerically (i.e., inter-agency actions that improves conditions), and current training needs.
13. Ensure that community policing sergeants are assigned a number of precinct communications consistent with other precinct supervisors.
14. Include the community policing unit in the precinct self-inspection procedures.
15. Review integrity control officer's self-inspection reports.
16. Forward a copy of self-inspection report to the Commanding Officer, Borough Investigations Unit for review and comment.
17. Cause a CENTRAL PERSONNEL INDEX BACKGROUND REQUEST (PD449-160) to be made for ALL members prior to assignment to the community policing unit.
18. Maintain supervisory level of approximately one (1) sergeant to ten (10) police officers.

19. Exempt community policing sergeants from "desk and/or patrol" coverage.
20. Do not utilize community beat officers as backfill for sector manning needs, except as follows:
 - a. Major holidays (Christmas, Thanksgiving, etc.)
 - b. Major emergencies. (Minimum manning does not necessarily constitute an emergency).

INTEGRITY CONTROL OFFICER

1. Be thoroughly familiar with the efforts and programs of the community policing unit.
2. Inspect, sign, and evaluate the ACTIVITY LOG (PD112-145) of all community policing unit sergeants quarterly.
3. Visit community policing officers and sign their ACTIVITY LOG at least once a month.
4. Conduct random, confidential observations of community policing officer's activity.
5. Randomly follow up on crime prevention surveys to prevent improper referrals.
6. Monitor return roll call of community policing unit members.
7. Randomly attend meetings scheduled by community policing unit members.
8. Verify that utilization of Department vehicles assigned to the precinct community policing unit is within Department guidelines by certifying the Vehicle Utilization Log once a month.
9. Conduct at least one (1) conferral per beat each month with either a resident or business person. Record results on CPO EVALUATION WORKSHEET (PD351-140H).
10. Conduct self-inspections quarterly.

SPECIAL OPERATIONS LIEUTENANT

1. Become thoroughly familiar with the operations and administration of the community policing unit.
2. Supervise sergeants assigned to the community policing unit.
3. Monitor field performance of personnel assigned to community policing unit, and personally observe precinct conditions.
4. Ensure tours of duty performed by community policing sergeants maximize supervision of unit members.
5. Inspect records and logs of community policing unit and personnel. Inspect and sign Beat Books monthly.
6. Ensure collaborative effort between community policing unit and other specialized units in the precinct.
7. Confer with platoon commanders to ensure coordination of effort among all precinct members.

8. Inspect and sign ACTIVITY LOGS of sergeants assigned to the community policing unit once a month.
9. Review, for approval, work schedules for all community policing unit members.
 - a. Approve all tour changes on weekly administrative roll call.
10. Ensure that all members of the community policing unit receive required Department training.
11. Attend precinct community council, community board, and similar meetings, as directed by the commanding officer.
12. Be cognizant of community crime trends and quality of life conditions, allocating resources to address these concerns.
13. Attend Precinct Management Team (PMT) meetings.
14. Monitor field training function at the command.

COMMUNITY POLICING UNIT SERGEANT

1. Conduct daily roll call of community policing officers.
2. Coordinate the activities of community policing officers with the other members of the command.
3. Prepare work schedules for subordinates, based on strategies to address identified beat conditions.
4. Assist officers with their activities involving other Department units and governmental agencies.
5. Supervise officers in the performance of their duties.
6. Supervise the crime analysis and beat planning activities of community policing officers, and maintain unit records.
7. Confer with precinct field training sergeants to determine deployment of probationary police officers to beat areas.
8. Evaluate the performance of community policing officers, under the supervision of the precinct commanding officer, in a manner that is reflective of the duties performed by the officers.
9. Inspect Beat Books during the third (3rd) week of each month.
10. Attend Precinct Management Team (PMT) meetings.
11. Monitor level of unit's effectiveness by conducting conferrals with community residents or business persons. (Two [2] contacts per month for each beat officer actually assigned under the sergeant's direct supervision).
 - a. Maintain a file system to record results of interviews, captioned to include:

DATE	BEAT #/OFFICER	NAME/BUSINESS	ADDRESS	REMARKS	NAME OF SUPV. CONDUCTING INTERVIEW
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12. Meet with all primary community leaders listed in each police officer's Beat Book.

13. Regularly attend community meetings, as appropriate.
14. Ensure that all scheduled "off-patrol" meetings are entered in the community policing unit diary and administrative roll call, for inclusion on the precinct Automated Roll Call System (ARCS) roll call as "post changes."
15. Verify "off-patrol" time entered in the unit diary.
16. Maintain a master file of all active community groups/persons at the unit office.
17. Pursuant to training by the Community Affairs/Crime Prevention Section, randomly accompany subordinate officers on several surveys to ensure that the officer is capable of performing routine residential surveys.
18. Upon receipt of the residential survey, a serial number, beginning with the number one (001) for the first survey of the year, shall be assigned, and information recorded chronologically in a Department Record Book, captioned as follows:

SERIAL #	DATED CONDUCTED	OWNER/ OCCUPANT	ADDRESS	DATE DELIVERED	REMARKS	ASSIGNED OFFICER BEAT
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- a. Forward surveys to crime prevention officer for review and approval.
19. Upon receipt of the approved survey, have one (1) copy made to be maintained in a secure file.
 - a. The original will be hand delivered to the resident.
20. Verify entries in the vehicle utilization log.
21. Ensure that unit telephone answering machines are functioning and engaged at all times. The recorded announcement will be a proper, businesslike message.
22. Report to the desk officer for entry in the Interrupted Patrol Log upon entering and leaving the stationhouse.
23. Periodically perform unannounced tours, as appropriate, in order to determine the level of performance of unit members.
24. Be responsible for the supervision and evaluation of the police cadets assigned to their respective units.
25. Perform duty in uniform.
26. Perform other duties as directed by the precinct commanding officer.

COMMUNITY BEAT OFFICER

1. Patrol the beat area in a manner which strengthens the lines of communication with the area residents, as well as preventing crime and delinquency.
2. Regularly confer with residents and business persons within the beat area to determine the nature and extent of crime and order maintenance problems of concern to the community.
3. With the assistance of the precinct crime analyst, conduct crime analysis studies of beat area.

4. Confer, on a regular basis, with precinct personnel regarding the development and implementation of tactical strategies for addressing crime and order maintenance problems within the beat area.
5. Attend Precinct Management Team (PMT) meetings, as directed.
6. Coordinate activities with other members assigned to the precinct (i.e., sector, anti-crime, youth officer, etc.) in the development of strategies to address crime and order maintenance problems within the beat area.
7. Initiate contact with other Department units and governmental agencies, as appropriate, regarding strategies to address beat conditions, and render assistance, as necessary.
8. Maintain the Beat Book, as directed, keeping all sections current and updated.
9. Maintain contact with existing citizen's groups in the beat area, working with them on the design, implementation, and evaluation of neighborhood crime prevention programs.
10. Conduct public education programs on crime prevention specifically geared toward community groups within that beat area.
11. Attend community meetings as a police resource person.
12. Confer with the precinct crime prevention officer, conduct residential surveys and make recommendations to improve physical security. Members will utilize ONLY the CPO RESIDENTIAL BURGLARY PREVENTION CHECKLIST (PD351-140). No substitutes are permitted.
13. Contact crime victims within beat area and counsel them on methods to avoid being victimized in the future. Contacts should be made as appropriate and determined at the local level. Conferrals will be documented on the rear of the community policing unit copy of the COMPLAINT REPORT (PD313-152).
14. Contact officials from all schools in beat area and discuss problems connected with the schools.
 - a. Take necessary action to correct problems, when appropriate.
15. Document all "off-patrol" time:
 - a. Make ACTIVITY LOG entry, and notify Communications Division, prior to any "off-patrol" time, except under exigent circumstances.
 - b. Notify community policing sergeant of all scheduled "off-patrol" time for entry in the community policing unit diary and ACTIVITY LOG.
 - c. Notify the community policing unit office, or, if unattended, the desk officer, when there is unscheduled off-patrol" time of more than a short period. Receiving member will notify the desk officer, who will make an appropriate entry on the desk copy of the administrative roll call.
 - d. Members assigned to the community policing unit will report to the desk officer for entry in the Interrupted Patrol Log when entering and leaving the stationhouse.
16. Perform other duties as directed by the community policing unit supervisor.

COMMUNITY POLICING UNIT COORDINATOR

1. Become familiar with each community policing officer's community contacts and ongoing programs.

2. Attend meetings as appropriate and directed by community policing sergeant.
3. Act as a liaison between community policing officers and outside agencies, when necessary, to avoid duplication of effort.
4. Return messages for community policing sergeant and officers when they are not available.
5. Act as community policing sergeant's vehicle operator.
6. Assist community policing sergeant in coordinating both the unit's and officer's activities.
7. Substitute for the community policing office clerical assistant when necessary.
8. Provide transportation for community policing officers when directed by immediate supervisor.
9. Maintain vehicles assigned to the community policing unit.
10. Maintain vehicle utilization logs assigned to unit vehicles.
11. Report to the desk officer for entry in the command log when leaving the stationhouse if a community policing sergeant is not working.
12. Perform other duties as directed by the community policing sergeant.

COMMUNITY POLICING UNIT CLERICAL ASSISTANT

1. Answer telephones in community policing office.
2. Monitor answering machines and deliver messages to members of the unit.
3. Inform community policing supervisor or coordinator of messages, as appropriate, if affected community police officer is unavailable.
4. Return messages when appropriate.
5. Prepare, after supervisory approval, the administrative roll call.
 - a. All adjustments occurring after initial preparation will be noted on this form, as appropriate, and kept current.
6. Supply one (1) copy of the administrative roll call, with any adjustments noted, to precinct roll call personnel on a daily basis, for chronological filing in an appropriate binder at the desk.
7. Collect all COMPLAINT REPORTS (PD313-152) from previous day (s), and distribute to appropriate community policing officer.
 - a. Submit COMPLAINT REPORTS to unit supervisor or coordinator, as appropriate, if community policing officer is not available.
8. Perform other clerical duties relative to the community policing unit office.

NOTE: Unit clerical assistant will not be routinely used for other duties.

RELATED PROCEDURES

Community Policing Unit - General Guidelines (P.G. 212-62)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

CENTRAL PERSONNEL INDEX BACKGROUND REQUEST (PD449-160)

COMPLAINT REPORT (PD313-152)

CPO EVALUATION WORKSHEET (PD351-140H)

CPO RESIDENTIAL BURGLARY PREVENTION CHECKLIST (PD351-140)

P.G. 212-64 Use Of Vehicle Checkpoints As A Strategy For Crime Prevention

Date Effective: 05-30-02

PURPOSE

To establish the criteria by which members of the service can conduct a safe, legal, and effective vehicle checkpoint program.

SCOPE

A vehicle checkpoint is a site on a roadway designated by the commanding officer of a patrol borough, Traffic Control Division, precinct, police service area, transit district, highway district/unit, or task force, which is overseen by uniformed personnel. Motor vehicle operators are stopped here in a non-arbitrary manner (e.g., every third vehicle, etc), as directed by the commanding officer on a VEHICLE CHECKPOINT FORM (PD371-143). Unlike routine car stops, police officers are not required to articulate an individualized suspicion for each vehicle stopped pursuant to a vehicle checkpoint.

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 his/her 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.

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.
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 (2) 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.

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.

13. Take summary action, when necessary.
14. Record the identity (e.g., name, address, telephone, etc.) and statements of witnesses in ACTIVITY LOG (PD112-145), 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

15. 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.

16. Complete the remaining sections of the VEHICLE CHECKPOINT FORM at the conclusion of the vehicle checkpoint.

17. Record other pertinent information in ACTIVITY LOG.

18. 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 [1] at the beginning of each calendar year.

b. Forward copy of VEHICLE CHECKPOINT FORM to commanding officer, precinct concerned.

CLERICAL STAFF

19. 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 (2) 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

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

VEHICLE CHECKPOINT FORM (PD371-143)

P.G. 212-65 Bicycle Patrol

Date Effective: 01-01-00

PURPOSE

To inform members of the service of the procedures to be followed when performing bicycle patrol.

SCOPE

All precincts, police service areas, Patrol Borough Task Forces, Street Crime Unit and the Traffic Control Division are authorized to establish a bicycle patrol. ALL Patrol Boroughs, S.A.T. COM. Brooklyn North, the Traffic Control Division, 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 community policing supervisor/counterpart 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. Air pressure
 - b. Brakes
 - c. Crank
 - 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: An ACTIVITY LOG (PD112-145) 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.

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 (1¼) 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 (4) 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 (7th) 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 Traffic Control Division, 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 an accident and/or is injured shall comply with the applicable Patrol Guide procedures. A bicycle involved in an accident 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 accidents 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 anti-crime, community policing and 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: Traffic Control Division will coordinate bicycle training through the Chief of Patrol's Resource Management Section, Professional Development Unit, (212)-374-4204.

ANTI-CRIME/STREET CRIME UNIFORMED MEMBER OF THE SERVICE

23. Perform duty on nondescript bicycles as directed by the anti-crime/Street Crime supervisor.

24. Conduct a safety inspection of a Department approved bicycle utilizing the ABC-QUICK CHECK and make ACTIVITY LOG (PD112-145) entries regarding the condition of the bicycle.

25. Notify immediate supervisor if a bicycle requires repair or should not be utilized (e.g., unsafe, damaged, etc.). If immediate supervisor is not available, notify the desk officer.

NOTE: Minor repairs to unmarked bicycles should be performed by the member of the service designated at the command. Nondescript bicycles, which cannot be repaired, will be discarded in accordance with A.G. 325-03 "Disposal Of Non-Expendable Department Property."

26. Nondescript helmet, protective vest and eye gear will be worn.

ANTI-CRIME/STREET CRIME SUPERVISOR

27. Supervise the utilization of nondescript bicycles by members assigned to anti-crime/Street Crime Units and confer with the commanding officer regarding their use.

NOTE: Nondescript bicycles will be acquired through the Property Clerk, as conversion property, in accordance with A.G. 313-04 "Use Of Property (Other Than Vehicles) Held By Property Clerk." Prior to performing duties on property conversion bicycles, the command concerned must have the bicycles inspected by the Police Academy Driver Education and Training Unit. Scheduling of the inspection of these bicycles will be coordinated through the Patrol Borough Coordinator.

28. Ensure that members of the service utilizing Department bicycles conduct a safety inspection prior to use.

29. Maintain a list of the bicycles and serial numbers utilized by the anti-crime/Street Crime Unit.

30. A copy of this list will be provided to the Patrol Borough or Housing Bureau Bicycle Coordinator, as appropriate.

PATROL BOROUGH/BUREAU BICYCLE COORDINATOR

31. Notify subordinate commands regarding pertinent matters relating to bicycle patrol.

32. Establish and maintain a current listing of the bicycle coordinators within subordinate commands.

33. Collect and consolidate Bicycle Patrol Activity Reports and forward reports to the commanding officer for review.

34. Maintain, order, receive and distribute equipment for subordinate commands.

35. 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, S.A.T. COM. Brooklyn North and Traffic Control Division will forward a consolidated Bicycle Patrol Activity Report to the Operational Development Unit, Chief of Patrol, by the fifteenth (15th) 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 the Housing Bureau's repair facility as well as the command concerned. When repairs are needed, the coordinating supervisor will contact the appropriate facility.

All Housing Bureau PSAs, Bronx commands, Queens North, Manhattan North, Manhattan South and Street Crime Unit will have their bicycles repaired at:

Ravenswood Satellite
34-41 21st Street

Long Island City, NY 11105
(718)-786-1636

S.A.T. COM. Brooklyn North, Brooklyn South, Queens South, Staten Island and Traffic Control Division will have their bicycles repaired at:

Police Academy's Driver Education and Training Unit
Floyd Bennett Field
(718)-377-6323

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

Vehicle Accidents - 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

ACTIVITY LOG (PD112-145)

Bicycle Patrol Activity Report

P.G. 212-66 Mayor's Executive Order No.'s 34 & 41, City Policy Concerning Confidential Information And Immigrant Access To City Services

Interim Order 5 Issued 01-22-04 Suspends Patrol Guide 212-66

PURPOSE

To advise members of the service of the contents of Mayor's Executive Order Nos. 34 and 41, 2004, regarding City Policy concerning aliens.

SCOPE

Mayor's Executive Order No. 34 of 2003 has been amended by Mayor's Executive Order No. 41 of 2003, which reaffirms the City's policy of providing essential services to all residents regardless of immigration status, while complying with Federal law that affirms the City may not prohibit its employees from providing information to the U. S. Bureau of Immigration and Customs Enforcement (Title 18 U.S.C. § 1373 [a]). Mayor's Executive Order No. 41 also adds new categories of confidential information, which may not be disclosed except under the circumstances outlined below. In addition, under Executive Order No. 41 it continues to be the policy of the New York City Police Department not to inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance. It is incumbent upon the Department to maintain the trust and confidence of all who depend on the services of the Police Department for their safety.

DEFINITIONS

CONFIDENTIAL INFORMATION - Any information obtained and maintained by a City agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

ALIEN - Any person who is not a citizen or national of the United States.

PROCEDURE

Confidential information in the possession of City agencies relating to immigration status or other personal or private attributes should be disclosed only as provided herein:

MEMBER OF THE SERVICE

DISCLOSURE OF INFORMATION

No member of the service shall disclose confidential information, unless:

- a. Such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- b. Such disclosure is required by law; or
- c. Such disclosure is to another City officer or employee and is necessary to fulfill the purpose or achieve the mission of any City agency; or
- d. In the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill to purpose or achieve the mission of any City agency; or

e. In the case of information relating to immigration status, (i) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in illegal activity, other than mere status as an undocumented alien or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in illegal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in furtherance of an investigation of potential terrorist activity.

NOTE: Any member of the service with a question relating to this disclosure of confidential information under this section shall consult with the Legal Bureau.

INQUIRIES REGARDING ALIENS:

UNIFORMED MEMBERS OF THE SERVICE/PEACE OFFICERS

Shall not inquire about a person's immigration status unless investigating illegal activity other than mere status as an undocumented alien.

a. Uniformed members of the service/peace officers shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.

CIVILIAN MEMBERS OF THE SERVICE (OTHER THAN PEACE OFFICERS)

Shall not inquire about a person's immigration status unless:

a. Such person's immigration status is necessary for the determination of program, service or benefit eligibility or the provisions of City services; or

b. Such officer or employee is required by law to inquire about such person's immigration status.

ADDITIONAL DATA

In cases when an alien has been arrested for a criminal offense, it is the policy of the New York City Police Department to provide notification of such arrest to the U.S. Bureau of Immigration and Customs Enforcement. Such notification will be made by the Intelligence Division, based on data retrieved from the On Line Booking System (OLBS). When preparing the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159) it is imperative that an arresting officer ask the arrestee his/her citizenship status. If the arrestee indicates that he/she is not a citizen, the arresting officer should indicate same by checking "No" in the box captioned "U. S. Citizen." Additionally, the arresting officer should question the arrestee regarding his/her country of birth. An entry should then be made in the box captioned "State/Country of Birth."

FORMS AND REPORTS

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159)

P.G. 212-67 Police/Clergy Program

Date Effective: 01-01-00

PURPOSE

To formalize police/clergy cooperation; provide instruction and direction to both police and clergy; and to aid the Department in its effort to advance the concept of Community Policing.

DEFINITIONS

POLICE/CLERGY LIAISONS - designated members will be available to assist the Department in:

- (1) Maintaining calm.
- (2) Seeking cooperation from the community during and after emergencies such as bias incidents, hostage cases, and emotionally disturbed person situations.
- (3) Acting as unofficial recruiters, urging young people in their congregations to seek careers with the Police Department.
- (4) Attending appropriate events (e.g., Precinct Community Council meetings, Youth Councils, etc.).

POLICE/CLERGY VOLUNTEERS - will be selected by precinct commanders, in numbers based upon the individual precinct needs. These volunteers will function within precinct boundaries and will perform duties as recruiters, advisers and as a bridge between the community and the precinct.

PROCEDURE

When a vacancy occurs in the Police/Clergy Program:

PRECINCT COMMANDER

- 1. Notify Deputy Commissioner, Community Affairs, in writing, as to cause of vacancy, i.e., retirement, transfer, inactivity of member, etc.
- 2. Nominate a member of the clergy to fill vacancy utilizing nomination form (see "ADDITIONAL DATA").
- 3. Forward nomination to Deputy Commissioner-Community Affairs, through channels.

NOTE: Nominations should not exceed more than five (5) per precinct. Deputy commissioners and bureau chiefs may also make nominations direct to the Deputy Commissioner-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	TELEPHONE	RELIGIOUS	TIMES	LANGUAGES	OTHER
	NAME/ ADDRESS	NUMBERS	INSTITUTIONS	AVAILABLE	SPOKEN	QUALIFICATIONS

NOTE: A list of the clergy participating in the program will be forwarded to the Community Affairs Division.

POLICE/CLERGY REVIEW COMMITTEE

- 5. Review nominations.
- 6. Forward recommendations to the Police Commissioner.

DEPUTY COMMISSIONER 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

SAMPLE NOMINATION FOR POLICE/CLERGY PROGRAM

POLICE DEPARTMENT
CITY OF NEW YORK

Date

From: Commanding Officer, _____
 To: Deputy Commissioner - 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

P.G. 212-68 Confidential Informants

Interim Order 40 Issued 08-09-04 Suspends Patrol Guide 212-68

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 Division 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 Organized Crime Control Bureau, the Detective Bureau, the Transportation Bureau, the Housing Bureau, the Internal Affairs Bureau, the Counter Terrorism Bureau, the Intelligence Division, and the Patrol Services Bureau. The committee will review reports provided by the Intelligence Division 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 New York City Police 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.

NOTE: The Field Intelligence Officer will perform the duties of the supervisor, if assigned to the contact's command.

SUPERVISOR AND CONTACT

2. Interview informant.

[I.O. 40-1, c.s. 04] 3. Prepare original and two (2) copies of Department form CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST (PD378-161).

NOTE: The CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUEST must be typed. The signature page of the REQUEST must bear original signature only - no photocopies.

4. Conduct computer checks on potential confidential informant (see ADDITIONAL DATA statement "Background And Computer Checks For Prospective Confidential Informants").

a. A copy of the results will be attached to the REQUEST and a copy will be included in the command's Confidential Informant folder.

[I.O. 40-1, c.s. 04] 5. Obtain three (3) current, clear head and shoulder color photographs (no hats, sunglasses etc.) of prospective informant.

NOTE: Only color photographs of the prospective informant are acceptable.

6. Attach photographs and criminal record checks to three (3) copies of the CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST.

SUPERVISOR

7. Debrief prospective informant concerning criminal activity reported to contact.

8. Ascertain if the prospective informant has knowledge of other criminal activity including major crimes, terrorist groups or activity, or corruption involving any City, State or Federal employee.

NOTE: If a prospective confidential informant is a defendant in an active criminal case, the Assistant District Attorney concerned must give permission for registration. NYPD personnel assigned to specialty units, (e.g., A District Attorney's Squad), who register a confidential informant are NOT exempt from following this procedure.

9. 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 Division.

10. 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 NYPD (i.e., controlled buys, vice enforcement, etc.)

c. Notify contact or supervisor immediately if arrested for any offense.

[I.O. 40-1, c.s. 04] NOTE: 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.

When notified that a confidential informant has been arrested, the supervisor will immediately prepare Typed Letterhead containing the details of the incident, and forward to the Bureau Chief concerned.

11. 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).

12. Forward request to Borough/Division Commanding Officer.

NOTE: A Confidential Informant Registration/Reactivation Request initiated by a precinct, PSA, or transit district must be forwarded to and approved by the commanding officer.

BOROUGH/DIVISION COMMANDING OFFICER

13. Review and recommend approval or disapproval by endorsement.

14. Ensure delivery of request (by hand) in a sealed envelope, to the Bureau Coordinator designated to process requests.

BUREAU CHIEF

15. Designate a confidential informant coordinator in the rank of lieutenant or above to process all CONFIDENTIAL INFORMANT REGISTRATION/ REACTIVATION REQUESTS.

BUREAU COORDINATOR

16. Enter appropriate information into the Confidential Informant Database.

NOTE: The Intelligence Division 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 Division 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 meeting, the existing contact must deactivate the confidential informant before the request can be approved.

17. Review and recommend approval or disapproval by endorsement.

18. Forward to Bureau Chief.

19. Ensure appropriate information for Confidential Informant Quarterly Report and Confidential Informant Usage Reports is entered into the Confidential Informant Database.

NOTE: 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 to the Intelligence Division. If provisional registration of a Confidential Informant is approved, the Intelligence Division 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 (72) hours. In situations in which a confidential informant's identity may compromise a sensitive investigation, e.g., internal investigation or counter terrorism, the member of the service must receive written permission from the Bureau Chief to exclude personal identifiers from the Intelligence Division database. This documentation will be included in the case file.

BUREAU CHIEF

20. Evaluate recommendations.

21. Give final approval/disapproval for registration and inclusion in confidential informant database.

22. Notify commanding officer, unit designated to process requests, of results.

BUREAU COORDINATOR

23. Upon approval/disapproval by Bureau Chief, distribute three (3) copies of CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST as follows:

- a. Original copy to Bureau File with photograph.
- b. One (1) copy to contact/supervisor with photograph (maintained in confidential folder.)
- c. One (1) copy with photograph to the Intelligence Division.

24. Maintain active file of informants with separate folder for each informant.

25. Designate specific members who have access to folders in active file and designate specific folder(s) to which they has access.

26. 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 are exempt from this requirement.

TO MONITOR THE STATUS OF CONFIDENTIAL INFORMANTS REGISTERED WITH THIS DEPARTMENT:

SUPERVISOR AND CONTACT

27. Maintain file of active, registered informants, with separate folders for each informant, in a centrally located, secure, locked file.

28. Maintain file for those informants:

- a. Not recommended for registration.
- b. Deactivated as per step 31 below.

29. Ensure security of all folders.

30. Require contacts to submit written reports on CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACITVITY AND PAYMENT (PD378-083) 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.

b. Forward a copy of report to designated bureau coordinator for entry into the Confidential Informant Database.

31. 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.

32. 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.

NOTE: All active confidential informants must be reviewed by the designated contact and supervisor on a quarterly basis. These reviews are due on the last day of each quarter (March 31, June 30, September 30, December 31). If a quarterly review for a confidential informant is not submitted, permission to employ that confidential informant will be automatically revoked in the confidential informant database. The confidential informant can ONLY be reactivated by submitting a new CONFIDENTIAL INFORMANT REGISTRATION/REACTIVATION REQUEST.

33. Notify Intelligence Division, by CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT, through the Bureau Chief concerned, of any change in the informant's status.

34. Restore a deactivated informant to active file when appropriate:

a. Re-interview and process.

b. Reassign previous active file identification file.

35. 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 in the database, but not 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.

36. Maintain Confidential Informant Database.

37. Provide database reports to Confidential Informant Review Committee upon request.

NOTE: The identity of a confidential informant will be kept confidential and will be divulged only on a need-to-know basis. The Commanding Officer of the Intelligence Division 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 will have access to the confidential informant database. The Commanding Officer of the Intelligence Division 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.

TO OBTAIN THE SERVICES OF A CONFIDENTIAL INFORMANT DURING THE COURSE OF AN OFFICIAL INVESTIGATION:

UNIFORMED MEMBER OF THE SERVICE

38. Prepare CONFIDENTIAL INFORMANT DATABASE INQUIRY (PD378-162) for signature of commanding officer, addressed to Commanding Officer of the Intelligence Division, requesting a search of the database for a confidential informant who may be of assistance in an official investigation.

39. Hand deliver request to Intelligence Division.

NOTE: Requesting commands will maintain a log of all CONFIDENTIAL INFORMANT DATABASE INQUIRY forwarded to the Intelligence Division. In emergency situations (e.g., shooting of a police officer), a supervisor in the rank of Captain or above may

request confidential informant and contact information from the Intelligence Division by telephone. A CONFIDENTIAL INFORMATION DATABASE INQUIRY will be forwarded to verify a telephone request.

INTELLIGENCE DIVISION

40. 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

41. Confer with commanding officer to determine if authorization to use confidential informant will be granted.

CONTACT'S COMMANDING OFFICER

42. Review request and approve/disapprove, as appropriate.

43. Notify Intelligence Division of approval/disapproval.

INTELLIGENCE DIVISION

44. 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 the contact.

45. Forward a monthly report to all commands that submitted any CONFIDENTIAL INFORMANT DATABASE INQUIRY.

UNIFORMED MEMBER OF THE SERVICE

46. Confer with contact to initiate use of confirm.

NOTE: The Integrity Control Officer of each command receiving a monthly report, as indicated in step 45 above, will review and inspect entries for accuracy and ensure the integrity of the system by conducting an investigation when warranted.

The Integrity Control Officer of the Intelligence Division will conduct semi-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

[I.O. 40-1, c.s. 04] Patrol, Housing, and Transit Bureau units can register confidential informants on a one time use within thirty (30) days basis. After that, the informant will be transferred to the appropriate investigative unit by notifying a supervisor in that unit, and completing Department form, CONFIDENTIAL INFORMANT INFORMATION CHANGE, ACTIVITY AND PAYMENT.

It is not permissible to use the Field Intelligence Officer as the registering supervisor for a patrol, housing or transit confidential informant solely to circumvent the above guidelines.

Restrictions and Special Conditions for Registering Confidential Informant

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 officer.

Obtain permission from the probation officer.
Document time/date/to whom you spoke.

On Parole

Obtain written permission from the Division of Parole.

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 District

Obtain permission from the Assistant Attorney concerned.

Background and Computer Checks For Prospective Confidential Informants

The following background and computer checks shall be performed during the investigation of a prospective confidential informant:

- a. Unified Drug Enforcement Coordination System (UDECS) inquiry
- b. Interstate Identification Index (Triple I check)
- c. Narcotics Investigative Tracking of Recidivist Offenders (NITRO)
- d. Computer Criminal History (CCH)
- e. Computer Assisted Robbery System (CARS)
- f. BETA
- g. Automated DB2 Warrant System
- h. Court Record Information Management System (CRIMS)
- i. SPRINT
- j. PHOTO IMAGING MODULE (PIM)
- k. COMPLAINT ADDRESS TRACKING SYSTEM (CATS)
- l. WARRANT INQUIRY (WINQ)
- m. License Division
- n. Department of Motor Vehicles Check
- o. Any other appropriate check

RELATED PROCEDURES

Search Warrant Application (I.O. 40, series 2003)

Search Warrant Execution (I.O. 41, series 2003)

Search Warrant Post-Execution Critique (I.O. 42, 2003)

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)

Typed Letterhead

P.G. 212-69 Involuntary Protection Service

Date Effective: 01-01-00

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.

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, (212) 374-5400.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)

P.G. 212-70 Civilian Commendations (Non-members Of The Service)

Interim Order 19 Issued 03-18-04 Suspends Patrol Guide 212-70

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 Civilian Commendation is appropriate.
12. Indicate disapproval by endorsing APPLICATION to commanding officer concerned.

13. Indicate approval by endorsing APPLICATION to the Deputy Commissioner, Community Affairs.

14. Forward copy of approved APPLICATION to Bureau Chief concerned for information only.

DEPUTY COMMISSIONER 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 Deputy Commissioner, Community Affairs.

RELATED PROCEDURES

Command Post Operations (P.G. 213-01)

FORMS AND REPORTS

CIVILIAN COMMENDATION APPLICATION (PD127-016)

P.G. 212-71 Guidelines For The Use Of Photographic/Video Equipment By Operational Personnel At Demonstrations

Interim Order 47 Issued 12-10-01 Suspends Patrol Guide 212-71

PURPOSE

To set forth the permissible operational objectives for which members of the service may use photographic/video equipment to record images in situations outside of ongoing criminal or internal investigations, standard evidence collection or arrest processing procedures; to establish procedures for the approval and use of such equipment; and to establish responsibility for the maintenance, review, storage and disposition of such images.

SCOPE

This procedure establishes permissible operational objectives that authorize and apply generally to the use of video and photography, except in situations involving ongoing criminal or internal investigations, standard evidence collection, or arrest processing procedures. This procedure applies to the use of video and photography by members of the service to accurately record police operations and other public activity. Examples of such uses include preparing training materials and monitoring and/or assessing: emergency incidents, traffic control, crowd control (parades, demonstrations, etc.), counter-terrorism, public safety, crime, or disorder conditions, deployment of police resources, etc. Moreover, this procedure permits the use of video and photography equipment by members assigned to units other than Technical Assistance and Response Unit (TARU) and the Police Academy, Video Production Unit, and for approval of the use of these methods at the Patrol Borough/Bureau level.

The use of photographic or video equipment by operational personnel to accurately record police operations and other public activity is appropriate if a permissible operational objective exists. Permissible operational objectives include accurately documenting events, actions, conditions, or statements made:

- a. during special events, disorders events, arrests, public assemblages or any other critical incident in which such accurate documentation is deemed potentially beneficial or useful; or
- b. to prepare training materials; or
- c. when a reasonable belief exists that unlawful activity, terrorists activity or arrest activity will occur; or
- d. to make assessments and prepare after action reports concerning the proper deployment of police resources and/or use of tactics during any police operations, or
- e. monitor public areas for crime control purposes.

NOTE: Pursuant to Modified Handschu Guidelines, the investigation of political activity may only be initiated by and conducted under the supervision of the Intelligence Division. Therefore, members of the service not assigned to the Intelligence Division may not use video recording or photography for the purpose of investigating political activity, without the express written approval of the Deputy Commissioner, Intelligence. However, any member of the service may and should report his or her observations of suspicious conduct which involves political activity to his or her commanding officer or to the Intelligence Division, Operations Desk, (646)805-6400, 24 hours a day, 7 days a week. Members of the service are also reminded that the particular use of the equipment under the circumstances contemplated may require the prior issuance of a court order. For example, an eavesdropping warrant is required to use a camera with audio recording capability to intentionally overhear or record a conversation without the consent of at least one party thereto while not present

thereat and a video surveillance warrant is required if images of a person are transmitted without the consent of that person or another person thereat under circumstances in which such observation in the absence of a video surveillance warrant infringes upon such person's reasonable expectation of privacy. Questions concerning these issues should be directed to the Legal Bureau at (646) 610-5400.

PROCEDURE

When ranking personnel of this Department contemplate the use of photographic or video recording equipment for a permissible operational objective:

RANKING OFFICER

1. Submit a report, on Typed Letterhead, to the Patrol Borough/Bureau Commander concerned, requesting the deployment of equipment and properly trained personnel.

NOTE: In emergency situations, requests may be made by telephone, and equipment and personnel may be deployed. However, the report must be subsequently submitted in writing in accordance with this procedure.

2. Include the following information in the request:

- a. Date, time and location of incident or event to be recorded, and
- b. Identity of the individuals or groups involved (if known), and
- c. Specific permissible operational objective(s) to be achieved.

NOTE: Every request for the use of photographic/video equipment will be entered into a serially numbered log, maintained solely for this purpose, at the office of the Patrol Borough/Bureau Commander. In addition, the office of the Patrol Borough/Bureau Commander will maintain copies of all written requests.

PATROL BOROUGH/ BUREAU COMMANDER CONCERNED

3. Direct that appropriate entries in log be made upon receipt of request.

a. Include determination as to whether request is approved/disapproved and reason therefore.

4. Return approved/disapproved request to ranking officer concerned. Include:

- a. Explanation for approval/disapproval
- b. Unit designated to operate photographic/video equipment, if approved.

5. Forward copy of approved requests to

- a. Office of the Chief of Department (for information), through channels.
- b. Commanding Officer, Technical Assistance Response Unit (TARU), or other unit, as appropriate, to assign members to operate photographic/video equipment.

NOTE: The office of the Chief of Department will maintain a centralized file of all approved requests. The Patrol Borough/Bureau Commander concerned shall have the option of assigning and deploying another appropriate unit, rather than engaging the services of TARU or the Police Academy, Video Production Unit. If this option is chosen, the Commanding Officer of the unit (borough, precinct, housing, transportation, task force personnel etc.) designated by the Patrol Borough/Bureau Commander concerned shall be responsible for the security, maintenance, chain of custody, review, storage, and disposition of the original media source, in the manner prescribed below. Receipts

for the original media source should be prepared with captions noting who the operator of the equipment is, and who is receiving/accepting the recorded videotape or photograph. At future dates, should copies or transference of the original media be required, TARU can assist the requesting unit with processing. Any unit or persons requesting assistance in duplication of an original media MUST make such request in writing to the Commanding Officer of the Technical Assistance Response Unit. Once processing is completed, the requesting unit will resume the responsibility of securing the original media(s). Photographs/video taken for training purposes should be consistent with the permissible operational objective. For example, photographs/video taken for training purposes should generally not contain close-ups of members of the public, but should focus on police tactics and behavior.

COMMANDING OFFICER, TARU/OTHER DESIGNATED UNIT

6. Assign appropriately trained personnel to the approved request.

NOTE: Training of selected personnel assigned to use the photographic or video equipment will be conducted by Technical Assistance and Response Unit (TARU). In addition, all photographic or video equipment that is needed will be obtained through TARU.

UPON COMPLETION OF PHOTOGRAPHING/VIDEOTAPING:

7. Maintain all photographs/video recordings prepared in connection with this procedure for a minimum of one (1) year from the date the images were recorded.

8. Prepare and maintain a written summary describing the event and activities preserved in each recording, to assist in indexing and retrieval.

9. Facilitate review of the recorded materials by the ranking officer who initiated the request to determine whether they have value either as evidence of criminal activity or as documentation under a permissible operational objective.

a. If the materials contain evidence of criminal activity, they will be considered evidence, and handled accordingly.

b. If the materials are deemed valuable for other purposes, for example, litigation, training, after action reports, etc., they will be similarly preserved in connection with that purpose.

c. After one (1) year, materials not meeting the criteria in (a.) or (b.) above may be destroyed. In determining whether materials have such value or may be destroyed (video recordings, discs, etc. may be reused), the Commanding Officer, TARU/Other Designated Unit shall confer with the ranking officer who authorized or requested the taking of video/photographs.

NOTE: The foregoing video recording maintenance, review, storage and disposition procedures shall not apply with respect to any closed circuit television patrol or other similar surveillance camera system for which separate procedures may be established, including those set forth in, but not limited to, Interim Order 11-1 series 2000, "Housing Bureau Closed Circuit Television Patrol."

ADDITIONAL DATA

Personnel assigned to operate photographic/video equipment pursuant to this procedure will strictly adhere to the following guidelines:

a. Determine from the ranking officer in charge who is to be photographed/video recorded and/or what type(s) of activity or conduct is to be photographed/video recorded. Technicians will not engage in unauthorized photographing/video recording.

b. Supervisors will monitor their subordinates' activity to ensure that there is no unauthorized photographing/video recording.

c. All photographs taken and video recordings made are the property of the Department and shall not be released to entities outside the Department, except in accordance with existing law or by the direction of competent authority.

The ranking officer in charge will be held strictly accountable for all photographs and video recordings prepared.

RELATED PROCEDURES

Guidelines For Uniformed Members Of The Service Conducting Investigations Of Unlawful Political Activities (P.G. 212-72)

FORMS AND REPORTS

Typed Letterhead

P.G. 212-72 Guidelines For Uniformed Members Of The Service Conducting Investigations Of Unlawful Political Activities

Interim Order 58 Issued 12-28-04 Suspends Patrol Guide 212-72

PURPOSE

To provide guidelines for investigations of possible unlawful or terrorist related activity that involve political activity, including the collection, analysis, processing, retention, and dissemination of information concerning persons, groups, or organizations involved in political activity.

DEFINITIONS

POLITICAL ACTIVITY - The exercise of a right of expression or association for the purpose of maintaining or changing governmental policies or social conditions.

INVESTIGATION - A police activity undertaken to obtain information or evidence.

LEAD - Information submitted to or obtained or developed by the Intelligence Division concerning an ongoing investigation, or, that may be used to initiate a new investigation.

INVESTIGATIVE STATEMENT - A detailed written request submitted under this procedure to obtain approval for the initiation of a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation.

AUTHORIZING OFFICIAL - The Intelligence Division official (specifically, the Commanding Officer and the Executive Officer, Intelligence Division, and the Commanding Officer, 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 Modified Handschu Guidelines," or, "the Guidelines") require that any investigation by the New York City Police Department involving political activity shall be initiated by and conducted only under the supervision of the Intelligence Division. Accordingly, members of the service shall not conduct investigations involving political activity without the express written approval of the Deputy Commissioner, Intelligence.

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 Intelligence Division Operations Desk at 646-805-6400 (24 hours, 7 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 Operations Desk, including preparation of more detailed report, if necessary.

INTELLIGENCE DIVISION OPERATIONS DESK

2. Accept and record Leads received.

a. Contact reporter and conduct telephone interview to obtain additional details, if necessary.

3. Confer with Operations Desk supervisor concerning assignment and disposition of Lead; if appropriate, refer for review as required by Lead processing procedures.

OPERATIONS DESK SUPERVISOR

4. Assign Lead requiring follow up by Intelligence Division to appropriate unit for Checking of Lead or other investigation.

SUPERVISOR, INTELLIGENCE DIVISION UNIT ASSIGNED

5. Supervise performance of Checking of Lead, if appropriate.

6. Submit Investigative Statement to Authorizing Official requesting approval to conduct either a Preliminary Inquiry, Full Investigation, or Terrorism Enterprise Investigation, if the original Lead, the results of a Checking of Lead, or other information suggests the need for further investigation that involved 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 cases, the Investigative Statement must be submitted as soon as practical.

AUTHORIZING OFFICIAL

7. Review request; determine whether requested investigation is warranted and in compliance with the Modified Handschu Guidelines.

a. Indicate approval or disapproval of investigation and investigative technique(s) in written endorsement.

b. Forward endorsement to Deputy Commissioner, Intelligence for final approval, if approved.

DEPUTY COMMISSIONER INTELLIGENCE

8. Review request, determine whether requested investigation is warranted and in compliance with these Guidelines.

a. Indicate approval or disapproval of investigation and investigative technique(s) in written endorsement.

INVESTIGATIVE UNIT ASSIGNED

9. Conduct approved investigation involving political activity according to the Constitution, the Handschu Consent Decree, the Guidelines for Investigations Involving Political Activity, 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

15. Periodically review the progress of approved investigations to ensure that investigations are conducted in compliance with the Guidelines.

16. 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.

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 "Modified 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 (3) members who shall act as a body, to wit, the Deputy Commissioner - Legal Matters of the Police Department, the Chief of Internal Affairs of the Police Department, and a civilian member appointed by the Mayor upon consultation with the Police Commissioner for a term revocable at will. The decisions of the Authority as set forth herein shall be by majority vote.

IV. REVIEW OF RECORDS TO DETERMINE COMPLIANCE

A. At any time, a person or a member of a group or organization having reason to believe that such person, group or organization has been the subject of investigation of political activity which violates constitutionally guaranteed rights and privileges, may request in writing which sufficiently identifies the requesting party that the Authority make inquiry of the appropriate investigative officer of the NYPD. If the Authority's inquiry reflects that the investigation was conducted in conformity with the Constitution, the Authority shall notify the requesting party that if an investigation was made, it was made in accordance with the Constitution.

B. If the inquiry reveals or if the Authority otherwise becomes aware that an investigation was not conducted in conformity with the Constitution with respect to the requesting party, the Authority shall proceed as follows:

(1) The Authority shall obtain all information and documents pertaining to the requesting party developed in the course of such investigation.

(2) The Authority shall conduct or cause to be conducted an inquiry into the circumstances of such investigation with respect to the requesting party.

(3) In the event the inquiry determines that such investigation with respect to the requesting party was not conducted in accordance with the Constitution, the Authority shall so notify the requesting party and submit a report to the Police Commissioner.

4. DATE OF EFFECT

Effective immediately, no members of the service shall engage in an investigation of political activity except through the Intelligence Division. Requests for such investigations should be on Typed Letterhead addressed to the Commanding Officer, Intelligence Division. Where time is of the essence the request may be by telephone (646) 805-6400 to the Operation Desk of the Intelligence Division. In all cases, members of the service concerned shall abide by the direction of the Intelligence Division. Such investigations shall be conducted pursuant to the "Guidelines for Investigations Involving Political Activity" set forth below.

5. INTERPRETATION

Any member of the service who is uncertain whether a particular investigation constitutes an "investigation involving political activity" shall consult with the Legal Bureau.

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 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, that care be exercised in the conduct of those investigations so as to protect constitutional rights, and that matters investigated be confined to those supported by a legitimate law enforcement purpose.

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. When, however, statements advocate unlawful activity, or indicate an apparent intent to engage in unlawful conduct, particularly acts of violence, an investigation under these guidelines may be warranted, unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm.

(2) Based upon the circumstances of a given case, investigative action may be required under exigent circumstances. Exigent circumstances are circumstances requiring action before authorization otherwise necessary under these guidelines can

reasonably be obtained, in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; to prevent the hiding, destruction or alteration of evidence; or to avoid other serious impairment or hindrance of an investigation. When any investigative action, taken under exigent circumstances, would require an approval under ordinary conditions, such approval shall be obtained as soon as practicable in accordance with the provisions of these guidelines. Where a regular approval or request is required to be in writing, the approval or request following exigent circumstances shall also be in writing.

(3) Investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement purpose justifies their continuance.

III. APPLICABILITY

These guidelines apply only to investigations which involve political activity. They do not apply to, or limit, other activities of the NYPD in the investigation or detection of unlawful conduct, the preservation of the peace and public safety or other legitimate law enforcement activities which do not involve political activity.

IV. ROLE OF THE INTELLIGENCE DIVISION

(1) Investigation of political activity shall be initiated by, and conducted under the supervision of the Intelligence Division. Nothing in this paragraph, however, is intended to prevent any member of the service from reporting his or her observations of suspicious conduct which involves political activity to his or her commanding officer or to the Intelligence Division.

(2) The Deputy Commissioner of Intelligence shall periodically inform and advise the Police Commissioner concerning the status of any investigations conducted pursuant to these guidelines.

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.

B. PRELIMINARY INQUIRIES

(1) In cases where the NYPD receives information or an allegation not warranting an investigation - because there is not 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. 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.

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.

(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.

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 Commanding Officer or Executive Officer of the Intelligence Division, or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"). The Authorizing Official must assure that the allegation or other information which warranted the inquiry has been recorded in writing. Upon such authorization a notification must be made for final approval by the Deputy Commissioner of Intelligence.

(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 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 of Intelligence. 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) All lawful investigative techniques, including the use of undercover operations and the development of sources and informants may be used in an 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.

(6) 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 VI and, except in exigent circumstances, requires prior approval by a supervisor.

(7) 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.

(8) All requirements regarding inquiries shall apply to reopened inquiries.

C. FULL INVESTIGATION

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. 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 VI hereof.

(4) Authorization and Renewal

a. A Full Investigation may be authorized by the Commanding Officer or Executive Officer of the Intelligence Division or the Commanding Officer of the Criminal Intelligence Section (" the Authorizing Officials") upon a written recommendation setting forth the facts or circumstances reasonably indicating that an unlawful act has been, is being or will be committed. Upon such authorization a notification must be made for final approval by the Deputy Commissioner of Intelligence.

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 of Intelligence. 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.

(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. TERRORISM ENTERPRISE INVESTIGATION

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 provide a life and continuity of operation not normally found in other types of unlawful activity. As a consequence, these investigations may continue for several years. Furthermore, the focus of such investigations may be less precise than that directed against more 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. It 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.

b. While no particular factor or combination of factors is required, considerations that will generally be relevant to the determination 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 (e.g.):

(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, e.g.:

(i) by acquiring or taking steps toward 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 these items, the lawful purpose of the acquisition is not apparent;

(ii) by the creation, maintenance, or support of an armed paramilitary organization;

(iii) by paramilitary training; or

(iv) by other conduct demonstrating an apparent ability or intent to injure or intimidate individuals, or to interfere with the exercise of their constitutional or statutory rights.

(3) Potential Unlawful Act. The group's statements or activities suggest potential unlawful acts that may be relevant in applying the standard for initiating a Terrorism

Enterprise Investigation - such as crimes under the provisions of the N.Y. Penal Law that set forth specifically 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 Commanding Officer or Executive Officer of the Intelligence Division or the Commanding Officer of the Criminal Intelligence Section ("the Authorizing Officials"), upon a written recommendation setting forth the facts or circumstances reasonably indicating the existence of an enterprise as described in paragraph 1.a. above. Upon such authorization a notification must be made for final approval by the Deputy Commissioner of Intelligence. When exigent circumstances exist, as 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 of Intelligence. 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. 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. INVESTIGATIVE TECHNIQUES

(1) When conducting investigations under these guidelines, the NYPD may use any lawful investigative technique permitted by these guidelines. The choice of investigative techniques is a matter of judgment, which should take account of:

(i) the objectives of the investigation and available investigative resources;

(ii) the intrusiveness of a technique, considering such factors as the effect on the privacy of individuals and potential damage to reputation;

(iii) the seriousness of the unlawful act; and

(iv) the strength of the information indicating its existence or future commission of the unlawful act.

(2) Where the conduct of an investigation presents a choice between the use of more or less intrusive methods, the NYPD should consider whether the information could be obtained in a timely and effective way by the less intrusive means. The NYPD should not hesitate to use any lawful techniques consistent with these guidelines in an investigation, even if intrusive, where the intrusiveness is warranted in light of the seriousness of the crime or the strength of the information indicating its existence or future commission. This point is to be particularly observed in investigations relating to terrorist activities.

(3) Authorized methods in investigations include, among others, use of confidential informants, undercover activities and operations, eavesdropping and video surveillance (as defined in Article 700 of the NY Criminal Procedure Law), pen registers and trap and trace devices, consensual electronic monitoring, and searches and seizures.

a. Undercover Operations

(i) Undercover operations, including confidential informants, may be used when such operations are the most effective means of obtaining information, taking into account all the circumstances of the investigation, including the need for the information and the seriousness of the threat. The use of undercovers and confidential informants must be authorized by the Deputy Commissioner of the Intelligence Division 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 120 days and may be extended for additional periods of 120 days with the approval of the Deputy Commissioner of the Intelligence Division. Such extensions may

be approved for as long as the investigation continues and the use of undercover is the most effective means of obtaining information. 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.

VII. DISSIMINATION 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 Division in accordance with general police department practice and applicable municipal record retention and destruction rules, regulations and procedures. Under these rules and practices documents are retained for no less than five years.

VIII. 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 terrorists threats and activities. It cannot be content to wait for leads to come in through the actions of others, but rather must be vigilant in detecting terrorist activities to the full extent permitted by law, with an eye toward 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 terrorists 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.

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.

IX. 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.

X. RESERVATION

Nothing in these guidelines shall limit the general reviews or audits of papers, files, contracts, or other records in the possession of the NYPD or City of New York, or the performance of similar services at the specific request of another government agency. Such reviews, audits, or similar services must be for the purpose of detecting or preventing violations of law which are within the investigative responsibility of the NYPD.

Nothing in these guidelines is intended to limit the NYPD's responsibilities to investigate certain applicants and employees, or to pursue efforts to satisfy any other of its legal rights, privileges, or obligations.

These guidelines are set forth solely for the purpose of internal NYPD guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the NYPD or City of New York.

RELATED PROCEDURES

Citywide Intelligence Reporting System (P.G. 212-12)

Communications Between the Intelligence Division and Units in the Field Regarding Suspected Terrorist Activity (Interim Order 28, Series 2004)

Guidelines For The Use Of Photographic/Video Equipment to Record Police Operations and Public Activities (P.G. 212-71)

P.G. 212-73 Bicycle Registration Program

Date Effective: 01-01-00

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 three (3) digit number indicating precinct designation followed by a four (4) 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

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 (PD 313-152) 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 COMPLAINT FOLLOW-UP (PD313-081) 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.

ADDITIONAL DATA

ALL Police Department issued bicycles must be enrolled in this program. The bicycles will be engraved with the prefix NYPD followed by the three (3) digit precinct designation and four (4) digit precinct sequential number (e.g., NYPD 103-0001, indicates first (1st) 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 (3) digit command code followed by the registering precincts four (4) digit sequential number (e.g., NYPD 128-0001,

indicates first (1st) bicycle registered in precinct of registration is assigned to the Street Crime Unit).

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 FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD 313-152)

P.G. 212-74 Community Notification Protocol

Date Effective: 05-30-02

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, the community affairs office, and the community policing unit 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 the Office of the Deputy Commissioner, Community Affairs, through channels.

IN THE EVENT THAT COMMUNITY NOTIFICATIONS ARE REQUIRED

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

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 Deputy Commissioner, 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.

P.G. 212-75 Search Warrant Applications

Interim Order 40 Issued 08-25-03 Suspends Patrol Guide 212-75

PURPOSE

To apply for a search warrant based on timely and accurate intelligence.

DEFINITION

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 two (2) documents:

a. **SEARCH WARRANT** which is typically a one (1) 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 the police officer asserting that certain facts exist that the applicant believes establish probable cause that the place to be searched contains particular contraband or evidence.

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, or 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.

NOTE: All members of the service prior to applying for a search warrant must conduct a Unified Drug Enforcement Coordination System (UDECS) check through the appropriate borough intelligence team. After check is completed, a UDECS control number will be given to the requesting member of the service. The District Attorney's Office will not process a search warrant application without a UDECS control number.

SUPERVISOR CONCERNED

3. Investigate the target location:

- a. Conduct reconnaissance and surveillance
 - b. Verify the target location by photo, diagram or other means.
4. Evaluate, confirm and document all information gathered prior to being submitted to commanding officer for approval.

NOTE: When probable cause for a search warrant is based on information from confidential informants/civilian witnesses the immediate supervisor of the MOS 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.

5. Prepare a report on Typed Letterhead addressed to the commanding officer, 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 Prior To The Execution Of A Search/Arrest Warrant").
 - 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.

COMMANDING OFFICER, CONCERNED

6. Review the supervisor's report, compare it with all information gathered during the search warrant application process and include report in investigative file.
7. 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.
8. 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.

NOTE: 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.

BOROUGH EXECUTIVE OFFICER/COUNTERPART

9. Confer with the commanding officer, command requesting the warrant.
10. Evaluate all information pertaining to the request for a search warrant and indicate one of the following by endorsement:
 - a. Grant permission to apply for search warrant; OR
 - b. Return search warrant request for further development; OR
 - c. Disapprove search warrant request.

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. When a command in any other bureau is applying for a search warrant to be executed in another jurisdictional borough, the executive officer/counterpart of that borough must be consulted with, e.g., Manhattan North Narcotics 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 such as the Narcotics Division, 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.

COMMANDING OFFICER, CONCERNED

11. File folder at command if disapproved.
12. If returned for further development, comply with instructions of borough executive officer/counterpart.
13. Direct member concerned to contact county District Attorney's Office for preparation of the Search Warrant Application if approved at borough level.
 - a. If application is disapproved by District Attorney or Court, endorse Typed Letterhead (prepared as per step 5) to the Borough Executive Officer/Counterpart and include in endorsement reasons for disapproval and file a copy in command.
 - b. Notify the Intelligence Division's Regional Intelligence Center at (646) 805-6290 for inclusion of the details regarding the disapproved Search Warrant Application in the citywide database.
 - c. If approved by District Attorney, comply with provisions of Interim Order 41 of 2003 "Search Warrant Execution"

ADDITIONAL DATA

BACKGROUND CHECKS WHICH MUST BE CONDUCTED AS PART OF THE SEARCH WARRANT APPLICATION PROCESS

UNIFIED DRUG ENFORCEMENT COORDINATION SYSTEM (UDECS) - conducted through the borough intelligence unit. UDECS 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 UDECS 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.

SPRINT - 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.

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 reopens, 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 (I.O. 41, c.s.)

Search Warrant Post-Execution Critique (I.O. 42, c.s.)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

REQUEST FOR RECORDS CHECK (PD349-161)

COMPLAINT REPORT (PD313-152)

Search Warrant Application

Typed Letterhead

P.G. 212-76 Information Concerning Official Business Of Department

Date Effective: 12-10-04

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
N.Y.S. Division of Parole (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.

[REV 04-03] 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 (646) 610-5390, 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 Commanding Officer, Office of Management Analysis and 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.

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 all such requests for sensitive information to the Legal Bureau, Legislative Affairs Unit, which will direct the request to the appropriate unit for response. Any response prepared must first be forwarded to the Legislative Affairs Unit for review to ensure that accurate information is conveyed and that responses are consistent with Department policy.

Commanding officers may confer with the Legislative Affairs Unit, by telephone, to resolve any questions.

Inquiries of a routine nature including publicly released crime statistics, constituent problems or complaints may be handled by the command concerned.

RELATED PROCEDURES

Release of Information To News Media (P.G. 212-77)

Incidents Involving Media Representatives (P.G. 212-49)

P.G. 212-77 Release Of Information To News Media

Date Effective: 01-01-00

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 child under sixteen years of age taken into custody, unless child is a juvenile offender
 - b. Identity of a complainant under sixteen 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
 - 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.

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, at (212) 374-6700 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.

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 related 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

Information Concerning Official Business of the Department (P.G. 212-76)
Incidents Involving Media Representatives (P.G. 212-49)
Exposure Of Members Of The Service To Infectious Diseases (P.G. 205-10)

FORMS AND REPORTS

MEDICAL TREATMENT OF PRISONER (PD244-150)

P.G. 212-78 Oral Application For Search Warrant

Date Effective: 01-01-00

PURPOSE

To make oral application for a search warrant when the urgency of the situation does not permit preparation of written application.

PROCEDURE

When necessary to make an oral application for a search warrant:

REQUESTING UNIFORMED MEMBER OF THE SERVICE

1. Present facts to immediate supervisory officer.

SUPERVISORY OFFICER CONCERNED

2. Determine if oral application procedure is appropriate.

3. Provide requesting member with a copy of court form "Search Warrant."

4. Direct requesting member to prepare handwritten copy of Search Warrant form and contact Department attorney to review facts.

NOTE: If Legal Bureau is closed, the member concerned will adhere to P.G. 211-20, "Conferral With Department Attorney."

DEPARTMENT ATTORNEY

5. Review facts to determine if an oral search warrant is appropriate.

6. Provide requesting member with telephone number of the county District Attorney concerned, if approved.

REQUESTING UNIFORMED MEMBER OF THE SERVICE

7. Contact county District Attorney for approval and further instructions.

NOTE: The District Attorney will provide the requesting member with the telephone number of a designated judge, if request for search warrant is approved.

8. Contact judge and, after being sworn-in state:

- a. Rank, name, shield number and command
- b. Specific description(s) of property/person(s) to be seized
- c. Specific description(s) of place/property to be searched
- d. Facts which are basis for oral search warrant.

9. Obtain court control number from judge, if approved.

10. Relate, to judge, verbatim the information on the hand written copy of Search Warrant.

- a. Amend warrant as directed

b. Repeat verbatim the amended warrant for final approval and authorization to execute.

11. Enter on Search Warrant, in space normally provided for judge's signature:

- a. Name of issuing judge
- b. Court control number
- c. Date and time the warrant was authorized.

12. Have three (3) photo copies of Search Warrant produced and distribute as follows:

- a. One (1) copy to supervisory officer initially conferred with.
- b. Remaining two (2) copies according to local borough criteria.

13. Deliver to supervisory officer, initially conferred with, a copy of the court form "Inventory and Affidavit of Property Taken Under Search Warrant," after execution of warrant.

SUPERVISORY OFFICER CONCERNED

14. Initial and forward copy of the Search Warrant and Inventory and Affidavit of Property Taken Under Search Warrant, to the Legal Bureau as soon as practicable after execution of warrant.

NOTE: The number of copies of court form "Inventory and Affidavit of Property Taken Under Search Warrant" prepared and distributed will be determined by local borough criteria.

REQUESTING UNIFORMED MEMBER OF THE SERVICE

15. Deliver, personally, to the issuing court after the execution of the search warrant:

- a. Original copy of the oral search warrant
- b. One (1) copy of court form "Inventory and Affidavit of Property Taken Under Search Warrant".

ADDITIONAL DATA

Specialized units working in direct contact with the District Attorney may make an application for an oral search warrant directly to the District Attorney. After execution of the warrant, a copy will be forwarded to the Legal Bureau.

RELATED PROCEDURES

Conferral With Department Attorney (P.G. 211-20)

P.G. 212-79 Subpoena Fees And Accounting Procedures

Date Effective: 01-01-00

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 does not 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 Audit And Accounts Unit," 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

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
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* 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
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* All other Family Court Cases
As per CIVIL CASE FEE SCHEDULE, above

* CRIMINAL CASES

Subpoena issued by State and Federal Courts	NO FEE REQUIRED
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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 Audit And Accounts Unit (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)

P.G. 212-80 Suspension And Revocation Orders

Date Effective: 01-01-00

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 Community Policing Unit Coordinator.

COMMUNITY POLICING UNIT COORDINATOR

3. Prepare SUSPENSION/REVOCATION REPORT (PD634-151) and attach to each Order.
4. Distribute Suspension and Revocation Orders with attached SUSPENSION/REVOCATION REPORT to beat officers concerned.
5. Forward Orders to precinct concerned for service if information indicates that Order must be executed in that precinct.

BEAT OFFICER

6. Record Suspension and Revocation Orders in 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 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 Community Policing Unit Coordinator.

COMMUNITY POLICING UNIT COORDINATOR

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 (1) envelope.
- b. Executed Orders - placed one (1) 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

ACTIVITY LOG (PD112-145)

SUSPENSION/REVOCATION REPORT (PD634-151)

P.G. 212-81 Unauthorized Display Of Badges, Plates, Cards, Etc.

Date Effective: 01-01-00

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 (2) 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

P.G. 212-82 Forwarding Of Fees To Audit And Accounts Unit

Date Effective: 01-01-00

PURPOSE

To safeguard fees being forwarded to Audit and Accounts Unit.

PROCEDURE

When fees (cash and checks) that have been collected for forwarding to the Audit 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. See A.G. 321-24, "Processing Requests for Rifle/Shotgun Permits at Precinct Stationhouse."

2. Prepare FEE TRANSMITTAL SHEET (PD122-150).

3. Assign a separate command serial number to each FEE TRANSMITTAL SHEET beginning with number one (1) each 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 (1) 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, and
- b. Drawing a diagonal line from left side of horizontal line, extending to bottom right of space allotted for "sub-total."

8. Sign all 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 after 1600 hours or on days when the Audit and Accounts Unit is closed will be safeguarded and processed the next business day. The Audit 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.

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 (4) 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 Audit 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 (2) copies of CONSOLIDATED FEE RECEIPT (pink and white) and two (2) copies of each FEE TRANSMITTAL SHEET (white and blue) to the Audit and Accounts Unit with the A.M. mail.

NOTE: Fees and related forms must be delivered before 1200 hours.

AUDIT 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 (1) copy of CONSOLIDATED FEE RECEIPT (white) to borough messenger.

33. Retain original FEE TRANSMITTAL SHEET (white), and one (1) 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 Audit and Accounts Units with command file copy (buff).

a. Notify Audit and Accounts Unit of any discrepancies, or if FEE TRANSMITTAL SHEET copy (blue) has not been received within ten (10) 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 Audit 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, Audit 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 Audit 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.

RELATED PROCEDURES

Processing Requests for Rifle/Shotgun Permits at Precinct Stationhouse (A.G. 321-24)

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

P.G. 212-83 Leaving City On Official Business

Date Effective: 01-01-00

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 (3) 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: Members under the jurisdiction of the Patrol Services Bureau, Detective Bureau, Organized Crime Control Bureau, Housing Bureau and Transit 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 (1st) 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 DEPARTMENTS 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 mace, 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.
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 (2) officers.

23. Obtain travel expense funds from Audit and Accounts Unit. If closed, funds may be obtained at Office of Chief of Detectives.

a. Submit itemized account of expenditures within ten (10) days after return to city.

[I.O. 57 s 04] 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 Internal Affairs
- * Chief of Detectives
- * Chief of Organized Crime Control
- * 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)

P.G. 212-84 Verification Of Pistol License

Date Effective: 01-01-00

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 (2) 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 ACTIVITY LOG (PD112-145) of licensee's name, address, date of birth, license number and expiration date.

4. Notify desk officer of verification.

DESK OFFICER

5. Enter details of verification in Command Log.

WHEN VALIDITY OF PISTOL LICENSE IS QUESTIONABLE:

UNIFORMED MEMBER OF THE SERVICE

6. Retain pistol license and firearm(s), if available.

DESK OFFICER

7. Have COMPLAINT REPORT (PD313-152) prepared, marked for investigation.

8. Prepare report of pertinent facts on Typed Letterhead and forward to Commanding Officer, License Division, in next Department mail.

RELATED PROCEDURES

Recording Complaints on Complaint Report (P.G. 207-01)

Processing Firearms (P.G. 218-23)

Incident Involving Pistol Licensee (A.G. 321-07)

Pistol License Cards (A.G. 321-08)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

Typed Letterhead

P.G. 212-85 Rifle/Shotgun Permit Suspended, Revoked, Disapproved

Date Effective: 01-01-00

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/Shotgun Section:

PRECINCT COMMANDER

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/Shotgun Section, within sixty (60) days.

UNIFORMED MEMBER OF THE SERVICE

2. Give SURRENDER NOTICE to permit and registration holder.

3. Request permit holder to surrender firearm, permit and registration (if applicable).

4. Issue receipt for surrendered documents and firearm on pink copy of SURRENDER NOTICE.

5. 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.

6. 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.

7. 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

8. 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

9. Attempt to obtain new address.

NOTE: If new address cannot be obtained or permit holder no longer resides in precinct concerned, enter information on buff copy of SURRENDER NOTICE.

10. Prepare appropriate captions on buff copy of SURRENDER NOTICE.

11. Deliver SURRENDER NOTICE, permit and registration, if obtained, to precinct commander.

PRECINCT COMMANDER

12. Endorse SURRENDER NOTICE and forward to License Division, Rifle/Shotgun Section with permit and registration, if appropriate.

ADDITIONAL DATA

Priority will be given to those cases in which the License Division, Rifle/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/Shotgun Section, and, in addition, the precinct commander 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 voluntarily surrenders rifle and/or shotgun. "Evidence Release - Investigation" copy of PROPERTY CLERK'S INVOICE (PD521-141) will be forwarded to the License Division, Rifle/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/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 (P.G. 218-23)
Unlawful Possession of Rifles/Shotguns (P.G. 212-46)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
PROPERTY CLERK'S INVOICE (PD521-141)
RIFLE/SHOTGUN SURRENDER NOTICE (PD641-120)

P.G. 212-86 General And Special Election Day Duties Prior To Opening Of Polls

Date Effective: 01-01-00

PURPOSE

To assist members of the Election Board and ensure that polls open on schedule.

PROCEDURE

When assigned to a polling place on Primary, General or Special Election Day:

UNIFORMED MEMBER OF THE SERVICE

1. Arrive at polling place at least fifteen (15) minutes prior to opening of polls.
2. Deliver miscellaneous election supplies to Election Board.
3. Obtain receipt for supplies.
4. Ascertain from Election Inspector if other supplies and ledgers have been delivered in rear of voting machines.
 - a. Have Election Inspector request Board of Election to deliver ledgers, or other supplies, if missing.
5. Inspect voting machines and complete appropriate captions on ELECTION POLL REPORT (PD119-151).
6. Observe that ballot boxes, if used, are under control of election inspectors inside guardrail.
7. Make entry on ELECTION POLL REPORT and notify desk officer if polls are not open on schedule. Include reason for delay.

DESK OFFICER

8. Send supervisory officer to investigate delay in opening.

ADDITIONAL DATA

The precinct commander may assign a supervisory officer to oversee all election activities including maintenance of Election Record Book. In commands with less than twenty-five (25) Election Districts, the desk officer will perform these duties.

RELATED PROCEDURES

Primary, General, And Special Election Day Duties When Polls Are Open (P.G. 212-87)
Primary, General, And Special Election Day Duties After Close Of Polls (P.G. 212-88)
Election Poll Report (P.G. 212-89)

FORMS AND REPORTS

ELECTION POLL REPORT (PD119-151)

P.G. 212-87 Primary, General And Special Election Day Duties While Polls Are Open

Date Effective: 01-01-00

PURPOSE

To preserve the peace and protect the franchise of voters.

PROCEDURE

When assigned to a polling place:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer if absence of Election Inspectors prohibits the opening of poll.

- a. Make notification every thirty (30) minutes until poll opens
- b. Make additional notification when poll does open.

NOTE: Election Board may operate with two (2) members of Board present if they belong to different political parties.

DESK OFFICER

2. Notify patrol borough command and borough office of Board of Elections when informed that Election Board has not opened one (1) hour after scheduled opening time.

- a. Make additional notification when poll does open.

UNIFORMED MEMBER OF THE SERVICE

3. Remain in polling place unless required to leave for other police duty or authorized meal period.

a. Make ACTIVITY LOG (PD112-145) entry when leaving and upon return and notify desk officer.

4. Remain outside guardrail except to perform duty.
5. Do not take part in election process.
6. Notify relieving officer of conditions affecting polling place.
7. Give relieving officer ELECTION POLL REPORT (PD119-151).

8. Notify desk officer and make entry on ELECTION POLL REPORT if:

- a. An election inspector is unfit for duty
- b. Voting is interrupted for any reason
- c. Problems are encountered or unusual incident occurs within or in vicinity of polling place.

NOTE: The following persons are permitted within 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. Poll watchers

f. Persons admitted by inspectors to preserve order.

9. Notify desk officer if problems or overcrowding occur.

10. Refer person alleging to be registered voter to Supreme Court of county if Election Board personnel refuse to grant right to vote.

11. Have persons waiting to vote immediately prior to close of polls form line.

a. Prevent persons from joining line after polls close.

DESK OFFICER

12. Send supervisory officer to investigate voting irregularities.

13. Notify patrol borough command of arrests, incidents, or unusual delays in voting.

SUPERVISORY OFFICER

14. Supervise polling places.

15. Inspect and sign ELECTION POLL REPORT of members assigned to polling places.

16. Enter in ACTIVITY LOG time polling place is visited.

17. Inform desk officer of action taken re: voting irregularities.

DESK OFFICER

18. Inform supervisory officer assigned to Election Record of complaints, time voting is interrupted and time voting resumes, etc., for entry in Record.

ADDITIONAL DATA

Patrol borough commands will notify Operations Unit of conditions reported per steps 2 and 13 above.

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)
Election Poll Report (P.G. 212-89)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

ELECTION POLL REPORT (PD119-151)

P.G. 212-88 Primary, General And Special Election Day Duties After Close Of Polls

Date Effective: 01-01-00

PURPOSE

To expedite delivery of tally sheets to precinct and return of election material.

PROCEDURE

After the polls have closed:

UNIFORMED MEMBER OF THE SERVICE

1. Notify desk officer if closing polls or canvassing of vote is delayed.
2. Prevent crowding during canvass.

NOTE: There is no canvass of vote at polling places for School Board Elections.

3. Enter closing public and protective counter readings on ELECTION POLL REPORT (PD119-151).
4. Make entry on ELECTION POLL REPORT and notify election Board Chairman and desk officer if serious discrepancies are observed during canvass.

DESK OFFICER

5. Send supervisory officer to investigate delay in closing, canvassing vote or serious discrepancy.

SUPERVISORY OFFICER

6. Respond to polling place reporting delay in closing, canvassing vote, or with serious discrepancies.
7. Keep desk officer informed of conditions causing delays.
8. Supervise polling places with large number of Election Districts during canvass.

UNIFORMED MEMBER OF THE SERVICE

9. Obtain police statements No. 1, 2, and 3, and inspect to ensure entries have been completed and signed by all inspectors.
10. Comply with directions of precinct commander concerning delivery of statements No. 1, 2, and 3.
11. Ascertain that election material is secured in voting machines or returned to stationhouse.
12. Give Chairman of Election Board receipt for items returned to stationhouse.
13. Complete all entries on ELECTION POLL REPORT and return form to precinct.

IF DESIGNATED TO GUARD VOTING MACHINES:

UNIFORMED MEMBER OF THE SERVICE

14. Enter protective counter reading and voting machines serial number in ACTIVITY LOG (PD112-145).

15. Compare protective counter with number recorded at close of polls or as provided by precinct commander (if not present at close of polls).
16. Report discrepancy, if any, to desk officer.
17. Make entries on voting machine receipts as required.
18. Notify desk officer when machines have been picked up and make entry in ACTIVITY LOG.

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)

Election Poll Report (P.G. 212-89)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

ELECTION POLL REPORT (PD119-151)

P.G. 212-89 Election Poll Report

Date Effective: 01-01-00

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.

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)

P.G. 212-90 Volunteer Language Program

Interim Order 15 Issued 02-19-04 Suspends Patrol Guide 212-90

PURPOSE

To utilize and recognize members of the service proficient in translation and interpretation of foreign languages.

PROCEDURE

When the need for an interpreter/translator arises:

MEMBER OF THE SERVICE

1. Advise immediate supervisor of the need for an interpreter/translator.

SUPERVISOR, MEMBER OF THE SERVICE CONCERNED

2. Notify the Operations Unit at (646) 610-5580 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 call back number, if possible.

NOTE: If the name of the language is unknown, the person in need of translation will be asked their country of origin to inform the Operations Unit. Operations Unit personnel will research the database to determine the language spoken in that country.

The Personnel Bureau Language Initiative Database is available through the Operations Unit 24 hours a day/7 days a week. Supervisors may also contact the Personnel Bureau (Monday through Friday, 0700 x 1900 hours) or either the Intelligence Division, or the Counter Terrorism Division, for additional information and/or guidance.

OPERATIONS UNIT

3. Ascertain from available database a list of all qualified translators and interpreters.

4. Contact the most qualified member of the service, and advise them of the need for his/her services.

5. Instruct member of the service selected to call the on-scene supervisor to ensure linguistic ability is adequate for the situation at hand.

6. Notify the Intelligence Division Operations Desk at 646-805-6400 of all inquiries made into the Language Initiative Database.

NOTE: Preference shall be given to use of on-duty members. If no volunteer member is available within the precinct, an on-duty volunteer who is available within the borough should be sought. In the event that no member of the volunteer program is available in the borough, the Department reserves the right to order an available, on-duty, non-volunteer member with the required skills to perform the duty of interpreter/translator.

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

7. Ascertain that the identified member of the service is suitably qualified.
8. If the selected member of the service is not suitable, request Operations Unit to identify another interpreter/translator.

OPERATIONS UNIT

9. Authorize response of qualified interpreter/translator by notifying member of the service and his/her desk officer or counterpart.

SUPERVISOR REQUESTING INTERPRETER/TRANSLATOR

10. 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.

PERSONNEL BUREAU MEMBER

11. File original copy of report in member's Central Personal Folder.
12. Forward duplicates to member's commanding officer and Deputy Commissioner, Intelligence.

ADDITIONAL DATA

Many members of the service already utilize their foreign language skills in various assignments. Unit commanders should consider the members' certification or qualification status whenever members are utilized to translate or interpret. Members being assigned to perform interpretation or translation duties should have attained passing scores under the new Language Initiative Certification Tests.

Whenever interpretation or translation skills are required, supervisors should consult the Personnel mainframe or the Personnel Bureau Language Initiative Database (through the Operations Unit, Personnel Bureau, Intelligence Division or the Counter Terrorism Division) to determine if a certified member is available to perform the needed duties. However, not every language is represented under the Language Initiative. If no certified member is available, a supervisor may authorize a non-certified member to perform the duties. Use of non-certified members for investigative assignments (wiretaps, interviews, debriefings, etc.) in non-emergency situations, must be approved by the Bureau Chief concerned.

When preparing Performance Evaluation forms, member's commanding officer 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 members of the Language Initiative Volunteer Program. The use of this skill shall be

afforded the same recognition as would be given the use of any other special skill needed by the Department. Performance Evaluation Reports will include under the caption "Rater Comments" any experience gained while serving as a translator/interpreter in criminal investigations.

Commanding officers will ensure that evaluations of volunteer members are not negatively affected by their assignments to translation/interpretation duties. Their performance of these duties shall be evaluated as a proportionate part of their assigned duties.

Members who desire to be included in this program, and/or commanding officers and Bureau Chiefs who wish to nominate uniformed members for inclusion in this program, must submit a request to the Chief of Personnel, indicating:

- a. Rank, name, command, tax registry number of member concerned.
- b. Training background and experience in use of the language.
- c. Any previous experience as a translator/interpreter of the language.

Members concerned will receive further instructions regarding the administration of a qualifying examination.

Questions regarding the Language Initiative may be directed to Personnel Bureau at (646) 610-6612.

When necessary, the Operations Unit will contact and direct sign language interpreters to where their presence is requested. Should the Department's sign language interpreters be unavailable, the Operations Unit can also access interpreters outside of this Department. This is in compliance with the federal government's Americans with Disabilities Act, which mandates that a program be in place to fund such a service.

P.G. 212-91 Department Request For New York City Transit Buses

Date Effective: 11-08-02

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 aided 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

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 at (718)-927-7777.

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.

P.G. 212-92 Use Of Tear Gas

Date Effective: 01-01-00

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 THE 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.

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 poly-laminated 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 Medical Attention" 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)

P.G. 212-93 Use Of Department Canine Teams

Date Effective: 01-01-00

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 Communications Section.
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.

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.

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.

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.

P.G. 212-94 Use And Issuance Of Shotguns/Long Guns/Automatic Weapons

Date Effective: 01-01-00

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 (3) sections, entitled "Special Weapons Record:"

a. The first section, twenty (20) 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
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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 (4) pages labeled "MAINTENANCE SECTION" will be captioned across a double page, as follows:

LEFT PAGE				
DATE RECEIVED	SPECIAL WEAPON	DATE REMOVED	MOS	
SPECIAL WEAPON	SERIAL NUMBER	FROM COMMAND	REASON	SIGNATURE

RIGHT PAGE		SIGNATURE OF SUPERVISOR		DATE
SIGNATURE OF SUPERVISOR	DATE	VERIFYING RETURN OF	INSPECTED BY	
AUTHORIZING REMOVAL	RETURNED	SPECIAL WEAPON	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.

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 (1) 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 (2nd) 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 (1) or two (2) 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/ORGANIZED CRIME CONTROL BUREAUS:

Detectives/Organized Crime Control 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.
- 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.

Solo officers, detectives and members assigned to the Organized Crime Control Bureau have not been trained in the specialized tactics utilized by Emergency Service Unit personnel and should not be used as their replacements.

RELATED PROCEDURES

Firearms Discharge by Uniformed Members of the Service (P.G. 212-29)

P.G. 212-95 Use Of Pepper Spray Devices

Date Effective: 01-01-00

PURPOSE

To inform uniformed members of the service of circumstances under which pepper spray may be intentionally discharged and to record instances where pepper spray has been discharged, intentionally or accidentally.

SCOPE

Use of Oleoresin Capsicum (O.C.) pepper spray constitutes physical force under the New York State Penal Law. Use of 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 when a member reasonably believes it is necessary to effect an arrest of a resisting suspect, for self-defense or defense of another from unlawful force, or to take a resisting emotionally disturbed person into custody. In many cases, pepper spray will reduce or eliminate the need for substantial 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. Pepper spray shall not be used in situations that do not require the use of physical force. 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.

PROCEDURE

When necessary to use pepper spray device:

UNIFORMED MEMBER OF THE SERVICE

1. Hold pepper spray in an upright position, aim and discharge pepper spray into a subject's eyes for maximum effectiveness, using two (2) one second bursts, at a minimum distance of three (3) feet, and only in situations when the uniformed member of the service reasonably believes that it is necessary to:
 - a. Protect self, or another from unlawful use of force (e.g., assault)
 - b. Effect an arrest, or establish physical control of a subject resisting arrest
 - 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 pepper spray was used and charge with crime which initiated use of the pepper spray.
 - a. Add resisting arrest charge, when appropriate
 - b. P.G. 210-13, "Release Of Prisoners - General Procedure" will be complied with if it is determined that arrested person did not commit the crime or that no crime was committed.
 - c. P.G. 216-05, "Mentally Ill Or Emotionally Disturbed Persons," will be complied with, when appropriate.

NOTE: Do not use pepper spray on subjects who passively resist (e.g., going limp, offering no active physical resistance). If possible, avoid using 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 pepper spray indiscriminately over a large area for disorder control. (Members who are specifically trained in the use of pepper spray for disorder control may use pepper spray in accordance with their training, and within Department guidelines, and as authorized by supervisors.). In addition, avoid using O.C. 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. spray.)

5. Position subject on his/her side or in a sitting position to promote free breathing.

a. The subject should never be maintained or transported in a face down position.

b. Do not sit, stand, or kneel on subject's chest or back.

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 pepper spray does not dissipate for 15 - 20 minutes. Also, do not use salves, creams, ointments, commercial eye washes or bandages. The desk officer will ensure that all prisoners who have been sprayed with pepper spray receive appropriate first aid, if needed, upon arrival at the stationhouse. Desk officers are also responsible for ensuring that prisoners who have been sprayed with pepper spray are properly observed throughout the arrest process, and that they receive prompt medical attention if they need or request it. A Command Log entry will be made stating whether the prisoner has had his/her skin flushed with water, been examined by EMS, or been transported to the hospital.

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 pepper spray must thoroughly wash their hands afterward and avoid having any contaminated clothing make contact with their face

c. Advise hospital staff that pepper spray has been used on prisoner.

8. Prepare ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD 244-159) and MEDICAL TREATMENT OF PRISONER (PD 244-150) in arrest situations.

9. Complete the AIDED REPORT WORKSHEET (PD 304-152b) in non-arrest situations, e.g. EDP, and:

a. Check box "O.C. Spray Used"

b. Enter rank, name, and tax registry number, of each MOS who discharged spray in the "Details" caption

c. List the time, doctor's name, and diagnosis under "Details" caption, when applicable.

COMMANDING OFFICER, M.I.S.D.

10. Provide a quarterly printout of all arrest and aided incidents where pepper spray was discharged to the commanding officer, Firearms and Tactics Section.

COMMANDING OFFICER, FIREARMS AND TACTICS SECTION

11. Analyze situations where O.C. spray was employed to evaluate its effectiveness.

a. As appropriate, modify existing training/tactics relative to the use of pepper spray.

ADDITIONAL DATA

The only pepper spray authorized for use is the type issued to all uniformed members through the Firearms and Tactics Section.

In order to maintain the effectiveness of the spray, it is recommended that the device be shaken at the start of each tour. Carrying the pepper spray device during normal patrol duty should be sufficient to keep the solution thoroughly mixed.

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 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 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 pepper spray. Members of the service may carry the 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 Persons (P.G. 212-38)

Aided Cases - General Procedure (P.G. 216-01)

Preparation of Aided Report Worksheet (P.G. 216-02)

Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)
Loss or Theft of Department Property (P.G. 219-20)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 212-96 Traffic Enforcement Agent Victim Of An Offense While Performing Duty

Interim Order 49 Issued 10-07-04 Suspends Patrol Guide 212-96

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 Parking 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 Parking 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 WORKSHEET (PD304-152b), 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 (PD429-065).

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.

PARKING ENFORCEMENT DISTRICT SUPERVISOR

10. Prepare PARKING ENFORCEMENT DISTRICT H.A.R.M. REPORT (PD 313-1515) and forward as indicated on form, if harassment, assault, reckless endangerment, or menacing against the traffic enforcement agent is verified during the investigation.

11. Notify Parking Enforcement District, Traffic Control Division, Traffic Management Center ([718] 706-6062), Employment Section and Operations Unit.

12. Forward copies of all forms prepared to the Employment Section, attention of the Employee Benefits Unit.

C.O./TRAFFIC ENFORCEMENT AGENT INVOLVED

13. Comply with Administrative Guide 319-15, "Civilian Employee - 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 Division to both the duty captain and to the Traffic Management Center. The Traffic Management Center will then notify a ranking member of the Parking Enforcement District.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Vehicle Accidents - General Procedure (P.G. 217-01)
Civilian Employee - Injury (A.G. 319-15)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
UNUSUAL OCCURANCE REPORT (PD370-152)
AIDED REPORT WORKSHEET (PD304-152b)
Police Accident Report (MV104AN)
WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT (PD429-065)
PARKING ENFORCEMENT DISTRICT H.A.R.M. REPORT (PD313-1515)

P.G. 212-97 School Safety Agent - Victim Of An Offense While Performing Duty

Date Effective: 09-28-01

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 school safety 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 precinct school safety 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 precinct school safety 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 a school safety agent prepare, in own handwriting, if possible:
 - a. Two (2) copies of Employee Option Form (DP2002)
 - b. Two (2) 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 (2) copies of Supervisor's Report of Injury (WCD201).
 - a. Ensure that the injury is reported to the Employment Section, Employee Benefits Unit, (212) 374-6830, 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 WORKSHEET (PD304-152b), in all other cases, and forward in normal manner.

PRECINCT SCHOOL SAFETY SERGEANT/PATROL SUPERVISOR

14. Respond to scene and review actions taken by the school safety supervisor.

[I.O. 33 s 04] 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 FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151), if investigation reveals harassment, assault, reckless endangerment, or menacing against a school safety agent.

a. Insert "School Safety Agent Involved" on top right side of form and forward as indicated.

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. Employment Section

b. Operations Unit

c. School Safety Division

SCHOOL SAFETY BOROUGH MANAGER

21. Forward, to the Employment Section supervisor, Employee Benefits Unit:

a. Two (2) copies of report on Typed Letterhead

b. Two (2) copies of Employee's Notice of Injury

c. WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT, if prepared.

d. Two (2) copies of the Employee's Option Form

e. Two (2) copies of the Commanding Officer's Report of Injury (Form E)

f. Two (2) copies of the Supervisor's Report of Injury.

22. Notify Employment Section 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 precinct school safety sergeant concerned will determine if probable cause exists. Upon a determination that probable cause exists, the precinct school safety 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 school safety 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 affect an arrest.

RELATED PROCEDURES

Aided Cases - General (P.G. 216-01)
Vehicle Accidents - General (P.G. 217-01)
Civilian Employee - 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 WORKSHEET (PD304-152b)
FIREARMS DISCHARGE/ASSAULT REPORT (PD424-151)
Employee Option Form (DP2002)
Employee's Notice of Injury (WCD23)
Supervisor's Report of Injury (WCD201)
Police Accident Report (MV104AN)
Typed Letterhead

Mobilization/Emergency Incidents

P.G. 213-01 Command Post Operations

Date Effective: 02-01-02

PURPOSE

To coordinate police resources at the scene of a police incident or special event.

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 (2) 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 (1) patrol borough, the Chief of Patrol will be designated as incident commander.

PROCEDURE

When the circumstances of an occurrence indicate that police operations will continue for a period of time and enhanced communication, coordination and record keeping will improve efficiency:

SUPERVISOR IN CHARGE

1. Assume duties of incident commander.
2. Notify:
 - a. Precinct desk officer, Operations Unit and borough office:
 - (1) Of location and nature of occurrence
 - (2) Of location and telephone number of command post
 - (3) To send a command post flag and command post log
 - b. Communications Section if a command post vehicle is needed or dual dispatch system is necessary.
3. Assign uniformed members of the service, of appropriate rank, to the following command post staff functions:
 - a. Operations officer
 - b. Intelligence officer
 - c. Personnel officer
 - d. Logistics officer.

NOTE: Uniformed members assigned as Operations, Intelligence, Personnel and Logistics Officers must be instructed by the Incident Commander in their duties as outlined in Patrol Guide procedure 213-14, "Command Post Duties and Responsibilities." The rank of these individuals should rise commensurate with the change in the rank of the incident commander, i.e. if patrol sergeant is incident commander, police officers perform functions; if incident commander is captain, lieutenants, sergeants and police officers may perform functions. The operations officer should also be of a suitable

rank to enable him/her to command the main command post and/or sector command posts as necessary.

WHEN ESTABLISHMENT OF DUAL DISPATCH SYSTEM IS INDICATED:

INCIDENT COMMANDER

4. Confer with Communications Section supervisor regarding notification protocol and contact numbers.

- a. Provide dedicated lines for notification of all calls affecting sector or event.

OPERATIONS OFFICER

5. Document 911 notifications in command post log and assign appropriate detail post or mobile patrol resource to investigate calls for assistance.

6. Notify incident commander of all 911 notifications received.

7. Record final disposition of jobs received in command post log and notify incident commander and Communications Section supervisor.

WHEN THE COMMAND POST IS DISCONTINUED:

SUPERVISOR IN CHARGE

8. Obtain concurrence of incident commander and Operations Unit before discontinuing police operations.

- a. Personally survey the incident area and surrounding area
- b. Enter results of survey in command post log.

9. Notify:

- a. Main command post, if applicable.
- b. Operations Unit
- c. Precinct desk officer
- d. Borough office
- e. Communications Section, if dual dispatching procedures have been in effect.

10. Conduct return roll call of all members present, and

- a. Obtain summary of enforcement activity from members assembled.
- b. Instruct members to return equipment signed out from disorder truck or command post vehicle.
- c. Instruct personnel to turn their portable radios from the citywide frequency back to their standard frequency.
- d. Conduct critique of operations with other supervisors present, identifying successes and failures. Identify tactics that worked or failed to work.
- e. Provide Operations Unit with summary of significant incidents occurring during event.

f. Dismiss personnel with instructions that all present are required to report directly to their respective desk officers for reassignment.

11. Make entry in appropriate log:

- a. Recapitulation of personnel totals by rank and tour
- b. Summary of operations during activation
- c. Summary of enforcement activity.

12. Close command post.

13. Ensure that command post flag, command post logs and all appropriate DETAIL ROSTER/ASSIGNMENT SHEETS (PD406-141) and other paperwork are returned to the precinct desk officer.

PERSONNEL OFFICER

14. Summarize all activity during command post activation and file summary with all supporting documents, i.e. DETAIL ROSTER/ASSIGNMENT SHEETS, UNUSUAL OCCURRENCE REPORTS (PD370-152), etc.

ADDITIONAL DATA

When an incident is of such scope that the establishment of more than one command post will be beneficial to overall operations, the incident commander will remain in overall command of the incident, and will designate one (1) command post as the main command post. Additional (sector) command posts will have a ranking officer assigned that will be responsible for all duties listed as "Supervisor in Charge." Sector command posts will report all information to and be subordinate to the direction of the main command post.

A command post established at a labor dispute is not to be located within the company or union facilities.

[I.O. 19 s 04] To formally recognize citizens who have assisted this Department by providing the use of their homes or places of business as command post during emergencies, the precinct commanding officer concerned shall forward a report of the facts on the CIVILIAN COMMENDATION APPLICATION (PD127-016). The Deputy Commissioner, Community Affairs will have a "Certificate of Commendation" prepared and forwarded to the appropriate commanding officer for presentation to the citizen(s) concerned, as an expression of gratitude on behalf of the Department. Any questions may be directed to the Office of the Deputy Commissioner, Community Affairs, telephone number (646) 610-5323.

RELATED PROCEDURES

- Unusual Occurrence Reports (P.G. 212-09)
- 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)
- Unusual Disorder Plan - Formulating Plan (P.G. 213-08)
- Unusual Disorder Kits (P.G. 213-09)
- Policing Special Events/Crowd Control (P.G. 213-11)
- Command Post Duties and Responsibilities (P.G. 213-14)
- Duties and Responsibilities at Special Events (P.G. 213-15)

FORMS AND REPORTS

DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)

UNUSUAL OCCURRENCE REPORTS (PD370-152)

P.G. 213-02 Emergency Incidents

Date Effective: 01-01-00

PURPOSE

To ensure the prompt response of personnel and equipment to the scene of an emergency incident.

DEFINITION

EMERGENCY INCIDENTS - a serious accident, 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 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. If the incident is of a nature that specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, widespread disruption to traffic, etc.), the Incident Commander shall designate an appropriate ranking member who has the necessary expertise to provide immediate direction to responding members. Such ranking member will be designated the Operations Officer (see P.G. 213-04, "Mobilization Readiness Levels," and 213-05, "Duties At Unusual Disorder"). In most cases, the designee will be the highest ranking member from appropriate bureau or division involved (e.g., the Housing Bureau for public housing incidents, the Transit Bureau for subway incidents, the Traffic Control Division for traffic emergencies, etc.). However, the Incident Commander may designate any ranking member from any bureau if the member has the necessary expertise. The Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner or Chief of Department. Any other deputy commissioner may render advice and assistance to the Incident Commander but may not assume command of the incident.

The duty chief may respond to an unusual disorder or rapid mobilization of a particularly serious or sensitive nature. The duty chief will assume command, if a Level 4 mobilization has been called. However, the duty chief may assume command, in appropriate cases, if the duty chief is the highest-ranking uniformed member of the

service on the scene. In any case, the duty chief will supervise and assist the Incident Commander by making appropriate recommendations.

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 (24) 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 (24) hours a day, seven (7) 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 (24) 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.

When an emergency incident endangers the life or health of a considerable number of persons and requires other City agencies to respond, the Incident Commander should review the contents of Administrative Guide procedure 316-06, "Mayor's Plan For Coordinated Action At 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)

P.G. 213-03 Rapid Mobilization

Date Effective: 01-01-00

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.

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 5 through 9), 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.

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 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. If the incident is of a nature that specialized knowledge or expertise is necessary for the most effective police response (i.e., subway accidents, emergencies in public housing developments, widespread disruption to traffic, etc.), the Incident Commander shall designate an appropriate ranking member who has the necessary expertise to provide immediate direction to responding members. Such ranking member will be designated the Operations Officer (see P.G. 213-04, "Mobilization Readiness Levels," and 213-05, "Duties At Unusual Disorders"). In most cases, the designee will be the highest ranking member from appropriate bureau involved (e.g., the Housing Bureau for public housing incidents, the Transit Bureau for subway incidents, the Traffic Control Division for traffic emergencies, etc.). However, the Incident Commander may designate any ranking member from any bureau if the member has the necessary expertise. The Incident Commander may only be superseded by the Police Commissioner, First Deputy Commissioner or Chief of Department. Any other deputy commissioner may render advice and assistance to the Incident Commander but may not assume command of the incident.

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 Control Division, etc.) to stage required personnel (see pages 5 to 9).

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 (24) hours a day, seven (7) days a week.

DESK OFFICER, TRANSIT BUREAU

15. Notify affected patrol personnel of transit facility designated for response (see pages 5 through 9).

a. Have notified personnel respond by transit system to chosen Transit Bureau location

b. Notify command post of number of personnel available at chosen Transit Bureau location.

DESK OFFICER, ALL OTHER BUREAUS

16. Stage required personnel.

17. Inspect responding members for proper equipment.

18. Supply members with a van to respond to mobilization point.

NOTE: Housing Bureau and Transit Bureau personnel mobilized on a Level 3 mobilization will ONLY be utilized to secure their own respective facilities/developments. Housing Bureau and Transit Bureau personnel mobilized on a Level 4 mobilization can be used for other duties.

19. Inspect responding members for proper equipment and direct members to respond to mobilization point.

MOBILIZED SERGEANTS

20. Respond, with necessary personnel, promptly, to the mobilization point, upon notification.

21. Ensure all responding members are properly equipped.

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 (1) sergeant per mobile field force will respond to mobilization point with two (2) 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 (1) sergeant. All other bureaus/divisions will supply personnel as required (see pages 5 through 9).

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 (3) lieutenants per patrol borough will respond to the mobilization point and form their respective precinct squads into mobile field forces (see pages 10 and 11). On the 1st Platoon only, one (1) 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 (1) 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 (2) lieutenants on the 2nd and 3rd Platoon and only one (1) 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 10 and 11).

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.

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)

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

LOCAL PATROL BOROUGH TASK FORCE MOBILIZATION

AUTHORITY TO CALL

- * PATROL SUPERVISOR

RESPONDING UNITS

- * LOCAL BOROUGH TASK FORCE
- * 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 PATROL BOROUGH TASK FORCES MOBILIZATION

AUTHORITY TO CALL

- * CAPTAIN OR ABOVE

RESPONDING UNITS

- * PATROL BOROUGH TASK FORCE(S) AS DESIGNATED BY OPERATIONS UNIT
- * 1-ESU SUPERVISOR AND TRUCK
- * 1-REP PER TASK FORCE 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 CONTROL DIVISION 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 BOROUGH TASK FORCE 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 11)
- * 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 CONTROL DIVISION 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 11)
- * 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 11)
- * 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 CONTROL 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 11)
- * 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	1	3	24	1	6	PER TRANSIT PLAN BELOW
	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	1ST PLATOON RESPONSE PER PER DISTRICT	DISTRICT(S) REQUIRED TO RESPOND DISTRICT
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

P.G. 213-04 Mobilization Readiness Levels

Date Effective: 01-01-00

PURPOSE

To alert units concerned that a mobilization has occurred and its companion readiness levels have been initiated.

PROCEDURE

When a mobilization level has been activated and a readiness level is automatically initiated:

READINESS LEVEL 1

INCIDENT COMMANDER

1. Activate "Field Command Post."

COMMUNICATIONS SECTION

2. Notify Operations Unit of details, broadcast "Readiness Level One" on all frequencies within affected patrol borough and notify patrol borough task force concerned.

OPERATIONS UNIT

3. Notify local patrol borough, Housing Bureau, Transit Bureau, Traffic Control Division and Special Operations Division.
4. Place all non-affected patrol borough and Transit Bureau task forces on alert.

PATROL BOROUGH COMMAND

5. Monitor incident and notify the following commands of the situation:
 - a. Local patrol borough task force, if not already on the scene
 - b. Patrol borough duty inspector/captain
 - c. Patrol borough community affairs personnel
 - d. Patrol borough command post personnel (Alert Status Only)
 - e. Community Affairs personnel - precincts concerned
 - f. Detective borough concerned
 - g. Platoon commander, precinct concerned, to respond.

(1) If unavailable, notify platoon commander adjoining precinct to respond.

READINESS LEVEL 2

COMMUNICATIONS SECTION

6. Notify Operations Unit and broadcast "Readiness Level Two" on all frequencies.

OPERATIONS UNIT

7. Alert all non-mobilized patrol borough task forces, 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 task force, 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.

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, including Transit Bureau, to have task forces remain on alert or respond to scene

b. Duty chief

c. Special Operations Division

d. Traffic Control Division

e. First Deputy Commissioner

f. Deputy Commissioner - Operations

g. Deputy Commissioner - Legal Matters

h. Deputy Commissioner - 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. Chief of Organized Crime Control

o. Chief of Internal Affairs

p. Chief of Transit Bureau

q. Criminal Justice Bureau

r. Property Clerk Division

s. Fleet Services Division

t. Communications Section

u. Applicant Processing Division

v. Police Academy

w. Quartermaster Section.

PATROL, HOUSING, AND TRANSIT BUREAU 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 [1] sergeant and eight [8] 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. Traffic Control Division and precincts concerned - to staff route to mobilization point.

DETECTIVE BUREAU

11. Designate one (1) sergeant and three (3) 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 Deputy Commissioner - 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 Organized Crime Control

- i. Office of the Chief of Transit Bureau
- j. Duty Chief
- k. 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.

ORGANIZED CRIME CONTROL BUREAU

16. Assign one (1) sergeant and two (2) detectives from NITRO to respond to the borough command post.

DETECTIVE BUREAU

17. Assign one (1) detective supervisor from detective borough to respond to the borough command post.

INTELLIGENCE DIVISION

18. Assign one (1) uniformed member to respond to the borough command post.

NOTE: On duty uniformed members of the service assigned to non-uniformed units (e.g. Organized Crime Control Bureau, Applicant Processing 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 Affairs/Crime Prevention Section, 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

19. 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

COMMUNICATIONS SECTION

20. Notify Operations Unit and broadcast "Readiness Level Four" on all frequencies.

OPERATIONS UNIT

21. 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.

22. Deploy personnel on stand-by as needed.

23. Notify:

- a. Police Commissioner
- b. First Deputy Commissioner
- c. Chief of Department
- d. Chief of Patrol
- e. Chief of Housing Bureau
- f. Chief of Detectives
- g. Chief of Personnel
- h. Chief of Organized Crime Control
- i. Chief of Internal Affairs.
- j. 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

24. Assign one (1) captain, one (1) additional sergeant and three (3) additional detectives to field command post to augment the Intelligence staff.

NOTE: Citywide units previously identified as per "Readiness Levels" will be deployed as required by the Operations Unit command post.

ADDITIONAL DATA

The following are synopses of duties of ranking uniformed members of the service in connection with mobilizations and command post operations:

INCIDENT COMMANDER - the one position that will always be filled at every incident, regardless of size, by the HIGHEST UNIFORMED RANKING POLICE SUPERVISOR ASSUMING COMMAND, who has responsibility for overall management of incident in question.

TACTICAL OPERATIONS COORDINATOR - directs, supervises and ensures coordination of tasks performed by command post staff, except those areas reserved by Incident Commander.

OPERATIONS OFFICER - principal staff officer on matters pertaining to strategy, tactics and overall operations.

PERSONNEL/ADMINISTRATIVE OFFICER - primary advisor to the Incident Commander or the Tactical Operations Coordinator in all aspects of unit strength, management, personnel services support, administrative support and medical support. Responsible for prisoner issues and security of command posts.

INTELLIGENCE OFFICER - principal advisor to the Incident Commander on all intelligence and investigative matters relating to the disorder. Responsible for coordinating and directing efforts of detectives, community affairs, Deputy Commissioner - Public Information and Intelligence Division personnel.

LOGISTICS OFFICER - principal staff officer for the Incident Commander in matters of supply, maintenance, transportation and services. Responsible for security of all mobilization points, staging areas and designating the support corridor for staging the support units.

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)

P.G. 213-05 Duties At An Unusual Disorder

Date Effective: 01-01-00

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. Confering 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.

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/community policing 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, community policing and detective personnel.
- g. Dividing the disorder area into sectors for mobile patrol by task force personnel, preferably in vans.
- h. Containing and isolating disorderly groups by sectoring, perimeter checkpoints, arrest, etc.
- i. Having task force 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 (2/3) of available enforcement personnel and holding one-third (1/3) personnel in reserve.
- l. Assigning additional personnel, if needed, when sufficient mobile forces are deployed in sectors, as follows:

(1) Foot posts - assign one (1) sergeant and eight (8) police officers to posts of sufficient size.

(2) Perimeter check point posts - assign at least one (1) disorder control squad, consisting of one (1) sergeant and eight (8) 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.

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 (30) minutes; hourly for all other concerned units.
- k. Need to immediately report important or unusual events.

NOTE: Captains may be assigned as commanders of task forces 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 (1) sergeant and eight (8) police officers from each precinct in the assigned mobile field force.

11. Assist Incident Commander, in the operation of the field command post, if directed.

12. Assume duty as either the Operations, Personnel, Intelligence or Logistics Officer (see ADDITIONAL DATA), if assigned to the field command post.

13. Have helmet, baton, flashlight, DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141) and disorder control guidelines available on patrol in RMP.

14. Direct that Department vehicles be parked in designated spaces only, at mobilization point.

15. Follow instructions of captain/incident commander, instruct responding sergeants and collect DETAIL ROSTER/ASSIGNMENT SHEETS.

a. Submit collected DETAIL ROSTER/ASSIGNMENT SHEETS to command post.

16. Instruct sergeants as to what radio frequency is being used and ensure that all radios are tuned to the designated frequency.

a. Maintain radio discipline of subordinate members.

17. Inspect sergeants for required uniform and equipment.

a. Warn sergeants against unauthorized radio transmissions which are potentially dangerous to all members assigned to disorder.

18. Have sergeants deliver vehicle keys to vehicle security detail, if required.

19. Explain instructions carefully to all sergeants and ensure that all subordinates, including police officers, receive these instructions and record pertinent information, such as:

a. Importance of team concept in disorder control

b. Post and/or sector boundaries

c. Nature of disorder

d. Mission of the team

e. Location and telephone number of command post and arrest processing area

f. Identification of Incident Commander, platoon-mobile field force lieutenant, and other key ranking officers

g. Equipment information

h. Appropriate radio frequency and mobile field force/disorder control squad radio call signs.

NOTE: Squads will consist of one (1) sergeant and eight (8) 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 (1) 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.

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 (2) 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 (1) mobile field force consisting of three (3) to five (5) squads, each consisting of one (1) sergeant and eight (8) 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 (8) 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 (8) 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.
- 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 (1) sergeant and eight (8) 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 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 their mobile field force designation, example "9th mobile field force lieutenant". Captains will command three (3) 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.

Revision Notice 02-01 issued 01/25/02 deleted the summary of duties uniformed members of the service may be required to perform when assigned to the command post.

See Procedure No. 213-14

MOBILE FIELD FORCE ASSIGNMENTS
PATROL SERVICES BUREAU

MOBILE FORCE	FIELD NUMBER	2ND & 3RD PLATOONS (1 SGT. AND 8 POs PER PRECINCT)		1ST PLATOON (1 SGT. PER MOBILE FIELD FORCE 2 POs PER PRECINCT)		
		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
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.

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)

P.G. 213-06 Large Scale Arrest Processing Procedure

Date Effective: 01-01-00

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 (20) persons, (i.e. organized demonstration, large scale disorder, large police enforcement initiatives, etc.).

NOTE: In the borough of Manhattan or SAT/COM 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, at (212) 374-5158 or (212) 374-3916/21.

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 (20) persons in mass arrest situations.

NOTE: Each of the eight (8) 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 (20) prisoners with their arresting/assigned officers and one (1) 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 (5) prisoners and the arrest supervisors assigned no more than four (4) 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

[I.O. 42 s 04] 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 back of each Polaroid, with all relevant captions completed.

7. Contact the Incident Commander/Command Post, upon arrival at processing precinct stationhouse, to verify if prisoners will be processed as on-line arrests or be issued DESK APPEARANCE TICKETS (PD260-121) and/or Criminal Court Summonses, if qualified.

8. Ensure that city, state and federal warrant checks are performed.

9. Directly supervise all arrest processing, as per that borough's arrest processing procedures.

NOTE: The precinct Arrest Processing Officer (APO), will assist the arrest processing supervisor and arresting/assigned officer in all computer functions and ensure all appropriate forms are prepared so that the District Attorney's Office will be able to prepare a Sworn Complaint. The primary function of the Arrest Processing Officer is to return the arresting/assigned officer to patrol during large scale demonstrations, disorder or enforcement initiatives. The arrest processing supervisor will identify another member of the service, who is qualified in Livescan, to fingerprint ALL prisoners that are required to be fingerprinted.

10. Review and sign, where appropriate, all arrest related documents and forms for accuracy and completeness upon completion of arrest processing, including DESK APPEARANCE TICKETS and Criminal Court Summonses issued (ensuring the appropriate return date has been issued).

11. Contact Incident Commander/Command Post to receive approval before releasing any defendant issued a DESK APPEARANCE TICKET or Criminal Court Summons, and if applicable, to request transportation to the appropriate Court for prisoners processed as on-line arrests.

ADDITIONAL DATA

When a large scale arrest situation is anticipated, the commanding officer concerned is to notify the concerned borough Court Section supervisor, via telephone message, with all pertinent information, including the date and time of scheduled event and the anticipated number of arrests. The Borough Court Section will then make appropriate notifications to the District Attorney's Office and Office of Court Administration to ensure all arrests are processed expeditiously.

If large scale arrest situations are scheduled sufficiently in advance, and the number of anticipated arrests dictate it, a centralized processing area may be utilized and coordinated through the concerned Borough Court Section.

RELATED PROCEDURES

Criminal Court Summonses - Graphic (P.G. 209-11)

Arrest By A Civilian (P.G. 208-04)

Desk Appearance Ticket - General Procedure (P.G. 208-16)

Command Post Operations (P.G. 213-01)

FORMS AND REPORTS

[I.O. 42 s 04] DESK APPEARANCE TICKET (PD260-121)

MASS ARREST PEDIGREE LABEL (PD244-093)

P.G. 213-07 Unusual Disorder Maps

Date Effective: 01-01-00

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 (8) large wall type precinct/police service area/transit district area maps from the Communications Division, Cartography Section.
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	SEE PATROL GUIDE ILLUSTRATIONS
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 be marked in two (2) ways, as follows:

- a. One (1) by color indicating its location and type, and
- b. One (1) 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.

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 (3) 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 (8) maps to the Police Academy, Reproductions Unit, for lamination.

MEMBER CONCERNED, POLICE ACADEMY REPRODUCTION UNIT

6. Laminate maps and return them, when completed, to originating command.

COMMANDING OFFICER, CONCERNED

7. Retain two (2) laminated maps at command.

a. Distribute the remaining six (6) maps, as follows:

(1) Two (2) 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)

P.G. 213-08 Unusual Disorder Plan - Formulating Plan

Date Effective: 01-01-00

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:

BOROUGH 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," borough task force 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 (24) 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 borough task forces

d. Detective Bureau

e. Missing Persons Squad

f. Organized Crime Control Bureau

g. Housing Bureau (response to a city-wide condition)

h. Transit Bureau (response to a city-wide condition)

i. All police service areas

j. All transit districts and task forces

k. Criminal Justice Bureau

l. Fleet Services Division (including Fuel Control Unit)

m. Property Clerk Division

n. Quartermaster Section

o. Special Operations Division (including sub-units not listed)

p. Emergency Service Unit (including all sub-units)

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.

APPENDIX D

MOBILIZATION POINTS - HELICOPTER LANDING ZONES

- (1) Identify two (2) 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 (2) 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 (1) sergeant and eight (8) 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.

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, community policing sergeant, 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

COMMUNITY POLICE BEAT OFFICERS AND BEAT BOUNDARIES

- (1) COMMUNITY POLICING PERSONNEL:
 - (a) List names and home telephone numbers of all sergeants and police officers assigned and identify their beats.

APPENDIX M

EMERGENCY TRANSPORTATION AVAILABLE IN YOUR COMMAND.

- (1) Include commercial buses, ferries and heliports.

APPENDIX N

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 1/2 X 11 inch map with Appendix "B," "C," "D," "K" and "L." 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)
 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

P.G. 213-09 Unusual Disorder Kits

Date Effective: 01-01-00

PURPOSE

To provide readily available clerical supplies and Department forms for use at unusual disorder scenes.

COMMANDING OFFICER

1. Maintain at a readily available storage location, with command post log and flag, an unusual disorder kit containing the following:

ITEM	AMOUNT
Copy of precinct/police service area/ transit district "Unusual Disorder Plan"	1
NOTE: An additional copy of precinct/police service area/transit district Unusual Disorder Plan will be separated by Appendix, placed in individual manila folders, and appropriately labeled according to area. Folders will be delivered to, and available for, reference at field command post.	
Copy of Patrol Guide 213 Series	1
Precinct/police service area/transit district map (large laminated - see ADDITIONAL DATA)	2
Precinct/police service area sector map (small, reproduced on photocopy machine)	75
Number 1 book	2
Writing tablet, lined, 8 1/2" 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
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'S INVOICE (PD521-141)	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)

P.G. 213-10 Emergency Mobilization Of Off Duty Personnel

Date Effective: 01-01-00

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:

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:	Flushing Meadows Park, 110th

- | | |
|-----------------------------------|---|
| * North of Long Island Expressway | 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.

Mobilized Organized Crime Control Bureau personnel will be organized into mobile field forces for deployment as rapid response units, under the operational control of the Operations Unit.

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.

10. Notify the precincts and patrol boroughs concerned to activate and staff designated alternate mobilization points, if necessary.

11. Direct the Traffic Control Division 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 COMMANDER

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 not adversely affect the command's ability to conduct Department business.
20. Assign personnel to establish and maintain the mobilization point, if activated, within the command.
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 COMMISSION-ERS/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 will not 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)

P.G. 213-11 Policing Special Events/Crowd Control

Date Effective: 02-01-02

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 (2) 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 (1) 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 counter demonstrators.

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 Division for inclusion in database.

NOTE: Provide basic information regarding event site from precinct file, if available.

SUPERVISOR ASSIGNED

3. Confer with community affairs officer(s), operator of facility, event sponsor(s), security coordinators and other parties involved with event.
4. Review event preparations with operator of facility.
5. Conduct pre-event survey of location, when appropriate.
6. Report results to incident commander concerned.

INCIDENT COMMANDER

7. Review information received and make preliminary determination of what, if any, Department resources are required, e.g., special attention, assignment of detail, special equipment, etc.
8. Notify next higher command, of information received and preliminary determination.

WHEN NECESSITY OF PRE-EVENT PLANNING CONFERENCE IS INDICATED:

INCIDENT COMMANDER

9. Convene planning conference, at facility where event is to be held, with operator, event sponsor(s), security coordinator, representative of next higher command, Operations Division, and other parties involved.

NOTE: If pre-event survey indicates possibility of large crowd exceeding facility capacity or medical assistance being needed, the Fire Department will be notified to have a representative at the conference.

10. Request to have representative(s) present at inter-agency conference with the event organizers and facility management, if pre-event survey indicated that other city agencies may be needed.
11. Evaluate the event, by determining the following:
 - a. Organizer's past experience with similar events
 - b. Likelihood of planned event drawing large crowds

- c. Demographics of crowd likely to attend the event.
12. Obtain information regarding admission to event and determine:
- a. If paid or by free admission
 - b. Amount of advance sale tickets anticipated
 - c. Anticipated ticket sales at gate on day of the event and ticket sale locations at site, as well as ticket pickup locations
 - d. Number of entrances available for ticket holders
 - e. Plans, if any, for non-ticket holders, waiting lines, ropes, ushers, security personnel, etc.
 - f. If magnetometers are to be used at event.
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 Division 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 Division 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 Public Security Section of the Intelligence Division 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 of Unlawful Political Activities".

WHEN RESULTS OF PRE-EVENT SURVEY OR CONFERENCE INDICATE NECESSITY OF POLICE PRESENCE:

18. Ensure other city agencies NOT represented at the pre-event planning conference (Fire Department, Parks Department, New York City Transit, Department of Sanitation, etc.,) have been notified, and receive all pertinent information, as necessary.
19. Request Deputy Commissioner Public Information disseminate appropriate information to the media regarding police presence, contact information, zero tolerance enforcement policy, etc.
20. Request all necessary personnel and equipment, e.g., command post vehicle, portable radios, barriers, vehicles, lighting, etc., through patrol borough concerned.
21. Develop pre-event plan to include, but not be limited to, the following:
- a. Designation of security arrangements and responsibilities
 - b. Identification of all contact persons, including telephone numbers
 - c. Command post locations, if necessary

d. Internal and external radio communication plan, including dual dispatch protocol, if necessary

e. Entrance and exit locations and their capacities

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.

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 patrol borough task force, where appropriate.

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.

RELATED PROCEDURES

Guidelines for the Use of Photographic/Video Equipment by Operational Personnel at Demonstrations (P.G. 212-71)

Guidelines for Uniformed Members of the Service Conducting Investigations of Unlawful Political Activities (P.G. 212-72)

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)

Command Post Duties and Responsibilities (P.G. 213-14)

Duties and Responsibilities at Special Events (P.G. 213-15)

FORMS AND REPORTS

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P.G. 213-12 Apprehension Plan

Date Effective: 01-01-00

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 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.

15. Re-transmit description, direction and means of flight of perpetrators.

16. Establish Command Post.

NOTE: Command Post will initially be established in a patrol borough task force Command Post vehicle. Sufficient room should be made at the initial placement site for TARU's Command Post and eventually, the Communications Section 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.

30. Examine Mobilization Point and Command Post location for suitability.

a. Change locations as necessary.

NOTE: Ideally, the Command Post vehicles assigned (task force, TARU, Communications Section) 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 Control Division - Surface Transit Enforcement District to respond, if available, to cover bus and taxi routes
 - e. Detective Bureau
 - f. Organized Crime Control Bureau
 - g. Housing Bureau
 - h. Transit Bureau
 - i. Deputy Commissioner, Public Information
 - j. Chief Surgeon and Employee Relations Section, if uniformed member of the service seriously injured
 - k. Deputy Commissioner, Community Affairs
 - l. Bordering police jurisdictions of facts, if incident near city line
 - m. MISD - Computer Operations Response Autos.

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/SPRINT, 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 Squad 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
 - g. Direct Organized Crime Control Bureau personnel, as appropriate.

ORGANIZED CRIME CONTROL BUREAU

46. Field Operations Desk notifies the following personnel or units to respond:

- a. Bureau duty captain to respond to Field Command Post and coordinate activities of OCCB personnel in support of detective commander
- b. Borough NITRO Unit 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 OCID, 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.

f. 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

TRAFFIC CONTROL DIVISION

49. Notify the following personnel and units to respond:

a. Traffic Control Division captain/supervisor to respond to the field command post to coordinate activities of Traffic Control Division personnel

b. Traffic Control Division-Surface Transit Enforcement District 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 (1) 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)

P.G. 213-13 Emergency Plans "A" - "B" - "C"

Date Effective: 01-01-00

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 borough task forces 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 at (212) 374-5580.

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:
8. Notify Operations Unit of persons in need of temporary shelter, emergency transportation, etc.

TIME	INCIDENT	NOTIFICATION	DISPOSITION	TIME CORRECTED	REMARKS
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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 (718) 254-1300. 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.

P.G. 213-14 Command Post Duties And Responsibilities

Date Effective: 02-01-02

PURPOSE

To establish specific duties and responsibilities with respect to uniformed members assigned to staff positions in a command post.

PROCEDURE

Upon arriving at the scene of a planned or unplanned event where a command post has been established:

INCIDENT COMMANDER OR SUPERVISOR IN CHARGE

1. Select location for command post.
2. Assign and supervise uniformed members of the service as:
 - a. Operations officer
 - b. Intelligence officer
 - c. Personnel officer
 - d. Logistics officer.
3. Instruct each member and insure the selected members of the service perform the duties and responsibilities indicated below.

NOTE: The rank of these individuals should rise commensurate with the change in the rank of the incident commander, i.e., patrol sergeant is incident commander, police officers perform functions; if incident commander is captain, lieutenants, sergeants and police officers may perform functions. The operations officer should also be of a suitable rank to enable him/her to command the command post and/or sector command post as necessary.

4. Sign into the command post log as incident/sector commander as appropriate.
5. Establish communications by:
 - a. Conferring with Communications Section for an appropriate citywide frequency.
 - b. Having special or additional frequencies assigned 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. Implementing dual dispatch system if necessary (i.e., high priority calls go to event personnel; lower priority calls to precinct units).
6. Notify commands which have failed to send required personnel and ensure prompt response.

NOTE: Each bureau will be responsible for sending requested personnel as specified in detail orders or response plan.

OPERATIONS OFFICER

7. Supervise other command post staff positions.
8. Act as incident commander's principal advisor on all tactical matters.
9. Coordinate efforts with all other staff officers, e.g., personnel, logistics and intelligence.
10. Keep current operational estimate of the situation.
11. Maintain an operations map showing
 - a. Police deployments
 - b. Mobilization point
 - c. Command post
 - d. Staging areas, etc.
 - e. Police/crime incidents
12. Maintain command post log with a chronological listing of:
 - a. Police deployment
 - b. Police incidents, crimes, arrests
 - c. Results of hourly survey of event/assigned area.
 - d. Crowd spectator deportment
 - e. Assignments
 - f. Reliefs
 - g. Re-deployments
 - h. Crimes reported through the intelligence officer
 - i. Intelligence information supplied by the intelligence officer
13. Record all chronological data as soon as possible during, or at end of tour in command post log.
14. Advise the incident commander on:
 - a. Maintenance of a mobile reserve force
 - b. Redeployment of existing personnel
 - c. Possible deployment of incoming personnel
 - d. Establishment of mobile patrols and sectors
 - e. Tactics to prevent disorder
 - f. Activation of a rapid mobilization, if necessary.

INTELLIGENCE OFFICER

15. Act as the principal advisor to the incident commander on all intelligence and investigative matters.
16. Provide information on the history of the event/situation at hand including crime incidents at this and other similar events.
17. Coordinate all investigative efforts with detectives and have operations officers apprised of such.
18. If event is an unplanned one, debrief initial responding officers.
19. Supervise and coordinate the community affairs officers.
20. Supervise representative from Office of Deputy Commissioner -Public Information regarding press placement.
21. Assist the operations officer in maintaining the operations map.
22. Assist the operations officer in maintaining/recording a chronological record as outlined in steps 12 and 13 of this procedure.
23. Assign members of the service to survey and report post/sector conditions on a schedule agreed to by incident commander.
24. Monitor civilian news media for emerging conditions.
25. Coordinate aviation and rooftop observers.
26. Monitor weather reports through media.

NOTE: The operations and intelligence officers work as a team in a command post. Their functions are interdependent upon each other. If the incident/event which causes the establishment of a command post is small in nature, one uniformed member may perform both sets of duties.

PERSONNEL OFFICER

27. Act as the principal advisor to the incident commander on all aspects of personnel service support, administrative support, medical support and communications support.
28. Supervise the mobilization point.
29. Arrange for traffic posts.
30. Assign personnel to predetermined post as per event plan. In an unplanned event create mobile field forces from appropriate responding units for example, 1st, 5th and 7th Precincts are the 1st mobile field force; 46th, 47th, 50th and 52nd Precincts are the 9th mobile field force (see ADDITIONAL DATA, P.G. 213-05, "Duties at an Unusual Disorder," page 9)
31. Collect DETAIL ROSTER/ASSIGNMENT SHEETS ensuring that all appropriate captions are completed.
 - a. Notify incident commander of any personnel shortages.
32. Maintain liaison with FDNY - EMS and medical facilities for treatment of injured members of the service.
33. Maintain working file for paperwork such as DETAIL ROSTER/ASSIGNMENT SHEETS and other reports generated by the incident.

34. Assist operations officer in maintaining command post log.
35. Supervise the communications officers assigned to the command post.
36. Assist incident/sector commander in acquiring radio frequencies for disorder operations and executive communications.
37. Responsible for all matters relating to prisoners.
38. Responsible for security of the command post.
39. Responsible for notifying Communications Section of identity, call signs and posts of units available for radio runs, when dual dispatch system is implemented.
40. Responsible for acquiring and deploying cell phones and mobile digital terminals.

LOGISTICS OFFICER

41. Act as the principal advisor to the incident commander on supply and equipment concerns.
42. Coordinate deployment of:
 - a. Department support units; e.g., Fleet Services Division, Criminal Justice Bureau, etc.
 - b. Fire Department
 - c. FDNY -EMS
 - d. Con Edison
 - e. Verizon
 - f. Other needed utility or service.
43. Assist operations officer in maintaining command post log.
44. Ensure security for mobilization point, staging area and any vehicle holding area.
45. Maintain equipment status board.
46. Maintain record of equipment issued and ensure retrieval at conclusion of operations, including radios, cellular phones, bullhorns, etc.
47. Coordinate the deployment of emergency fleet when necessary.
48. Assist personnel officer in supervision of mobilization point.
49. Assist personnel officer in matters relating to prisoners.

NOTE: The personnel officer and logistics officer work as a team in a command post. Their functions are interdependent upon each other. If the incident/event which causes the establishment of a command post is small in nature, one uniformed member may perform both sets of duties.

RELATED PROCEDURES

Unusual Occurrence Reports (P.G. 212-09)
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 Maps (P.G. 213-07)
Unusual Disorder Plan-Formulating Plan (P.G. 213-08)
Policing Special Events/Crowd Control (P.G. 213-11)
Duties and Responsibilities at Special Events (P.G. 213-15)

FORMS AND REPORTS
DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)

P.G. 213-15 Duties And Responsibilities At Special Events

Date Effective: 02-01-02

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 (2) 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 (1) 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 (1) block of these areas.
 - b. Streets and avenues within formation and dismissal areas and public transportation facilities within one (1) 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".

7. Cause event area or parade route to be re-inspected twenty-four (24) 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 (1) 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 (100) feet, from parade route on side streets which are bus, fire, ambulance and other emergency vehicle "through streets" and twenty-five (25) 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.

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 (1) block before any emergency incident such as fire, accident, 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 accident, 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 Office of Chief of Department, Operations Division (Room 804-A).

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 pre planned 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)

P.G. 213-16 Relocation of Vehicles During Special Events

Date Effective: 05-30-03

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 Control Division 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 CONTROL DIVISION

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 (2) 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.

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 MISD Help Desk at (212) 374-3800.

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 (48) 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 (45) days, on a clipboard secured at the desk. After forty-five (45) 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)

Quality of Life Matters

P.G. 214-01 Padlock Law" Program

Date Effective: 01-01-00

PURPOSE

To enforce provisions of the "Padlock Law" in regard to premises identified as public nuisances.

SCOPE

The "Padlock Law" authorizes the Police Department to commence a "Padlock Hearing Proceeding" when two (2) or more separate arrest incidents for public nuisance offenses, resulting in one (1) criminal conviction, have been made within a twelve (12) month period prior to the commencement of such a proceeding. In addition, to indicate that the illegal activity is continuing, a triggering arrest should be made within thirty (30) days prior to the issuance of the Notice of Hearing. Once all parties have been given notice and an opportunity to be heard at an administrative hearing, the "Padlock Law authorizes the Police Commissioner to:

- a. Order the discontinuance of the illegal activity for up to one (1) year, and/or
- b. Order the closing of the premises for up to one (1) year.

DEFINITIONS

PUBLIC NUISANCE OFFENSES

- a. Any offense under:

- (1) Article 220, Penal Law - Controlled Substances Offenses
- (2) Article 221, Penal Law - Marijuana Offenses
- (3) Article 225, Penal Law - Gambling Offenses
- (4) Article 230, Penal Law - Prostitution Offenses
- (5) Article 240.45, Penal Law - Criminal Nuisance

- b. The following sections of law as they relate to "chop shops":

- (1) Penal Law Sections 165.40 to 165.50 (inclusive) - Criminal Possession of Stolen Property
- (2) Penal Law Section 170.65 - Forgery Vehicle Identification Number
- (3) Penal Law Section 170.70 - Illegal Possession Vehicle Identification Plate
- (4) Vehicle and Traffic Law Section 415(a) - Auto Dismantlers

- c. Any violation of Alcohol Beverage Control Law relating to the sale, manufacture or trafficking of liquor, wine or beer.

PREMISES - Any building, erection or place, excluding public areas such as streets, hallways, roofs.

CLOSING ORDER - An order signed by the Police Commissioner that orders a premises closed for a period not to exceed one (1) year. After this Closing Order becomes effective, any person (including the owner), wishing to gain entrance to the location must obtain the approval of the precinct desk officer.

ORDER OF DISCONTINUANCE - An order signed by the Police Commissioner ordering the discontinuance of illegal activity at a premises. The premises may remain open to conduct legitimate business activity. However, if an arrest for a predicate padlock offense occurs inside the premises while the "Order of Discontinuance" is in effect, the premises is automatically closed for the remainder of the original one (1) year period.

PADLOCK CLOSING ORDER (PD672-130) - A crack-and-peel version of the Police Commissioner's Closing Order to be posted at premises.

DISCONTINUANCE ORDER (PD672-132) - A crack-and-peel version of the Police Commissioner's Order of Discontinuance to be posted at premises.

PADLOCK IDENTIFICATION SHEET (MISC. 2128) - Form that must accompany a request by precinct commanders to add a premises to a Padlock target list. This form must include all information necessary to properly identify a location.

ORGANIZED CRIME CONTROL BUREAU PADLOCK LOCATION INFORMATION SHEET - Form used by Organized Crime Control Bureau investigators that must contain all relevant identifying information concerning a location. A measuring wheel must be used to ascertain precise measurements of a location (measured from building line to the center of the location where the activity is taking place).

PADLOCK LOGBOOK - A permanent bound record book with the following captions contained therein:

- a. Location
- b. Date
- c. Time
- d. Ranking officer's signature
- e. Observations/remarks.

TRIGGER ARREST - The arrest that "triggers" or initiates the "Padlock Hearing Proceeding." This arrest is effected not more than thirty (30) days prior to the commencement of the "Padlock Hearing Proceeding" and gives the Department the presumption of ongoing illegal activity at the location.

TRIGGER ARREST FOLDER - Folder prepared by arrest team at the time of the trigger arrest. Folder must contain the following data:

- a. Organized Crime Control Bureau Padlock Location Information Sheet
- b. Photographs of location (exterior and interior)
- c. Copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) for each defendant arrested
- d. Sketch of location
- e. All reports prepared in connection with arrests including PROPERTY CLERK'S INVOICE (PD521-141).

NOTE: This folder must be hand delivered to the Organized Crime Control Bureau within seventy-two (72) hours of trigger arrest.

PADLOCK CONTROL NUMBER - A number assigned consecutively to target locations for tracking purposes.

PROCEDURE

When identifying target locations and effecting arrests for public nuisance offenses:

OFFICE OF THE CHIEF OF DEPARTMENT

1. Coordinate the identification of target locations and priorities.

COMMANDING OFFICER CONCERNED

2. Identify all public nuisance premises within command.
 - a. Maintain appropriate records of arrest activity occurring therein or emanating therefrom.
3. Submit a list of new public nuisance premises to the Patrol Services Bureau (through channels) on or before the first (1st) day of each month.
 - a. Include for each location:
 - (1) A one (1) year arrest history
 - (2) Padlock Identification Sheet (Misc. 2128).

NOTE: The Padlock Identification Sheet must include all information to properly identify a location.

4. Review monthly printouts of targeted premises and notify Organized Crime Control Bureau of status changes.
5. Forward copies of ON LINE BOOKING SYSTEM ARREST WORKSHEET to Organized Crime Control Bureau for each arrest effected at public nuisance locations by command personnel.

O.C.C.B. COMMANDER CONCERNED

6. Identify all public nuisance premises within command.
7. Submit a list of public nuisance premises (through channels) to Organized Crime Control Bureau on or before the first (1st) day of each month including:
 - a. A one (1) year arrest history
 - b. An Organized Crime Control Bureau Padlock Location Information Sheet
 - c. Three (3) exterior photographs (one [1] left of, one [1] right of, and one [1] front of location).

NOTE: The arresting officer, investigating officer or supervisor most familiar with the target premises should prepare these documents. A measuring wheel must be used to ascertain accurate distances. When measuring a location, the measurement must be taken from the building line to the center of the location where the illegal activity is occurring.

8. Determine whether target locations submitted by commanding officers are suitable for enforcement under the "Padlock Law" Program.

IF LOCATION IS DETERMINED TO BE SUITABLE FOR ENFORCEMENT UNDER THE "PADLOCK LAW" PROGRAM

O.C.C.B. COMMANDER CONCERNED

9. Submit documentation required in step 7, subdivisions "a," "b," and "c" above, within fifteen (15) days.

IF LOCATION IS DETERMINED NOT TO BE SUITABLE FOR ENFORCEMENT UNDER THE "PADLOCK LAW" PROGRAM

O.C.C.B. COMMANDER CONCERNED

10. Advise Organized Crime Control Bureau within fifteen (15) days of the result of investigation and recommendation that location not be targeted under the "Padlock Law" Program.

NOTE: A location is considered not to be suitable if:

a. Activity is occurring "outside of" or "in front of" premises (street condition), unless the premises is facilitating the activity, i.e., drugs are stored inside and sold on street.

b. Activity occurring does not involve a predicate padlock offense.

ORGANIZED CRIME CONTROL BUREAU

11. Review locations and conduct preliminary investigation to determine whether submitted locations are viable "Padlock Law" targets.

12. Maintain a list of target locations that have been identified by commanding officers concerned.

13. Establish and maintain statistical and informational data files relating to each premises designated as target locations.

14. Monitor target locations and notify Legal Bureau when records reveal "triggering" arrest(s) at a target premises.

15. Act as liaison for all bureaus concerned.

16. Direct notifications to officers to attend hearings.

17. Prepare monthly statistical reports.

18. Distribute monthly printouts of targeted locations to Patrol Services Bureau for distribution to commanding officers concerned.

19. Prepare "Trigger List."

LEGAL BUREAU

20. Maintain a list of target locations including arrest and conviction data.

21. Identify the owner, lessor, lessee(s), and mortgagee(s) of designated premises.

22. Obtain arrest dispositions and report such dispositions to Organized Crime Control Bureau.

23. Mail Notices Of Violation to owner(s) and lessee(s).

WHEN AN ARREST IS EFFECTED FOR A PUBLIC NUISANCE OFFENSE AS THE DIRECT RESULT OF ILLEGAL ACTIVITY HAVING OCCURRED INSIDE A TARGETED PREMISES,

ARRESTING OFFICER O.C.C.B.

24. Prepare ON LINE BOOKING SYSTEM ARREST WORKSHEET in triplicate.

a. Clearly write "Padlock Target" across top front and notify assistant district attorney of same.

b. Enter on line 10, "Specific Location of Occurrence," the particular part of the premises where the illegal activity occurred, i.e., inside storefront (include name of store), inside apartment number, etc.

NOTE: If arrest occurs outside the premises, but the activity that precipitated that arrest occurred inside the location, the arrest is applicable for "Padlock Law" enforcement. Indicate on line 10 of ON LINE BOOKING SYSTEM ARREST WORKSHEET that activity occurred inside location. Indicate on line 21 of ON LINE BOOKING SYSTEM ARREST WORKSHEET the exact location of arrest.

25. Forward a copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET to the Organized Crime Control Bureau.

a. Indicate on top of WORKSHEET, "Padlock Law Violation."

WHEN A "TRIGGERING ARREST" IS MADE

ARRESTING OFFICER O.C.C.B.

26. Photograph the exterior of the premises, including:

a. Any exterior signs

b. All points of entrance/exit into the premises.

NOTE: Polaroid cameras may be used. Only clear photographs are acceptable.

27. Photograph the interior areas, including:

a. Signs hanging on walls

b. Merchandise on display

c. Plexiglas windows

d. All partitions.

NOTE: (For "Padlock Hearing Proceedings" purposes, photographs may, but need not, be taken of defendants).

The front of the photographs will not be marked in any way. The back of the photographs will contain the photographer's name, rank, type of camera/film used, address of location, date/time the photograph was taken and the Padlock Control #.

28. Prepare a sketch for presentation at a "Padlock Hearing Proceeding," indicating:

a. Dimensions of the interior of the location, including relative measurements of entrance

b. Distance from doorway to countertop

- c. Size of countertop and Plexiglas
- d. Location of evidence seized
- e. Location of prisoners at the time of arrest
- f. Any other pertinent objects of information relative to the operation of the illegal enterprise.

NOTE: Sketches shall not contain any statements that draw legal conclusions. For example, sketches must not contain a statement that "cocaine" was seized from a particular place or that a sign on the wall is a "policy" sign.

29. Prepare Organized Crime Control Bureau Padlock Location Information Sheet.

NOTE: When a "triggering arrest" is made, steps 26 through 29 must be performed by the arresting officer or, with permission of a supervisor, by another Organized Crime Control Bureau investigator assigned to the field team.

O.C.C.B. COMMANDER CONCERNED

30. Forward copies of all reports prepared in connection with "Padlock Law" arrests to Organized Crime Control Bureau in a folder marked "Trigger Arrest," including:

- a. Organized Crime Control Bureau Padlock Location Information Sheet
- b. Photographs of location (interior and exterior)
- c. Copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET for each person arrested
- d. Sketch of location
- e. PROPERTY CLERK'S INVOICE.

31. Make a telephone notification to the Organized Crime Control Bureau, within twenty-four (24) hours of the triggering arrest which must include the following information:

- a. Arrest number
- b. Arrest date
- c. Defendant's name
- d. Arrest charges
- e. Arresting officer's name
- f. Padlock Control Number.

UPON DETERMINATION TO COMMENCE "PADLOCK HEARING PROCEEDING"

NOTE: Ensure that the "Trigger Arrest Folder" containing the data gathered in steps 26 through 30 is hand-delivered to the Organized Crime Control Bureau within seventy-two (72) hours of the triggering arrest.

ORGANIZED CRIME CONTROL BUREAU

32. Make telephone notification to Legal Bureau of "triggering arrest."

- a. Forward "Trigger Arrest Folder" to Legal Bureau upon receipt.

LEGAL BUREAU

33. Prepare and serve Notice Of Hearing on:

- a. Owner(s)
- b. Lessee(s)
- c. Mortgagee(s) of premises pursuant to "Padlock Law" Regulations.

34. Forward copies of Notice Of Hearing to:

- a. Adjudication Section, Deputy Commissioner, Legal Matters
- b. Organized Crime Control Bureau
- c. Patrol Services Bureau for dissemination to appropriate individuals (e.g., precinct/transit district/P.S.A. commanders, community board district managers, community council, etc.).

35. Represent Department at "Padlock Hearing Proceedings."

LEGAL BUREAU, PADLOCK HEARING OFFICER

36. Conduct "Padlock Hearing Proceeding" in compliance with "Padlock Law" Regulations.

- a. Make recommendations to Police Commissioner (through Deputy Commissioner, Legal Matters).

NOTE: Police Commissioner, upon recommendation of the Deputy Commissioner, Legal Matters, may issue an Order to DISCONTINUE ILLEGAL ACTIVITY and/or CLOSE PREMISES for a specified period not to exceed one (1) year.

LEGAL BUREAU

37. Ensure that owner(s), lessee(s) and mortgagee(s) of the premises are served with a copy of the appropriate Police Commissioner's Order.

38. Forward copies of Police Commissioner's Order to:

- a. Precinct commander for posting at premises and in "Padlock Log" (two [2] copies of Order plus two [2] crack-and-peel signs must be delivered to precinct)
- b. Organized Crime Control Bureau
- c. Patrol Services Bureau.

NOTE: The Legal Bureau will notify the precinct commander and all parties when an Order is revoked or modified prior to the expiration date indicated on the Order.

COMMANDING OFFICER

39. Establish a "Padlock Log," utilizing a Department record book and allocating ten (10) pages for each premises served with an Order captioned as follows:

TIME	DATE	RANKING OFFICER	OBSERVATIONS/REMARKS
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NOTE: A copy of the appropriate Police Commissioner's Order will be affixed to the first (1st) page of each corresponding ten (10) page section.

40. Direct supervisory officer to conspicuously post PADLOCK CLOSING ORDER (PD672-130) or DISCONTINUANCE ORDER (PD672-132) as appropriate, on premises.

41. Enter fact that PADLOCK CLOSING ORDER or DISCONTINUANCE ORDER has been posted as first (1st) entry in "Padlock Log" for premises concerned.

42. Notify Legal Bureau when PADLOCK CLOSING ORDER or DISCONTINUANCE ORDER is posted.

a. Enter notification in Telephone Record.

b. Make notification on next business day if Legal Bureau is closed.

NOTE: The "Padlock Law" provides that the PADLOCK CLOSING ORDER or DISCONTINUANCE ORDER must be posted for five (5) business days before being enforced.

43. Direct supervisory officer to visit location every tour on the fifth (5th) business day after the PADLOCK CLOSING ORDER or DISCONTINUANCE ORDER is posted, and:

a. Ascertain that appropriate ORDER is posted and not being violated.

ASSIGNED SUPERVISOR

44. Make entry in "Padlock Log" for each visit made.

a. Indicate in "Remarks" column of "Padlock Log" whether PADLOCK CLOSING ORDER or DISCONTINUANCE ORDER is still posted.

IF VIOLATION OF THE PADLOCK CLOSING ORDER IS OBSERVED

45. Ascertain if PADLOCK CLOSING ORDER is still posted.

a. If not, obtain and post a new PADLOCK CLOSING ORDER.

(1) PADLOCK CLOSING ORDERS and DISCONTINUANCE ORDERS are available from the Legal Bureau.

NOTE: Removal or mutilation of PADLOCK CLOSING ORDER is a violation of the New York City Administrative Code, Section 10-156(g), which is an unclassified misdemeanor. Photographs and fingerprints should not be taken.

46. Effect an arrest for violating a PADLOCK CLOSING ORDER and issue a Desk Appearance Ticket, if applicable, when:

a. The PADLOCK CLOSING ORDER is conspicuously posted and persons are present in violation of the ORDER, OR

b. The PADLOCK CLOSING ORDER has been removed and persons present are advised premises is "padlocked" and are directed to leave and refuse to do so.

NOTE: Caution should be exercised to avoid arresting persons who are legitimately in the premises (e.g., repairmen actually making repairs). However, these individuals must obtain permission from the precinct desk officer prior to entering location.

IF VIOLATION OF DISCONTINUANCE ORDER IS SUSPECTED

ASSIGNED SUPERVISOR

47. Immediately notify Organized Crime Control Bureau, Field Operations Desk, if illegal activity is suspected and an arrest can not be effected.

48. Forward a copy of the ON LINE BOOKING SYSTEM ARREST WORKSHEET to the Organized Crime Control Bureau, when an arrest is effected in POSTED premises.

- a. Include information required by step 24 and following "NOTE."

49. Notify Organized Crime Control Bureau.

COMMANDING OFFICER CONCERNED

50. Submit a report in quadruplicate each Monday for the previous Sunday to Saturday (inclusive) to Patrol Services Bureau (through channels) and indicate the following for each location:

- a. Number of visits made to premises
- b. Number of violations observed
- c. Number of summonses issued and/or arrests for violation of the Police Commissioner's Order
- d. Any incidents, including arrests other than for violations of Police Commissioner's Order
- e. Number of times necessary to repost PADLOCK CLOSING ORDER.

LEGAL BUREAU

51. Notify Organized Crime Control Bureau when an Order of Discontinuance and/or a Bond is posted in regard to a premise.

O.C.C.B. COMMANDER CONCERNED

52. Direct field units to visit periodically those premises where an Order of Discontinuance and/or Bonds have been posted.

53. Submit a report monthly to Organized Crime Control Bureau and indicate the following for each location:

- a. Date and time of visit to premises
- b. Any incidents, and/or arrests at posted location.

54. Immediately notify Legal Bureau if an arrest is effected in a posted location.

PATROL SERVICES BUREAU

55. Consolidate reports received and forward to:

- a. Chief of Department
- b. Legal Bureau
- c. Organized Crime Control Bureau.

RELATED PROCEDURES

Invoicing Property General (P.G. 218-01)

FORMS AND REPORTS

DISCONTINUANCE ORDER (PD672-132)

DISCONTINUANCE ORDER POSTER (PD672-132)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PADLOCK CLOSING ORDER POSTER (PD672-130)

PADLOCK CLOSING ORDER (PD672-130)

PROPERTY CLERK'S INVOICE (PD521-141)

Padlock Identification Sheet (Misc. 2128)

Closing Order

Notice Of Hearing

Notice Of Violation

Order of Discontinuance

Organized Crime Control Bureau Padlock Location Information Sheet

Trigger Arrest Folder

P.G. 214-02 Narcotics Eviction Program

Date Effective: 01-01-00

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 the Organized Crime Control Bureau, 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 community beat officer.

PROCEDURE

When a uniformed member of the service, other than a member assigned to the Narcotics Division, 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.

COMMUNITY BEAT OFFICER CONCERNED

3. Review Community Policing Unit copy of the COMPLAINT REPORT when received.
4. Determine if the presence of a narcotics operation is indicated, based on both the information contained on the COMPLAINT REPORT, and the officer's knowledge of the beat (i.e., previous incidents, community complaints, etc.).
5. Review incident with community policing unit supervisor if the circumstances indicate that a narcotics operation is present.

COMMUNITY POLICING SUPERVISOR

6. Review facts and circumstances of incident.
7. Determine if appropriate for inclusion into the Narcotics Eviction Program.
8. 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.
9. 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.

10. Maintain file copies at the Community Policing Unit office 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 Community Policing Unit for inclusion into the unit's files.

COMMUNITY BEAT OFFICER

11. Advise Community Policing Unit supervisor, or Narcotics Eviction Program Coordinator, as appropriate, of any other incidents regarding either the building owner or the submitted location.

12. Document information in the appropriate file.

DIRECTOR, POLICE LABORATORY

13. Ensure that all found/investigatory controlled substances are maintained at the Police Laboratory or Property Clerk's Office for a minimum of three (3) 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.

COMMUNITY POLICING SUPERVISOR

14. Ensure that an effective liaison is maintained with the Narcotics Eviction Program Coordinator regarding ongoing efforts in this area.

15. Maintain appropriate contact with concerned borough narcotics district of the Organized Crime Control Bureau regarding locations involved in this initiative.

16. 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

17. 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.

COMMUNITY BEAT/SECTOR OFFICER

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

NOTE: In instances such as described above, community beat officers 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

19. Include initiatives taken towards these locations as a topic for Precinct Management Team (PMT) meetings as appropriate.

20. Ensure that there is both an effective information exchange and cohesive effort between precinct and Organized Crime Control Bureau Narcotics Division personnel as it relates to this effort.

ADDITIONAL DATA

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

EXAMPLES OF DIRECT EVIDENCE include:

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

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

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

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

The addresses and telephone numbers 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
(212) 335-4371

District Attorney
Bronx County
215 East 161st Street
Room 3DA - 11
Bronx, NY 10451
(718) 590-6790

District Attorney
Kings County
210 Joralemon Street
Room 610
Brooklyn, NY 11201
(718) 802-2204

District Attorney
Queens County
125-01 Queens Blvd.
Civil Enforcement Bureau
Kew Gardens, NY 11415
(718) 286-6507

District Attorney
Richmond County
36 Richmond Terrace
Staten Island, NY 10301
(718) 390-2604

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)
ON LINE BOOKING SYSTEM WORKSHEET (PD244-159)
PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 214-03 Graffiti Reward Program

Date Effective: 01-01-00

PURPOSE

To reward private persons whose reports of in progress acts of graffiti vandalism 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 (\$500.00) for "information leading to the apprehension, prosecution or conviction of any person" who violates the Administrative Code provisions regarding graffiti vandalism. Accordingly, this Department, in cooperation with the Office of the Criminal Justice Coordinator, is instituting a citywide procedure to reward people who report acts of graffiti vandalism in progress and whose reports lead to arrests.

PROCEDURE

When a private person reports an in progress act of graffiti vandalism to either the Graffiti Hot Line, telephone number (212) 374-5914 or to 911:

GRAFFITI HOTLINE SUPERVISOR

1. Obtain necessary information from caller to dispatch the assignment.
2. Assign a code number to the caller.
 - a. Furnish caller with the code number.
 - b. Input an IA message on SPRINT incident, documenting the code number.
3. Advise caller to contact the Deputy Commissioner - Community Affairs, telephone number (212) 374-5314, after thirty (30) days, during business hours, to find out if caller was recommended for reward.
4. Dispatch job.

NOTE: If a civilian is present at a Department facility to report an act of graffiti vandalism, the telephone switchboard operator will obtain all necessary information and call the Graffiti Hotline. In addition, the telephone switchboard operator will ensure that the complainant is fully apprised of the steps to take to claim a reward. If call is made to 911 operator, it will be transferred to Graffiti Hotline operator and handled as above.

UNIFORMED MEMBER OF THE SERVICE

5. Respond to report of graffiti vandalism and arrest violator if still present.
6. Comply with normal arrest processing procedures.

DESK OFFICER

7. Determine if arrest was made pursuant to a radio run or a pick up job.

NOTE: Only calls processed through the Graffiti Hotline (calls direct to Hotline or via 911) are eligible for reward.

8. If arrest was made pursuant to a radio run, obtain a SPRINT printout of the job.

9. Attach to SPRINT printout arrest paperwork and give to commanding officer.

PRECINCT COMMANDING OFFICER

10. Investigate circumstances of arrest and determine if a reward should be recommended.

11. Forward recommendation on Typed Letterhead to Chief of Department (through channels).

12. Take appropriate steps to advertise this program in their local communities (e.g., Community Council Meetings, Tenant Association Meetings, local newspapers, etc.) in order to attain maximum civilian participation.

CHIEF OF DEPARTMENT

13. Determine if reward should be recommended.

14. Send recommendation to Office of the Criminal Justice Coordinator.

15. Forward copy of recommendation and endorsed copy of Typed Letterhead to Deputy Commissioner - Community Affairs.

DEPUTY COMMISSIONER COMMUNITY AFFAIRS DESIGNEE

16. Maintain file of recommendations for reward.

17. Obtain record of calls to Graffiti Hotline and 911 operators regarding graffiti vandalism from Communications Division.

NOTE: The Communications Division will establish necessary procedures and training programs to ensure that Graffiti Hotline calls are processed effectively.

18. Inform callers seeking reward (see step #3 above) of status of recommendation as follows:

a. If Communications Division records indicate that no arrest was made (e.g., 10-90Z, 10-90Y, etc.), so advise caller and indicate that no reward will be given per Administrative Code Section 10-117.2.

b. If Communications Division records indicate that an arrest was made, but no letter of recommendation was received from the Chief of Department as yet:

(1) Advise caller to call again in two (2) weeks.

(2) Obtain letter of recommendation/denial.

c. If Chief of Department recommends a reward, notify awardee of details upon confirmation of award by Criminal Justice Coordinator.

19. Furnish the Office of Management Analysis and Planning with a monthly report listing the number of calls to the Graffiti Hotline/911 regarding graffiti vandalism and the number of recommendations for rewards received from the Chief of Department.

ADDITIONAL DATA

No police officer, peace officer or any other law enforcement officer, and no officer, official or employee of the City of New York shall be entitled, directly or indirectly, to collect or receive any such reward.

Any graffiti arrests effected in connection with this program will be processed as an on line arrest and the prisoner will not be processed for a DESK APPEARANCE TICKET (PD261-21).

FORMS AND REPORTS
DESK APPEARANCE TICKET (PD261-21)
Typed Letterhead

P.G. 214-04 Operational Guidelines For Anti-Graffiti/Vandalism Unit

Revoked Interim Order 17-7 Series Issued 10-15-04

PURPOSE

To create and implement strategies and tactics for dealing with graffiti vandalism throughout New York City.

PROCEDURE

Whenever combating graffiti vandalism, operate under the following guidelines:

COMMANDING OFFICER, ANTI-GRAFFITI/VANDALISM UNIT

1. Designate operational zones, within each patrol borough, to allow for a concentrated effort within a limited geographical area for a fixed period of time.

NOTE: Information provided by commanding officers, observations made by uniformed members of unit and any requests by other city agencies (i.e., Department of Transportation, Department of Parks, etc.) will be considered when determining target areas.

2. Evaluate the effectiveness of the Anti-Graffiti/Vandalism Unit's operations, constantly.

a. Adjust target zones as necessary.

3. Schedule supervisory officers to ensure that at least one (1) supervisor is assigned to each tour.

PATROL SUPERVISOR, ANTI-GRAFFITI/VANDALISM UNIT

4. Inspect all uniformed members daily for proper equipment.

5. Inspect Department autos daily for necessary equipment and proper maintenance.

6. Ensure that members concerned are properly trained regarding duties as described in current Department directives.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED TO ANTI-GRAFFITI/VANDALISM UNIT

7. Perform duty in civilian clothes.

a. Maintain a record of activity in ACTIVITY LOG (PD112-145).

8. Conduct short term investigations within target area directly related to graffiti and property defacement.

9. Take photographs and gather intelligence regarding major graffiti vandals.

GRAFFITI COORDINATOR

10. Ensure copies of all paperwork and photographs regarding graffiti arrests/complaints, etc., are forwarded to the Anti-Graffiti Vandalism Unit, Special Operations Division.

NOTE: An Anti-Graffiti/Vandalism Unit supervisor will respond to all incidents which result in an arrest or issuance of a summons. If an Anti-Graffiti/Vandalism Unit supervisor is unavailable, the patrol supervisor in the precinct of occurrence will be requested to respond to verify the arrest or issuance of a summons.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)

P.G. 214-05 Selection And Utilization Of Auxiliary Police Officer Volunteers And Undercovers For "Quality Of Life" Enforcement

Date Effective: 01-01-00

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 Enforcement Unit 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 UNIT/PRECINCT CONDITIONS UNIT

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 Enforcement Unit 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 Vice Enforcement Unit or precinct conditions unit 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 (4) 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 Vice Enforcement Division, 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 (18).

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 (18) years of age may be trained, however, they will not be utilized until they reach eighteen (18) 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. The conditions supervisor will forward a copy of this recapitulation to the borough auxiliary police coordinator; the vice supervisor forwards one to the Vice Enforcement Division.
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 Polaroid 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, "Auxiliary Police Officer Killed Or Injured While Performing Duty", 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 Vice Enforcement Division.
11. Ensure that each auxiliary police officer volunteer receives the proper training course regarding safety, tactics and integrity conducted by the Vice Enforcement Division.
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 ENFORCEMENT UNIT

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 Vice Enforcement Division.

NOTE: Commanding officer, borough Vice Enforcement Unit 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 (18) and less than twenty (20) years and six (6) 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 judgement, 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, Vice Enforcement Division, 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 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

Auxiliary Police Officer Killed Or Injured While Performing Duty (P.G. 216-13)

P.G. 214-06 Operational Guidelines For Homeless Outreach Unit

Date Effective: 01-01-00

PURPOSE

To create and implement strategies for dealing with the homeless population of New York City.

PROCEDURE

To introduce homeless persons to the myriad services available to them within the City of New York and to assist them in gaining access to those services, uniformed members of the service assigned to the Homeless Outreach Unit will operate under the following guidelines:

COMMANDING OFFICER, HOMELESS OUTREACH UNIT

1. Designate operational zones within each patrol borough to allow for a concentrated effort within a limited geographical area for a fixed period of time.

NOTE: Information provided by borough commanders, commanding officers, Department of Homeless Services, community boards and service providers, as well as observations made by members of the Unit, would be considered when determining target areas.

2. Evaluate effectiveness of Homeless Outreach Unit operations constantly.

a. Adjust target zones as necessary.

3. Schedule supervisory officers to ensure that at least one (1) supervisor is assigned on every tour.

4. Schedule uniformed members of the service with the aim of deploying three (3) vans on every tour.

SUPERVISOR, HOMELESS OUTREACH UNIT

5. Select operational locations within the target zone on a daily basis.

6. Assign each van to a location within the target zone.

a. Designate one (1) van as a "Response Unit" to handle calls for assistance from field units.

7. Designate an area within the confines of the operational area where the van will be secured.

NOTE: A minimum of two (2) police officers, each equipped with a portable radio, will be assigned to staff each van. One (1) officer will monitor the Citywide/Special Operations Division frequency while the other officer will monitor the division frequency in which outreach operations are being conducted.

UNIFORMED MEMBER OF THE SERVICE

8. Interview consenting homeless persons only and assess their condition to determine the services which they require.

a. If homeless person is identified as a client of the Department of Homeless Services or other service provider, that agency will be contacted to respond, if available, in order to continue outreach efforts.

9. Advise homeless persons of services available to them.
 - a. Offer transportation to facilities where such services can be obtained.
10. Escort homeless persons who accept offer of assistance to Homeless Outreach Unit van.
 - a. Transport such persons to city shelter or other location depending on:
 - (1) Type of assistance needed
 - (2) Time of day
 - (3) Availability of service provider, etc.
11. Document each contact with a homeless person on CONTACT INFORMATION SHEET (PD 304-140).
 - a. Indicate whether or not offer of services was accepted.
12. Request response of Homeless Outreach Unit supervisor in the following situations:
 - a. Emotionally Disturbed Person (EDP): If homeless person encountered appears to be mentally ill or temporarily deranged and is conducting him/herself in a manner in which the uniformed member reasonably believes is likely to result in serious injury to him/herself or others.
 - (1) Comply with the provisions of P.G. 216-05, "Mentally Ill or Emotionally Disturbed Persons."
 - b. Acute Medical Condition: If homeless person encountered is suffering from an acute medical condition, request response of an ambulance, in addition to the Homeless Outreach Unit supervisor, and comply with the provisions of P.G. 216-01, "Aided Cases General Procedure."
 - c. Intoxicated: If intoxicated homeless person is encountered, the homeless person may be removed only to an alcohol detoxification center upon their consent.

NOTE: If the homeless person's intoxication leads the Homeless Outreach Unit members on the scene to reasonably believe that the person's intoxication is likely to result in serious injury to him/herself or others, P.G. 216-05, "Mentally Ill Or Emotionally Disturbed Persons" will be complied with.
 - d. Repeated Encounters: Homeless persons who refuse services after repeated encounters should be referred to Department of Homeless Services personnel.
 - e. Arrest or Summons: If homeless person encountered appears physically and mentally normal but violates the law, including repeated minor infractions, enforcement action will be taken and the Homeless Outreach Unit supervisor will respond to all such incidents that result in an arrest or the issuance of a summons.

NOTE: A homeless person who is apparently physically and mentally normal and who refuses services is free to either leave or remain at a location.

In the event that a Homeless Outreach Unit supervisor is unavailable, an Emergency Service Unit supervisor will be requested to respond via the Citywide/Special Operations Division radio frequency. If an Emergency Service Unit supervisor is unavailable, a patrol supervisor will be requested to respond from the precinct where the outreach operations are being conducted.

ADDITIONAL DATA

Homeless Outreach Unit personnel will provide information and training to command personnel regarding services available to the homeless, as well as strategies and tactics for dealing with homeless persons.

The Homeless Outreach Unit Office is located at 370 Jay Street, Room 513, Brooklyn, New York, telephone number (718) 243-3620, and normal hours of operation are 0700 to 2400 hours, seven (7) days per week.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)

FORMS AND REPORTS

CONTACT INFORMATION SHEET (PD 304-140)

P.G. 214-07 Cases For Legal Action Program

Interim Order 52 Issued 12-01-04 Suspends Patrol Guide 214-07

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. Burglary 1st
- f. Arson 1st, 2nd or 3rd
- g. Criminal Sexual Act 1st or attempt
- h. Course of Sexual Conduct Against a Child 1st or attempt
- i. Aggravated Sexual Abuse 1st or attempt
- j. 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 and after conferral with the CFLA coordinator and with the approval of the Chief of Housing Bureau.

PROCEDURE

Whenever any uniformed member of the service (e.g. Organized Crime Control Bureau or Detective Bureau) effects an arrest of a New York City Public Housing resident sixteen (16) years 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 that 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'S INVOICE (PD521-141), when prepared
- e. Copy of REQUEST FOR LABORATORY EXAMINATION (PD521-161), when prepared
- f. Copy of NYCHA Trespass Notice, when prepared
- g. Copy of Search Warrant (not the application for a search warrant), when applicable.

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 the 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 Eight 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'S INVOICE (PD521-141)
REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 214-08 Chronic Abuser Alarm Procedures

Date Effective: 01-01-00

PURPOSE

To save manpower by reducing police response to locations when three (3) or more alarms, within a three (3) 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.
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.
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.
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 Management Information System Division (MISD) 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.

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.

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 (48) 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 to assist precinct crime prevention officers in operating the program. These telephone numbers are:

Management Information Systems Division - (212) 374-3800 Police Academy, Computer School - (212) 477-9274

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)

P.G. 214-09 Taxi And Limousine Commission Padlock Enforcement Program

Date Effective: 01-01-00

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 (10) 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 at (212) 676-1000. 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 at (212) 676-1000 and request that they undertake enforcement action at the location.

P.G. 214-10 Unlawful Posting Of Signs

Date Effective: 01-01-00

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.

P.G. 214-11 Enforcement Activities Regarding Obscenity (Penal Law Article 235) And Public Display Of Offensive Material (Penal Law Section 245.11)

Date Effective: 01-01-00

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 sado-masochistic 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 ACTIVITY LOG (PD112-145) 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.

P.G. 214-12 Unlawful Evictions

Date Effective: 01-01-00

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.

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 (30) 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 (1) or two (2) family homes
- b. Multiple dwellings.

DWELLING UNIT - Any residential accommodation within a dwelling.

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 (3) 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 (1) janitor's apartment, and one (1) penthouse occupied by not more than two (2) families.

OWNER - Any person, firm or corporation directly or indirectly in control of a dwelling.

NOTE: 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 Summons Returnable To Traffic Violations Bureau Or Criminal Court."

- b. Prepare a separate summons for each offense

- c. Make summons returnable to the decentralized Criminal Court located in the borough of issuance:

- (1) Consult ACTIVITY LOG insert COMMON SUMMONSABLE OFFENSES (PD160-102) for borough court locations

- (2) Enter return dates for each borough as indicated in ADDITIONAL DATA statement below

- d. Complete "Information Section" on rear of summons.

- (1) Specific details of the violation must be provided.

NOTE: If offense was committed in the presence of officer, the officer will sign the Information. When not committed in officer's presence, the officer must ascertain that a crime was committed and request complainant to sign the Information. 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 Information.

If a civilian is the complainant, delete the word "Complainant" and substitute the word "Officer" on the bottom two (2) lines of front of summons. In addition, draw line through the words, "I personally observed the commission of the offense charged above" immediately above the "Rank/Signature of Complainant" 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 along the left margin on the reverse side of the summons.

- e. Personally serve violator with Criminal Court (pink) copy of summons.

f. Process remaining copies according to normal procedures.

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.

NOTE: 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 Department of Social Services, Emergency Assistance Unit, 241 Church Street, telephone number (212) 344-5241.

ADDITIONAL DATA

Return dates are to be scheduled at least twenty one (21) days from date summons was issued, on the day of the week indicated, according to borough where summons was issued:

* Manhattan	Wednesday, Thursday, Friday
* Queens	Tuesday
* Bronx	Friday
* Brooklyn	Monday
* Staten Island	Thursday

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. Officers may decline to issue a summons or effect an arrest for unlawful eviction in domestic violence cases.

RELATED PROCEDURES

Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)

Personal Service Of Sumonses Returnable To Traffic Violations Bureau Or Criminal Court (P.G. 209-09)

Evictions, Repossessions and Other Civil Process (P.G. 214-13)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMMON SUMMONSABLE OFFENSES (PD160-102)

P.G. 214-13 Evictions, Repossessions And Other Civil Process

Date Effective: 01-01-00

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. 216-05, "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 ACTIVITY LOG (PD112-145):

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 completed.

RELATED PROCEDURES

Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)

Motor Vehicle Repossessed/Parking Violations Bureau Scofflaw Removal program (P.G. 212-48)

Unlawful Evictions (P.G. 214-12)

Hostage Barricaded Persons (P.G. 212-38)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 214-14 Driveway Tow Program

Date Effective: 01-01-00

PURPOSE

To permit owner or lessee of residential property, containing no more than two (2) 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 81c1, Traffic Regulations) if vehicle not reported stolen and owner/lessee is not involved.

4. Adhere to applicable provisions of P.G. 218-21, "Rotation Tow."

NOTE: The owner/lessee has the option of removing a vehicle by a licensed tow operator of own choice after a summons has been issued. In such cases, the provisions of the Rotation Tow procedure will not apply, including the transfer of the vehicle from the private tow to the Property Clerk's Auto Pound on weekdays commencing on the eighth (8th) day and ending on the thirtieth (30th) 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'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A) and enter words "Driveway Tow" under "Remarks," 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, voucher property on PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A).

6. Deliver PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET and PROPERTY CLERK'S INVOICE WORKSHEET, if prepared, to 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.

8. Insert the words, "DRIVEWAY TOW" under "Remarks", in the ROTATION TOWING LOG (PD571-1412), if vehicle is removed under the Rotation Tow Program.

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 vehicle is not claimed the tow operator is required to bring the vehicle to the Property Clerk's Auto Pound on weekdays, commencing on the eighth (8th) day and ending on the thirtieth (30th) day. After thirty (30) days at the pound, unclaimed vehicles are auctioned. The owner or his agent is required to present at the pound a paid bill from the tow operator in order to claim vehicle. 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 (10th) day of storage.

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

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

If a private tow operator, not in the Rotation Tow Program, removes a vehicle, it must be taken directly to his storage facility. Within thirty (30) 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 the vehicle is connected to any apparatus for removal, the vehicle shall be disconnected and the person will be allowed to remove the vehicle without interference upon payment of a reasonable service fee not to exceed fifty dollars (\$50.00), for which a receipt shall be given by the towing company driver.

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

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

Subd. b.

Owners or operators of parking facilities may not have improperly parked vehicles towed under this section unless the owner or operator maintains a conspicuously posted sign on the private property stating:

(1) Name, address, and telephone number of the tow company

- (2) Hours of operation for vehicle redemption
- (3) Towing and storage fees of the tow operator
- (4) Hours vehicle are prohibited from parking and subject to tow.

Subd. d.

Prohibits vehicle removal if it is occupied by any person.

Subd. f.

Requires the tow company to notify the local precinct covering the place of removal within thirty (30) minutes of the vehicle's arrival at the tow operator's storage facility as to:

- (1) Name and address of tower
- (2) Storage site
- (3) Location from which vehicle removed
- (4) Name of person who authorized removal
- (5) Removal was pursuant to a contract with the owner of the private property.
- (6) Year, make and color of vehicle
- (7) Registration plate number
- (8) Name of member of the service notified at Stolen Property Inquiry Section.

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

Subd. g.

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

Subd. i.

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

Subd. j.

The owner and/or the tow operator may be subject to a two hundred and fifty-dollar (\$250.00) fine for a first violation of the provisions of this section, such fine increasing to a maximum of one thousand dollars (\$1,000.00) upon subsequent violations.

Subd. k.

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'S INVOICE WORKSHEET (PD521-141A)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)
REPORT OF VIOLATION (PD672-151) to
ROTATION TOWING LOG (PD571-1412),

P.G. 214-15 Anonymous Controlled Substance Program

Date Effective: 01-01-00

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 (3) 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 (1) hour:
 - a. Investigate circumstances if one (1) 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'S INVOICE (PD521-141).

9. Instruct person to retain copy of ANONYMOUS NARCOTICS RECEIPT and call command after seven (7) 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)

Transmittal Of Controlled Substances And Firearms Evidence To The Lab (P.G. 218-04)

Removal and Return of Evidence from 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'S INVOICE (PD521-141)

P.G. 214-16 Construction Sites

Date Effective: 01-01-00

PURPOSE

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

DEFINITIONS

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 ACTIVITY LOG (PD112-145) 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.

REPORTS AND FORMS

ACTIVITY LOG (PD112-145)

ADMINISTRATIVE CODE VIOLATION NOTICE (PD372-151)

HIGHWAY CONDITION RECORD (PD311-151)

P.G. 214-17 Vacant Buildings

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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

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

ACTIVITY LOG (PD112-145)

HIGHWAY CONDITION RECORD (PD311-151)

P.G. 214-18 Stop Work Orders

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) facts including name of Department of Buildings representative.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 214-19 Using Chains And Padlocks To Secure Commercial Premises

Date Effective: 01-01-00

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)

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

Date Effective: 01-01-00

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 In Which The City Is 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 In Which The City Is 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 PROCEDURES

Accidents In Which The City Is Involved (P.G. 217-04)

FORMS AND REPORTS

ACCIDENT REPORT-CITY INVOLVED (PD301-155)

P.G. 214-21 Project Safe - Escorts For Safe Horizon Clients And Locksmiths

REVISION: 00 - 4

Date Effective: 09-22-00

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.

P.G. 214-22 Weekly Street Conditions Survey & Daily Observations Of Highway Conditions Requiring Corrective Action

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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/NUMBER

- * Inoperative/damaged signal light * NYC Dept. of Transportation, (212) 442-7090
- * Inoperative/damaged street light * NYC Dept. of Citywide Administrative Services, (212) 669-7087
- * Defective/damaged roadway surface * NYC Dept. of Transportation, (212) 442-7090
- * Inoperative/damaged parking meters [note meter number] * NYC Dept. of Transportation, (212) 442-7090
- * Manhole covers * Note identifying initials and notify agency/utility
- * Recently vacated/unsecured hazardous building * NYC Dept. of Buildings, (212) 312-8010/8013, (212) 312-8298 (weekends and holidays)
- * Obstruction of traffic control device [E.g., tree, sign, etc.] * NYC Dept. of Transportation, (212) 442-7090 Note: Commanding officer will have report prepared requesting correction of condition and forwarded to Commanding Officer, Traffic Control Division
- * Obstruction on roadway * NYC Dept. of Transportation (Bureau of Highway Operations), (212) 442-7090 NYC Dept. of Sanitation, (212) 788-4057
- * Dumpster * Refer non-emergency conditions to local district office, Dept. of Sanitation
- * Dead animal on street * Dept. of Sanitation, (212) 788-4057
- * Flooding, streets, limited access highways. Clogged sewers or street drains. Leaking/broken hydrants or drains * NYC Dept. of Environmental Protection, (718) 595-6700 or 6777
- * 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 (2) copies of the form directly to appropriate Department of Transportation/Borough Engineer as follows:

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 an 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.

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

ACTIVITY LOG (PD112-145)

HIGHWAY CONDITION RECORD PD311-151)

WEEKLY STREET CONDITIONS SURVEY REPORT (PD311-150)

P.G. 214-23 Unnecessary Noise Violations - General Prohibitions

Date Effective: 01-01-00

PURPOSE

To 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 which causes injury to plant or animal life, or damage to property or business.

SOUND REPRODUCTION DEVICE - A device intended primarily for the production or reproduction of sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph or sound amplifying system.

PROCEDURE

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

UNREASONABLE NOISE NOT INVOLVING SOUND REPRODUCTION DEVICES

UNIFORMED MEMBER OF THE SERVICE

1. Interview complainants/violators about noise complaint e.g., people yelling, dogs barking, etc.

2. Determine if the noise is unreasonable.

NOTE: The best guideline to follow in determining whether the noise is unreasonable is to determine whether the ordinary person in the community is actually disturbed by the noise. In addition, the following factors should be considered:

- a. The character of the neighborhood or area, i.e., residential, commercial;
- b. The ordinary noise level of the area, i.e., busy Manhattan streets will likely always have high ordinary sound levels;
- c. The time of day;
- d. The 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.

3. Attempt to correct the condition by warning violator.

4. Serve Environmental Control Board Notice of Violation for violation of Administrative Code Section 24-218 if unable to correct condition and violator is eligible, (see P.G. 214-24, "Service Of E.C.B. Notice Of Violation And Hearing For Vehicle Alarms").

- a. Report facts to desk officer.

DESK OFFICER

5. Report facts to commanding officer.

UNREASONABLE NOISE INVOLVING SOUND REPRODUCTION DEVICES

UNIFORMED MEMBER OF THE SERVICE

6. Repeat steps one (1) through three (3) above.

7. Serve a summons for violation of Administrative Code Section 24-220(a) returnable to Criminal Court if unable to correct condition and violator is sixteen (16) years of age or older and otherwise eligible.

a. Enter in information section of the summons: "Respondent did operate sound reproduction device at a level unreasonable under the circumstances thereby causing annoyance to persons in the vicinity."

b. Enter a description of the sound reproduction device, e.g., radio, bullhorn, etc., the distance at which it could be heard and the number of people complaining.

c. When appropriate, draw a line through the words above signature line reading, "I personally observed the commission of the offense charged here."

8. Seize the sound reproduction device.

9. Check "EVIDENCE" box on PROPERTY CLERK'S INVOICE (PD521-141) prepared for sound reproduction device seized.

a. Give appropriate copy of INVOICE to person from whom the device was seized as a receipt.

10. Inform violator that seized property may be reclaimed at precinct of occurrence or at Property Clerk's Office by presenting a District Attorney's Release or Court Disposition Form.

ADDITIONAL DATA

Sound reproduction devices are seized as evidence that the violator possessed the device, that the device was operable and to demonstrate the volume at which it was being operated at the time of the offense. The volume control shall be marked, without damaging the property, to indicate the volume at which the device was being operated. Members of the service shall produce these devices at all court appearances. Sound reproduction devices will not be seized from motor vehicles.

If violator is a juvenile - at least seven (7) but less than sixteen (16) years of age - a JUVENILE REPORT (PD377-151) shall be issued instead of a summons and the sound reproduction device will not be seized.

A uniformed member of the service may legally seize a sound reproduction device from a semi-private premises, i.e., social club, bar, etc., where the general public is invited, or a private home, if the uniformed member is invited inside and sees the device responsible for the noise, after issuing a summons to the operator/owner of the device.

The decision to forcibly enter into private or semi-private premises to correct noise complaints will ONLY be made by a precinct commander/duty captain and ONLY as a last resort, after requests to stop the noise have been ignored. Some of the factors going into the decision to forcibly enter such premises are:

a. Time of day

c. Number of complaints

b. Type of neighborhood (commercial/residential)

d. The ambient noise level of the area generally.

While sound reproduction devices may be seized as evidence, there is also authority to allow for the seizure of such equipment to "abate a nuisance," i.e., the loud noise. This may be done without seizing the entire sound device system for evidence. Careful seizure of parts of the system in order to abate the noise is permissible and steps 8 through 10 of the procedure will be complied with."

FORMS AND REPORTS

JUVENILE REPORT (PD377-151)

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 214-24 Service Of Environmental Control Board (E.C.B.) Notice Of Violation And Hearing For Vehicle Alarms

Date Effective: 01-01-00

PURPOSE

To take enforcement action when an audible vehicle alarm is activated and does not cease to sound within three (3) 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 ACTIVITY LOG (PD112-145) 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 (3) MINUTES:

3. Take all reasonable steps to disconnect the alarm or indicator without damaging the vehicle.
4. Prepare an Environmental Control Board "Notice of Violation and Hearing" for violation of Administrative Code Section 24-221 (d) (alarm) or Section 24-221 (e) (audible status indicator).
 - a. Enter "N-12" in box captioned VIOLATION CODE
 - b. Enter "\$175.00" in box captioned MAILABLE PENALTY SCHEDULE
 - c. Enter "\$700.00" in box captioned MAXIMUM PENALTY FOR VIOLATION.

5. Enter either of the following statements, VERBATIM, in the box captioned DETAILS OF VIOLATION:

"At time and place of occurrence deponent observed the audible alarm of the above described vehicle operate for a continuous period of time in excess of three (3) minutes" OR

"At time and place of occurrence deponent observed an audible status indicator in operation on the above described vehicle."

UNIFORMED MEMBER OF THE SERVICE

NOTE: The time of violation entered on the Environmental Control Board summons must correspond with the end of the three (3) 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 the remaining copies of the summons as follows:
 - a. WHITE (E.C.B.) copy - to precinct of occurrence at end of tour as directed by commanding officer
 - b. YELLOW (officer) copy - retain with CERTIFICATION OF PARKING SUMMONS SERVED (PD160-146)
 - c. PINK (respondent) copy.
8. Place vehicle in Rotation Tow Program, if unable to disconnect the alarm or audible status indicator.

NOTE: Administrative Code Section 24-221 (g) 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'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A).
 - 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 Environmental Control Board "Notice of Violation and Hearing" 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 selective enforcement principles based upon civilian complaints and obvious violations. If the vehicle is known to the uniformed member as a chronic problem, enforcement action will be taken.

If the alarm sounds for less than three (3) minutes, resets and sounds again repeatedly, it shall be deemed as one (1) 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 24-221 (d) or for the operation of an audible status indicator in violation of Section 24-221 (e), the Environmental Control Board "Notice of Violation and Hearing" 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

Environmental Control Board - Notice of Violation and Hearing - General Procedure
(P.G. 209-12)
Deactivation of Motor Vehicle Alarms (P.G. 214-25)
Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

CERTIFICATION OF PARKING SUMMONS SERVED (PD160-146)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A)

P.G. 214-25 Deactivation Of Motor Vehicle Alarms

Date Effective: 01-01-00

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 (10) minutes. However, a uniform member of the service may attempt to disconnect the alarm within the first ten (10) minutes. Do not intentionally damage the vehicle in an attempt to deactivate the alarm.

UNIFORMED MEMBER OF THE SERVICE

4. Attempt to disconnect the alarm wire from battery cables, if owner cannot be immediately located.
5. Request response of Emergency Service Unit if difficulty is encountered in entering engine or passenger compartment of motor vehicle to disconnect alarm.
6. Make comprehensive ACTIVITY LOG (PD112-145) 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 an Environmental Control Board - Notice of Violation 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 selective enforcement principles based upon civilian complaints and obvious violations. A Notice of Violation, if

issued, should be made in conformance with P.G. 214-24 "Service of Environmental Control Board - Notice of Violation and Hearing For Vehicle Alarms."

Uniformed members of the service are not permitted to deactivate building alarms but may issue a summons if the alarm does not deactivate within fifteen (15) minutes.

RELATED PROCEDURES

Service of Environmental Control Board - Notice of Violation and Hearing For Vehicle Alarms (P.G. 214-24)

Chronic Abuser Alarm Program (P.G. 214-08)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 214-26 Snow Emergency Regulations

Date Effective: 01-01-00

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.

P.G. 214-27 Snow Removal

Date Effective: 01-01-00

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 (4) hours after the snow stops falling, when appropriate.
3. Prevent the throwing of snow into roadways, which have been cleared.

P.G. 214-28 Parking Meters

Date Effective: 01-01-00

PURPOSE

To dispose of parking meters, not required as evidence, coming into police custody.

PROCEDURE

When a parking meter, not required as evidence, comes into police custody:

UNIFORMED MEMBER OF THE SERVICE

1. Deliver meter to desk officer.
2. Notify contractor for on-street meter, or Department of Transportation for off-street meter.
3. Prepare PROPERTY CLERK'S INVOICE (PD521-141) and give "Police Officer's Copy" to reporting member of the service.

DESK OFFICER

4. Give meter to properly identified representative of agency concerned when representative calls for it.
5. Make entry in PROPERTY LOG (PD521-147) to account for any INVOICES prepared.
6. Have representative sign the PROPERTY INDEX (PD542-103) and the PROPERTY CLERK'S INVOICE as a receipt.
7. Give pink copy of INVOICE to agency representative.

COMMAND CLERK

8. Forward green copy of INVOICE to Department of Transportation, Meter Inspection Section, 28-11 Queens Plaza North, Long Island City by Department mail via 108th Precinct.
9. File remaining three (3) copies of PROPERTY CLERK'S INVOICE in designated command files.

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)
PROPERTY INDEX (PD542-103)
PROPERTY LOG (PD521-147)

P.G. 214-29 Derelict Vehicles Bearing New York State Registration Plates

Date Effective: 01-01-00

PURPOSE

To notify owner and agencies concerned and properly dispose of registration plates.

DEFINITION

DERELICT VEHICLE - A vehicle which 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 current New York State registration plates:

UNIFORMED MEMBER OF THE SERVICE

1. Determine if vehicle has been reported stolen by:
 - a. Radio signal 10-15 to radio dispatcher or
 - b. Query through FINEST System.
2. Obtain all relevant information including owner's telephone number, if vehicle reported stolen, from printout.
3. Note information in ACTIVITY LOG (PD112-145) for later reference and notification.
4. Remove registration plates and prepare REGISTRATION PLATE REMOVAL NOTICE (PD571-120).
5. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) ONLY if vehicle reported stolen or required as evidence.

NOTE: A PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE will NOT be prepared for a derelict vehicle not required as evidence nor reported stolen.

6. Deliver plates and PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, if required, to desk officer.
7. Prepare COMPLAINT FOLLOW-UP (PD313-081) from information received from FINEST System, if vehicle stolen within New York City.
8. Notify owner to remove vehicle immediately and pick-up registration plates within five (5) days.

DESK OFFICER

9. Check PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE for accuracy and completeness, including time, date, name of person who cancelled the alarm and time, date and name of owner of vehicle notified.
10. Enter "derelict" on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (to be removed by Department of Sanitation).
11. Make required entries on PROPERTY INDEX (PD542-103).

12. Retain registration plates at precinct desk for period of five (5) days for pickup by owner.

a. Have owner sign Property Receipt Log for plates.

13. Prepare and sign two (2) copies of report on OFFICIAL LETTERHEAD (PD158-151), addressed to Department of Motor Vehicles (DMV), explaining reason for forwarding plates to DMV, if owner fails to pickup plates within five (5) days.

a. Wrap registration plates, with report included, in brown paper and forward to Department of Motor Vehicles, if plates not picked up within five (5) days.

TELEPHONE SWITCHBOARD OPERATOR

14. Notify Department of Sanitation to remove vehicle.

15. Make entry on HIGHWAY CONDITIONS RECORD (PD311-151) of notification.

DESK OFFICER

16. Review COMPLAINT FOLLOW-UP if prepared, and:

a. Sign "For the Commanding Officer"

b. Verify alarm is cancelled and owner notified.

17. Forward COMPLAINT FOLLOW-UP and PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE as indicated on forms.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT FOLLOW-UP (PD313-0810)

HIGHWAY CONDITIONS RECORD (PD311-151)

OFFICIAL LETTERHEAD (PD158-151)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-103)

REGISTRATION PLATE REMOVAL NOTICE (PD571-120)

P.G. 214-30 Removal Of Expired New York State Registration Plates

Date Effective: 01-01-00

PURPOSE

To process vehicles bearing New York State license plates that are unregistered more than two (2) months after expiration of registration.

PROCEDURE

Upon observing a vehicle bearing expired New York State registration plates and/or no registration sticker displayed:

UNIFORMED MEMBER OF THE SERVICE

1. Determine:
 - a. If vehicle has been reported stolen
 - b. Name and address of registered owner
 - c. If vehicle is derelict or abandoned.
2. Issue summons for UNREGISTERED VEHICLE if vehicle HAS NOT BEEN REPORTED STOLEN.
3. Remove license plates from vehicle that remains unregistered more than two (2) months after expiration of registration.

NOTE: Expired New York State license plates will not be removed from a vehicle that has been reported stolen.

IF PLATES ARE REMOVED FROM A DERELICT VEHICLE

UNIFORMED MEMBER OF THE SERVICE

4. Prepare REGISTRATION PLATE REMOVAL NOTICE (PD571-120).
 - a. Fold form at the perforation over the carbon paper and then enter all required information as per captions on Part 2 of NOTICE.
 - b. Enter word DERELICT above words "Part 2" in lower left corner.
 - c. Enter registered owner's name, address, city, state and zip code as required by captions on reverse side of Part 1.
5. Place Part 2 of NOTICE on vehicle windshield.
6. Enter the date and precinct on EXPIRED NEW YORK STATE PLATE REMOVAL STICKER (PD571-124) and affix to driver's side window. If window is broken, affix on roadway side of vehicle in conspicuous, easily observable location.
7. Deliver Part 1 of NOTICE and plates to desk officer.

COMMAND CLERK

8. Notify Stolen Property Inquiry Section of:
 - a. Date and time plates removed
 - b. Location of vehicle

- c. Year and make of vehicle
- d. Vehicle Identification Number
- e. Registration plate number, month and year of expiration
- f. Name and address of registered owner.

REMOVAL OF EXPIRED NYS REGISTRATION PLATES

DESK OFFICER

- 9. Forward in next Department mail, Part 1 (post card) of REGISTRATION PLATE REMOVAL STICKER to Mail and Distribution Unit for mailing.
- 10. Deliver plates to registered owner or representative at command upon presentation of current registration certificate and sticker for vehicle.
- 11. Assign uniformed member of the service to ascertain if vehicle remains at same location five (5) days after plates were removed from vehicle

TELEPHONE SWITCHBOARD OPERATOR

- 12. Request local District Office of Department of Sanitation, by telephone, to remove vehicle if said vehicle remains at original location.
- 13. Record name of person notified on HIGHWAY CONDITIONS RECORD (PD311-151).

IF VEHICLE IS ABANDONED

UNIFORMED MEMBER OF THE SERVICE

- 14. Prepare REGISTRATION PLATE REMOVAL NOTICE.
- 15. Place Part 2 of NOTICE on windshield of vehicle.
- 16. Notify desk officer of all facts and action taken.
- 17. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).
- 18. Comply with appropriate sections of Rotation Tow Program.
- 19. Deliver Part 1 of NOTICE and registration plates to desk officer.

COMMAND CLERK

- 20. Notify Stolen Property Inquiry Section of:
 - a. Date and time plates removed.
 - b. Location of vehicle.
 - c. Year and make of vehicle.
 - d. Vehicle Identification Number.
 - e. Registration plate number, month and year of expiration.
 - f. Name and address of registered owner.

DESK OFFICER

21. Notify next participating tow operator in Rotation Towing Program.
22. Safeguard registration plates in Property Locker.
23. Deliver plates to registered owner or representative at command upon presentation of current valid registration and vehicle sticker.
24. Make entry concerning delivery to owner in appropriate section of Expired Registration Plate Log and under appropriate captions on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.
25. Have two (2) copies of report prepared on OFFICIAL LETTERHEAD (PD158-151) addressed to Commissioner of Motor Vehicles, listing registration plates removed from abandoned/derelict vehicles and not claimed by the registered owner or representative within seven (7) days.
26. Assign member of the service (uniformed or civilian) to destroy registration plates not claimed.

NOTE: Plates must be destroyed by cutting them in half utilizing shears, which are maintained at the desk. The desk officer must personally supervise destruction of plates.

27. Prepare a report, in duplicate, after plates are destroyed, on OFFICIAL LETTERHEAD, addressed to the Commissioner of Motor Vehicles, c/o Enforcement Section, Room 200c, 155 Worth Street, New York, NY and include:

- a. Plate number
- b. Name and address of registrant
- c. For each plate number - the number of plates destroyed (either one [1] or two [2])
- d. Method used to destroy plate(s)
 - (1) Shears have been provided to all patrol precincts to cut plates in half
- e. Name of recipient of the scrap metal
 - (1) In N.Y.C., the Department of Sanitation is the recipient
- f. Date of destruction
- g. Signature of desk officer and date.

NOTE: The original copy of the report will be forwarded via Department mail. The duplicate will be filed in the command that destroyed the plate(s).

28. File copy of report.

ADDITIONAL DATA

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE is NOT prepared when registration plates are removed from a derelict vehicle in accordance with this procedure.

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."

Derelict autos will be processed in accordance with provisions of P.G. 214-29, "Derelict Vehicles Bearing New York State Registration Plates," when plates have not expired.

RELATED PROCEDURES

Safeguarding Vehicles in Police Custody (P.G. 218-12)

Derelict Vehicles Bearing New York State Registration Plates (P.G. 214-29)

FORMS AND REPORTS

HIGHWAY CONDITIONS RECORD (PD311-151)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

OFFICIAL LETTERHEAD (PD158-151)

REGISTRATION PLATE REMOVAL NOTICE (PD571-120)

EXPIRED NEW YORK STATE REMOVAL STICKER (PD571-124)

P.G. 214-31 Removal Of Vehicles From Parkways, Highways And Expressways

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145), call attention of tow car operator to listed property and have tow car operator sign ACTIVITY LOG. Do not remove property from vehicle.

4. Record in 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 (4) above and identity of uniformed member of service, the registered owner, and member at Stolen Property Inquiry Section notified.
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 (2) 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

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

OFFICIAL LETTERHEAD (PD158-151)

P.G. 214-32 Discarded Refrigerators, Freezers And Other Self Locking Containers

Date Effective: 01-01-00

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 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 ACTIVITY LOG (PD112-145) of time and location.

UNIFORMED MEMBER OF THE SERVICE

7. Make entry in ACTIVITY LOG of facts, including names of Emergency Service Unit members who responded to scene.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 214-33 Care And Disposition Of Animals

Date Effective: 01-01-00

PURPOSE

To properly handle cases involving animals, including dangerous dogs, coming into police custody.

SCOPE

It is the intent of this procedure to provide for the safe and humane handling of animals and, in particular, those dogs that are used for fighting or intimidation purposes. Offenders engaging in animal cruelty will be arrested and processed for a DESK APPEARANCE TICKET, if eligible.

DEFINITIONS

ANIMAL - Shall mean mammals, amphibians, reptiles, or birds.

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 necessary to take an animal or dangerous dog into police custody:

UNIFORMED MEMBER OF THE SERVICE

1. Have Communications Section 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 is located in a premise and may have been left uncared for.

[I.O. 43-1, c.s. 04] NOTE: Animal Care and Control of New York City (A.C.&C.) Animal Rescue Units are in service Monday through Friday from 0800 hours to 2000 hours. The Brooklyn Animal Care and Control Center is open twenty four (24) hours, seven (7) days a week to uniformed members of the Department. All other borough control centers are open business hours, Tuesday through Saturday. All A.C.&C. borough locations can be contacted at (212) 788-4000. The contact person at the A.C.&C. office will route the call to the appropriate borough A.C.&C. office. Members of the service who require emergency assistance from A.C.&C. between 2000 hours and 0800 hours weekdays and twenty four (24) hours a day on weekends and holidays should contact the Operations Division at (646) 610-5580, providing pertinent details and the name of the contact person at the scene. Operations Division personnel will then notify the A.C.&C. member who is on-call for emergencies who will respond and/or provide instructions.

2. Request an Emergency Services Unit to respond to the scene, if response by the Animal Care and Control of New York City (A.C.&C.) cannot be made expeditiously (fifteen [15] to thirty [30] minutes) or cannot be ascertained, or if animal's owner or person in control of a premises is arrested, hospitalized, etc., and no one is able to provide for the animal's care.

3. Deliver animal to Animal Care and Control of New York (A.C.&C.) representative, if Animal Care and Control of New York City (A.C.&C.) responds to scene.

4. Request patrol supervisor to respond to scene.

EMERGENCY SERVICE UNIT

5. Secure the animal and prepare it for transport by R.M.P., to Animal Care and Control of New York City (A.C.&C.), as appropriate.

PATROL SUPERVISOR

6. Assign resource to transport animal to Animal Care and Control of New York City (A.C.&C.), if necessary.

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

MEMBER ASSIGNED TO TRANSPORT

7. Place kennel into the backseat of RMP.

a. Remove rear seat from vehicle, if necessary.

8. Transport animal to Animal Care and Control of New York City (A.C.&C.).

[I.O. 43 s 04] NOTE: Members of the service delivering any animal to an Animal Care and Control City (A.C.&C.) facility must be able to articulate the circumstances surrounding the animal coming into police custody, including the owner's name and address, if known.

UNIFORMED MEMBER OF THE SERVICE

9. Take appropriate enforcement action against owner or person in possession of animal, if necessary, and remove to command.

10. Report facts to desk officer.

11. Process offender for DESK APPEARANCE TICKET, if eligible.

12. Enter facts in ACTIVITY LOG (PD112-145).

ADDITIONAL DATA

Pursuant to Article 26, Agriculture and Markets Law, 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, except for those offenses designated as Unclassified Felonies, a DESK APPEARANCE TICKET 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.
- 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 purpose of this procedure, applicable sections of Title 17, New York 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 (3) Administrative Code sections cited are Unclassified Misdemeanors.

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

USE OF FORCE/DEADLY PHYSICAL FORCE

The use of physical force against any animal will be used ONLY to the extent that such force is necessary to prevent harm or injury to such animal, other animals, or persons. P.G. 203-12, "Deadly Physical Force" mandates that deadly physical force is necessary as a LAST RESORT when such animal:

- a. Appears to be too dangerous to control, OR
- b. Poses an imminent threat of physical injury to a human being.

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

The locations and telephone numbers for the Animal Care and Control of New York City (A.C.&C.) are as follows:

[I.O.43 s 04]

MANHATTAN	326 East 110th Street	(212) 788-4000
BRONX	464 E. Fordham Rd.	(212) 788-4000
BROOKLYN	2336 Linden Boulevard	(212) 788-4000
QUEENS	92-29 Queens Boulevard	(212) 788-4000
STATEN ISLAND	3139 Veteran Road	(212) 788-4000

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 at (718) 492-8300 (twenty-four [24] hours) for their assistance.

RELATED PROCEDURES

Desk Appearance Ticket - General Procedure (P.G. 208-27)

FORMS AND REPORTS

DESK APPEARANCE TICKET

ACTIVITY LOG (PD112-145)

P.G. 214-34 Police Action In Premises (Licensed Or Unlicensed) Where Alcoholic Beverages Are Sold

Date Effective: 05-30-02

Purpose

To notify the borough vice enforcement squad and the State Liquor Authority of police action in premises where alcoholic beverages are sold.

PROCEDURE

When any of the following police actions are taken 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 in premises and report required.
- c. Condition or police action directly concerning the operation of the premises which should be brought to the attention of the State Liquor Authority, Buildings Department, Fire Department, or any other city agency.
- d. Complaint received concerning premises or vicinity of premises and cause originated in premises.

ARRESTING/SUMMONSING OFFICER

1. Follow normal arrest procedures.
2. Make complete entries in ACTIVITY LOG (PD112-145F)
3. Notify desk officer of the facts.
4. Advise commanding officer of the facts of police action.

DESK OFFICER

5. Enter facts in command log.

PRECINCT COMMANDING OFFICER

6. Prepare POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150) and forward, direct, to the borough vice enforcement squad concerned.
 - 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. Forward one (1) additional copy of report to commanding officer of precinct where premises is located, if action or condition originated in other than reporting command.
 - c. File one (1) copy at command.
7. Direct undercover agent (i.e., auxiliary police officer, police cadet, 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. Forward original copy with report.

b. Have (1) copy filed in the arrest folder.

8. Enter information concerning arrest on rear of LICENSE RECORD CARD (PD610-101)

NOTE: Whenever arresting/summonsing officer is assigned to Organized Crime Control Bureau, such member's commanding officer will prepare and forward the required report. A copy of the report will be forwarded to the commanding officer, precinct of occurrence.

COMMANDING OFFICER OF ARRESTING/SUMMONSING OFFICER

9. Verify that the desk officer, precinct of occurrence, was notified, if necessary.

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:

a. Employment of a person under eighteen (18) years of age, or serving alcoholic beverages to a person under twenty-one (21) years of age.

1) Name, address and age.

2) How age was ascertained.

3) If enforcement was for the sale of alcohol to a minor, what type of alcohol was purchased (size of container, brand, and cost).

4) If undercover agent was used, his/her title, age, date of birth, and a statement that the arresting/summonsing officer witnessed the sale.

b. Sale of alcohol to intoxicated person:

1) Description of drunken behavior.

2) Type of beverage served after condition was observed by arresting officer.

c. Gambling:

1) Whether defendant is an employee of premises and in what capacity.

2) Name of person in charge.

3) If gambling device was involved, indicate how used.

d. Sale of alcoholic beverages during prohibited hours:

1) Type of beverage.

2) Time of violation and arrest.

e. Prostitution:

1) Period of time observed.

2) Behavior of persons with males or females and number of times males and/or females left and returned.

3) Name of person permitting violation by direct knowledge or by action of male(s)/female(s).

f. Narcotics:

1) Circumstances.

2) Name and title of person in charge who knowingly permitted violation.

RELATED PROCEDURES

Arrests-General Processing (P.G. 208-03)

Citywide Intelligence Reporting System (P.G. 212-12)

Selection and Utilization of Auxiliary Police Officer Volunteers as Undercovers for "Quality of Life" Enforcement (P.G. 214-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

POLICE ACTION LICENSED/UNLICENSED PREMISES (PD310-150)

AFFIDAVIT OF SALE OF ALCOHOL (PD326-060)

LICENSE RECORD CARD (PD610-101)

Juvenile Matters

P.G. 215-01 Care Of Dependent Child

Date Effective: 01-01-00

PURPOSE

To obtain care for a dependent child under eighteen (18) due to arrest, hospitalization or death of parent or guardian.

PROCEDURE

When a dependent child is reported:

UNIFORMED MEMBER OF THE SERVICE

1. Inquire if a relative or friend will care for the dependent child.
2. Notify desk officer if care cannot be provided.
3. Process child as "Child Requiring Shelter."
4. Prepare AIDED REPORT WORKSHEET (PD304-152b).

DESK OFFICER

5. Notify the Administration for Children's Services (ACS) borough field office (0900-1700 hours) or the ACS Emergency Children's Services after business hours, and request that they send a representative to the stationhouse to provide necessary transportation. (See ADDITIONAL DATA, P.G. 215-03, "Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated Children," for addresses and telephone numbers of Administration for Children's Services borough field offices and Emergency Children's Services.)

a. If the Administration for Children's Services or ACS Emergency Children's Services is unable to provide transportation, assign a female uniformed member of the service, if available, or other available uniformed members, to escort child to the shelter.

b. If child left in the care of a relative or friend, notify the Administration for Children's Services.

c. Forward copy of computerized AIDED REPORT to the youth officer in the precinct where child is located, if child is left with relative or friend not residing in the household.

RELATED PROCEDURES

Emergency Removals Or Investigation And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)
Children Or Minors Requiring Shelter (P.G. 215-06)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

P.G. 215-02 Lost Child

Date Effective: 01-01-00

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 WORKSHEET (PD304- 152b).

DESK OFFICER

5. Telephone Missing Persons Squad and give description.
6. Complete captions on AIDED REPORT WORKSHEET 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 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 and telephone numbers 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.

[I.O. 36 s 01] 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, and notify precinct detective squad if the child is eleven (11) years of age or older, OR borough special victims squad if child is under eleven (11) years of age, or an allegation is made of any sex crime to a child less than thirteen (13) years of age.

RELATED PROCEDURES

Aided/Accident Cases Unidentified Persons (P.G. 216-03)

Emergency Removals Or Investigations And Reporting Of Abused, Neglected Or Maltreated Children (P.G. 215-03)

Children Or Minors Requiring Shelter (P.G. 215-06)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)

P.G. 215-03 Emergency Removals Or Investigation And Reporting Of Abused, Neglected, Or Maltreated Children

Date Effective: 01-01-00

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 (18) 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.

NEGLECTED CHILD (SECTION 1012, FAMILY COURT ACT)

Means a child less than eighteen (18) 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 (18) 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 (18) 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.

FAMILY/HOUSEHOLD (EXPANDED DEFINITION) INCLUDES SUBDIVISIONS "A" THROUGH "E" ABOVE, AND PERSONS WHO:

f. Are not legally married, but are currently living together in a family-type relationship. (This also includes New York City domestic partners).

g. Are not legally married, but formerly lived together in a family type relationship.

A family/household thus includes "common-law" marriages, same sex couples, different generations of the same family, siblings and in-laws.

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.

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.

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) (PD260-121) or stationhouse bail. The non-abusing parent/legally responsible person will be encouraged to contact [Rev 00-04] "SAFE HORIZON" at (212) 577-7777 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 an existing 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 N.Y.S. Domestic Incident Report (DCJS 3321) 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 SPRINT job number on form.
- b. Give the N.Y.S. Domestic Incident Report (pink and gold copies), to the 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 SERVICED

7. Remove child to command, except if medical attention is required, in which case immediately take child to appropriate hospital facility.

- a. Notify the Administration for Children's Services Instant Response Team Coordinator at 1-877-CALL IRT (1-877-225-5478) whenever:

(1) A child is removed from a household by police personnel OR An arrest is made in connection with the abuse or neglect of a child.

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 13 of this procedure.

8. Prepare and submit following forms to desk officer with the N.Y.S. Domestic Incident Report:

- a. AIDED REPORT WORKSHEET (PD304-152b)
- b. COMPLAINT REPORT WORKSHEET and refer active cases as follows:

[I.O. 36 s 01] (1) Special Victims Squad - Any allegation that a child LESS THAN ELEVEN (11) YEARS OF AGE is the victim of abuse inflicted by a parent or person legally responsible for the child's care (as described above).

(2) Any allegation that a child LESS THAN THIRTEEN (13) YEARS OF AGE is the victim of any sex crime or attempted sex crime committed by any person.

NOTE: In the borough of Brooklyn ONLY, the Child Abuse Squad ([718] 260-6090) will be notified instead of the Special Victims Squad.

- (3) Precinct detective squad concerned - all other cases.

NOTE: In all the above cases, enter the name of the detective notified and the log or case number assigned, under "DETAILS" on the COMPLAINT REPORT.

Assigned detective will confer with precinct youth 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 WORKSHEET (PD377-154A).

(1) Uniformed members of the service assigned to other than Patrol Services Bureau commands, i.e. Transit Bureau or Housing Bureau who prepare this form, are responsible for forwarding it to the patrol precinct of occurrence.

d. Remaining copies of NOTICE - TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING. Copy of NOTICE must be mailed to residence, if known, of parents/legally responsible person within twenty-four (24) hours, if such persons were not personally served with NOTICE.

NOTE: If child was removed from other than residence and parent/person legally responsible for care has not been notified, the desk officer will direct uniformed member of the service to respond to residence, if located within precinct, to serve NOTICE or affix NOTICE to door, if necessary. If residence is not located within precinct of occurrence, but within New York City, the desk officer will have the resident precinct notified to serve the NOTICE or affix NOTICE to door, if necessary. In all instances, where parent/legally responsible person was not personally served and NOTICE was affixed to the door, the member concerned will mail a copy of the NOTICE to the residence within twenty-four (24) 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

9. Review WORKSHEET and have typewritten REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154) prepared by command clerk.

10. Secure shelter for child and comply with P.G. 215-06, "Children Or Minor Requiring 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.

11. Countersign AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING and forward to Family Court of borough wherein removal occurred within twenty-four (24) 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 officer.

12. 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.

13. Telephone facts to the New York State Child Abuse and Maltreatment Register (State Central Registry), telephone number (800) 635- 1522. (Telephone number for general public to report child abuse is (800) 342-3720).

a. If the State Central Registry refuses to accept a case, enter the time and name of person contacted in the Telephone Record.

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 officer (with hand written WORKSHEET attached).

c. Fourth copy - to Youth Services Section (with copy of computerized AIDED REPORT attached).

d. Make and attach copy of said form to the N.Y.S. 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 WORKSHEET and submit to the desk officer together with the N.Y.S. 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 Chief of Detectives Sex Crimes Report Line 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 8, subdivision "b," above.

18. Comply with steps 9 and 13 through 15, above.

PRECINCT YOUTH 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 prevention officer and domestic violence investigator to develop further information.

a. Check JUVENILE REPORTS (PD377-151), COMPLAINT INDEX (PD313-141), AIDED INDEX (PD304-101), N.Y.S. 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 #
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COMPLAINT # AND ARREST #, IF APPLICABLE

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 N.Y.S. 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 Services Section.

25. Maintain liaison with appropriate Administration for Children's Services field offices.

YOUTH SERVICES SECTION

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 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 N.Y.S. Domestic Incident Report for accuracy and completeness.

30. Record N.Y.S. Domestic Incident Report in precinct Domestic Incident Log.

31. Forward copy of N.Y.S. Domestic Incident Report to precinct domestic violence investigator.

32. Enter information from N.Y.S. Domestic Incident Report into Domestic Incident Report Database.

33. Maintain file of N.Y.S. Domestic Incident Reports including copies of REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT, when attached.

34. Monitor at-risk locations and victims.

35. Relay information of any other offenses committed within the household from where the child was removed to the youth officer and the assigned investigator.

36. 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 at (212) 966-8000:

Administration for Children's
Services Applications
Manhattan Field Office
150 William Street
New York, New York 10038
Via 1st Precinct
(212) 676-7107/7108

Administration for Children's
Services Applications
Brooklyn Field Office
1274 Bedford Avenue
Brooklyn, New York 11216
Via 88th Precinct
(718) 826-5544

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

(718) 579-9500

(718) 481-5771/5772

Administration for Children's
Services Applications
Staten Island Field Office
350 St. Mark's Place
Staten Island, New York 10301
Via 120th Precinct
(718) 720-2817/2818

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 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." 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.

Borough Family Court Locations:

Manhattan	60 Lafayette Street	(212) 374-8713
Bronx	900 Sheridan Avenue	(718) 590-3321
Brooklyn	283 Adams Street	(718) 643-3841
Queens	89-14 Parsons Blvd.	(718) 520-3991
Staten Island	100 Richmond Terrace	(718) 390-5460

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 N.Y.S. 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.

NOTE: 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 at (212) 374-5400. Radio code signals to report child abuse are:

- * 10-90J(1) - N.Y.S. Domestic Incident Report Prepared/No Offense

- * 10-90J(2) - N.Y.S. Domestic Incident Report Prepared/Unfounded

- * 10-92J - N.Y.S. Domestic Incident Report Prepared/Arrest Effectuated

- * 10-93J - N.Y.S. Domestic Incident

Report/COMPLAINT REPORT

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

Special Notifications - Certain Complaints (P.G. 207-06)

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

Family Court Warrant For Child Abuse/Neglect Cases (P.G. 215-04)
Runaway Children (P.G. 215-05)
Children Or Minors Requiring Shelter (P.G. 215-06)

FORMS AND REPORTS

AFFIDAVIT OF SERVICE OF NOTICE OF RIGHT TO HEARING (PD377-155)
AIDED REPORT WORKSHEET (PD304-152b)
COMPLAINT FOLLOW-UP INFORMATIONAL (PD313-081C)
COMPLAINT INDEX (PD313-141)
COMPLAINT REPORT (PD313-152)
COMPLAINT REPORT WORKSHEET (PD313-152A)
DESK APPEARANCE TICKET (PD260-121)
N.Y.S. Domestic Incident Report (DCJS3321)
JUVENILE REPORT (PD377-151)
NOTICE TEMPORARY REMOVAL OF CHILD AND RIGHT TO HEARING (PD377-156)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD377-154)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT WORKSHEET (PD377-154A)

P.G. 215-04 Family Court Warrant For Child Abuse/Neglect Cases

Date Effective: 01-01-00

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. 215-06, "Children Or Minors Requiring Shelter").
6. Attempt to locate the child or the parents, if not present, and report results of investigation to the desk officer.
7. Prepare N.Y.S. Domestic Incident Report (DCJS3221).

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 N.Y.S. Domestic Incident Report. The N.Y.S. Domestic Incident Report will then be forwarded to the precinct of occurrence.

DOMESTIC VIOLENCE PREVENTION OFFICER

9. Review N.Y.S. Domestic Incident Report for accuracy and completeness.
10. Record N.Y.S. Domestic Incident Report in precinct Domestic Incident Log and assign precinct serial number.

11. Forward copy of N.Y.S. Domestic Incident Report to precinct domestic violence investigator.
12. Enter information from N.Y.S. Domestic Incident Report into Domestic Incident Report Database.
13. Maintain file of N.Y.S. Domestic Incident Reports.
14. Monitor at-risk locations and victims.
15. 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 Shelter (P.G. 215-06)

FORMS AND REPORTS

N.Y.S. Domestic Incident Report (DCJS3221)

P.G. 215-05 Runaway Children

Date Effective: 01-01-00

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 (16); 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 WORKSHEET (PD304-152b) and JUVENILE REPORT (PD377-151).
 - a. Generate duplicate copy of computerized AIDED REPORT and forward via Department mail to the Missing Persons Squad.
 - b. Notify youth officer.

DESK OFFICER

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 (P.G. 216-01)

Unidentified Persons (P.G. 216-03)

Emergency Removals Or Investigation And Reporting Of Abused, Neglected, Or Maltreated Children (P.G. 215-03)

Children Or Minors Requiring Shelter (P.G. 215-06)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

JUVENILE REPORT (PD377-151)

P.G. 215-06 Children Or Minors Requiring Shelter

Date Effective: 01-01-00

PURPOSE

To coordinate activities between the Police Department and the Administration for Children's Services when shelter for children is required.

SCOPE

A child or minor less than eighteen (18) years of age may require shelter for the following reasons:

- a. Abandoned by parents or persons legally responsible for care, OR
- b. Neglected by parents or persons legally responsible for care, OR
- c. Abused by parents, persons legally responsible for care 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 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.

NOTE: A person eighteen (18) years and older who is stranded without shelter can be referred to the Emergency Assistance Unit of Human Resources Administration.

PROCEDURE

Upon determining that a child or minor requires shelter:

UNIFORMED MEMBER OF THE SERVICE

1. Bring child or minor to the command.
2. Notify precinct youth officer of child in command.

NOTE: If reasonable suspicion exists that a child requiring shelter has been abused, neglected, or abandoned, the member of the service will comply with P.G. 215-03, "Emergency Removals Or Investigations And Reporting Of Abused, Neglected And Maltreated Children."

3. Enter in ACTIVITY LOG (PD112-145) and AIDED REPORT WORKSHEET (PD304-152b) the following:

- a. Date, time and location where found or removed.
- b. Physical description including clothing, name, address, emotional and physical condition.
- c. Name, address and phone number of person who found child or minor, if applicable.
- d. Name and address of parents or persons legally responsible for child or minor, if known.
- e. The particular circumstances causing the need to provide care or shelter.

DESK OFFICER

4. Confer with the Administration for Children's Services (ACS) borough field office (0900 x 1700 hours) or ACS Emergency Children's Services after business hours and request that they send a representative to stationhouse and provide necessary transportation. (See ADDITIONAL DATA, P.G. 215-03, "Emergency Removals Or Investigation And Reporting Of Abused, Neglected And Maltreated Children," for addresses and telephone numbers of Administration for Children's Services borough field offices and ACS Emergency Children's Service.)

a. If the Administration for Children's Services or ACS Emergency Children's Services is unable to provide transportation, assign a female uniformed member of the service, or other available uniformed members of the service, to escort child to shelter.

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.

Follow 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 the 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.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

Unidentified Persons (P.G. 216-03)

Emergency Removals Or Investigation And Reporting Of Abused, Neglected, And Maltreated Children (P.G. 215-03)

Runaway Children (P.G. 215-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

P.G. 215-07 Truants

Date Effective: 01-01-00

PURPOSE

To assist the Board of Education in truancy cases.

PROCEDURE

When a juvenile, at least six (6) but less than eighteen (18) years of age, is observed on the street during school hours and there is probable cause to believe such juvenile is a truant:

UNIFORMED MEMBER OF THE SERVICE

1. Deliver juvenile to principal or designee of school attended, if known.

NOTE: Truants may be frisked to ensure the officer's safety. An electronic metal detector may be used for this purpose, if available. Additionally, should the officers have an articulate reason to believe their safety is in danger, truants may be handcuffed.

2. Deliver juvenile to the borough truancy site designated by the school chancellor, if the juvenile's school cannot be determined or it is impractical to return the juvenile to that school.

NOTE: Precinct commanding officers will confer with the borough truancy task force to determine the location of the borough truancy site.

3. Make entry in ACTIVITY LOG (PD112-145).
4. Have principal or representative sign ACTIVITY LOG entry as receipt for child.
5. Prepare YOUTH REFERRAL (PD377-153) and deliver to desk officer upon completion of tour.

NOTE: The Education Law requires that a person attend school until the last session of the school year in which the person reaches seventeen (17) years of age. This law defines the school year as the period starting on July 1st and ending the next June 30th. Therefore, a person who reaches his or her seventeenth (17th) birthday on or after July 1st MUST attend school, when in session, until the following June 30th. A YOUTH REFERRAL will be prepared for all juveniles returned to schools, including those seventeen (17) years of age.

DESK OFFICER

6. Review YOUTH REFERRAL for completeness, legibility and accuracy.
7. Sign form in space indicated and forward to Precinct Youth Officer.

PCT YOUTH OFFICER

8. Make entry in Juvenile Report Record Book under following captions:

DATE ISSUED	PRECINCT SERIAL NUMBER	NAME ADDRESS	RESIDENT PRECINCT
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- a. Assign next precinct serial number and enter number in appropriate space on YOUTH REFERRAL.

DESK OFFICER/1ST PLATOON

9. Remove precinct copy of YOUTH REFERRAL and file with precinct JUVENILE REPORTS (PD377-151).

10. Forward remaining three (3) copies of YOUTH REFERRAL(S) in a single envelope, in Department mail, to Youth Services Section, Room 705, 137 Center Street, New York, NY 10013.

YOUTH SERVICES SECTION MEMBER

11. Make entry on Youth Index Sheet in form designated by Commanding Officer, Youth Services Section.

a. Assign Youth Services Section serial number.

12. Forward YOUTH REFERRAL (two [2] copies) to youth officer in precinct where subject resides and forward remaining copy to Management Information Systems Division.

13. Make entry in Juvenile Database.

PRECINCT YOUTH OFFICER

14. Record receipt of YOUTH REFERRAL in command "Intake Book."

15. Comply with P.G. 215-08, "Juvenile Report," including notification to parent.

16. Summarize results of investigation in appropriate space on form.

17. Submit both copies of completed YOUTH REFERRAL to precinct commander for review.

PRECINCT COMMANDER

18. Review form, sign in appropriate space and return both copies of YOUTH REFERRAL to precinct youth officer.

PRECINCT YOUTH OFFICER

19. Distribute copies of YOUTH REFERRAL, as follows:

a. Original - File alphabetically, with precinct JUVENILE REPORTS.

b. One (1) copy - Youth Services Section.

NOTE: Once each year, upon notification from Youth Services Section, YOUTH REFERRAL records will be purged, as required by "Cuevas v. Leary." YOUTH REFERRALS prepared for juveniles seventeen (17) years of age will be purged as soon as practical after the juvenile's eighteenth (18th) birthday.

ADDITIONAL DATA

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 JUVENILE REPORT and/or YOUTH REFERRAL as reporting officers. Names of special police, store detectives, school security officers, etc., may be entered on JUVENILE REPORT under caption "Name and address of complainant."

RELATED PROCEDURES

Juvenile Report (P.G. 215-08)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
JUVENILE REPORT (PD377-151)
YOUTH REFERRAL (PD377-153)

P.G. 215-08 Juvenile Report

Date Effective: 01-01-00

PURPOSE

To record and investigate certain complaints concerning juveniles at least seven (7) years of age but less than sixteen (16) years of age.

SCOPE

A JUVENILE REPORT is prepared for a juvenile at least seven (7) years of age but less than sixteen (16) years of age for:

a. An act that would constitute a crime if committed by an adult except for those acts recorded on a COMPLAINT REPORT (PD313-152) (Section 712, subdivision "a," Family Court Act).

b. Petty violations by juveniles

c. Persons in need of supervision as defined in Family Court Act, (Section 712, subdivision "b"). Print in capital letters across top of JUVENILE REPORT, "PERSON IN NEED OF SUPERVISION." Advise civilian complainant of right to seek a petition in Family Court. (A female sixteen [16] or seventeen [17] years of age will not be charged as a "person in need of supervision" [see Legal Bulletin, Volume 2, No. 13, October 2, 1972]).

d. Intoxicated juveniles

e. Juvenile under sixteen (16) 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

j. Missing person, at least seven (7) years of age but less than sixteen (16) years of age

k. Traffic infractions - bicycles - persons over seven (7) but less than sixteen (16) years of age.

PROCEDURE

When a juvenile between seven (7) and sixteen (16) years of age commits an illegal act, or engages in or is found under circumstances that may endanger the health or morals of the juvenile:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare separate JUVENILE REPORT (PD377-151) for each juvenile involved.
2. Deliver completed JUVENILE REPORT to desk officer, at completion of tour.

DESK OFFICER/COUNTERPART

3. Check JUVENILE REPORT for completeness, legibility, and accuracy.

4. Sign JUVENILE REPORT in appropriate box on front of form and forward to Precinct Youth Officer.

PRECINCT YOUTH OFFICER

5. Make entries in Juvenile Report Record Book under the following captions:

DATE ISSUED	PRECINCT SERIAL NUMBER	NAME ADDRESS	RESIDENT PRECINCT
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a. Assign only one (1) serial number for each complaint or incident regardless of number of youths involved.

6. Code JUVENILE REPORT to reflect appropriate crime code.

7. Retain precinct copy of JUVENILE REPORT and forward remainder to desk officer, first platoon.

DESK OFFICER, 1ST PLATOON

8. Forward JUVENILE REPORT (three [3] copies) in single envelope, to Youth Services Section, Room 705, 137 Center Street, New York, NY 10013.

YOUTH SERVICES SECTION MEMBER

9. Make entry on Youth Index Sheet as directed by Commanding Officer, Youth Services Section.

10. Forward JUVENILE REPORT (two [2] copies) to youth officer in precinct where subject resides and forward remaining copy to Management Information Systems Division.

11. Enter information from JUVENILE REPORT into Juvenile Database.

NOTE: JUVENILE REPORT, prepared for juvenile residing outside New York City, will be filed in Youth Services Section.

PRECINCT YOUTH OFFICER

12. Record JUVENILE REPORT and Youth Services Section serial number in command "Intake Book."

13. Check precinct youth file for previous cases on each juvenile.

14. Investigate allegation.

15. Confer with complainant, school personnel, witnesses, probation officers, social workers, or any other appropriate person or agency.

16. Contact parent to discuss complaint against juvenile.

17. Summarize results of investigation on reverse of JUVENILE REPORT utilizing appropriate closing codes.

18. Submit completed JUVENILE REPORT (two [2] copies) to precinct commanding officer for review.

PRECINCT COMMANDING OFFICER

19. Review investigation of JUVENILE REPORT by youth officer giving particular attention to:

- a. Parent contacted as required by Cuevas v. Leary
- b. Type of aid offered to parents and youth
- c. Suitability of disposition.

20. Sign in appropriate box as reviewing officer and return to youth officer.

PRECINCT YOUTH OFFICER

21. Forward original copy of JUVENILE REPORT to Youth Services Section.

22. File remaining copy of JUVENILE REPORT alphabetically, in a secured file.

NOTE: Once a year, upon receipt of notification from the Youth Services Section, the file will be purged of all JUVENILE REPORTS for youths who have reached their seventeenth (17th) birthday and of all "unfounded," "unsubstantiated," and "complaint withdrawn" cases as required by Cuevas v. Leary.

YOUTH RECORDS UNIT MEMBER

23. Maintain files of JUVENILE REPORTS.

24. Make available information on the above to Police Department personnel and selective authorized public agencies.

ADDITIONAL DATA

Only uniformed members of this Department and police officers as defined in the Criminal Procedure Law, Section 1.20, subdivision 34, are authorized to issue and/or sign JUVENILE REPORT and/or YOUTH REFERRAL as reporting officers. Names of special police, store detectives, school security officers, etc., may be entered on JUVENILE REPORT under caption "Name and address of complainant."

RELATED PROCEDURES

Truants (P.G. 215-07)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

JUVENILE REPORT (PD377-151)

YOUTH REFERRAL (PD377-153)

P.G. 215-09 Offense Committed By A Child Under 16 Years Of Age (Other Than A Juvenile Offender)

Date Effective: 12-10-04

PURPOSE

To process a child under sixteen (16) years of age who has committed an offense.

DEFINITION

JUVENILE DELINQUENT - A person over seven (7) and less than sixteen (16) years of age who commits an act, which if committed by an adult, would constitute a crime.

PROCEDURE

When child less than sixteen (16) years of age commits an offense:

UNIFORMED MEMBER OF THE SERVICE

1. Detain child
2. Notify desk officer of facts.

NOTE: A juvenile eleven (11) years of age or more who commits an A or B felony, OR a juvenile who is thirteen (13) years of age or more who commits any felony, will be IMMEDIATELY transported to a facility designated for the interrogation of juveniles for processing.

DESK OFFICER

3. Have parent/guardian notified.
4. Have age determined by questioning juvenile or parents/guardian.
 - a. Verify age by satisfactory documentary proof, if available.
5. Have the Identification Section, Youth Records Unit access the Comprehensive Justice Information System (CJIS) 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.
6. Have warrant investigation/juvenile recidivist name check conducted via FINEST System.

NOTE: Immediately notify the Juvenile Crime Squad in ALL cases of juvenile arrests through the Warrant Section's Telephone Inquiry Unit at (718) 217-8484.

When a youth arrested for a designated felony, is a recidivist, commits a felony while awaiting trial on a violent offense, or the desk officer believes the juvenile is a danger to the community, the youth will be removed directly to Family Court or to Bridges Juvenile Center if court is not in session

7. Determine if child should be taken into custody and charged with juvenile delinquency or referred to the youth officer on JUVENILE REPORT (PD377-151) by considering:

- a. Offense committed
- b. Manner in which offense is committed

- c. Child's previous record
- d. Recommendation of youth officer, if present
- e. Any other facts or circumstances.

NOTE: A juvenile MUST be taken into custody and charged with juvenile delinquency when act, if committed by an adult, would be a felony, Unlawful Assembly or any misdemeanor listed in "Photographable Offenses" procedure.

8. Confer with youth officer and precinct detectives when a group of juveniles is involved in the same incident.

9. Direct officer to prepare JUVENILE REPORT when:

- a. Offense committed is NOT a crime, OR
- b. Determination is made to refer a misdemeanor to youth officer. (If residence outside New York City, refer REPORT to Youth Services Section).

NOTE: A JUVENILE REPORT is NOT prepared for truancy (see P.G. 215-07, "Truants").

10. Direct member concerned to take juvenile into custody and deliver to precinct with 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(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. If Family Court is not in session, the arresting officer MUST appear in court at 0900 hrs. 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 hrs. the next day court is in session. Desk officers will ensure that the arresting officer's tour is adjusted accordingly as necessary.

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 (PD244-1 59).

a. Under caption 9, "Charges Information," enter "Juvenile Delinquency" followed by specific crime, i.e., burglary, larceny, etc.

b. Complete information under captions 32 and 33, "Juvenile Information."

13. Prepare COMPLAINT REPORT WORKSHEET (PD313-152A), if applicable.

14. Ensure that juvenile offender is fingerprinted in conformance with P.G. 208-11, "Livescan Fingerprinting."

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

a. Attach hard copy of the FINEST System warrant investigation/juvenile recidivist check to court copy of JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151).

16. Deliver all completed arrest documents including JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT to desk officer.

DESK OFFICER

17. Review and sign all arrest documents including the JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT.

18. Ensure that JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT is distributed as indicated on the form.

19. Determine if juvenile can be released on personal recognizance (see P.G. 215-12).

20. Ascertain if application will be made for personal recognizance.

21. Have child NOT eligible for personal recognizance or for whom NO application for personal recognizance is made removed to Bridges Juvenile Center with a copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET, COMPLAINT REPORT, if prepared, and JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (see ADDITIONAL DATA).

22. Do not transport juvenile with adult prisoner.

23. Prepare arrest package containing the following forms;

a. Copy of ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).

b. BUFF copy APPEARANCE TICKET-FAMILY COURT.

c. Evidence/Release Investigation copy of appropriate PROPERTY CLERK'S 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 WORKSHEET (PD304-152b), if prepared.

f. Copy of ACTIVITY LOG (PD112-145) entry.

g. JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151).

(1) Distribute remaining copies to precinct youth officer, Youth Services Section, and juvenile detention facility, if juvenile is detained.

h. Any other related arrest information including copies of arresting officer's/investigator's personal notes and hard copy of FINEST System warrant investigation/juvenile recidivist checks.

NOTE: In ALL cases of an arrest of a juvenile, other than a juvenile offender, the desk officer will ensure the above forms/reports are faxed to the respective borough Court Section (Attn: NYPD Family Court Liaison Officer) (see ADDITIONAL DATA statement for listing of liaison officers with accompanying telephone and fax numbers). 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, indicating

receipt of the above reports at the borough Court Section, will be obtained and attached to the court package.

ADDITIONAL DATA

In cases where an APPEARANCE TICKET-FAMILY COURT is issued, the arresting officer will contact the borough Court Section supervisor to obtain a Family Court "return date". "DO NOT USE THE ADULT DAT RETURN DATE SCHEDULE.

FAMILY COURT RETURN DATE SCHEDULE

COURT SECTION	TELEPHONE NUMBER
Manhattan	212 374-3916 (Police Room)
Bronx	718 590-2817 (Intake Desk)
Brooklyn	718 935-9291 (DAT Desk)
Queens	718 268-4399 (DATA Room)
Staten Island	718 876-8493 (Arrest Processing)

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 Bridges Juvenile Center (juvenile detention facility), the desk officer will ensure that copies of the ON-LINE BOOKING 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 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)	MUST APPEAR 0900 HOURS NEXT BUSINESS DAY
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	MUST APPEAR 0900 HOURS NEXT BUSINESS DAY
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	ARRESTING OFFICER EXCUSED

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	ADDRESS	PHONE #	FAX #
MANHATTAN	60 LAFAYETTE STREET	(212) 374-3859	(212) 374-3856
BROOKLYN	283 ADAMS STREET	(718) 875-6316 (718) 643-5864	(718) 834-8837
BRONX	215 EAST 161 STREET	(718) 590-3424 (718) 590-3829	(718) 590-5451
QUEENS	152-02 JAMAICA AVENUE	(718) 523-9746	(718) 523-2045
STATEN ISLAND	130 STUYVESSANT PLACE	(718) 556-4044	(718) 556-4042

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

A juvenile MAY NOT be questioned concerning criminal activity until the juvenile and the parent/guardian are advised and understand the juvenile's constitutional rights. Miranda warnings should be read to the juvenile 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.

Precinct Detective Squad/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 Bridges Juvenile Center, the arresting/assigned officer, in an effort to expedite the intake process, MUST contact the Admissions Unit at (718) 764-2727/28, PRIOR to delivering the juvenile, and provide them with the juvenile 's name, address, date of birth, and mother's name.

The juvenile's statement as to age may be in conflict with the records maintained at the Bridges Juvenile Center. 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 Bridges Juvenile Center:

- 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 Bridges Juvenile Center, or available records are inconclusive regarding the age of the juvenile, Bridges Juvenile Center officials will accept delivery of the juvenile for detention.

Should the court records at the Bridges Juvenile Center establish that the juvenile was sixteen (16,) years of age or older at the time the offense was COMMITTED, he/she will be returned to the Borough Court Section facility, borough of arrest, for processing as an adult.

When juveniles are taken into custody and charged as juvenile delinquents with Murder 2nd, Manslaughter 1st and 2nd, and Rape 1st, arresting officers will notify the Corporation Counsel via the following telephone network during business hours (0900 to 1700), Monday through Friday:

Bronx	(718) 590-3255
Manhattan	(212) 442-6860
Staten Island	(718) 390-5395
Brooklyn	(718) 643-2903
Queens	(718) 658-0500(ext. 220)

During non-business hours, weekends and holidays, arresting officers will notify the Corporation Counsel by accessing a specially designed "beeper" system utilizing a TOUCH TONE PHONE ONLY, and.

- a. Dialing 1-212-314-9878
- b. After one (1) ring, the caller will hear three (3) rapid beeps

c. Slowly punch in the area code and telephone number of the phone arresting officer is calling from and hang up.

The Corporation Counsel will call back the arresting officer within ten (10) minutes. Should the Corporation Counsel not call back after ten (10) minutes, repeat steps "a" through "c" (above) and if there is failure to return the call the second time, proceed with arrest without the assistance of the Corporation Counsel.

Desk officers will ensure that arresting officers contact and confer with the Corporation Counsel, when possible. This conferral will result in either directions being given over the phone or the dispatch of the Corporation Counsel attorney to the place of arrest. When the Corporation Counsel attorney elects to respond to the place of arrest, the arresting officer will await his arrival. However, should the Corporation Counsel attorney fail to appear within one (1) hour after being notified, the arrest will be processed in the normal manner.

If there is a civilian complainant, the arresting officer will inform such complainant that his/her 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).

THIS PROCEDURE DOES NOT APPLY TO JUVENILES TAKEN INTO CUSTODY AND CHARGED AS JUVENILE OFFENDERS (SEE (P.G. 215-10) [ARRESTS-JUVENILE OFFENDER]).

FORMS AND REPORTS

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 (PD377-151)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
COMPLAINT REPORT (PD313-152)

RELATED PROCEDURES

Photographable Offenses (P.G. 208-07)
Fingerprintable Offenses (P.G. 208-08)
Rights Of Persons Taken Into Custody (P.G. 208-09)
Livescan Fingerprinting (P.G. 208-11)
"FINEST" Checks And "NITRO" Debriefings (P.G. 208-21)
Truants (P.G. 215-07)
Juvenile Report (P.G. 215-08)
Arrests Of Juvenile Offenders (P.G. 215-10)
Personal Recognizance - Juvenile Delinquent (P.G. 215-12)

P.G. 215-10 Arrest Of Juvenile Offender

Date Effective: 12-10-04

PURPOSE

To process arrest of juvenile charged as a "juvenile offender".

DEFINITION

JUVENILE OFFENDER - A person less than 16 years of age taken into custody and charged with a felony as indicated:

- 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) Sodomy 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.

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).

PROCEDURE

When a juvenile is arrested and charged as a juvenile offender:

NOTE: Immediately notify the Juvenile Crime Squad in ALL cases of juvenile arrests through the Warrant Section's Telephone Inquire Unit at (718) 217-8484.

ARRESTING OFFICER

1. 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.
2. Notify parents, guardians, etc., that juvenile is in custody and location of juvenile.
3. Do not question until arrival of parents, guardian, etc.
 - a. Juvenile may be requested to provide pedigree information at location designated for interrogation PRIOR to advising juvenile of constitutional rights.
4. Advise at the same time, juvenile AND parent, guardian, etc., of constitutional rights 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 child, and the ability of the juvenile to understand Miranda Warnings.

If the juvenile MUST be questioned, the officer MUST be prepared to testify that a "good faith" attempt was made to have a competent adult (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.
5. 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 crimes listed first.
 - b. Enter words "Juvenile Offender" in box captioned "DAT - Return Date."
6. Conduct WARRANT/INVESTIGATION CARD/JUVENILE RECIDIVIST check via the Finest System (See P.G. 208-23, "Computerized Investigation Radio Worksheet System" and P.G. 208-21, "'FINEST' Checks And 'NITRO' Debriefings").

NOTE: A juvenile offender is NOT eligible for Personal Recognizance.
7. Prepare JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT WORKSHEET (PD277-151a) at interrogation location.
 - a. Attach hard copy of FINEST System warrant check.
8. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141), if necessary.

9. Ensure that juvenile offender is fingerprinted in conformance with P.G. 208-11, "Livescan Fingerprinting."

10. Deliver property and WORKSHEET to desk officer.

DESK OFFICER

11. Review and sign all arrest documents.

12. Ensure distribution of JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151).

13. Keep juvenile offender segregated from adult prisoners while in custody.

a. Direct that juvenile offender be placed in forward patrol wagon compartment and adult prisoners in rear compartment if being transported at the same time.

14. Ensure the delivery of the ON LINE BOOKING SYSTEM ARREST WORKSHEET, COMPLAINT REPORT (PD313-152), if prepared, and related forms to the Borough Court Section supervisor.

ARRESTING OFFICER

15. Confer, when necessary, with the Borough Court Section supervisor to determine if arraignment can be completed, prior to removing juvenile offender to Borough Court Section facility.

16. Do not place juvenile offender in detention holding area or individual cell with adult prisoner.

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

BOROUGH COURT SECTION SUPERVISOR

17. Give juvenile offenders and companion case adult offenders priority in arrest processing, preparation of court complaint, arraignment, etc.

18. Ascertain that ON LINE BOOKING SYSTEM ARREST WORKSHEET and other related forms are prepared accurately.

BOOKING OFFICER

19. Determine if arraignment of juvenile offender can be completed in Criminal Court.

a. If juvenile 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.

b. 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 WHO ARE AWAITING ARRAIGNMENT IN CRIMINAL COURT, BE DETAINED OVERNIGHT AT A DEPARTMENT OF JUVENILE JUSTICE DETENTION CENTER.

ADDITIONAL DATA

If the assistant district attorney declines to prosecute the juvenile offender and directs that the offender be released, the arresting officer will comply with P.G. 210-16, "Release of Prisoner at Complaint Room." If the assistant district attorney directs that the charges be reduced to an offense not meeting juvenile 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 identity of a youth under 16 years of age who has been arrested and charged as a juvenile offender (see "Definition" above) may be released. However, the identity of a youth taken into custody for juvenile delinquency MAY NOT be released.

RELATED PROCEDURES

Fingerprintable Offenses (P.G. 208-08)

Photographable Offenses (P.G. 208-07)

Change In Arrest Charges (P.G. 208-17)

Livescan Fingerprinting (P.G. 208-11)

"FINEST" Checks And "NITRO" Debriefings (P.G. 208-21)

Release Of Prisoner At Complaint Room By Direction of Assistant District Attorney (P.G. 210-16)

Offenses Committed By A Child Under 16 Years Of Age (Other Than A Juvenile Offender) (P.G. 215-09)

FORMS AND REPORTS

ARREST REPORT SUPPLEMENT (PD244-157)

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'S INVOICE WORKSHEET (PD521-141)

P.G. 215-11 Arrest Of Child Unlawfully In Certain Licensed Premises

Date Effective: 01-01-00

PURPOSE

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

DEFINITION

CHILD - Actually or apparently under 16 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.

PROCEDURE

On discovering a child in a licensed premises:

UNIFORMED MEMBER OF THE SERVICE

1. Ascertain age of the child.
2. Determine if presence is unlawful.
3. Take child 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 child home, if residence is located within city.
 - a. If residence of child is outside city limits, handle as "Child Requiring Shelter" until provision is made for returning child home.
5. Inform parents of child of unlawful presence and question concerning reason.
6. Advise parent of legal responsibilities.
7. Prepare JUVENILE REPORT (PD377-151) including under details:
 - a. Occupation of parents
 - b. Statements of parents.
8. Submit JUVENILE REPORT to desk officer.

DESK OFFICER

9. Check JUVENILE REPORT 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 Shelter (P.G. 215-06)

Juvenile Report (P.G. 215-07)

FORMS AND REPORTS

JUVENILE REPORT (PD377-151)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

P.G. 215-12 Personal Recognizance Juvenile Delinquent

Date Effective: 12-10-04

PURPOSE

To release a child, at least seven (7) but less than sixteen (16) years of age. to 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.
2. Have Identification Section, Youth Records Unit access the Comprehensive Justice Information System (CJIS) 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 another violent felony.
 - a. Provide the juvenile's name, date of birth and mother's maiden name to Identification Section, Youth Records unit personnel.
3. Have warrant investigation/juvenile recidivist name check conducted via FINEST System.

NOTE: Immediate/notify the Juvenile Crime Squad in ALL cases of juvenile arrests through the Warrant Section's Telephone Inquiry Unit at (718) 217-8484

If FINEST System is inoperative, request the patrol borough FINEST operator to conduct the name check. Should the borough terminal also be inoperative, an adjoining precinct will be requested to conduct the name check. If the entire FINEST System is out of service for more than twenty (20) minutes, a request will be made by telephone to the Warrant Section at (718) 217-8484 to process the name check.

4. Confer with youth officer, if available, and determine if juvenile should be released. Juveniles (male or female) not released will be removed directly to Family Court or to the Bridges Juvenile Center if court is not in session. (The Bridges Juvenile Center is located at 1220 Spofford Avenue, Bronx, New York. The facility's telephone number is [718] 764-2700).

NOTE: JUVENILE WILL NOT BE RELEASED IF:

- a. Applicant, as defined above, is not capable of providing adequate supervision.
- b. Juvenile is wanted on a warrant or is juvenile recidivist.
- c. Health or morals of juvenile would be endangered if released.
- d. Juvenile is not likely to appear on return date.
- e. Juvenile's release would be dangerous to community.
- f. Classified as "Juvenile Offender" (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 Identification Section 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, "expanded definition") is a felony assault, or any sex offense, or other circumstances exist where the release of juvenile would be dangerous to a member of the same family/household.

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

UNIFORMED MEMBER OF THE SERVICE

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

WHEN JUVENILE IS TO BE RELEASED

6. 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.

7. Distribute copies as indicated on form.

a. Provide complainant with pink copy of APPEARANCE TICKET - FAMILY COURT, if applicable.

8. 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.

9. Obtain Probation Intake Hearing appearance date for Family Court from borough court section concerned and notify civilian complainant of return date.

10. Inform borough court section concerned of:

a. Identity, address, telephone number, apartment number, date and place of birth of juvenile.

b. Precinct of arrest and charge.

- c. Arresting officer's name, shield number, command, and tax registry number.
- d. Arresting officer's scheduled tour on return date.
- e. Full name of father and mother (include mother's maiden name).

DESK OFFICER

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

12. Inform uniformed member concerned that he/she is excused from court appearance on return date, in appropriate cases.

NOTE: All juveniles taken into custody for the same incident must appear at the same time and place for intake processing. If one (1) 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.

13. 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'S 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 WORKSHEET (PD304-152b), if prepared.
- f. Copy of ACTIVITY LOG (PD112-145) entry.
- g. JUVENILE ARREST INVESTIGATION/PROBATION INTAKE REPORT (PD277-151).

(1) Distribute remaining copies to precinct youth officer, Youth Services Section, and juvenile detention facility, if juvenile is detained.

h. Any other related arrest information including copies of arresting officer's/investigator's personal notes and hard copy of FINEST System warrant check.

NOTE: In ALL cases of an arrest of a juvenile, other than a juvenile offender, the desk officer will ensure the above forms/reports are faxed to the respective borough Court Section (Attn: NYPD Family Court Liaison Officer) (see ADDITIONAL DATA statement for listing of liaison officers with accompanying telephone and fax numbers). 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, 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

14. Call The Bridges Juvenile Center to arrange for lodging.

15. 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.

16. Appear in Family Court, located in borough of arrest, with civilian complainant, if any, the next morning that court is in session.

IF CHILD, ELIGIBLE FOR RELEASE, HAS BEEN SENT TO A DETENTION SHELTER

DESK OFFICER

17. Notify juvenile counselor on duty at shelter.

18. Prepare NOTICE OF RECOGNIZANCE - JUVENILE DELINQUENT (PD209-121) and give to applicant for presentation at place of detention.

19. Make Command Log entry when notified by officer at shelter that juvenile has been released.

20. 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 17 through 20 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.

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	Sodomy 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	Sodomy 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

*Effective 11-01-03 the term "Sodomy" was replaced with "Criminal Sexual Act"

** (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 borough Court Section concerned. It should be noted that the Department of Probation has directed that the returnable 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 borough Court Section supervisor to obtain a Family Court "return date". DO NOT USE THE ADULT DAT RETURN DATE SCHEDULE.

FAMILY COURT RETURN DATE SCHEDULE

COURT SECTION	TELEPHONE NUMBER
Manhattan	212 374-3916 (Police Room)
Bronx	718 590-2817(Intake Desk)
Brooklyn	718 935-9291(DAT Desk)
Queens	718 268-4399(DATA Room)
Staten Island	718 876-8493(Arrest Processing)

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 Bridges Juvenile Center (juvenile detention 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 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)	MUST APPEAR 0900 HOURS NEXT BUSINESS DAY
RELEASED ON RECOGNIZANCE FOR DESIGNATED FELONY	MUST APPEAR 0900 HOURS NEXT BUSINESS DAY
RELEASED ON RECOGNIZANCE FOR NON-DESIGNATED FELONY	ARRESTING OFFICER EXCUSED

BOROUGH COURT SECTION FAMILY COURT LIAISONS

BOROUGH	ADDRESS	PHONE#	FAX #
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BRONX	215 EAST 161st STREET	(718) 590-3424 (718) 590-3829	(718) 590-5451
QUEENS	152-02 JAMAICA AVENUE	(718) 523-9746	(718) 523-2045
STATEN ISLAND	130 STUY VESSANT PLACE	(718) 556-4044	(718) 556-4042

RELATED PROCEDURES

"FINEST" Checks And "NITRO" Debriefing (P.G. 208-21)
Computerized Investigation Report Worksheet System (P.G. 208-23)
Family Offenses/Domestic Violence (P.G. 208-36)
Offense Committed By A Child Under 16 Years Of Age (Other Than Juvenile Offender)
(P.G. 215-09)
Arrests - Juvenile Offender (P.G. 215-10)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
APPEARANCE TICKET-FAMILY COURT (PD277-130)
COMPLAINT REPORT (PD313-152)
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)
NOTICE OF RECOGNIZANCE-JUVENILE DELINQUENT (PD209-121)
ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 215-13 Handcuffing Students Arrested Within School Facilities

Date Effective: 01-01-00

PURPOSE

To set forth a uniformed procedure designed to ensure the safety of both the arresting uniformed member of the service as well as the student being taken into Department custody.

SCOPE

The Department's policy, for the safety of all concerned, will be to rear handcuff students who are arrested in a school facility unless mitigating circumstances dictate not to.

PROCEDURE

Whenever effecting an arrest of a student inside a school facility within New York City:

UNIFORMED MEMBER OF THE SERVICE

1. Remove student, if possible, to a semi-private location (e.g. principal's office, school security office).
2. Inform student of authority and cause, unless physical resistance, flight or other factors render such procedure impractical.
3. Inform school personnel of the decision to effect an arrest and the basis of that decision.

NOTE: Whether probable cause to arrest exists will be determined by the Police Department. While the desires of school personnel (principals, teachers, school safety officers, etc.) may be considered by the uniformed 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 uniformed member of the service who wishes to effect an arrest of a student and school personnel, the uniformed member of the service will request the response of the patrol supervisor.

PATROL SUPERVISOR

4. Verify that probable cause exists to support the arrest of the student.
5. Advise school personnel that an arrest will be effected.
 - a. Any objecting school administrators within Board of Education facilities should be advised to contact their Legal Division.

NOTE: Under no circumstances will school personnel be permitted to interfere with an arrest the patrol supervisor has deemed warranted.

UNIFORMED MEMBER OF THE SERVICE

6. Handcuff student with hands behind back.

NOTE: general policy of the Department is to handcuff ALL prisoners including students whenever an arrest is effected. However, in certain circumstances, if the uniformed member of the service believes that handcuffing serves no practical purpose, it is within the uniformed member of the service's discretion not to handcuff the student. Of primary concern are the safety of the uniformed member, the safety of

students who may injure themselves while attempting to flee if not restrained, and the possibility of escape. Other considerations include:

- a. Age and physical stature of the student.
- b. Type of offense alleged and whether weapons were used.
- c. Presence of the student's parent/guardian.
- d. The number of students being arrested.
- e. The reputation of the student with school authorities.
- f. The student's demeanor and compliance with the instructions of the uniformed member.

PRECINCT YOUTH OFFICER

7. Meet with all principals of schools located within the command to apprise them of the Department's handcuffing guidelines.

UNIFORMED MEMBER OF THE SERVICE

8. Comply with all pertinent arrest related procedures.

RELATED PROCEDURES

Prisoners - General Procedures (P.G. 210-01)

Juvenile Complaints - Truants (P.G. 215-07)

P.G. 215-14 Child Advocacy Referrals

Date Effective: 01-01-00

PURPOSE

To enhance investigations of reported cases of child abuse in Patrol Borough Brooklyn South and SATCOM Brooklyn North.

[I.O. 36 s 01] PROCEDURE

Whenever an allegation that a child:

a. less than eleven (11) years of age is the victim of abuse inflicted by a parent or person legally responsible for the child's care, OR

b. Less than thirteen (13) years of age is the victim of any sex crime or attempted sex crime committed by any person.

UNIFORMED MEMBER OF THE SERVICE

1. Refer, promptly, active child abuse and sex crime cases directly from the scene, or through the desk officer, to the Brooklyn Child Abuse Squad at (718) 260-6090 (FAX# [718] 260-6542).

NOTE: The Brooklyn Child Abuse Squad is located at the Child Advocacy Center, 30 Main Street, Brooklyn. Hours of operation are 0800 to 0030 hours, seven (7) days a week. After office hours, notifications of child abuse and sex crimes will be made to the Detective Borough Brooklyn Nightwatch.

2. Prepare reports as specified in P.G. 215-03, "Emergency Removals Or Investigation And Reporting Of Abused, Neglected Or Maltreated Children."

3. Enter name of detective notified and the Child Abuse Squad case number under "Details" on COMPLAINT REPORT WORKSHEET (PD313-152A).

[I.O. 36 s 01] IF AN ARREST OF A PERSON WHO HAS COMMITTED A SEX CRIME AGAINST A CHILD LESS THAN THIRTEEN (13) YEARS OF AGE IS EFFECTED BY A UNIFORMED MEMBER OF THE SERVICE ON PATROL:

ARRESTING OFFICER

4. Notify Brooklyn Child Abuse Squad immediately.

CHILD ABUSE SQUAD, MEMBER CONCERNED

5. Advise arresting officer, and

a. Determine if a case enhancement is needed.

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)

P.G. 215-15 Confiscation Of New York City Transit Student Metro Cards

Date Effective: 01-01-00

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 at (718) 243-7337 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 ACTIVITY LOG (PD112-145).
7. Enter the PROPERTY CLERK'S 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 at (718) 243-7337.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PROPERTY CLERK'S INVOICE (PD521-141)

SCHOOL TRANSPORTATION PASS CONFISCATION REPORT (PD516-170)

P.G. 215-16 Reporting And Recording Public School-related Criminal Incidents

Date Effective: 03-24-00

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 INCIDENTS(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: The student's name (as victim or suspect) will not be recorded on the SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147) for offenses as per "c" above, as well as the identity of victims of sex related offenses. 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 3 to respond.
3. Notify school principal/designee.

SCHOOL SAFETY AGENT LEVEL 3

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 3 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 3.

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 Board Of Education Facilities" 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 (PD377-151), COMPLAINT REPORT WORKSHEET (PD313-152A), ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), YOUTH REFERRAL (PD377-153), AIDED REPORT WORKSHEET (PD304-152b) etc.,] that are relevant to the incident.

9. Notify School Safety Division Operations Center (212)979-3333 and obtain the SSD Operations Center serial number.

10. Enter details of incident in ACTIVITY LOG (PD112-145).

11. Sign SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT.

SCHOOL SAFETY AGENT LEVEL 3

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 precinct school safety sergeant and/or other designated precinct personnel to determine the proper offense classification and to obtain any follow-up information.

16. Make two (2) 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 School Safety Sergeant, precinct of occurrence
- c. One copy filed in the School Safety Division Borough Command.

PRECINCT SCHOOL SAFETY 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.
19. Conduct additional interview of students, complainants and witnesses, if necessary, in accordance with P.G. 215-17, "Police Actions, Related Questioning, Arrests, and Investigations at Board of Education Facilities."
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 (212) 979-3333 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 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 Board 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 precinct school safety 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.
- b. Occurring during school hours, where the school safety agent or precinct school safety 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.

School Safety Agents, School Safety Agents Level 3, 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) is NOT recorded on the SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT for violation offenses involving:

- (1) Fireworks
- (2) Trespass
- (3) Disorderly Conduct
- (4) Harassment
- (5) Loitering
- (6) Marijuana.

FORMS AND REPORTS

SCHOOL SAFETY DIVISION CRIMINAL INCIDENT REPORT (PD313-147)
JUVENILE REPORT (PD377-151)
COMPLAINT REPORT WORKSHEET (PD313-152A)
YOUTH REFERRAL (PD377-153)
AIDED REPORT WORKSHEET (PD304-152b)
ONLINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

RELATED PROCEDURES

Precinct School Safety Sergeant (P.G. 202-20)
Truants (P.G. 215-07)
Juvenile Report (P.G. 215-08)
Offense Committed By A Child Under 16 Years Of Age (Other Than A Juvenile Offender) (P.G. 215-09)
Arrest Of Juvenile Offender (P.G. 215-10)
Personal Recognizance Juvenile Delinquent (P.G. 215-12)
Handcuffing Students Arrested Within School Facilities (P.G. 215-13)
Police Action, Related Questioning, Arrests And Investigations At Board Of Education Facilities (P.G. 215-17)
Search Protocols For School Safety Agents (P.G. 215-18)

P.G. 215-17 Police Actions, Related Questioning, Arrest And Investigations At Board Of Education Facilities

Date Effective 03-24-00

PURPOSE

To establish the protocols for police actions, related questioning, arrests and investigations at Board of Education facilities.

PROCEDURE

When taking police action at Board of Education facilities:

UNIFORMED MEMBER OF THE SERVICE

1. Coordinate activities with School Safety Division personnel, if practicable, when taking police action on or contiguous to Board of Education property/facilities.
2. Confer with principal/school staff, except if exigent circumstances exist, when entering Board of Education school/facility to take police action.

ADDITIONAL DATA

WHEN POLICE ACTION INVOLVES QUESTIONING, ARREST, OR INVESTIGATION

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 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.
- 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.
- 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, weapon 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.

When a uniformed member of the service wishes to access student information from Board of Education records regarding an investigation or arrest, a court order or subpoena

must be obtained unless there is a health or safety emergency, consent of the student's parent/guardian, or consent of the student, if 18 years of age or older. Absent such court order or subpoena, or exceptions above, principals or other school staff with not release student information. This includes School Safety Agents.

A health or safety emergency is a situation which presents imminent danger (as described above) or which requires the immediate need for information to avert or defuse unusual conditions or disruptions.

RELATED PROCEDURES

Precinct School Safety Sergeant (P.G. 202-20)

Arrests - General Processing (P.G. 208-03)

Prisoners General Procedures (P.G. 210-01)

Truants (P.G. 215-07)

Juvenile Report (P.G. 215-08)

Offense Committed By A Child Under 16 Years Of Age (Other Than A Juvenile Offender)
(P.G. 215-09)

Arrest Of Juvenile Offender (P.G. 215-10)

Personal Recognizance Juvenile Delinquent (P.G. 215-12)

Handcuffing Students Arrested Within School Facilities (P.G. 215-13)

P.G. 215-18 Search Protocols For School Safety Agents

Date Effective: 03-24-00

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.

NOTE: 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.

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.

NOTE: 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 sex as the student being searched. Under no circumstances will a strip-search of a student be conducted.

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).

NOTE: 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.

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 Board of Education procedures, if item is a violation of school rules and regulations only.

NOTE: 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.

RELATED PROCEDURES

Procedures For Reporting And Recording Public School-Related Criminal Incidents (P.G. 215-16)

Police Actions, Related Questioning, Arrests and Investigations At Board of Education Facilities (P.G. 215-17)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 215-19 Abandoned Infants/Operation Safe Haven

Date Effective: 07-25-03

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 ACTIVITY LOG (PD 112-145) 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 INFANTS PARENT(S) IS NOT PRESENT AT THE SCENE

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 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. NYS Domestic Incident Report (DCJS 3221).

b. AIDED REPORT WORKSHEET (PD 304-152b).

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, telephone number (800) 635-1522.

12. Prepare UNUSUAL OCCURRENCE REPORT (PD370-152).

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 at 1-877-CALL-IRT (1-877-225-5478). (Enter name of Administration for Children's Services Instant Response Team Coordinator in the Command Log.)

RELATED PROCEDURES

Emergency Removals or Investigation and Reporting of Abused, Neglected or Maltreated
Children (P.G. 215-03)
Children or Minors Requiring Shelter (P.G. 215-06)
Child Advocacy Referrals (P.G. 215-14)
Aided Cases-General Procedures (P.G. 216-01)

FORMS AND REPORTS

ACTIVITYLOG (PD 112-145)
AIDED REPORT WORKSHEET (PD 304-152b)
COMPLAINT REPORT (PD 313-152)
REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT (PD 377-154)
UNUSUAL OCCURRENCE REPORT (PD 370-152)
NYS Domestic Incident Report (DCJS 3221)

Aided Cases

P.G. 216-01 Aided Cases General Procedure

Date Effective: 01-01-00

PURPOSE

To render necessary aid, take corrective or summary action and prepare the prescribed forms.

DEFINITION

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 accident)
- b. Dead (except vehicle accident)
- c. Lost person
- d. Mentally ill
- e. An abandoned, destitute, abused or neglected child
- f. Runaway child
- g. Adult requiring care due to arrest, hospitalization, death of parent/guardian/person responsible for care.

ROUTINE SICK AT HOME: Requires ONLY an ACTIVITY LOG (PD112-145) 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 WORKSHEET (PD304-152b), 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.
2. Request an ambulance or doctor, if necessary.
 - a. If not assigned to patrol, request dispatcher to assign patrol unit concerned.

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 (20) minutes if ambulance does not arrive.

5. Make ACTIVITY LOG entry.

a. Include name of person notified re: 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 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 WORKSHEET.

7. Obtain name, address and telephone number of relative or friend for notification.

8. Prepare AIDED REPORT WORKSHEET and deliver to command clerk.

a. Include under "Details," name of person notified re: Medic Alert Emblems worn.

BICYCLE INJURIES NOT INVOLVING A MOTOR VEHICLE:

9. Request patrol supervisor, Highway Unit and precinct detective squad to respond if injury causes death or serious injury and person is likely to die.

10. Prepare AIDED REPORT WORKSHEET for EACH person injured and:

a. Check "Bicycle Involved" caption on the front of the AIDED REPORT WORKSHEET.

b. Enter ALL details on rear of AIDED REPORT WORKSHEET with a cross-reference to all persons injured in same bicycle incident on separate AIDED REPORT WORKSHEETS.

NOTE: If an injury is a result of a traffic infraction committed by a juvenile over seven (7) but less than sixteen (16) years of age, a JUVENILE REPORT (PD377-151) must also be prepared.

HIGHWAY UNIT MEMBER

11. Conduct investigation at the scene (if directed to respond).

a. Take photos, prepare diagram and take measurements.

12. Prepare required report(s) and deliver to Highway Unit concerned.

a. Forward duplicate copy of reports to precinct/command concerned.

ALL AIDED CASES INCLUDING BICYCLE INJURIES:

COMMAND CLERK

13. Have relatives/friends notified if aided is admitted to a hospital or dies.
14. Classify aided "Unidentified" if unable to make identification and inform desk officer.
15. Deliver AIDED REPORT WORKSHEET to the desk officer.

DESK OFFICER

16. Ascertain that notification has been made or comply with P.G. 216-03, "Unidentified Persons."
 17. Review AIDED REPORT WORKSHEET for accuracy and completeness.
- [REV 03-01] Effective 12-07-01 18. Process AIDED REPORT WORKSHEET in accordance with P.G. 216-02, "Preparation of Aided Report Worksheet."
19. Notify the Human Resources Administration's Protective Services for Adults at (212) 971- 2077 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 that 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 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 (see P.G. 208-36, "Family Offenses/Domestic Violence"). LifeNet 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 cases encountering such individuals or families are directed to give to them a LifeNet Information Card (Misc. 4203) which contains the program's telephone numbers: (1-8000-LIFENET or 1-877 AYUDESE [Spanish line]). LifeNet personnel are accessible 24 hours a day, 7 days a week, 365 days a year. LifeNet 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. 216-05, "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, i.e., 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 induces 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 ACTIVITY LOG and under "Details" on AIDED REPORT WORKSHEET. 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

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

Runaway Children (P.G. 215-05)

Preparation of Aided Report Worksheet (P.G. 216-02)

Unidentified Persons (P.G. 216-03)

Mentally Ill Or Emotionally Disturbed Persons (P.G. 216-05)

Notifications (P.G. 216-15)

Safeguarding Property of Deceased Persons (P.G. 218-28)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

JUVENILE REPORT (PD377-151)

P.G. 216-02 Preparation Of Aided Report Worksheet

Date Effective: 01-01-00

PURPOSE

To provide statistical data and record occurrences and services rendered.

PROCEDURES

To record an aided case:

MEMBER OF THE SERVICE

1. Prepare AIDED REPORT WORKSHEET (PD304-152b).

a. Complete all boxes with captions pertaining to the aided case.

b. If only one (1) WORKSHEET needed, indicate "1 of 1" on front of WORKSHEET under caption "Card No. ___ of ___" at top right side of form. If more than one (1) WORKSHEET required, indicate "1 of 3," "2 of 3," "3 of 3," etc. on WORKSHEETS, as appropriate.

c. Under "Details" caption, use own words to describe apparent illness or injury, such as "stomach pains," "head injury," "maternity," etc.

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 "Details," if available.

e. If person being aided refuses medical aid, check "refused" box under caption "Medical Aid was" on front of WORKSHEET.

f. If a person is unidentified and hospitalized, enter the hospital admission number under caption, "Admission #: If unidentified and hospitalized," on front of WORKSHEET.

g. If an unidentified person was treated and released, record such facts under "Details" caption.

h. If O.C. Spray used, check caption on rear of WORKSHEET and enter in "Details," the rank, name and tax registry number of each uniformed member of the service who discharged spray.

2. Report incident to desk officer, precinct of occurrence.

DESK OFFICER

3. Review and sign WORKSHEET.

4. Have command clerk enter aided information contained on WORKSHEET into the On Line Aided System (O.L.A.S.).

COMMAND CLERK

5. Enter aided information contained on WORKSHEET, previously approved by the desk officer, into the On Line Aided System (O.L.A.S.) through the FINEST or Local Area Network (LAN) terminals.

6. Generate duplicate copy of O.L.A.S. Aided Report and forward, as follows:

a. PRECINCT YOUTH 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.

b. PRECINCT YOUTH OFFICER (Child's Permanent Resident Precinct) - If child is neglected, abused or maltreated.

c. EMERGENCY SERVICES UNIT - If cardio-pulmonary resuscitation (CPR) is administered by members of the service.

d. HARBOR UNIT - If person injured or killed in boating accident or person aided on an island inaccessible to a patrol precinct.

e. MISSING PERSONS SQUAD (MEDICAL EXAMINER'S LIAISON UNIT) - If person killed as a result of a bicycle accident NOT involving a motor vehicle.

f. HIGHWAY DISTRICT (ACCIDENT INVESTIGATION SQUAD) - If person killed or seriously injured and likely to die as a result of a bicycle accident NOT involving a motor vehicle.

g. UNIT CONCERNED - If directed by Patrol Guide, or other directive, forward duplicate copy of O.L.A.S. Aided Report to unit concerned.

[I.O. 37 s 04] Note: All duplicate 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.

DESK OFFICER

7. Review O.L.A.S. Aided Report by ensuring that all required captions are complete and accurate.

8. Enter tax registry number into FINEST or Local Area Network (LAN) terminal if O.L.A.S. Aided Report properly prepared.

ADDITIONAL DATA

Once aided information is entered into the On Line Aided System (O.L.A.S.) through the FINEST or Local Area Network (LAN) terminals, aided numbers will be automatically and sequentially issued by the system for each precinct, and will be composed of:

a. A three (3) digit precinct number

b. A four (4) digit year number, and

c. A five (5) digit serial number.

If a number of persons are aided as a result of the same occurrence:

a. The first numbered O.L.A.S. Aided Report will describe the full details.

b. On each succeeding O.L.A.S. 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 O.L.A.S. Aided Report.)

c. Under "Details," make reference to the full name of the person on the O.L.A.S. Aided Report that describes the full details of incident.

Upon receipt of additional information relating to an aided case that has already been entered into the On Line Aided System, the uniformed member receiving additional information will prepare an AIDED REPORT WORKSHEET. The desk officer will review the new information, sign the WORKSHEET, and direct the command clerk to enter the new information into the On Line Aided System using the "Update" mode. Upon completion, the desk officer will perform a final review of the O.L.A.S. Aided Report in the On Line Aided System.

When AIDED REPORT WORKSHEET is prepared in other than precinct of occurrence, the desk officer/supervisory counterpart, command of report, will review and sign WORKSHEET and make telephone notification to precinct of occurrence. Command clerk/administrative counterpart, command of report, will enter information from the AIDED REPORT WORKSHEET into the On Line Aided System (O.L.A.S.) through the FINEST or the Local Area Network (LAN) terminal. The desk officer/supervisory counterpart, command of report, will ensure that a copy of the AIDED REPORT WORKSHEET is forwarded via facsimile to the desk officer, precinct of occurrence. The desk officer, precinct of occurrence will ensure that all required entries and notifications have been made and will perform the final review in the On Line Aided System (O.L.A.S.).

AIDED REPORT WORKSHEETS will be stored sequentially in the precinct concerned.

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

P.G. 216-03 Unidentified Persons

Date Effective: 01-01-00

PURPOSE

To record and initiate investigation of an unidentified person.

DEFINITION

UNIDENTIFIED PERSON - Subject of an aided/accident 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 (18) 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, e relatives or friends cannot be located.

PROCEDURE

Upon responding to the scene of an aided/accident 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/accident victim.
2. Accompany subject to hospital and obtain any information that may assist in identifying subject from hospital authorities.

NOTE: If aided/accident victim is deceased, comply with P.G. 218-28, "Safeguarding Property of Deceased Persons."

3. Make ACTIVITY LOG (PD112-145) entry of incident and include an accurate description of subject and clothing worn.
4. Prepare AIDED REPORT WORKSHEET (PD304-152b) or Police Accident Report (MV104AN), as appropriate, one (1) 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").

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.

b. Examine documents/property removed from aided/accident victim or from residence, e.g., personal papers, wills, bankbooks, insurance policies, etc.

c. Make any other reasonable effort to identify aided/accident 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 On Line Complaint 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/accident victim is at least seven (7) but less than sixteen (16) years of age prepare JUVENILE REPORT (PD377-151) and assign precinct serial number.

12. Review, sign and forward MISSING/UNIDENTIFIED PERSON REPORT, AIDED REPORT WORKSHEET, Police Accident Report and JUVENILE REPORT, if prepared, as per instructions on the form.

YOUTH OFFICER

13. Process all JUVENILE REPORTS prepared for unidentified aided/accident victims and provide assistance to precinct detective squad.

ASSIGNED DETECTIVE

14. Forward COMPLAINT FOLLOW-UP (PD313-081) within three (3) 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

Juvenile Report (P.G. 215-08)

Aided Cases - General Procedure (P.G. 216-01)

Preparation of Aided Report Worksheet (P.G. 216-02)

Dead Human Body (P.G. 216-04)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

COMPLAINT FOLLOW-UP (PD313-081)
COMPLAINT REPORT WORKSHEET (PD313-152A)
JUVENILE REPORT (PD377-151)
MISSING/UNIDENTIFIED PERSON (PD336-151)
Police Accident Report (MV104AN)

P.G. 216-04 Dead Human Body General Procedures

Date Effective: 01-01-00

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 WORKSHEET (PD304-152b)

(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 (1) 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 "accident technicians" or "accident investigators"
- f. Member of Emergency Service Unit, if body is on train tracks or in subway tunnel.

NOTE: Make ACTIVITY LOG (PD112-145) entry identifying all persons entering crime scene.

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 WORKSHEET 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 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.

20. Direct member searching body to safeguard property.

21. Examine reporting officer's ACTIVITY LOG entries and certify accuracy by signing rank and name.

22. Make appropriate ACTIVITY LOG entry.

DESK OFFICER

23. Direct command clerk to prepare COMPLAINT REPORT (PD313-152) from WORKSHEET by entering information in On Line Complaint System.

a. Ensure serial number is obtained from On Line Complaint 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 on On Line Complaint System, obtain a new serial number, and comply with P.G. 217-03, "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 (2) 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 Persons (P.G. 218-28)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

COMPLAINT REPORT (PD313-152)

COMPLAINT REPORT WORKSHEET (PD313-152A)

IDENTIFICATION TAG (PD317-091)

MISSING/UNIDENTIFIED PERSONS REPORT (PD336-151)

Police Accident Report (MV104AN)

P.G. 216-05 Mentally Ill Or Emotionally Disturbed Persons

Date Effective: 05-19-00

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, necessary force may be used to prevent serious physical injury or death. Physical force will be used ONLY to the extent necessary to restrain the subject until delivered to a hospital or detention facility. Deadly physical force will be used ONLY as a last resort to protect the life of the uniformed member of the service assigned or any other person present. If the emotionally disturbed person is armed or violent, no attempt will be made to take the EDP into custody without the specific direction of a supervisor unless there is an immediate threat of physical harm to the EDP or others are present. If an EDP is not immediately dangerous, the person should be contained until assistance arrives. If the EDP is unarmed, not violent and willing to leave voluntarily, a uniformed member of the service may take such person into custody. 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.

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 twenty (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. Upon arrival at scene, assess situation as to threat of immediate serious physical injury to EDP, other persons present, or members of the service. Take cover, utilize protective shield if available and request additional personnel, if necessary.

a. If emotionally disturbed person's actions constitute immediate threat of serious physical injury or death to himself or others:

(1) Take reasonable measures to terminate or prevent such behavior. Deadly physical force will be used only as a last resort to protect the life of persons or officers present.

NOTE: Damaging of property would not necessarily constitute an immediate threat of serious physical injury or death.

b. If EDP is unarmed, not violent and is willing to leave voluntarily:

(1) EDP may be taken into custody without the specific direction of a supervisor.

c. In all other cases, if EDP's actions do not constitute an immediate threat of serious physical injury or death to himself or others:

(1) Attempt to isolate and contain the EDP while maintaining a zone of safety until arrival of patrol supervisor and Emergency Service Unit personnel.

(2) Do not attempt to take EDP into custody without the specific direction of a supervisor.

2. Request ambulance, if one has not already been dispatched.

a. Ascertain if patrol supervisor is responding, and, if not, request response.

NOTE: Communications Section will automatically direct the patrol supervisor and Emergency Service Unit to respond to scene in such cases. Patrol supervisors' vehicles are equipped with non-lethal devices to assist in the containment and control of EDP's, and will be used at the supervisor's direction, if necessary.

3. Establish police lines.

4. Take EDP into custody if EDP is unarmed, not violent and willing to leave voluntarily.

PATROL SUPERVISOR

5. Verify that Emergency Service Unit is responding, if required.

a. Cancel response of Emergency Service Unit if services not required.

6. Direct uniformed members of the service to take EDP into custody if unarmed, not violent, and willing to leave voluntarily.

NOTE: When aided is safeguarded and restrained comply with steps 25 to 32 inclusive.

WHEN AIDED IS ISOLATED/CONTAINED BUT WILL NOT LEAVE VOLUNTARILY:

PATROL SUPERVISOR

7. Establish firearms control.

a. Direct members concerned not to use their firearms or use any other deadly physical force unless their lives or the life of another is in imminent danger.

8. Deploy protective devices (shields, etc.).

a. Employ non-lethal devices to ensure the safety of all present (see "ADDITIONAL DATA" statement).

9. Comply with provisions of P.G. 212-38, "Hostage/Barricaded Person(s)," where appropriate.

10. Establish police lines if not already done.

11. Request response of hostage negotiation team and coordinator through Communications Section.

12. Notify desk officer that hostage negotiation team and coordinator have been notified and request response of precinct commander/duty captain.

13. Request Emergency Service Unit on scene to have supervisor respond.

14. 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.

NOTE: The highest ranking uniformed police supervisor at the scene is in command and will coordinate police operations. If the mentally ill or EDP is contained and is believed to be armed or violent but due to containment poses no immediate threat of danger to any person, no additional action will be taken without the authorization of the commanding officer or duty captain at the scene.

EMERGENCY SERVICE UNIT SUPERVISOR

15. 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.

NOTE: The presence of a supervisor from any other police agency does not preclude the required response of the patrol supervisor.

16. Evaluate the need and ensure that sufficient Emergency Service Unit personnel and equipment are present at the scene to deal with the situation.

17. Verify that hostage negotiation team and coordinator are responding, when necessary.

18. Devise plans and tactics to deal with the situation, after conferral with ranking patrol supervisor on scene.

DESK OFFICER

19. Verify that precinct commander/duty captain has been notified and is responding.

20. Notify Operations Unit and patrol borough command of facts.

COMMANDING OFFICER/DUTY CAPTAIN

21. Assume command, including firearms control.

22. Confer with ranking Emergency Service Unit supervisor on scene and develop plans and tactics to be utilized.

23. Direct whatever further action is necessary, including use of negotiators.

24. Direct use of alternate means of restraint, if appropriate, according to circumstances (O.C. Spray, tear gas, baton, restraining equipment, taser electronic stun device, or stun device).

WHEN PERSON HAS BEEN RESTRAINED:

UNIFORMED MEMBER OF THE SERVICE

25. Remove property that is dangerous to life or will aid escape.

26. Have person removed to hospital in ambulance.

a. Restraining equipment including handcuffs may be used if patient is violent, resists, or upon direction of a physician examiner.

b. If unable to transport with reasonable restraint, ambulance attendant or doctor will request special ambulance.

c. When possible, a female patient being transported should be accompanied by another female or by an adult member of her immediate family.

27. Ride in body of ambulance with patient.

a. At least two (2) uniformed members of the service will safeguard if more than one (1) patient is being transported.

NOTE: If an ambulance is NOT available and the situation warrants, transport the EDP to the hospital by RMP if able to do so with reasonable restraint, at the direction of a supervisor. UNDER NO CIRCUMSTANCES WILL AN EDP BE TRANSPORTED TO A POLICE FACILITY.

28. Inform examining physician, upon arrival at hospital, of use of non-lethal restraining devices, if applicable.

29. Safeguard patient at hospital until examined by psychiatrist.

a. When entering psychiatric ward of hospital, unload revolver at Firearm Safety Station, if available (see P.G. 216-07, "Firearms Safety Stations At Psychiatric Wards And Admitting Areas").

30. Inform psychiatrist of circumstances which brought patient into police custody:

a. Inform relieving uniformed member of circumstances if safeguarding extends beyond expiration of tour.

b. Relieving uniformed member will inform psychiatrist of details.

31. Enter details in ACTIVITY LOG (PD112-145) and prepare AIDED REPORT WORKSHEET (PD304-152b).

a. Indicate on AIDED REPORT WORKSHEET, name of psychiatrist.

32. Deliver AIDED REPORT WORKSHEET to desk officer.

[Rev 1-00] ADDITIONAL DATA

Refer persons who voluntarily seek psychiatric treatment to proper facility.

Prior to interviewing a patient 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 patient 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 mentally ill or emotionally disturbed person from

a facility licensed or operated by the NYS 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.

Uniformed members of the service will also comply with this procedure upon direction of the Commissioner of Mental Health, Mental Retardation and Alcoholism Services or his/her designee.

[Rev 1-00] NYC DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND ALCOHOLISM SERVICES
MOBILE CRISIS OUTREACH TEAMS

The NYC Department of Mental Health, Mental Retardation and Alcoholism Services (DMH) has Mobile Crisis Outreach Teams which have the authority to evaluate and involuntarily remove a person to a hospital if such person appears to be mentally ill and is conducting him/herself in a manner which is likely to result in serious harm to the person or to others. If removal to a hospital is necessary, but the subject is unwilling to go, the Mobile Crisis Outreach Team will request this Department to respond. Upon arrival of police personnel, the Mobile Crisis Outreach Team member (physician or qualified mental health professional) will identify him/herself by presenting a DMH photo identification. The NYS Commissioner of Mental Health requires that the Mobile Crisis Outreach Team prepare form Mobile Crisis Outreach Team Authorization for Transport (OMH 482), prior to directing the involuntary transport of an individual. A copy of this form must be provided to responding officers, for attachment to the AIDED REPORT.

When directed to assist Mobile Crisis Outreach Teams, uniformed members will comply with all applicable portions of this procedure. The patrol supervisor will assume command and evaluate the condition of the aided. In addition, the patrol supervisor will determine whether the services of the Emergency Service Unit and the precinct commanding officer/duty captain are required. A uniformed member will assist in the transportation of the patient to the hospital and will ride in the body of the ambulance with the patient. All personal property, other than contraband, removed from persons will be safeguarded by Mobile Crisis Outreach Team members concerned. A uniformed member will remain with the patient until he/she is examined and is either released or admitted at the Psychiatric emergency room. All necessary forms will be prepared and all pertinent details of the incident will be recorded in the member's ACTIVITY LOG, including the name of the Mobile Crisis Outreach Team member who ordered the removal and the length of time the aided was in police custody.

USE OF NON-LETHAL DEVICES TO ASSIST IN RESTRAINING EMOTIONALLY DISTURBED PERSONS

Patrol supervisors or uniformed members of the service assigned to Emergency Service Unit may utilize a taser electronic stun device or stun device to assist in restraining EDP's, if necessary. The taser/stun device may be used:

- a. To restrain an EDP who is evincing behavior that might result in physical injury to himself or others, OR
- b. To restrain person(s) whom, through the use of drugs, alcohol or other mind-altering substances, are evincing behavior that might result in physical injury to himself or others.

Emergency Service Unit personnel will obtain the permission of the Emergency Service Unit supervisor prior to utilizing a taser/stun device, except in emergencies.

Patrol supervisor or Emergency Service Unit personnel using a taser/stun device will prepare a TASER/STUN DEVICE REPORT (PD304-150). It will be signed by the Emergency Service Unit supervisor/duty captain, as appropriate, and delivered to the precinct of occurrence.

The precinct commander/duty captain will conduct an investigation, prepare an UNUSUAL OCCURRENCE REPORT (PD370-152), attach a TASER/STUN DEVICE REPORT, and forward as per instructions on the TASER/STUN DEVICE REPORT form.

The Commanding Officer, Emergency Service Unit will have TASER/STUN DEVICE REPORTS maintained in a bound book.

NON-LETHAL RESTRAINING DEVICE/RESCUE EQUIPMENT REPORT will be prepared whenever restraining devices, such as a taser, stun gun, water canon, Velcro restraining straps, five (5) foot shield, four (4) foot shield, shepherd's crook or rescue equipment (sledge hammer, wrecking bar, come-along winch, etc.) are used by uniformed members of the service in the performance of duty.

NON-LETHAL RESTRAINING DEVICE/RESCUE EQUIPMENT REPORT will be prepared in addition to any other Department report required by the incident, including the TASER/STUN DEVICE REPORT.

The Commanding Officer, Investigation Review Section, will collate statistical information recorded on the REPORTS, and will forward a monthly report to the Office of the Chief of Department by the seventh (7th) business day of each month.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)
Mental Health Removal Orders (P.G. 216-06)
Unusual Occurrence Reports (P.G. 212-09)
Investigation Of Carjackings (P.G. 207-32)
Unlawful Evictions (P.G. 214-12)
Hostage/Barricaded Person(s) (P.G. 212-38)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
AIDED REPORT WORKSHEET (PD304-152b)
NON-LETHAL RESTRAINING DEVICE/RESCUE EQUIPMENT REPORT (PD320-150)
TASER/STUN DEVICE REPORT (PD304-150)
UNUSUAL OCCURRENCE REPORT (PD370-152)

P.G. 216-06 Mental Health Removal Orders

Date Effective: 01-01-00

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 of Mental Health, Mental Retardation and Alcoholism Services:

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 (1) hour, notify Operations Unit at (212) 374-5580.

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. 216-05, "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 ACTIVITY LOG (PD112-145) and prepare AIDED REPORT WORKSHEET (PD304-152b).

a. Indicate "Mental Health Removal Order," name of responding city psychiatrist and name of admitting psychiatrist under "Details" on AIDED REPORT WORKSHEET.

13. Deliver AIDED REPORT WORKSHEET 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 Mental Health, Mental Retardation and Alcoholism Services

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 judgment 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

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. 216-05)

Unlawful Evictions (P.G. 214-12)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

P.G. 216-07 Firearm Safety Stations At Psychiatric Wards And Admitting Areas

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) and prepare AIDED REPORT WORKSHEET (PD304-152b).
 - a. Indicate on AIDED REPORT WORKSHEET, 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. Deliver AIDED REPORT WORKSHEET 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.

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. 216-05)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
AIDED REPORT WORKSHEET (PD304-152b)

P.G. 216-08 Persons Overcome By Gas, Drugs, Or Other Poisonous Substances

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) entry of facts and time required notifications were made.
8. Prepare AIDED REPORT WORKSHEET (PD304-152b).
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 (PD521-161) 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.

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

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

COMPLAINT REPORT (PD313-152)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 216-09 Animal Bites

Date Effective: 01-01-00

PURPOSE

To determine the owner of an animal who has bitten, scratched, or abraded a human being, or who has caused contact between the animal's flesh, saliva, or other body fluid and the open wound or cut (or any broken skin), or mucous membranes (i.e., eyes, nose, or mouth) of a human being, and to provide for the observation of the animal involved.

PROCEDURE

Upon responding to a complaint which concerns an animal bite, scratch, abrasion, or contact between an animal's flesh, saliva or other body fluid and the open wound, or cut (or any broken skin) or mucous membranes (i.e., eyes, nose, or mouth) of a human, follow normal aided case procedures and in addition:

UNIFORMED MEMBER OF THE SERVICE

[Rev 03-02] 1. Comply with P.G. 219-17, "Use of Patrol Kits."

2. 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).

3. Ascertain owner of animal.

a. Obtain description of animal and attempt to locate for examination if owner is unknown.

b. If animal is located and owner is unknown, comply with P.G. 214-33, "Care and Disposition of Animals."

4. Prepare Report of Animal Bite (Department of Health Form AA48) and deliver to desk officer with AIDED REPORT WORKSHEET (PD304-152b).

COMMAND CLERK

5. Notify Department of Health by telephone at (212) 676-2129, if person has been bitten by any animal or scratched, abraded, or otherwise exposed to (i.e., the flesh, saliva, or other body fluid of the animal has come in contact with an open wound, cut, broken skin, eyes, nose, mouth or other mucous membranes) an animal other than a dog or cat.

DESK OFFICER

6. Review AIDED REPORT WORKSHEET and Report of Animal Bite.

7. Process AIDED REPORT WORKSHEET in accordance with P.G. 216-02, "Preparation of Aided Report Worksheet."

8. Forward Report of Animal Bite to Mail and Distribution Unit, One Police Plaza, Room S-74, in a white envelope addressed to:

New York City Department of Health
Veterinary Public Health Services
125 Worth Street - Box 66
New York, New York 10013
ATTN: Animal Bite Unit

9. Notify Department of Health by telephone if animal or owner is located after Report of Animal Bite has been forwarded.

a. Ensure that all supplementary information is recorded on AIDED REPORT WORKSHEET and entered in On Line Aided System.

ADDITIONAL DATA

Snakebite cases require a telephone notification to the Poison Control Center of the Department of Health. Enter notification on AIDED REPORT WORKSHEET.

In other than animal bite, injury, or exposure cases, the desk officer is required to notify the Department of Health of any animal of which he or 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. In addition, the desk officer must follow-up with a written report, on OFFICIAL LETTERHEAD (PD158-151), to the New York City Department of Health, Veterinary Public Health Services, 125 Worth Street, Box 66, New York, New York 10013, ATTN: Animal Bite Unit.

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 and the owner is unknown. 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 & Control of New York City (A.C.&C.) will be contacted for assistance with 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 suspect rabid animal is captured, the Animal Care & Control of New York City (A.C.&C.) must be notified of the location of capture, the primary reason the police were called, and the names and addresses of all persons or owned animals that were potentially exposed to the suspect rabid animal.

RELATED PROCEDURES

Care and Disposition of Animals (P.G. 214-33)

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

[Rev 03-02] Use of Patrol Kits (P.G. 219-17)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)

OFFICIAL LETTERHEAD (PD158-151)

Report of Animal Bite (AA48)

P.G. 216-10 Taxicab Drivers

Date Effective: 01-01-00

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)

P.G. 216-11 Communicable Disease

Date Effective: 01-01-00

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."
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."

RELATED PROCEDURES

Reporting Sick From Outside City And Outside Residence Counties (P.G. 205-05)
Exposure of Members of the Service to Infectious Diseases (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)

P.G. 216-12 School Crossing Guard Injured While Performing Duty

Date Effective: 01-01-00

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.

[I.O. 33 s 04] 4. Notify 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 (2) 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 (MV 104AN), 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 Employment Section during next business day and Operations Unit within twenty-four (24) 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 (2) copies of the Typed Letterhead with the two (2) copies of the Employee's Notice of Injury and the WITNESS STATEMENT - INJURY TO MEMBER OF THE DEPARTMENT, if any, to Deputy Director, Employment Section.

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 Employment Section 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 (48) 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)

General Procedure - Vehicle Accidents (P.G. 217-01)

Civilian Employee 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

Police Accident Report (MV 104AN)

Report to Employee Benefits Unit (Form E)

Supervisor's Report of Injury (Law Dept. Form 201)

Typed Letterhead

P.G. 216-13 Line Of Duty Injury Or Death - Auxiliary Police Officer

Date Effective: 01-01-00

PURPOSE

To report and record line of duty injuries and deaths of auxiliary police officers.

DEFINITION

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 (2) 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 accident 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.
- [I.O. 33 s 04] 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 others 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 (10) 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 (2) 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 Involved In An Accident (P.G. 217-06)
Unusual Occurrence Reports (P.G. 212-09)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152)
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
Police Accident Report (MV 104 AN)
Typed Letterhead

P.G. 216-14 Aided Cases On New York City Transit Trains

Date Effective: 01-01-00

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 (P.G. 216-04)

FORMS AND REPORTS
AIDED REPORT WORKSHEET (PD304-152b)

P.G. 216-15 Notifications

Date Effective: 01-01-00

PURPOSE

To ensure that relatives or friends are notified, where necessary, in aided and accident 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/accident victim is deceased or seriously injured and likely to die. Efforts should be made to have a relative, friend or neighbor present.

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.

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)
Aided Case Unidentified Persons (P.G. 216-03)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
MISSING/UNIDENTIFIED PERSON REPORT (PD336-151)
Police Accident Report (MV104AN)

P.G. 216-16 Suspicious Death Or Suicide In Department Of Correction Facility

Date Effective: 09-28-01

PUPROSE

To investigate suspicious deaths or suicides in Correction Department facilities.

PROCEDURE

When notified by Department of Correction of a suspicious death or suicide in 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 (1) 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)

P.G. 216-17 Involuntary Removals Pursuant To Mental Hygiene Law Section 9.60

Date Effective: 12-07-01

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 (2) or more licensed mental health clinicians designated by the New York City Department of Mental Health, Mental Retardation and Alcoholism Services. 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 (4) AOTs exist city-wide; they will provide coverage for all patrol boroughs (see "Additional Data" for locations and telephone/fax numbers.)

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 (4) above). Both the Court mandated and Kendra's Law removals will be handled cooperatively by the New York City Sheriffs Department

and the NYPD. The Sheriffs Department will effect all removals between 0900 and 2100 hours, Monday through Thursday and 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. 216-05, "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 (1) hour, notify both the borough command and the Operations Unit at (212) 374-5580.

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 an accident, etc.) Have precinct detective squad notified for the preparation of an INVESTIGATION CARD (PD373-161) (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, as well as the Transit Bureau Homeless Outreach Unit ([212] 791-2068/69/70/75) notified. Notify desk officer of actions taken and results.

PATROL SUPERVISOR

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 provision of P.G. 216-05, "Mentally Ill or Emotionally Disturbed Persons."

PATROL SUPERVISOR

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, "Firearms 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 ACTIVITY LOG (PD112-145).

16. Prepare AIDED REPORT WORKSHEET (PD304-152).

a. Enter "MHL Section 9.60 (Kendra's Law) Removal" and name of assigned clinician under "Details" section.

17. Deliver completed AIDED REPORT WORKSHEET 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.

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 Informational/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	BROOKLYN	QUEENS	MANHATTAN
Bronx Lebanon	Brookdale	Elmhurst	Bellevue
Jacobi	Coney Island	Holliswood	Beth Israel
Lincoln	Interfaith	Jamaica	Cabrini
Montefiore	Kings County	Long Island Jewish	Harlem
North Central Bronx	Kingsbrook	Queens Hospital	Metropolitan
Our Lady of Mercy	Jewish	Center Hospital	Mt. Sinai
St. Barnabas	Long Island	Network	N.Y. Hospital/ Cornell
	College	St. John's	North General
	Lutheran		Columbia
	Maimonides		Presbyterian
	Woodhull		St. Lukes
			Roosevelt
			St. Vincent's

STATEN ISLAND
Bayley Seton
North Richmond
Staten Island University
St. Vincent's

LOCATIONS, TELEPHONE/FAX NUMBERS OF AOT TEAMS

AOT TEAMS	TELEPHONE/FAX
Bellevue Hospital (Manhattan)	Tel.: (212) 562-4073 Fax: (212) 562-4556
North Central Bronx Hospital (Bronx)	Tel.: (718) 519-2475 Fax: (718) 519-4877
Woodhull Hospital (Brooklyn and Staten Island)	Tel.: (718) 963-5744 Fax: (718) 630-3159
Elmhurst Hospital (Queens)	Tel.: (718) 334-3547 Fax: (718) 334-1041

RELATED PROCEDURES

Aided Cases-General Procedure (P.G. 216-01)
Mentally Ill or Emotionally Disturbed Persons (P.G. 216-05)
Mental Health Removal Order (P.G. 216-06)
Hostage/Barricaded Person (s) (P.G. 212-38)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

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 Section 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 _____
-----x

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 refuse 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 _____

P.G. 216-18 Child Window Fall Report

Date Effective: 10-29-04

PURPOSE

To notify the Department of Health within twenty-four (24) hours when a child less than seventeen (17) years of age falls from the window of any building, regardless of whether injury or death results.

DEFINITION

BUILDING - Structures as indicated on the Child Window Fall Report caption, "Type Of Building."

PROCEDURE

When responding to an incident involving a child falling from a window:

UNIFORMED MEMBER OF THE SERVICE

1. Follow P.G. 216-01, "Aided Cases - General Procedure."
2. Prepare Department of Health form, Child Window Fall Report.
 - a. Immediately fax copy of Report to the Department of Health at (212) 442-2629 or (212) 676-1608.
 - 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 (212) 676-2162.

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 inquires regarding the Window Fall Prevention Program may be referred to the Department of Health at (212) 676-2162 or (212) 676-2158 (24-hour number).

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

FORMS AND REPORTS

AIDED REPORT WORKSHEET (PD304-152b)
Child Window Fall Report
Vehicle Accidents

P.G. 217-01 Vehicle Accidents - General Procedure

Date Effective: 04-25-03

PURPOSE

To record and determine the cause of each vehicle accident and take or recommend corrective action.

DEFINITIONS

VEHICLE ACCIDENT - An accident 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. A truck, tractor, truck-trailer or tractor-trailer having at least six (6) tires in contact with the road surface
- b. Any vehicle displaying a hazardous materials placard
- c. Any vehicle, including a bus, with seating for fifteen (15) or more passengers, in addition to the driver.

PROCEDURE

Upon notification or observation of a vehicle accident:

UNIFORMED MEMBER OF THE SERVICE

1. Park radio motor patrol car behind vehicles involved, so that traffic will not be impeded.
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.
3. Divert traffic, if necessary.
 - a. Use traffic cones, turret lights and danger signs, whenever available.
 - b. Place the first cone at least two hundred (200) feet from the accident on high-speed highways, bridges, etc.
4. Obtain the driver's license, vehicle registration, and insurance identification card.
 - 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
 - d. Certain farm vehicles.
5. Have vehicles removed from roadway as soon as practical.
 6. Determine the cause of the accident by inquiry and observation.
 7. Survey the scene carefully and be alert for common insurance fraud indicators (see ADDITIONAL DATA statement).
 8. Take summary action, if necessary.
 9. Prepare top portion of ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY (PD301-092), enter address of command of occurrence and give to operators.

- a. Advise operator, if incapacitated, that another participant in the accident, or the owner of the vehicle, must complete the ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY form.

NOTE: If no other participant is available to complete the ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY form, then it will be prepared by a unformed member on the scene.

10. Prepare one (1) copy of Police Accident Report (MV104AN).
11. Complete all relevant captions legibly, 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).
 - 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.
 - 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."
12. Obtain the vehicle identification numbers (VIN) from the dashboard and door of each vehicle involved in the accident.

- a. Ensure that they match.
- b. List VIN in the "Accident Description/Officer's Notes" caption of the Police Accident Report.

NOTE: If injury is involved, include statement on Police Accident Report as to whether the airbag inflated and deployed, if applicable.

13. Prepare one (1) copy of Truck and Bus Supplemental Police Accident Report (MV104S) if at least one (1) vehicle involved is a qualifying vehicle and the accident resulted in one (1) of the following "conditions of severity" for any person or any vehicle involved:

- a. At least one (1) person killed

b. At least one (1) person injured severely enough to require transportation from the scene for immediate medical attention

c. At least one (1) vehicle needed intervening assistance due to an event which required that the vehicle be moved, uprighted, or otherwise assisted by emergency equipment (other than for a flat tire).

NOTE: If an accident involved a qualifying vehicle and a "condition of severity," as described above, a MV104S must be prepared for each qualifying vehicle and attached to the corresponding Police Accident Report.

14. 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 licensed by Department of Consumer Affairs is involved in accident.

b. New York City Department of Transportation - if accident 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 accident 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 Persons Squad (Medical Examiner's Liaison Unit) - person killed in accident.

e. Highway District (Accident Investigation Squad) - person killed in accident.

NOTE: Subdivision "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 accident 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. Board of Education, Office of Pupil Transportation - vehicle accident 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.

i. Office of Comptroller - all accidents where City is involved.

15. Inform person(s) involved in accident that copy of Police Accident Report may be obtained at precinct of occurrence:

a. In person, within thirty (30) days of the accident, along with a ten dollar (\$10.00) fee (check or money order only) for each request. A current, valid form of picture identification (driver's license, passport, etc.) is required.

b. By mail request, when received within thirty (30) days of accident, with a ten dollar (\$10.00) check or money order and a self-addressed stamped envelope.

NOTE: Any mail request not accompanied by a photocopy of a current, valid form of picture identification, i.e. driver's license, passport, etc. will be returned.

16. Sign and deliver the Police Accident Reports to the desk officer, precinct of occurrence.

NOTE: The uniformed member of the service preparing the Police Accident Report will deliver the Report to the desk officer, precinct of occurrence, regardless of the member's assignment.

17. Make complete ACTIVITY LOG (PD112-145) entry.

COMMAND CLERK

[I.O. 14 s 04] 18. Make required entries in the Automated Accident Index utilizing FINEST or Local Area Network (LAN) terminals for Police Accident Reports prepared during the tour.

NOTE: Accident numbers are automatically and sequentially issued by the system for each precinct and are composed of a ten (10) digit number consisting of

- a. A three (3) digit precinct number
- b. A two (2) digit year number, and
- c. A five (5) digit serial number.

DESK OFFICER

[I.O. 14 s 04] 19. Review all Police Accident Reports for accidents occurring in the command and ensure that required entries are made in the Automated Accident Index on each tour.

NOTE: The desk officer WILL NOT accept Police Accident Reports for accidents occurring in another command. The uniformed member of the service submitting the Report will be directed to hand deliver it to the desk officer, command of occurrence.

20. Forward to precinct traffic safety officer.

TRAFFIC SAFETY OFFICER

21. Review and sign all Police Accident Reports.

a. In absence of traffic safety officer, a uniformed member of the service, authorized by the commanding officer, will review and sign Police Accident Reports.

22. Forward copies marked "Duplicate Copies For" to appropriate agency.

[I.O. 37 s 04] 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.

23. Duplicate and forward accident reports, on a daily basis, to the Highway Unit concerned for accidents occurring on limited access highways.

24. Fax copy of all POLICE ACCIDENT REPORTS involving a "crossover" accident to the Corporation Counsel and the Highway District.

25. Provide to the desk officer for review a daily recapitulation of all accident numbers generated for a given command.

26. Photocopy all completed Police Accident Reports.

27. Maintain a file of completed photocopied Police Accident Reports:

- a. By the month in which the accident occurs
- b. For a minimum of one year.
- c. In a secure locked cabinet.

28. Place original Police Accident Reports for an entire month in an envelope and address the envelope as follows:

a. Accidents NOT involving a fatality and NOT requiring the preparation of a Truck and Bus Supplemental Police Accident Report:

New York State Department of Motor Vehicles
Accident Records Bureau
P.O. Box 2605
Albany, New York 12220-0605

b. Accidents involving a fatality OR accidents requiring the preparation of a Truck and Bus Supplemental Police Accident Report:

New York State Department of Motor Vehicles
Accident Records Bureau
P.O. Box 2084
Albany, New York 12220-2084

- c. Forward envelopes to the Mail and Distribution Unit.

MAIL AND DISTRIBUTION UNIT MEMBER

29. Forward original Police Accident Reports received to the New York State Department of Motor Vehicles thirty (30) to sixty (60) days from the accident. Accordingly, all accidents occurring in the month of January will be forwarded March 1st, all accidents occurring in the month of February will be forwarded April 1st, etc.

ADDITIONAL DATA

COMMON INSURANCE FRAUD INDICATORS

a. Minor accident/low impact collision yet all vehicle occupants are claiming injuries

b. The injured passengers are not acquainted with the driver and/or each other

c. Older model vehicles involved in accident with multiple vehicle occupants claiming injuries

d. No debris at the scene but there is nevertheless significant damage to the vehicle(s), indicating that the accident/damage took place elsewhere

e. The driver's description of the accident does not coincide with the damage to the vehicles

f. Differing accounts of the accident are given by the driver and passengers

g. The vehicle driver is eager to assume blame for the accident

h. A post office box is used as an address by the driver, injured occupants and or witnesses.

Include such fraud indicator information in the "Accident Description/Officer's Notes" caption of the Police Accident Report (MV104AN). In addition, when fraud is suspected, notify the Intelligence Division at (718) 765-4300 (24-hour number) and provide all pertinent information. The Intelligence Division analyst will forward the information received to the Special Frauds Squad for review. Special Frauds will transmit this information to the National Insurance Crime Bureau (NICB) where it will be disseminated to the appropriate insurance company investigators. If criminality is established the case can then be referred to the Special Frauds Squad or the Auto Crime Division for investigation. In the Borough of Brooklyn the case will be referred to the Fraudulent Accident Identification Squad for investigation (718) 875-6287.

Prepare Police Accident Report in any vehicle accident case when the City is involved or an animal (horse, dog, domestic cattle, etc.) is killed or injured.

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 ACTIVITY LOG (PD112-145) 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.

[I.O. 13 s 04] A REQUEST FOR COPY OF AIDED RECORD (PD304-161) or REQUEST FOR COPY OF ACCIDENT RECORD (PD301-165), as appropriate, will be given to concerned person upon request at any precinct stationhouse or at the Public Inquiry and Request Section.

A personal injury bicycle accident, NOT involving a motor vehicle, is reported on an AIDED REPORT WORKSHEET (PD304-152b).

New York City Transit's Department of Buses Command Center is notified by direct call ([718] 927-7777) if an accident involves an MTA bus.

If accident 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.

RELATED PROCEDURES

Forwarding of Fees to Audit and Accounts Section (P.G. 212-82)

Aided Cases General Procedure (P.G. 216-01)

Unidentified Persons (P.G. 216-03)

Accidents - City Involved (P.G. 217-04)

Department Vehicle Accidents (P.G. 217-06)

Private Vehicle Authorized For Police Use-Involved in An Accident (P.G. 217-07)

FORMS AND REPORTS

ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY (PD301-092)

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152b)

IDENTIFICATION TAG (PD317-091)

[I.O.13 s 04] REQUEST FOR COPY OF AIDED RECORD (PD304-161)

[I.O.13 s 04] REQUEST FOR COPY OF ACCIDENT RECORD (PD301-165)

Police Accident Report (MV104AN)
Truck and Bus Supplemental Police Accident Report (MV104S)

P.G. 217-02 Vehicle Accidents Which Result In Death Or Serious Injury And Likely To Die

Date Effective: 01-01-00

PURPOSE

To investigate vehicle accidents in which death has occurred or is likely to occur, and to present facts to the District Attorney.

PROCEDURE

After responding to a vehicular accident in which a fatality has occurred or is likely to occur, follow normal accident procedure and, in addition:

UNIFORMED MEMBER OF THE SERVICE

1. Detain drivers, occupants, vehicles involved and witnesses.

NOTE: In accordance with Vehicle and Traffic Law, Section 1194.1.(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. This request shall be made automatically of the operators of all vehicles involved in motor vehicle accidents in which a death has occurred or is likely to occur unless:

a. A vehicle operator must be removed from the scene for immediate medical attention, or

b. Directed otherwise by a supervisor on the scene.

Uniformed members of the service shall ensure that all operators involved in fatal or likely to be fatal vehicle accidents remain at the scene pending the administration of the field breath test by a member of the Highway Unit.

2. Obtain name, address, home and business telephone numbers of any person who must leave the scene.

3. Request patrol supervisor, precinct detective squad and Highway Unit, Accident Investigation Squad to respond.

4. Notify desk officer.

5. Notify Operations Unit, if perishable merchandise or current newspapers are involved.

6. DO NOT disturb accident scene unnecessarily.

a. Mark position of vehicle and/or injured person with chalk, if person/vehicle must be moved.

7. Make ACTIVITY LOG (PD112-145) entry.

8. Prepare required reports and deliver to desk officer.

PRECINCT DETECTIVE SQUAD MEMBER(S)

9. Interview witnesses and secure the crime scene pending arrival of the Highway Unit, Accident Investigation Squad.

HIGHWAY UNIT INVESTIGATOR

10. Conduct investigation, take measurements and photos and prepare diagram of scene.
11. Prepare MOTOR VEHICLE ACCIDENT AND MECHANISM REPORT (PD301-151).
12. Prepare WITNESS STATEMENT - VEHICLE ACCIDENT (PD301-061).
13. Deliver reports to Highway Unit concerned.

NOTE: A personal injury bicycle accident, not involving a motor vehicle (i.e., bicycle only or bicycle-pedestrian) which results or is likely to result in death will also be investigated by a Highway Unit officer and recorded as an aided case on AIDED REPORT WORKSHEET (PD304-152b).

DESK OFFICER PRECINCT OF OCCURRENCE

14. Have a separate COMPLAINT REPORT (PD313-152) prepared for each person killed or likely to die as a result of the accident.

a. Classify COMPLAINT REPORT either "Case Open-Investigate Motor Vehicle Accident/Fatal," or "Case Open-Investigate Motor Vehicle Accident/Likely to be Fatal," as appropriate.

15. Record as "Referred to Accident Investigation Squad" and forward copies of COMPLAINT REPORT as indicated on the form.

ASSIGNED MEMBER, ACCIDENT INVESTIGATION SQUAD

16. Forward MOTOR VEHICLE ACCIDENT AND MECHANISM REPORT and WITNESS STATEMENT - VEHICLE ACCIDENT to Highway District.

ADDITIONAL DATA

A designated member of the Accident 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 accident (COMPLAINT REPORT was NOT prepared) has died as a result of the accident, 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 Highway Unit concerned. Additionally, the Highway Unit concerned will also be notified by telephone.

RELATED PROCEDURES

Aided Cases - General Procedure (P.G. 216-01)

Vehicle Accidents - General Procedure (P.G. 217-01)

Vehicle Accidents Which Result In Death or Serious Injury. Likely To Die - Mechanical Defect Involved (P.G. 217-03)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

AIDED REPORT WORKSHEET (PD304-152[b])

COMPLAINT REPORT (PD313-152)

MOTOR VEHICLE ACCIDENT AND MECHANISM REPORT (PD301-151)

WITNESS STATEMENT - VEHICLE ACCIDENT (PD301-061)

Police Accident Report (MV104AN)

P.G. 217-03 Vehicle Accidents Which Result In Death Or Serious Injury And Likely To Die - Mechanical Defect Involved

Date Effective: 01-01-00

PURPOSE

To examine a vehicle involved in an accident which has resulted or is likely to result in death in order to ascertain if the vehicle is mechanically defective.

PROCEDURE

When a vehicle has been involved in an accident that has resulted or is likely to result in a fatality, and either the operator indicates or Highway Unit personnel suspect that the vehicle has a mechanical defect:

HIGHWAY UNIT OFFICER

1. Prepare MOTOR VEHICLE ACCIDENT AND MECHANISM REPORT (PD301-151).
 - a. Prepare WITNESS STATEMENT-VEHICLE ACCIDENT (PD301-061), if appropriate.
2. Report facts to desk officer, precinct of occurrence, and to assigned member of Accident Investigation Squad.

UNIFORMED MEMBER OF THE SERVICE

3. Summon Department tow truck and have vehicle removed to Department facility.
4. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a).

DESK OFFICER, PRECINCT OF OCCURRENCE

5. 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 accident.
6. Make reference to Command Log entry on Police Accident Report (MV104AN).
7. Have PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) prepared from WORKSHEET, review and sign.

DESK OFFICER/SUPERVISING MEMBER AT DEPARTMENT FACILITY

8. Do not permit removal of vehicle if required as evidence or until the defect has been corrected.
9. Obtain signed statement from person correcting mechanical defect and file in Property Receipt Book.
10. 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 Accidents - General Procedure (P.G. 217-01)

Vehicle Accidents Which Result In Death or Serious Injury and Likely to Die (P.G. 217-02)

FORMS AND REPORTS

MOTOR VEHICLE ACCIDENT AND MECHANISM REPORT (PD301-151)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a)
WITNESS STATEMENT-VEHICLE ACCIDENT (PD301-061)
Police Accident Report (MV104AN)

P.G. 217-04 Accidents - City Involved

REVISION: 00 - 04

Date Effective: 09-22-00

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:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare Police Accident Report (MV104AN), if vehicle accident 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 (90) days.
4. Submit REPORTS to desk officer.

DESK OFFICER

5. Review and sign REPORTS.
6. Direct command clerk to enter information from AIDED REPORT WORKSHEET in OLAS via FINEST or LAN terminal.
7. Forward:
 - a. Police Accident Report in normal manner
 - b. ACCIDENT REPORT - CITY INVOLVED as per instructions on form.
 - (1) Determine City agency involved as indicated below:

NOTE: If Police Department is the ONLY agency involved, dispose of buff agency copy.

CONDITION	AGENCY
Traffic signs, stanchions, signal lights, etc.	* Department of Transportation
Property damage on roadway under	* Department of Parks.

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.

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.

* Dept. 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 Accident

* Board 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

It is not unusual for claims to arise in favor of the City in certain accidents. It is the policy of the City to pursue such claims. Members of the service at the scene of all accident 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)

P.G. 217-05 Leaving The Scene

Date Effective: 01-01-00

PURPOSE

To investigate reports of leaving the scene of accidents.

PROCEDURE

Upon arrival at scene of vehicle accident 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 Accidents - General" and:

UNIFORMED MEMBER OF THE SERVICE

1. Prepare COMPLAINT REPORT WORKSHEET (PD313-152A).

NOTE: A COMPLAINT REPORT is not required if the operator of a vehicle that left the scene of an accident (PROPERTY DAMAGE ONLY) is apprehended and issued a summons for the traffic offense (leaving the scene of accident without reporting) prior to the preparation of a COMPLAINT REPORT.

IF NEW YORK REGISTRATION NUMBER IS OBTAINED

2. Query NYSPIN through the FINEST system to determine if vehicle is reported stolen.

NOTE: DO NOT give complainant hard copy. Provide information by utilizing ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY (PD301-092).

3. Obtain name and address of registered owner.
4. Give information to complainant.

IF VEHICLE REGISTERED IN ANOTHER STATE

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.

NOTE: 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

In PROPERTY DAMAGE ONLY cases, a summons returnable to Motor Vehicle Adjudication Bureau may be served even though the member did not observe the offense (See Vehicle and Traffic Law, Section 602).

RELATED PROCEDURES

General Procedure - Vehicle Accidents (P.G. 217-01)

Vehicle Accidents Which Result in Death Or Serious Injury/Likely to Die (P.G. 217-02)

Summons - Conditions of Service (P.G. 209-01)

FORMS AND REPORTS

ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGEMENT OF FOUND PROPERTY
(PD301-092)

COMPLAINT REPORT WORKSHEET (PD313-152A)

P.G. 217-06 Department Vehicle Accidents

Interim Order 37 Issued 07-15-04 Suspends Patrol Guide 217-06

PURPOSE

To record and determine the causes of accidents involving Department vehicles, including vehicles leased or rented by the Department, and recommend corrective action.

PROCEDURE

When a Department vehicle is involved in an accident:

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 of such member's command, if available, will perform the tasks of the patrol supervisor. If the accident involves death, or serious injury to anyone, the precinct commander/duty captain will be the investigating supervisor. IN ALL CASES, THE FINAL AGENCY DETERMINATION WILL BE MADE BY THE COMMANDING OFFICER OF THE PRECINCT OF OCCURRENCE.

4. Prepare Report of Motor Vehicle Accident (MV104) 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 which are at fault in Department vehicle accidents. Details concerning the cause of the accident 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 OPERATORS OF DEPARTMENT VEHICLES.

PATROL SUPERVISOR, PRECINCT OF OCCURRENCE

5. Respond to scene.
6. Conduct investigation and interview person's involved/witnesses.
 - a. When accident involves death or serious injury, request persons involved/witnesses to remain pending arrival of precinct commander/duty captain.
7. Notify desk officer and request response of precinct commander/duty captain, as necessary.

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 at (718) 760-7609, Monday through Friday, 0700 hours to 1600 hours, within one (1) hour of the incident. All other times, contact the Medical Division Sick Desk at (718) 760-7606.

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.

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.

9. Prepare Police Accident Report (MV104AN) in quadruplicate.

a. If injury is involved, include statement on Police Accident Report as to whether the airbag inflated and deployed, if applicable.

b. Indicate if accident occurred when responding to an emergency. If so, state what warning devices were being used, e.g., siren, dome light, etc.

c. Enter member's command and address of that command under caption "Operator's Address."

d. Print in large letters or type "POLICE INVOLVED" at top of form under caption "Police Accident Report."

e. Have two (2) sets of Polaroid photographs taken of all Department vehicle accidents showing damage to all vehicles involved. If accident involves death or injury, photographs will be taken at scene, if possible.

(1) Photographs will be secured in a Jewelry Security Envelope.

NOTE: When completing Police Accident Report fill in each numbered box with the proper entry as determined from the corresponding code list on the cover sheet. If question does not apply, enter "dash" (-). If proper entry for any question is unknown, enter an "X" in the corresponding box.

10. Prepare and sign Report of Motor Vehicle Accident, Police Line of Duty Accident (MV-104L).

a. Attach completed form to Police Accident Report prior to forwarding.

NOTE: Failure to report an accident by forwarding a MV104L to the Commissioner of Motor Vehicles is a misdemeanor and shall constitute grounds for the suspension or revocation of the member's driver's license.

11. Deliver one (1) completed copy of Police Accident Report to operator of Department vehicle involved in accident.

DESK OFFICER, PRECINCT OF OCCURRENCE

12. Notify patrol borough command of accident AND:

a. Request response of duty captain, if death or serious injury is involved and precinct commanding officer is not available.

b. Enter notification and borough accident number obtained in Telephone Record.

MEMBER ON DUTY, PATROL BOROUGH OFFICE

13. Record in Borough Department Vehicle Accident Log:

a. Date, time, precinct of occurrence, location, borough accident #, rank, name and command of supervisor preparing Police Accident Report.

14. FAX consolidated daily Department Vehicle Accident reporting forms directly to the Personnel Safety Desk at (718) 760-7598.

a. Commanding officers will ensure that these reports are submitted no later than 0700 hours each day.

15. Notify the precinct commander/duty captain to respond to scene of accident, if death or serious injury is involved.

a. If precinct commander/duty captain is unable to respond notify available captain (or above) performing duty in borough.

PRECINCT COMMANDER/DUTY CAPTAIN

16. Respond to scene of accident, if death or serious injury involved, conduct investigation, and review actions taken by patrol supervisor.

NOTE: Determine justification of summons, if issued. If not justified, follow P.G. 209-18, "Summons Served Or Prepared In Error."

17. Interview all persons involved in accident and witnesses.

18. Prepare Part A of ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE (PD 301-153), personally.

19. Make a preliminary determination as to the cause of the accident and record on ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.

a. Consider the actions taken by both the operator and recorder in determining cause of accident.

NOTE: If preliminary investigation reveals that Department vehicle operator was at fault, a statement describing member's fault shall be included in the ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE. Any action taken by the recorder or omitted actions, will also be noted.

20. Ensure that cause(s) of accident is correctly identified and recorded on both the Police Accident Report and ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.

21. Sign the completed ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE and deliver to desk officer, precinct of occurrence.

NOTE: If vehicle accident does not involve a death or serious injury, steps 17 through 21 will be performed by the patrol supervisor, precinct of occurrence/operator's immediate supervisor.

22. Review the Police Accident Report prepared by the patrol supervisor.

a. If accident involves death or injury, record under caption "Accident Description/Officer's Notes" reviewed by name, rank, command, and sign.

DESK OFFICER, PRECINCT OF OCCURRENCE

23. Notify patrol borough office of name, rank and command of supervisor who prepared the ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.

24. Notify Fleet Services Division at (718) 476-5665, and obtain Police Accident Serial Number.

25. Enter serial number assigned prefaced by caption "Police Accident Serial Number," at top of Police Accident Report.

a. Enter serial number in designated box on ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.

26. FAX both sides of the Police Accident Report, Report of Motor Vehicle Accident, Police Line of Duty Accident, and ACCIDENT 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 at (718) 760-7598, twenty four (24) hours a day. No coversheet is necessary.

a. During business hours (0700 x 1830 hours), desk officers will confirm receipt by calling the Personnel Safety Desk at (718) 760-7645/6. If the transmission of reports cannot be completed, a photocopy of the reports will be left for the relieving desk officer to FAX on the next tour. Commands with inoperative FAX machines will utilize a FAX machine in the closest Department facility. It will be the desk officer's responsibility to ensure that this information is expeditiously FAXED to the Personnel Safety Desk on the same tour in which the accident occurred, if possible. Desk officers will ensure, prior to FAXING, that the aforementioned reports are completed in a legible and accurate manner.

27. 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.

28. Send Department vehicle involved in accident (even if no apparent damage) to borough service station with copy of Police Accident Report and set of accident 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.

29. Attach copy of Police Accident Report to ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE and forward to precinct commander, with photographs, for endorsement.

30. Forward original copy of Police Accident Report to Traffic Safety Officer for review and processing.

PRECINCT EXECUTIVE OFFICER

31. Convene a Precinct Vehicle Accident Safety Review Board within twenty (20) days of a vehicle accident and review accident report, photographs, and any related reports prepared.

a. Have the Personnel Safety Desk contacted at (718) 760-7645/6 to ascertain the number of Department vehicle accidents 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.

32. Indicate Precinct Vehicle Accident Safety Review Board recommendation by completing Part B of ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.

NOTE: If the precinct executive officer is unavailable, the precinct commander shall be the chairperson of the board. Factors that led to determination and explanation of delays if board is not convened within 20 days of accident will be the subject of TRAFFICSTAT meetings.

PRECINCT COMMANDER

33. Ensure that the Precinct Accident Safety Review Board process was conducted properly and in a timely fashion, and complete Part C of ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE, indicating Approval/Disapproval of the precinct executive officer's recommendation.

34. Endorse all reports.

a. Forward white copy of ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE, with photographs, copy of Police Accident Report, and any related reports, to Personnel Safety Desk within thirty (30) days of accident.

b. Forward buff copy of ACCIDENT 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 ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE in operator's Personal Folder.

NOTE: The commanding officer of the member concerned must review the ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE, prior to having it filed in the operators personnel folder.

d. File copies of all reports prepared at precinct, in chronological order, under the heading "Department Vehicle Accidents."

NOTE: All Department vehicle accident cases, regardless of the command of the operator, will be heard at the precinct of occurrence by the Precinct Vehicle Accident Safety Review Board. In cases where the Department vehicle accident involved a member assigned to other than the precinct of occurrence, the precinct commander 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 Accident Safety Review Board. Members of the service assigned to the Highway District will be exempted from going through the Precinct Vehicle Safety Review Board or attending PADTU retraining. When a member of the Highway District is involved in a Department vehicle accident, 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.

35. Implement disciplinary (or other) action, if warranted.

36. Develop an accident reduction program for the command and report progress to the patrol borough command concerned.

PATROL BOROUGH EXECUTIVE OFFICER

37. Be accountable for compliance with this procedure AND:

- a. Ensure timely convening of the Precinct Vehicle Accident Safety Review Board.
- b. Chair the Precinct Vehicle Accident 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 ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE.
- d. Ensure that completed reports are forwarded to the Personnel Safety Desk within thirty (30) days of the accident.
- e. Ensure that members found "at Fault" are scheduled for AND attend re-training within ninety (90) 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 Accident Safety Review Board was chaired by the borough executive officer, the patrol borough commanding officer will provide the review function outlined in step 37c above.

ADDITIONAL DATA

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 accident is not permanently assigned to precinct of occurrence, send duplicate copies of Police Accident Report and ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE to commanding officer concerned.

All Bureaus (OCCB, Transit, Housing, etc.,) should designate a supervisory member of the service to review reports involving members of their command.

All Bureaus executive officers should review the semi-annual Department Vehicle Accident Summary report prepared by the Personnel Bureau and, where needed, develop appropriate accident reduction programs specific to their bureaus.

Operators of Department vehicles involved in an accident 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 accidents.

When deemed appropriate, if accident involves death or injury, the responding precinct commander/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 his/her determination, after investigation at the scene. This immediate action, as well as any further action, will be subject to review by the member(s) precinct/unit commander. All proposed disciplinary action will be indicated on the ACCIDENT REPORT - POLICE DEPARTMENT VEHICLE as a recommendation.

If the need to review 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 accidents in which it has been determined that the member's driving ability was a contributory factor to the incident would benefit from the Driver Training Unit's "Accident Reduction Course." However, depending upon the circumstances, other corrective measures such as disciplinary action may be more appropriate. Therefore, to insure 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 commander will be responsible for ensuring that appropriate individuals attend accident retraining within ninety (90) days of the accident. These provisions will be strictly adhered to absent exigent circumstances, i.e., extended sick leave or other valid reasons preventing timely retraining.

Commanding officers are reminded that the Driver 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 Training Unit, is available to all commanders for conferral whether scheduling a specific member for retraining would be appropriate.

New York State Vehicle and Traffic Law (Section 1104 A - V.T.L.) 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 accidents which occurred as a result of their unsafe disregard of such regulations, as opposed to the member merely having deficient driving skills.

Report vandalism to a Department vehicle on Typed Letterhead to Fleet Services Division and deliver report to borough service station with vehicle.

Commanding Officer, Personnel Safety Desk, will forward a copy of reports received to Police Academy, Driver Training School.

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, investigating supervisors of uniformed members of the service involved in a Department vehicle accident will prepare a MV104L. The MV104L will be prepared at the time of the accident and attached to the Police Accident Report (MV104AN) prior to forwarding. Civilian members of the service involved in a Department vehicle accident will prepare MV104. The MV104 will be prepared at the time of the accident and should the member of the service involved be incapacitated and unable to complete the form, the investigating supervisor will do so. (This is in addition to the Police Accident Report [MV104AN] prepared by the investigating supervisor). Failure to report an accident 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 of the service driver's license.

In accordance with New York State Insurance Department Regulations, the operator of a Department vehicle may not be penalized (charged) by a private insurance company for a Department vehicle accident 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 accidents.

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 accident, such member should notify his/her 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:

The New York State Insurance Department
Consumer Services
160 West Broadway
New York, New York 10013

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)
ACCIDENT (NUMBER)
(DATE OF ACCIDENT)

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 accident 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 NYCCRR, no surcharge may be imposed for the above referenced accident.

Very truly yours,
(Rank) (Name)

RELATED PROCEDURES

General Procedures - Vehicle Accidents (P.G. 217-01)

Vehicle Accidents Which Result In Death or Serious Injury/Likely to Die (P.G. 217-02)

Accidents In Which The City Is Involved (P.G. 217-04)

Vehicle Pursuit (P.G. 212-39)

Reporting Sick From Outside City And Outside Residence Counties (P.G. 205-05)

FORMS AND REPORTS

ACCIDENT REPORT-POLICE DEPARTMENT VEHICLE (PD301-153)

OFFICIAL LETTERHEAD (PD158-151)

Police Accident Report (MV-104AN)

Report of Motor Vehicle Accident (MV104)

Report of Motor Vehicle Accident, Police Line of Duty Accident (MV-104L)

Typed Letterhead

P.G. 217-07 Accidents - Private Vehicles Authorized For Police Use

Date Effective: 01-01-00

PURPOSE

To record and process vehicular accidents involving privately owned vehicles authorized for police use by members of the service (uniformed or civilian).

PROCEDURE

When involved in an accident 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 Polaroid photographs taken of accident showing damages to all vehicles involved.
 - (1) If accident 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 at (718) 760-7609, Monday through Friday, 0700 hours to 1600 hours, within one (1) hour of the incident. All other times, contact the Medical Division Sick Desk at (718) 760-7606. 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.

5. Furnish member involved in accident with two (2) duplicated copies of Police Accident Report and set of accident photos for submission to Fleet Services Division and Deputy Commissioner - Management and Budget.

6. Direct member concerned to:

a. Obtain Police Accident Serial Number from Fleet Services Division and

b. Bring vehicle, with copy of Police Accident Report and set of accident 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 (1) location of choice, within New York City.

7. Submit four (4) copies of report, on Typed Letterhead, to precinct commander, summarizing accident 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 accident 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.

WHEN CLAIMING REIMBURSEMENT FROM THE CITY FOR DAMAGE TO PRIVATELY OWNED VEHICLES INCURRED IN THE LINE OF DUTY

MEMBER OF 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.

c. A copy of any entry made in other Department record(s), regarding particulars of accident, 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 (2) separate auto body collision repair shops

b. Copy of Police Accident Report.

NOTE: If vehicle is inoperable only one (1) 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

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 Audit and Accounts Unit for payment processing.

- a. Forward two (2) copies of approved payments eligible for subrogation to Deputy Commissioner - Legal Matters.

AUDIT 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.

RELATED PROCEDURES

The Police Department will not bear responsibility for any personal items stolen from the vehicle or damaged in the accident.

FORMS AND REPORTS

Private Vehicles Authorization (A.G. 325-14)
Police Accident Report (MV104AN)
Report of Motor Vehicle Accident (MV104)
Typed Letterhead

P.G. 217-08 Aircraft Accidents

Date Effective: 01-01-00

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 (10) 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 (2) 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)

P.G. 217-09 Directed Accident Response Program (D.A.R.P.)

Date Effective: 01-01-00

PURPOSE

To direct the response of designated tow trucks, through the Communications Section, to the scene of vehicular accidents, 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 (15,000) pounds or more may choose their own company to respond.

SCOPE

This procedure does not include accidents 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 an accident, 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 accident 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 an accident scene:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with pertinent provisions of P.G. 217-01, "General Procedure - Vehicle Accidents"

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 (15,000) 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.

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 AN ACCIDENT.

COMMUNICATIONS SECTION DISPATCHER

4. Inform uniformed member at the scene of the name of the towing company responding.
5. Dispatch patrol supervisor.

NOTE: The Directed Accident Response Program operator at the Communications Section will maintain a list of tow companies participating in each zone and will make notifications on a strict rotation basis. PRECINCT COMMANDS ARE NOT AUTHORIZED TO MAKE NOTIFICATIONS.

UNIFORMED MEMBER OF THE SERVICE

6. Allow only the tow truck dispatched by the Communications Section to remove vehicle(s), except:
 - a. Where motorist(s) indicates that a private towing company will be requested and the vehicle involved has a gross vehicle weight of fifteen thousand (15,000) 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 (30) minutes after radio dispatcher advises which tow company is responding.

NOTE: If the assigned tow company is not on the scene within thirty (30) 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 accident 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 (212) 374-4290 and instruct the motorist(s) to call after thirty (30) 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 accident.
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 accident 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 (15,000) 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 accident). This also applies to persons soliciting at an accident 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 an accident scene, or (2) parked in the vicinity of the accident while the operator of the tow truck is observed offering to tow a vehicle with the tow truck, or (3) present at the accident 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 at (212) 374-4290 for vehicle's location.

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 an accident must utilize one (1) of the following disposition codes as it pertains to that particular accident situation:

- a. 10-99T4 Vehicle Accident (No tow required)
- b. 10-99T5 Vehicle Accident (D.A.R.P. tow service)
- c. 10-99T6 Vehicle Accident (Other tow service)
- d. 10-99T7 Vehicle Accident (D.A.R.P. and other tow service)
- e. 10-99T8 Vehicle Accident (Highway-authorized tow service)
- f. 10-99T9 Vehicle Accident (D.A.R.P. requested, waited thirty [30] minutes, made second [2nd] 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 accident 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

General Procedure - Vehicle Accidents (P.G. 217-01)
Seizure Of Unlicensed Tow Trucks (P.G. 209-09)

FORMS AND REPORTS

Police Accident Report (MV104AN)
REPORT OF VIOLATION (PD672-151)

P.G. 217-10 Accidents - Department Property

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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 [4] copies).

- a. Submit to desk officer/counterpart.

DESK OFFICER

5. Have patrol supervisor sign report.

6. File one (1) copy of report and forward three (3) copies, direct, as follows:

PROPERTY	TO
Booths, buildings	Deputy Commissioner - Management and Budget, Administrative Services Division
Horses	Mounted Unit
Aircraft, launches	Special Operations Division

RELATED PROCEDURES

Department Vehicle Involved In An Accident (P.G. 217-06)

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)
Typed Letterhead

P.G. 217-11 Accidents - New York City Housing Authority Involved

Date Effective: 01-01-00

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 (PD313-1511).
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 In Which The City Is 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 In Which The City Is Involved (P.G. 217-04)

FORMS AND REPORTS

ACCIDENT REPORT - CITY INVOLVED (PD301-155)

FIELD REPORT (313-1511)

P.G. 217-12 Notifications - Certain Accident Cases

Date Effective: 01-01-00

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.
2. Notify the agency direct if incident involves:

* Building, affecting structure	* Department of Buildings (212) 312-8010
* Bus, MTA	* N.Y.C. Transit (718) 240-3333
* Crane	* Department of Buildings (212) 312-8010
* Elevator	* Department of Buildings (212) 312-8010
* Fire alarm box or post damaged	* Fire Dept., Borough Fire Headquarters
* Housing, persons requiring shelter	* Dept. of Social Services,
* Scaffold	* Department of Buildings (212) 312-8010
* Subway	* N.Y.C. Transit (718) 330-4377

P.G. 217-13 Preparing, Ammending, and Releasing Police Accident Reports (MV 104AN) To Involved Parties Appearing In Person At A Police Facility

Date Effective: 04-25-03

PURPOSE

To minimize the means by which any involved party, that has an interest in a motor vehicle accident which has occurred, can commit insurance fraud.

DEFINITION

INVOLVED PARTY - Any party/person(s) having an interest in a motor vehicle accident 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 accident), an executor or administrator of the estate, next of kin, or insurance beneficiary of person killed in the accident, the parent or guardian of a minor involved in the accident, 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 be prepared, amended, or released for an accident which occurred within the last thirty (30) days:

TRAFFIC SAFETY OFFICER/ASSIGNED UNIFORMED MEMBER OF THE SERVICE (UMOS)

1. Ask involved party requesting copy of Police Accident Report:

[I.O. 13 S 04] a. To prepare REQUEST FOR COPY OF ACCIDENT RECORD (PD301-165)

b. When and where accident occurred, and

c. To present a current, valid form of picture identification (driver's license, passport, etc.)

NOTE: No request will be honored without a current, valid form of picture identification. In addition to picture identification, an attorney must also present a notarized letter signed by the party concerned, stating that he/she is being represented by the attorney.

2. Inform person concerned that a ten dollar (\$10.00) non-refundable fee is required.

3. Make:

a. Two (2) photocopies of Police Accident Report

b. One (1) photocopy of involved party's picture identification.

4. Ensure that copies of Police Accident Report are correct.

5. Collect fee, drawn to the order of "Police Department, City of New York," on one (1) of the following instruments:

a. Certified check

b. Bank teller's check

c. United States Postal Money Order

d. Personal check

(1) Signed by requestor

(2) Not post dated

e. Corporate check.

6. Prepare FEE RECEIPT (PD122-017) and give to requestor with one (1) copy of Police Accident Report.

NOTE: If involved party opts to file a REQUEST FOR COPY OF ACCIDENT RECORD (PD301-165) 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 picture identification, i.e. driver's license, passport, etc. will be returned. When the request is received along with a valid form of identification and the appropriate fee (check or money order only), place the FEE RECEIPT and a copy of a Police Accident Report in self addressed stamped envelope and mail to requestor.

7. Indicate the following on REQUEST FOR COPY OF ACCIDENT RECORD:

a. Name of person receiving copy of Police Accident Report

b. Type of check/money order used and number

c. FEE RECEIPT number

8. Give carbon copy of REQUEST FOR COPY OF ACCIDENT RECORD to requestor.

9. Staple to the original REQUEST FOR COPY OF ACCIDENT RECORD:

a. Second photocopy of Police Accident Report

b. Photocopy of picture identification with Police Accident Report number written on the top right hand corner

10. File chronologically on a daily basis.

NOTE: Requests for Police Accident Reports from other governmental agencies conducting official business will NOT be subject to a fee.

a. Indicate "NO FEE" and the agency's name on the REQUEST FOR COPY OF ACCIDENT RECORD.

11. Affix the imprint of the precinct rubber stamp on the back of check/money order and complete necessary captions.

12. Give collected fee to operations coordinator.

OPERATIONS COORDINATOR

13. Have fee safeguarded pending delivery to patrol borough command as detailed in P.G. 212-82, "Forwarding of Fees to Audit and Accounts Section."

INTEGRITY CONTROL OFFICER

14. Ensure that fee is properly collected and forwarded to patrol borough command.

ADDITIONAL DATA

Uniformed members of the service are required by law to complete a Police Accident Report and investigate the facts whenever any person(s)/party appear at a police facility and report the following:

ANY ACCIDENT which:

a. Results in serious injury or death to a person must be investigated in accordance with P.G. 217-02, "Vehicle Accidents Which Result in Death or Serious Injury and Likely to Die."

b. Results in injury to a person and the motor vehicle accident in question is being reported within five (5) days after such accident.

c. Involves a commercial vehicle where the damage incurred is disabling enough to result in a vehicle being towed from the accident scene and the motor vehicle accident in question is being reported within five (5) days after such accident.

Regarding the above circumstances, if the criteria as stated are met, the person(s)/party requesting the completion of a Police Accident Report will be referred to the command where the accident 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 accident (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 accident.

Any person(s)/party appearing in person at a police facility and requesting initial preparation of a Police Accident Report for an accident that does not meet the above criteria, shall instead be given a copy of New York State Department of Motor Vehicles - 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 reporting will be referred to the command where the accident occurred (see P.G. 217-05, "Leaving the Scene").

A uniformed member of the service is not mandated to amend a previously completed Police Accident Report upon request by any person(s)/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 this 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.

Requests for Police Accident Reports made after thirty (30) days should be made directly to the New York State Department of Motor Vehicles, Public Service Bureau, Empire State Plaza, Albany, New York 12228, utilizing New York State Department of Motor Vehicles form, "Request for Copy of Accident Report." Person making the request will be given whatever information is necessary to complete the form at no charge.

RELATED PROCEDURES

Vehicle Accidents-General Procedure (P.G. 217-01)

Leaving the Scene (P.G. 217-05)

FORMS AND REPORTS

Police Accident Report (MV104AN) (revised 7/01)

New York State Department of Motor Vehicles-Report of Motor Vehicle Accident (MV104)
(revised 7/01)

P.G. 217-14 Preparation Of Police Accident Reports (MV 104AN) For Accidents Occurring On Highways, Bridges And Tunnels

Date Effective: 04-25-03

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 accident 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 Accidents-General Procedure."
2. Locate the nearest reference marker to the accident site for accidents 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 accidents occurring on bridges or in tunnels
 - b. In instances where a reference marker is missing, cannot be seen due to inclement weather, etc.

NOTE: The Limited Access Highway Reference Marker Listing (maintained at each command) must be used for reporting accidents occurring on bridges and in tunnels. Reference markers (if any) actually posted on bridges or in tunnels near an accident site will not be entered on Police Accident Reports.

4. Enter the numerals/letters taken from the reference marker near the accident site or the Limited Access Highway Reference Marker Listing book as appropriate, into the twelve (12) box caption titled "Reference Marker" on the newly revised Police Accident Report (Rev.7-01) (see Appendix "A")

NOTE: The "Reference Marker" caption was formerly referred to as the "Location Code" on the 1995 version of the Police Accident Report. All existing copies of this 1995 version should be destroyed. Only the recently revised Police Accident Report (MV104AN), bearing a print date of 7/01, should currently be in use.

COMMAND CLERICAL STAFF MEMBER

5. Record accident 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.

RELATED PROCEDURES
Traffic Safety Officer (P.G. 202-08)
Vehicle Accidents-General Procedure (P.G. 217-01)
APPENDIX "A"

THE 9 INCH X 8 INCH GREEN COLORED REFERENCE MARKER DEPICTED BELOW IS LOCATED EVERY 1110 OF A MILE ON LIMITED ACCESS HIGHWAYS, COLLECTOR-DISTRIBUTOR ROADWAYS, AND ENTRANCE AND EXIT RAMPS:

(Figure 30)

TWELVE (12) BOX REFERENCE MARKER CAPTION AS SEEN ON NEWLY REVISED POLICE ACCIDENT REPORT (MV-104AN 7/01):

Reference Marker

(Figure 31)

Accident Description/Officer's Notes

Property - General

P.G. 218-01 Invoicing Property - General Procedure

Date Effective: 01-01-00

PURPOSE

To record and process property coming into police custody.

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 ACTIVITY LOG (PD112-145).
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.
3. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A) or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a), as appropriate.
 - a. Comply with instructions on rear of INVOICE being prepared.
4. Notify Stolen Property Inquiry Section, if necessary.
5. Notify owner, if known.
6. Cancel alarm, if necessary.

NOTE: Alarm for stolen vehicle will not be cancelled until owner takes possession or vehicle is removed to Property Clerk's 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.

COMMAND CLERK

9. Type appropriate INVOICE from WORKSHEET.
10. Record time and name of FINEST operator who transmitted alarm cancellation on appropriate INVOICE, if applicable.

NOTE: Property must be properly tagged, packaged or sealed, and clearly identified by INVOICE number.

11. Complete entries on PROPERTY INDEX (PD542-103).

DESK OFFICER

12. Sign INVOICE verifying accuracy and completeness.
13. Make entry in PROPERTY LOG (PD521-147) to account for any invoices prepared.
14. Photocopy INVOICE and forward, direct, to the Commanding Officer, Firearms and Tactics Section, if item being vouchered is a bullet resistant garment.
15. Safeguard property until properly disposed of.

16. Telephone New York State Tax Office for pickup of property owned by Division of Lottery. DO NOT send to Property Clerk.

ADDITIONAL DATA

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 (1) item while a "pair" of shoes, gloves, etc., refers to two (2) 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."

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT (PD313-152)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

P.G. 218-02 Return Of Property/Vehicles At Command And Processing Voided Property Invoices

Date Effective: 01-01-00

PURPOSE

To return all property listed on an invoice to legal claimant at a command and process voided property invoices.

PROCEDURE

When all property listed on an invoice is returned to legal claimant at the command or when processing voided invoices:

DESK OFFICER

1. Check property/vehicle against PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) or PROPERTY CLERK'S INVOICE (PD521-141), as appropriate.

2. 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.

3. Have claimant sign and complete caption "R.T.O." on PROPERTY CLERK'S INVOICE.

a. Claimant will receipt for vehicle on reverse side of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE marked "Property Clerk's File Copy."

NOTE: Ensure that proper procedures have been followed to cancel alarm and cancellation is entered on INVOICE.

4. Complete entries on PROPERTY INDEX (PD542-103).

a. Request claimant to sign and enter date on INDEX in "Disposition" column.

5. Sign name indicating delivery of property/vehicle in column captioned "Desk Officer's Signature."

6. Release property/vehicle to claimant.

VOIDED PROPERTY INVOICES:

DESK OFFICER

7. Mark INVOICE "VOID" and sign.

8. Make appropriate entries on PROPERTY INDEX and PROPERTY LOG (PD521-147) whenever pre-numbered PROPERTY CLERK'S INVOICE or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE is voided.

9. Have voided INVOICES and INVOICES that are "closed" by returning all property listed to the owner (R.T.O.) at the command, filed in precinct of record, as follows:

a. PROPERTY CLERK'S INVOICES and PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES will be maintained in separate designated files in pre-printed INVOICE number order (original white and yellow copies with related documents i.e., District Attorney's Release, etc., if any, attached).

b. All other copies may be discarded.

NOTE: Commanding Officer concerned will investigate circumstances of missing INVOICES and take appropriate action.

ADDITIONAL DATA

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, commands will box the previous calendar year's filed INVOICES, label to identify contents, and forward INVOICES to the Property Clerk's warehouse where they will be maintained for the remainder of the retention period (six [6] years).

RELATED PROCEDURES

Invoicing Property - General (P.G. 218-01)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

P.G. 218-03 Delivery Of Property Other Than Vehicle/Boat To Property Clerk

Date Effective: 01-01-00

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. Have PROPERTY TRANSFER RECEIPT (PD521-145) prepared for all property, except vehicles/boats, being delivered to the Property Clerk.

a. Enter command pre-printed Invoice Number in the appropriate caption on form.

2. Direct member making delivery to print and sign name under appropriate caption on bottom of PROPERTY TRANSFER RECEIPT.

a. Retain buff copy of form at command.

NOTE: LETTER OF TRANSMITTAL - EVIDENCE (PD521-152), currently utilized for the transferring of guns and narcotics from the Police Laboratory to the Property Clerk or from command to Police Laboratory, remains in effect.

COMMAND MESSENGER

3. Compare invoices against property for completeness and accuracy.

4. Deliver property to appropriate Property Clerk facility.

PROPERTY CLERK

5. Compare property delivered against INVOICE and, if accurate, enter Property Clerk Storage Number under appropriate caption on PROPERTY TRANSFER RECEIPT.

NOTE: If property is not accepted for any reason, make entry under appropriate caption on PROPERTY TRANSFER RECEIPT and return to forwarding command with command messenger.

6. Sign name under caption "Received By" on PROPERTY TRANSFER RECEIPT, if property is accepted, and return blue copy to command messenger for delivery to command.

a. Retain white copy for file.

COMMAND MESSENGER

7. Return blue copy of PROPERTY TRANSFER RECEIPT with returned property, if any, to desk officer.

DESK OFFICER

8. Direct that Property Clerk Storage Number, as recorded on PROPERTY TRANSFER RECEIPT, be entered on the PROPERTY INDEX in the appropriate column and dispose of buff copy of receipt.

9. Cause necessary corrections to be made for any returned property.

- a. Have investigation conducted, if appropriate.

INTEGRITY CONTROL OFFICER

10. Conduct frequent inspections of the PROPERTY INDEX to ensure that:

- a. All invoices are properly accounted for.
- b. Invoices are being used in numerical order.
- c. Property Clerk Storage Numbers are properly recorded for property delivered to the Property Clerk.
- d. Appropriate entries are indicated for property delivered to Police Lab.
- e. Insure that PROPERTY INDEX is properly maintained.

11. Conduct investigation if:

- a. Any invoices are not accounted for on PROPERTY INDEX.
- b. Property forwarded to Property Clerk does not have Property Clerk Storage Number indicated on PROPERTY INDEX.
- c. Property forwarded to Police Laboratory is not properly recorded in PROPERTY INDEX.

12. Verify that all property not forwarded to the Property Clerk or Police Laboratory is accounted for and adequately secured at command.

ADDITIONAL DATA

When vehicles are delivered to the auto pound by command messenger, a NOTICE OF VEHICLE DELIVERY (PD571-128) will be given to command messenger by auto pound personnel as receipt and notification of Property Clerk Storage Number. If vehicles are delivered to auto pound by Fleet Services Division Motor Vehicle Operator or Rotation Tow company, a NOTICE OF VEHICLE DELIVERY will be forwarded by auto pound personnel to appropriate command via Department mail. Upon receipt of NOTICE OF VEHICLE DELIVERY, desk officer will enter Property Clerk Storage Number on the PROPERTY INDEX in the appropriate column.

RELATED PROCEDURES

Invoicing Property - General (P.G. 218-01)

Return of Property to Stationhouse And Processing Voided Property Clerk Invoices (P.G. 218-02)

FORMS AND REPORTS

LETTER OF TRANSMITTAL - EVIDENCE (PD521-152)

NOTICE OF VEHICLE DELIVERY (PD571-128)

PROPERTY TRANSFER RECEIPT (PD521-145)

P.G. 218-04 Transmittal Of Controlled Substances/Marijuana And Firearms Evidence To The Lab

Date Effective: 01-01-00

PURPOSE

To provide for the transfer of controlled substances/marijuana and firearms from command to the Forensic Investigations Division.

PROCEDURE

When controlled substances/marijuana or firearms are stored in property locker:

DESK OFFICER

1. Notify patrol borough prior to 0030 hours that controlled substances/marijuana or firearms are being forwarded to patrol borough for delivery to the Forensic Investigation Division.

2. Remove firearms from property locker and ensure the following are prepared and attached to each firearm's envelope/package:

- a. Copy of COMPLAINT REPORT (PD313-152).
- b. Two (2) copies of REQUEST FOR LABORATORY EXAMINATION (PD521-161).
- c. Remaining copies of PROPERTY CLERK'S INVOICE (PD521-141).

(1) Ensure lead seal number is indicated if firearm does not have serial number or serial number is not distinguishable.

- d. Two (2) *PISTOL INDEX CARDS (PD524-101) for each handgun with a serial number.

*NOTE: The revocation of Department form, PISTOL INDEX CARD (PD524-101) is reiterated in I.O. 49 and 50 s 03.

(1) Attach one (1) INDEX CARD to INVOICE and forward remaining INDEX CARD to License Division.

- e. FINEST inquiry printout for each firearm.

NOTE: All non-ballistic evidence must be separated from ballistic evidence (e.g., the bag in which a firearm was recovered must be invoiced separately from the firearm itself).

3. Ascertain that each firearm removed from property locker is listed on LETTER OF TRANSMITTAL - EVIDENCE (PD521-152).

4. Remove security lead seal from controlled substances/marijuana locker.

5. Record serial number of seal on separate LETTER OF TRANSMITTAL - EVIDENCE for controlled substances/marijuana.

6. Remove all security envelopes containing controlled substances/marijuana with PROPERTY CLERK INVOICES attached from locker.

7. Ascertain that an entry is made on LETTER OF TRANSMITTAL - EVIDENCE (for controlled substances/marijuana) for each invoiced security envelope removed.

8. Verify that an entry is made on LETTER OF TRANSMITTAL - EVIDENCE for each invoiced firearm removed from property locker.
9. Ensure that all forms are prepared properly and signed.
10. Sign each LETTER OF TRANSMITTAL - EVIDENCE (for controlled substances/marijuana and firearms).
 - a. Retain command copies of LETTER OF TRANSMITTAL - EVIDENCE (buff copy).
11. Examine controlled substances/marijuana locker to ensure locker is empty.
12. Check LETTER OF TRANSMITTAL - EVIDENCE against controlled substances/marijuana or firearms removed from INDEX.
13. Indicate disposition of property to "TO FID" in DISPOSITION column of PROPERTY INDEX (PD542-103).
14. Lock controlled substances property locker and affix new lead seal.
 - a. Enter serial number of new seal on LETTER OF TRANSMITTAL - EVIDENCE for controlled substances/marijuana.
 - b. Account for new lead seal used by marking entry in PROPERTY LOG (PD521-147).
15. Place all security envelopes containing controlled substances/marijuana in SEPARATE blue plastic transmittal bag along with LETTER OF TRANSMITTAL - EVIDENCE.
16. Seal bag with plastic Peddler Seal.
 - a. Make entry in PROPERTY LOG of Peddler Seal number to account for Peddler Seal used.

(1) Use one (1) space on PROPERTY LOG to account for all Peddler Seals listed on same PROPERTY CLERK'S INVOICE, if possible.
17. Place all firearms in SEPARATE blue plastic transmittal bag along with LETTER OF TRANSMITTAL - EVIDENCE.
18. Seal bag with plastic Peddler Seal.
 - a. Make entry in PROPERTY LOG of Peddler Seal number to account for Peddler Seal used.

(1) Use one (1) space on PROPERTY LOG to account for all Peddler Seals listed on same PROPERTY CLERK'S INVOICE, if possible.
19. Prepare additional LETTER OF TRANSMITTAL EVIDENCE for each plastic transmittal bag.
 - a. Fill in captions for date and command.
 - b. Under caption marked "PAGE" add the following notation: "MESSENGER TRANSMITTAL RECEIPT."
 - c. Under caption marked "DESCRIPTION OF EVIDENCE" note the number of PROPERTY CLERK'S INVOICES containing controlled substances/marijuana or firearms and serial number of plastic peddler seal.
 - d. Sign rank and name.

20. Direct two (2) uniformed members of the service to deliver evidence transmittal bags to designated patrol borough delivery location prior to 0100 hours.

a. Command Messenger will sign receipt for plastic evidence transmittal bags above the line marked "MESSENGER" on the MESSENGER TRANSMITTAL RECEIPT.

21. Make entry in Command Log including PROPERTY CLERK INVOICE numbers, rank and name of command messenger, plastic peddler seal number(s).

a. File command copies of LETTERS OF TRANSMITTAL - EVIDENCE and MESSENGER TRANSMITTAL RECEIPT.

COMMAND MESSENGER

22. Safeguard and deliver evidence transmittal bags to designated patrol borough delivery location.

a. Obtain receipt signature from patrol borough messenger on command copy of MESSENGER TRANSMITTAL RECEIPT.

23. Deliver command copy of MESSENGER TRANSMITTAL RECEIPT to desk officer.

DESK OFFICER

24. File command copies of MESSENGER TRANSMITTAL RECEIPT.

PATROL BOROUGH MESSENGER

25. Receipt for delivery of evidence transmittal bags on the MESSENGER TRANSMITTAL RECEIPT by signing rank, name and tax registry number under the line marked "POLICE LABORATORY EVIDENCE CLERK."

26. Safeguard and deliver evidence transmittal bags to Police Laboratory prior to 0200 hours.

27. Obtain receipt signature of Police Laboratory Evidence Clerk on Property Clerk Copy of MESSENGER TRANSMITTAL RECEIPT and file at patrol borough.

ADDITIONAL DATA

In addition to other Department reports prepared when an arrest is made for a firearms offense, a copy of the ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159) and a computer generated copy (not handwritten) of the On-Line Complaint System Report will be attached to each firearm that is forwarded for processing to the Firearms Analysis Section.

Desk officers are responsible to ensure that Department forms prepared by uniformed members of the service in connection with the seizure or recovery of a firearm, rifle, shotgun, etc., are completely and accurately prepared. All captions on the COMPLAINT REPORT and ON LINE BOOKING SYSTEM ARREST WORKSHEET must be accurately completed.

Desk officers must ensure that any controlled substance/marijuana or firearms are delivered to the Police Laboratory/Firearms Analysis Section on the first platoon. If exigent circumstances exist for excusal from this procedure, the desk officer must obtain the approval from the commanding officer/duty captain.

At 0100 hours the patrol borough clerical officer will call the desk officers who fail to notify them of narcotics/firearms evidence in their commands

They will ascertain if there will be a delivery or if the commanding officer/duty captain has authorized excusal from compliance with the procedure.

RELATED PROCEDURE

Processing Controlled Substances/Marijuana Contraband Stored At Stationhouse (P.G. 218-24)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

LETTER OF TRANSMITTAL - EVIDENCE (PD521-152)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PISTOL INDEX CARDS (PD524-101)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-05 Recording Of Arrest And Property Clerk'S Invoice Numbers On Arrest Related Reports

Date Effective: 01-01-00

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 arrest evidence that is related to or seized in connection with an arrest.

PROCEDURE

Whenever evidence is to be invoiced in connection with an arrest:

VOUCHERING UNIFORMED MEMBER OF THE SERVICE

1. Enter PROPERTY CLERK'S INVOICE (PD521-141) number in appropriate caption on the ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).
2. Type the correct information in ALL of the captions on the PROPERTY CLERK'S INVOICE (PD521-141) with particular attention being given to the following boxes:
 - a. Age of prisoner
 - b. Number of prisoners
 - c. COMPLAINT REPORT number (s)
 - d. Charge/offense under investigation.
3. Enter prisoner's arrest number in the appropriate caption on the PROPERTY CLERK'S INVOICE prior to delivering to desk officer.

NOTE: In the borough of Queens, arresting officers will notify the desk officer, command of arrest, when arrest numbers are obtained so that appropriate entries can be made on related INVOICES.

4. Ensure that ALL related INVOICES are properly cross-referenced on the PROPERTY CLERK'S INVOICE.

a. If there is insufficient space for the entry of related INVOICE numbers in the concerned caption, all related INVOICE numbers will be entered in the "Remarks" section on the INVOICE.

5. Type in the "Defendant(s)" section of the REQUEST FOR LABORATORY EXAMINATION (PD521-161), the names, precinct of arrest and ages of ALL prisoners whose arrest is based upon the seizure of property invoiced on the PROPERTY CLERK'S INVOICE.

a. If there is insufficient space in the "Defendant's" section, the information will be typed in the "Remarks" section of the form.

NOTE: These would include persons who are accomplices, facilitators, etc. This is extremely important information because if all defendants are not identified on the REQUEST FOR LABORATORY EXAMINATION, then the invoiced arrest evidence, i.e., firearms,

controlled substances, etc. will be destroyed before the accomplices/facilitators and other co-defendants are tried. This will result in the accomplices/facilitators criminal charges being dismissed.

DESK OFFICER

6. Verify and ensure that ALL captions on the PROPERTY CLERK'S INVOICE, REQUEST FOR LABORATORY EXAMINATION and ON-LINE BOOKING SYSTEM ARREST WORKSHEET have been accurately completed, including arrest and INVOICE numbers, where appropriate.

7. Ensure that ALL related PROPERTY CLERK'S INVOICES, with arrest numbers entered, are delivered to the Police Laboratory, Firearms Analysis Section or Property Clerk Division at the same time.

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'S INVOICE (PD521-141)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-06 Temporary Removal Of Invoiced Property From The Command

Date Effective: 01-01-00

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.
2. Enter PROPERTY CLERK'S INVOICE (PD521-141) number, destination of property, and signature in Property Receipt Book.

NOTE: All official requests for property should be accompanied by a subpoena from the requesting agency, if other than the New York City Police Department. (See P.G. 211-15, "Processing Subpoenas For Police Department Records And For Testimony By Members of the Service.")

DESK OFFICER

3. Verify identity of uniformed member of the service by inspecting IDENTIFICATION CARD (PD416-091), if assigned to another command.
4. Witness signature in Property Receipt Book.
5. Record removal on reverse side of INVOICE (yellow copy).
 - a. Do not remove yellow copy from set.
6. Deliver 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 ACTIVITY LOG (PD112-145) entry.
8. Deliver property or receipt to desk officer.

DESK OFFICER

9. Indicate return of property in Property Receipt Book and on reverse side of yellow copy of INVOICE.
10. Attach receipt to INVOICE set, forward to Property Clerk and complete entries on PROPERTY INDEX (PD521-147).

RELATED PROCEDURES

Delivery of Property, Other Than Vehicle/Boat to Property Clerk (P.G. 218-03)
Processing Subpoenas For Police Department Records And For Testimony By Members of the Service (P.G. 211-15)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

IDENTIFICATION CARD (PD416-091)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY INDEX (PD521-147)

P.G. 218-07 Removal And Return Of Evidence To Property Clerk Division

Date Effective: 01-01-00

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'S INVOICE (PD521-141) number.
- b. Present shield and IDENTIFICATION CARD (PD416-091).
- c. Receipt for evidence as required.

NOTE: A uniformed member of the service not listed on INVOICE as arresting/assigned officer MUST present written authorization from commanding officer to remove evidence.

2. Take POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153) to court with controlled substances/marijuana evidence.

WHEN COURT IS ADJOURNED FOR THE DAY:

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.

NOTE: If member of the service is directed to deliver property/receipt to the precinct stationhouse in which the Property Clerk facility is located, member assigned to Property Clerk Division will deliver INVOICE for property to precinct desk officer concerned.

DESK OFFICER

8. Make entry in Command Log listing identity of member assigned to Property Clerk Division making delivery of INVOICE and INVOICE number.
9. Check property against INVOICE when delivered by uniformed member of the service.

10. Direct uniformed member of the service to complete entries on reverse side of INVOICE.

11. Safeguard property pending pick up by representative of Property Clerk Division.

NOTE: 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.

COMMANDING OFFICER/MEMBER CONCERNED

12. Direct member concerned to return property or receipt immediately.

13. Institute corrective action.

14. 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.

FORMS AND REPORTS

IDENTIFICATION CARD (PD416-091)

POLICE LABORATORY CONTROLLED SUBSTANCE ANALYSIS REPORT (PD521-153)

PROPERTY CLERK'S INVOICE (PD521-141)

Typed Letterhead

P.G. 218-08 Field Testing Of Marijuana By Selected Uniformed Members Of The Service Within The Patrol Services And Housing Bureaus

Date Effective: 01-01-00

PURPOSE

To allow for field testing of marijuana by selected uniformed members of the service assigned to the Patrol Services Bureau and Housing Bureau.

SCOPE

Uniformed members of the service who have been trained in marijuana field testing will now conduct tests in the precinct in all patrol boroughs, and Housing Bureau police service areas, other than Patrol Boroughs Queens North and South and Police Service Area (PSA) 9.

PROCEDURE

When an arrest is made for a misdemeanor or violation involving marijuana sale or possession by trained Street Narcotics Enforcement Unit (SNEU) or Precinct/PSA Conditions personnel, follow normal arrest procedures and:

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.
- NOTE: Only uniformed members of the service who have received field testing training are authorized to conduct and supervise this testing procedure. Twenty (20) 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.
3. Perform the field test, sign and seal procedure in the presence of a trained supervisor.
 4. Perform a separate field test on marijuana seized from each prisoner.
 - a. If four (4) persons are arrested and marijuana is seized from three (3) of these persons, then ALL three (3) 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 trained supervisor:
 - a. For each prisoner, open one (1) 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 (1) 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 (1) 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 (5) 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 (1) specific person.

(2) Never field test more than five (5) 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 chemists 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'S 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'S 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." If more than one (1) container/cigarette field tested NEGATIVE, then all container(s)/cigarette(s) which tested NEGATIVE will be placed in one (1) zip-lock bag. Container(s)/cigarette(s) which field tested NEGATIVE will be listed as "Item #2" on the PROPERTY CLERK'S 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'S INVOICE.

[I.O. 9 s 04] 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. 242).

(1) Placed sealed and signed Narcotic Evidence Envelope inside of a Plastic Security Envelope.

(2) Ensure that the captions on the Narcotic 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 the envelope over aligning blue circles. Sign name, shield number, command and date across seal.

(4) Record the serial numbers of both envelopes in the "Details" section of the Property Clerk's Invoice.

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.

NOTE: When there is doubt concerning whether the results of a field test are positive or negative; record the results 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.

NOTE: Never tape separate individual marijuana container(s)/cigarette(s) together. Never wrap a separate individual marijuana container(s)/cigarette(s) with tape. 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.

NOTE: Follow normal SNEU controlled substances/marijuana invoicing procedures as described in Operations Order 148, s. 95.

7. Attach the triplicate copy (pink) of the completed MARIJUANA FIELD TEST REPORT(S) to the PROPERTY CLERK'S INVOICES and the invoiced marijuana and forward to the Police Laboratory in the normal manner.

a. If marijuana from two (2) or more prisoners is invoiced on one (1) PROPERTY CLERK'S INVOICE, attach one (1) copy of EACH related FIELD TEST REPORT to the one (1) PROPERTY CLERK'S INVOICE.

b. If marijuana from two (2) or more prisoners is invoiced on one (1) PROPERTY CLERK'S INVOICE, in the "Remarks" column of the PROPERTY CLERK'S 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. Follow P.G. 210-13, "Release of Prisoners-General Procedure" for a negative field test(s).

NOTE: Supervisors will ensure that all forms prepared by uniformed members of the service under their supervision are complete and accurate. They will 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.

ADDITIONAL DATA

The Police Laboratory will notify the Chief of Patrol or the Chief of Housing, as appropriate, whenever the field test results are different from the results obtained by a Police Laboratory chemist. This is referred to as a field test "discrepancy." The Police Laboratory will also notify the Chief of Patrol/Chief of Housing 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.).

Immediate supplies of zip-lock bags and field testing kits can be obtained at the patrol borough. At a future date, these items can be ordered from the Quartermaster Section.

RELATED PROCEDURES

Release Of Prisoners-General Procedure (P.G. 210-13)

FORMS AND REPORTS

MARIJUANA FIELD TEST REPORT - MANHATTAN - STATEN ISLAND (PD321-143)

MARIJUANA FIELD TEST REPORT - BRONX (PD321-144)

MARIJUANA FIELD TEST REPORT - BROOKLYN (PD321-145)

PROPERTY CLERK'S INVOICE(PD521-141)

Narcotics Evidence Envelope (Misc. 242)

P.G. 218-09 Evidence Other Than Controlled Substances/Marijuana And Firearms/Ballistics Evidence Requiring Police Laboratory Analysis

Date Effective: 01-01-00

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'S INVOICE (PD521-141) for each of the following types of evidence:
 - (1) United States currency
 - (2) Jewelry
 - (3) Firearms, cartridges, fired bullets and discharged shell casings
 - (4) Controlled substances/marijuana
 - (5) Bloodstain, DNA, serology, or other biological evidence
 - (6) Other types of evidence.

NOTE: 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 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 (PD521-161) 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 will also describe the specific manner in which the items are to be invoiced and listed on the PROPERTY CLERK'S INVOICE(S) and the type of forensic examination required. The handwritten copy of the REQUEST FOR LABORATORY EXAMINATION 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'S INVOICE. The handwritten copy of the REQUEST FOR LABORATORY EXAMINATION must be attached to the packages/container by the invoicing member prior to delivery of the evidence and PROPERTY CLERK'S INVOICE to the Police Laboratory.

3. List each piece of evidence, requiring laboratory analysis, as a separate item on a separate line on the PROPERTY CLERK'S INVOICE.
 - a. Each item will be given a separate "Item #" on the PROPERTY CLERK'S 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.

NOTE: The Police Laboratory will not accept PROPERTY CLERK'S 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.

4. Package evidence in accordance with Department procedures.

a. See "ADDITIONAL DATA" for additional packaging instructions.

5. Write the corresponding PROPERTY CLERK'S 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 (PD521-161).

7. Submit evidence with PROPERTY CLERK'S INVOICE and REQUEST FOR LABORATORY EXAMINATION, to desk officer for review.

DESK OFFICER

8. Review PROPERTY CLERK'S INVOICE and REQUEST FOR LABORATORY EXAMINATION to ensure that:

a. Different types of evidence as described, in step 2 are listed on separate PROPERTY CLERKS 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.

9. Check each package/container to ensure that it is:

a. Packaged properly.

b. Marked with both the corresponding PROPERTY CLERK'S INVOICE number and corresponding "Item #."

10. Ensure that each package/container is properly sealed.

a. Secure Plastic Security Envelope appropriately.

b. Paper envelopes, paper bags, boxes should be securely sealed with masking tape. (Do not use scotch tape).

11. Direct invoicing member to sign name across each seal of each package/container.

NOTE: ALL EVIDENCE CONTAINERS SHOULD BE SEALED IN A MANNER TO PREVENT LOSS OF THE EVIDENCE AND TO PREVENT CONTAMINATION. THE PACKAGE/CONTAINER SHOULD BE SECURELY SEALED WITH MASKING TAPE AND THE INVOICING MEMBER'S SIGNATURE MUST BE WRITTEN ACROSS THE SEAL TO MAINTAIN THE CHAIN OF CUSTODY.

12. Securely attach the PROPERTY CLERK'S INVOICE, REQUEST FOR LABORATORY EXAMINATION and the handwritten copy of the REQUEST FOR LABORATORY EXAMINATION if prepared by the Crime Scene Unit member, to the package/container.

13. Prepare LETTER OF TRANSMITTAL EVIDENCE (PD521-152).

14. Direct that the evidence be IMMEDIATELY delivered to the Police Laboratory, or Medical Examiner's Office, Evidence Unit, as appropriate.

a. Evidence being submitted to the Police Laboratory or Medical Examiner's Office for analysis degrades over time. If evidence, that was not immediately delivered to the Police Laboratory or the Medical Examiner's Office, 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'S INVOICE, REQUEST FOR LABORATORY EXAMINATION, handwritten copy of the REQUEST FOR LABORATORY EXAMINATION, if prepared by Crime Scene Unit member, LETTER OF TRANSMITTAL and property to the Police Laboratory or Medical Examiner's Office, Evidence Unit.

16. Follow instructions of the Evidence Desk Intake personnel.

17. Deliver any receipts to the desk officer.

ADDITIONAL DATA

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.

P.G. 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.

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 Medical Examiner's Office, Evidence Unit for examination. The Police Laboratory will not accept this type of evidence.

Firearms evidence that requires bloodstain, DNA, serology, or other biological evidence analysis should be processed in accordance with the guidelines contained in P.G. 218-23, [REV 03-04] "Processing Firearm 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 Medical Examiner's Office, Evidence Unit 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 Questioned Document Unit. 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. Avoid crushing, bending, folding, etc., the evidence.

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.

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, at (718) 558-8812, or, if appropriate, the Medical Examiner's Office, Evidence Unit, 24 hours a day, 7 days a week, at (212) 447-2427 or (212) 447-2030.

RELATED PROCEDURES

Invoicing Property General Procedure (P.G. 218-01)
Invoicing Vehicles/Property As Arrest/Investigatory Evidence Or For Forfeiture Proceedings Or To Determine True Owner (P.G. 218-19)
[REV 03-04] Processing Firearm and Firearm-Related Evidence (P.G. 218-23)
Processing Currency Required As Evidence (P.G. 218-35)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)
LETTER OF TRANSMITTAL EVIDENCE (PD521-152)

P.G. 218-10 Using Security Lead Seals Or Plastic Security Envelopes

Date Effective: 01-01-00

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 and:

USING SECURITY LEAD SEALS

UNIFORMED MEMBER OF THE SERVICE

1. Request lead seals from desk officer.

DESK OFFICER

2. Check PROPERTY LOG (PD521-147) and obtain serial number of last seal used.
3. Give next serially numbered seal to member concerned and make entry in PROPERTY LOG accounting for number.
 - a. Use one (1) space on PROPERTY LOG to account for all lead seals listed on same PROPERTY CLERK'S INVOICE (PD521-141), if possible.

UNIFORMED MEMBER OF THE SERVICE

4. Place lead seal on property as required:
 - a. Use one (1) 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'S INVOICE and in ACTIVITY LOG (PD112-145).

OPERATIONS COORDINATOR

6. Request additional seals from Property Clerk when needed.

USING PRE-NUMBERED SECURITY ENVELOPES

UNIFORMED MEMBER OF THE SERVICE

7. Request Plastic Security Envelope or Jewelry Security Envelope, as appropriate, from desk officer.

[I.O. 9 s 04] NOTE: 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 (security lock-type envelope) and sealed. The sealed security lock-type 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 security lock-type envelope for narcotics. Jewelry items must be placed in a separate Jewelry Security Envelope.

8. Complete captions on envelope and attach security lead seals, where necessary.
9. Place items in envelope and seal in accordance with instructions on the envelope.
10. Enter Plastic Security Envelope or Jewelry Security Envelope serial numbers on PROPERTY CLERK'S INVOICES adjacent to related items.
11. Present sealed envelope to desk officer

NOTE: Steps 8 through 11 will be performed under the supervision of the desk officer.

DESK OFFICER

12. Complete entries in PROPERTY LOG.
 - a. Use one (1) space on PROPERTY LOG to account for all Plastic Security Envelopes or Jewelry Security Envelopes listed on the same PROPERTY CLERK'S INVOICE, if possible.
13. Examine envelope to ensure that:
 - a. It is properly sealed.
 - b. Contents match description of PROPERTY CLERK'S INVOICE.

ADDITIONAL DATA

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 the serial number of the new envelope(s) will be entered under "REMARKS" on the PROPERTY CLERK'S INVOICE. 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'S 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.

RELATED PROCEDURES

Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PROPERTY CLERK INVOICE (PD521-141)

PROPERTY LOG (PD521-147)

P.G. 218-11 Use Of Biohazard Labels

Date Effective: 01-01-00

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.

NOTE: 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 (1) 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 Lead Security Seals Or Plastic Security Envelopes (P.G. 218-10)

Hazardous Materials (P.G. 212-37)

P.G. 218-12 Safeguarding Vehicles In Police Custody

Date Effective: 01-01-00

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. Record vehicle in PROPERTY INDEX (PD542-103).
2. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) from recovering member's worksheet.
3. Complete entries in PROPERTY LOG (PD521-147), using one space on PROPERTY LOG to account for all Plastic Security Envelopes or Jewelry Security Envelopes listed on the same INVOICE, if possible.

RECOVERING MEMBER

4. Remove rotor or coil wire and attach to INVOICE worksheet.
5. Prepare form WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211) and attach to outside of windshield.

NOTE: Vehicles being safeguarded for fingerprints will not have form attached to windshield until fingerprint processing is completed.

6. Lock and park vehicle in secure location near command.

DESK OFFICER

7. Review and sign INVOICE.
8. Inform relieving desk officer of location of vehicle.

NOTE: A vehicle may be safeguarded at the command for forty-eight (48) 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 (48) hours will be removed to the appropriate Property Clerk storage facility.

RELATED PROCEDURES

Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

WARNING NOTICE - VEHICLE IN POLICE CUSTODY (PD571-1211)

P.G. 218-13 Inventory Searches Of Automobiles And Other Property

Date Effective: 01-01-00

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
- (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.

NOTE: Any closed container may be opened and its contents inventoried. If any of the above items are locked, the uniformed member of the service concerned should make every attempt to obtain the keys from the driver, owner, or passenger.

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.

3. Remove all valuables from the vehicle and voucher on a separate PROPERTY CLERK'S INVOICE (PD521-141).

NOTE: Property of little value that is left inside the car e.g., old clothes, cassette tapes, and vehicle parts, should within reason, be listed in the uniformed members ACTIVITY LOG (PD112-145) and cross referenced to the invoice number covering any valuables removed.

ADDITIONAL DATA

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 vouchered 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.

RELATED PROCEDURES

Invoicing Property (P.G. 218-01)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE (PD521-141)

ACTIVITY LOG (PD112-145)

P.G. 218-14 Vehicle Stolen And Recovered Within New York City

Date Effective: 11-18-02

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 ACTIVITY LOG (PD112-145).
3. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).
4. Request patrol supervisor to respond to scene.

PATROL SUPERVISOR

5. Verify accuracy and completeness of INVOICE.
 - a. Sign name and shield number on INVOICE.

RECOVERING MEMBER OF THE SERVICE

6. 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 (1) attempt at a telephone notification.
 - b. Enter in the Telephone Record:
 - (1) The date and time of such an attempt and
 - (2) The invoice number from the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147) 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.

NOTE: In all cases where the registered owner or insurance carrier did not recover the vehicle, they will be notified in writing, utilizing the ROTATION TOW-OWNER NOTIFICATION (PD57I-1210), even if a telephone notification has already been made.

7. Notify Precinct Detective Unit/Detective Squad concerned if arrest involved or vehicle was used in commission of a crime.

8. Prepare COMPLAINT FOLLOW-UP (PD313-081).

a. Prepare additional copy if recovering member is assigned to specialized unit.

b. Enter name of detective squad member notified, if vehicle used in commission of a crime or further investigation is necessary.

9. Have alarm cancelled via FINEST System and attach copy of NYSPIN acknowledgement to:

a. PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE

b. COMPLAINT FOLLOW - UP.

NOTE: Alarm will NOT BE CANCELLED until owner takes possession or vehicle is removed to Property Clerk's facility, or Rotation Tow storage facility.

DETECTIVE SQUAD MEMBER

10. Prepare additional COMPLAINT FOLLOW-UP, indicating further developments.

DESK OFFICER

11. Review COMPLAINT FOLLOW-UP.

a. Sign name.

12. 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.

13. 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.

14. Make required entries on PROPERTY INDEX (PD542-103).

15. Make entry in PROPERTY LOG (PD521-147) to account for any INVOICES prepared.

16. Forward COMPLAINT FOLLOW-UP as indicated on form:

a. Data Integrity Unit copy will be forwarded in separate envelope marked "Recovered Autos".

b. Additional copy, when prepared, will be forwarded to commanding officer of specialized unit concerned.

COMMANDING OFFICER SPECIALIZED UNIT

17. Review COMPLAINT FOLLOW-UP to ensure alarm has been cancelled and owner notified.

DESK OFFICER

18. Review PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICES daily to verify owners have been notified and sign rank, name and date on rear.

19. Ensure that owner of vehicle is notified, if such notification was not previously made.

20. 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 (P.G. 218-16)

Rotation Tow (P.G. 218-21)

Invoicing Vehicles/Property As Arrest/Investigatory Evidence For Forfeiture

Proceedings Or To Determine True Owner (P.G. 218-19)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT FOLLOW-UP (PD313-081)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

P.G. 218-15 Vehicle Stolen Outside New York City And Recovered Within New York City

Date Effective: 01-01-00

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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).
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.
3. Notify detective squad concerned, if arrest involved or vehicle was used in commission of a crime.

NOTE: COMPLAINT FOLLOW-UP (PD313-081) is not prepared for the vehicle recovery.

DESK OFFICER

4. Release vehicle to owner, OR
5. Ensure that vehicle is delivered to Property Clerk's storage facility.
6. Make required entries on PROPERTY INDEX (PD542-103).
7. Make entry in PROPERTY LOG (PD521-147) to account for any INVOICES prepared.

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 (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 (PD313-081)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)
PROPERTY INDEX (PD542-103)
PROPERTY LOG (PD521-147)

P.G. 218-16 Vehicle Stolen Within New York City And Recovered Outside New York City

Date Effective: 11-18-02

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.

PROCEDURE

When notified that a vehicle stolen within New York City has been recovered outside the City:

NOTE: The outside agency will be required to notify the Stolen Property Inquiry Section of the recovery of the stolen vehicle and will request alarm cancellation.

STOLEN PROPERTY INQUIRY SECTION

1. Notify Inter-City Correspondence Unit, through NYSPIN, that vehicle stolen within New York City has been recovered outside the City.

INTER-CITY CORRESPONDENCE UNIT

2. Transmit message through the FINEST System to the precinct of record where alarm originated advising of recovery of stolen vehicle.

3. Request desk officer, precinct of record, to notify registered owner.

DESK OFFICER, PRECINCT OF RECORD

4. Ensure that alarm for vehicle is cancelled.

5. Ensure a copy of NYSPIN acknowledgement is attached to COMPLAINT FOLLOW-UP (PD313-081), when prepared.

6. 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 (1) attempt at a telephone notification.

b. Enter in the Telephone Record:

(1) The date and time of such an attempt and

(2) Name of person contacted if notification attempt is successful.

7. Notify Inter-City Correspondence Unit that FINEST Message has been received concerning recovery of vehicle.

a. Provide identity of member making notification to registered owner.

INTER-CITY CORRESPONDENCE UNIT

8. 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

9. Prepare COMPLAINT FOLLOW-UP (PD313-081) 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

10. Review COMPLAINT FOLLOW-UP to ensure that alarm has been cancelled and owner has been notified.

11. Sign COMPLAINT FOLLOW-UP "For Commanding Officer" and forward as indicated on form, except Data Integrity copy, which will be forwarded in a separate envelope marked "Recovered Auto."

STOLEN PROPERTY INQUIRY SECTION

12. Forward an acknowledgement of cancellation of alarm to the recovering agency and to Inter-City Correspondence Unit.

RELATED PROCEDURES

Vehicle Stolen and Recovered Within New York City (P.G. 218-14)

Vehicle Stolen Outside New York City and Recovered Within New York City (P.G. 218-15)

Vehicle Stolen Within New York City and Recovered by Port Authority Police (P.G. 218-17)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

P.G. 218-17 Stolen Within New York City And Recovered By Port Authority Police

Date Effective: 11-18-02

PURPOSE

To notify the registered owner when a vehicle reported stolen within New York City is recovered by Port Authority Police on Port Authority property.

PROCEDURE

When a member of Inter-City Correspondence Unit is notified by the Port Authority Police that a vehicle reported stolen within New York City is recovered on a Port Authority facility:

INTER-CITY CORRESPONDENCE UNIT

1. Advise Stolen Property Inquiry Section of all information received from the Port Authority Police
2. Notify precinct of record via the FINEST System of recovery of vehicle.

NOTE: The Stolen Property Inquiry Section, as well as the precinct of record, can cancel a New York City alarm. Port Authority Police will retain custody of the vehicle until final disposition.

DESK OFFICER PRECINCT OF RECORD

3. Ensure that alarm for vehicle has been cancelled.
4. Ensure a copy of NYSPIN acknowledgement is attached to COMPLAINT FOLLOW-UP (PD313-081), when prepared.
5. 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 (1) attempt at a telephone notification.
 - b. Enter in the Telephone Record:
 - (1) The date and time of such an attempt and
 - (2) The invoice number from the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147) 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) Of the address and telephone number of the Port Authority storage facility or Pound.

6. Notify Inter-City Correspondence Unit that FINEST Message has been received concerning recovery of vehicle.

- a. Include the identity of member notifying registered owner.

INTER-CITY CORRESPONDENCE UNIT

7. Make record of acknowledgement of FINEST Message by precinct of record and the identity of the member of the service making notification to owner.

COMMAND CLREK, PRECINCT OF RECORD

8. Prepare COMPLAINT FOLLOW-UP (PD313-081) and under "Details" enter:

- a. Name of detective notified if arrest made or if vehicle was used in the commission of a crime, AND

- b. Identity of member notifying registered owner.

DESK OFFICER

9. Review COMPLAINT FOLLOW-UP to ensure that alarm has been cancelled and owner was notified.

10. Sign COMPLAINT FOLLOW-UP "For Commanding Officer" and forward as indicated on form, except Data Integrity copy, which will be forwarded in a separate envelope marked "Recovered Auto."

RELATED PROCEDURES

Vehicle Stolen and Recovered Within New York City (P.G. 218-14,)

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 (P.G. 218-16)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

P.G. 218-18 Photographing Stolen Evidence Vehicles When An Arrest Is Made

Date Effective: 01-01-00

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. Follow Patrol Guide procedure 208-03, "Arrest - General."
2. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147A).
3. Take set of evidence photographs (Polaroid) for the District Attorney/Corporation Counsel and every defendant arrested.

a. Each set of evidence photographs must include:

- (1) Vehicle identification number (VIN)
- (2) Registration sticker on windshield

NOTE: The photograph depicting the above information must be taken utilizing the camera's "VIN HOOD ADAPTER" which has been supplied to all commands.

- (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.

NOTE: The member of the service taking the photographs will take the minimum number of photographs necessary to show all of the above listed items.

4. Affix PHOTO LABEL - VEHICLE (PD221-900) to the rear of each photograph containing the following information:

- a. Defendant's name/respondent's name (cross out the appropriate)
- b. Arrest number
- c. Date
- d. Precinct of arrest
- e. PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) number
- f. COMPLAINT REPORT number
- g. Name and tax registry number of person taking photographs

NOTE: In cases involving multiple arrests, one (1) set of photographs to be delivered to the District Attorney/Corporation Counsel will contain the names and arrest numbers of all defendants/respondents.

5. Deliver all photographs, along with required paperwork, to District Attorney/Corporation Counsel.

- a. Include a notation of delivery of photographs on ARREST DOCUMENTATION CHECKLIST (PD249-010), and
- b. Have District Attorney receipt for photographs by signing in the appropriate box on the blue copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE or
- c. In juvenile arrests, photographs will be included with the arrest paper work forwarded to the Corporation Counsel.

NOTE: District Attorney/Corporation Counsel will keep the photographs.

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 DOCUMENTATION CHECKLIST that photographs are part of the arrest package being delivered to the District Attorney or are included in the arrest package forwarded to the Corporation Counsel.

NOTE: 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 at: (212) 374-5400.

ADDITIONAL DATA

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 (48) 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 (30) days prior to its removal to the pound.

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.

RELATED PROCEDURES

Personal Recognizance-Juvenile Delinquent (P.G. 215-12)

Rotation Tow (P.G. 218-21)

FORMS AND REPORTS

ARREST DOCUMENTATION CHECKLIST (PD249-010)

COMPLAINT REPORT (PD313-152)

PHOTO LABEL - VEHICLE (PD221-900)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD 571-147A)

P.G. 218-19 Invoicing Vehicles/Property As Arrest/Investigatory Evidence Or For Forfeiture Proceedings Or To Determine True Owner

Date Effective: 01-01-00

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 CLERKS INVOICE WORKSHEET (PD521-141A) OR PROPERTY CLERKS MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD521-147A) as appropriate, AND comply with instructions on rear of forms.
2. Check correct Category of Property on front of forms:
 - a. ARREST EVIDENCE - Property/vehicles invoiced as evidence - arrest made
 - b. INVESTIGATORY EVIDENCE - Property/vehicles invoiced as evidence, pending investigation - no arrest made
 - c. FORFEITURE
 - d. DETERMINE TRUE OWNER
3. Have alarm cancelled via FINEST System, where necessary.
 - a. Attach copy of NYSPIN acknowledgement to PROPERTY CLERK'S INVOICE and/or COMPLAINT FOLLOW-UP (PD313-081), as appropriate.
4. Have REQUEST FOR LABORATORY EXAMINATION (PD521-161) prepared, if lab test needed.
5. Attach "Evidence Release/Investigation Copy" (green) of the appropriate INVOICE to DESK APPEARANCE TICKET forms, if prepared in arrest cases or bring INVOICE copy to court and present to assistant district attorney concerned, when no DESK APPEARANCE TICKET is prepared.
 - a. Give RETURN OF EVIDENCE CARD (PD521-110) to victim/complainant, if property is held as evidence.

NOTE: Command clerks will complete and give RETURN OF EVIDENCE CARD to victim/complainant whenever a request for information concerning procedure for obtaining invoiced/evidence property is made. Desk officers will make certain RETURN OF EVIDENCE CARD has been issued, where appropriate.

VEHICLES/PROPERTY HELD AS INVESTIGATORY EVIDENCE

DESK OFFICER

6. Direct that property must be seized and invoiced as investigatory evidence when a criminal investigation is required and no arrest has been made.
7. Direct that vehicles may also be seized and invoiced as investigatory evidence when:

- a. Crime Scene Unit examination of vehicle is requested.
- b. Highway Unit must conduct an investigation at scene of a vehicle accident.
- c. Investigation of vehicle by any unit other than the Property Clerk is required.

NOTE: Investigations outlined above will be conducted and concluded at command concerned, when possible. If further investigation is required, the vehicle will be removed to the Property Clerk Auto Pound.

INVESTIGATING OFFICER

8. Prepare a COMPLAINT FOLLOW-UP updating the status of the vehicle investigation within fifteen (15) days and forward copy to Property Clerk Auto Pound.

COMMANDING OFFICER

9. Direct uniformed member of the service to submit COMPLAINT FOLLOW-UP to borough Property Clerk office concerned, if investigatory evidence, other than vehicles, must be held more than one (1) year from date of when PROPERTY CLERKS INVOICE was prepared.

UNIFORMED MEMBER OF THE SERVICE

10. Include the following information on each COMPLAINT FOLLOW-UP submitted to the Property Clerk:

- a. Pre-printed INVOICE number
- b. Rank, name, command and tax registry number
- c. Detective squad case number, if any
- d. Reason for continued retention of property
- e. Current status of investigation
- f. Period of time property is to be retained.

NOTE: If a COMPLAINT FOLLOW-UP is not submitted within one (1) year, for other than vehicles, or if COMPLAINT FOLLOW-UP is not submitted within fifteen (15) days for vehicles, the Property Clerk will dispose of the property/vehicle except property/vehicles involved in homicide investigations.

11. Complete Investigation Evidence caption on rear of Evidence/Investigation Copy (green) of INVOICE and comply with instructions, when the investigation is completed and case is closed.

COMMANDING OFFICER

12. Forward a COMPLAINT FOLLOW-UP to the borough Property Clerk office or Auto Pound concerned, when property/vehicles, originally classified as investigatory evidence is changed to arrest evidence and include the following:

- a. Pre-printed INVOICE number
- b. Name and address of prisoner
- c. Copy of ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159).

VEHICLES SEIZED AS ARREST EVIDENCE

DESK OFFICER

13. 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 vehicle

c. Criminal possession-stolen vehicle

d. Possession of vehicle with altered V.I.N.

e. Leaving scene of accident-serious injury and likely to die

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).

NOTE: Arresting officer will immediately notify desk officer of arrest number when obtained for inclusion on the INVOICE.

VEHICLES SEIZED FOR FORFEITURE

DESK OFFICER

14. 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.

OCCUPIED VEHICLES HELD TO DETERMINE TRUE OWNER

DESK OFFICER

15. Direct an occupied vehicle be taken into custody if true owner cannot be determined and immediate arrest is not warranted.

NOTE: 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 P.L. 175.30, or any other 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.

16. Have PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE prepared and check Property Category "Determine True Owner".

17. Have vehicle delivered to Property Clerk's Whitestone Pound for processing by

NOTE: NO COMPLAINT REPORT is necessary when invoicing a vehicle to Determine True Owner. Property Clerk personnel will conduct the required investigation.

ADDITIONAL DATA

Whenever an arrest is effected involving a vehicle for a charge OTHER THAN those enumerated in step 13 above, the arresting officer will consult with his supervisor to determine whether 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 Vehicle 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 caption on the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

If the Assistant District Attorney's name and telephone number are not entered, the Property Clerk will categorize the vehicle as being held for safekeeping, and will notify the owner to promptly retrieve the vehicle.

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.

If a vehicle is to be safeguarded at the Property Clerks Vehicle Pound, the following documents will be forwarded with the vehicle:

- a. PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE
- b. FINEST Printout
- c. VIF Printout (including registered owner's zip code number).

d. Copy of COMPLAINT REPORT, if prepared, or notation on voucher of previously prepared COMPLAINT REPORT number and precinct of record, when vehicle is categorized as investigatory evidence, arrest evidence, or forfeiture.

RELATED PROCEDURES

Forfeiture Proceedings for Property Seized In Connection With An Arrest (P.G. 208-26)

Invoicing Property - General (P.G. 218-01)

Safeguarding Vehicles in Police Custody (P.G. 218-12)

Processing Currency Required as Evidence (P.G. 218-35)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP(PD313-081)

COMPLAINT REPORT (PD313-152)

ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY CLERKS MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD521-147A)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

RETURN OF EVIDENCE CARD (PD521-110)

P.G. 218-20 Delivery Of Vehicle To Property Clerk

Date Effective: 01-01-00

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. Complete entries on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) and on PROPERTY INDEX (PD542-103) as per instructions on rear of INVOICE.

VEHICLE ABLE TO BE DRIVEN:

DESK OFFICER

2. Assign uniformed member of the service to deliver vehicle and copies of INVOICE to Property Clerk's storage facility.

ASSIGNED MEMBER

3. Check entries on INVOICE against current condition and equipment of vehicle.
4. Record discrepancies on INVOICE.
5. Report discrepancies to desk officer.
6. Prepare COMPLAINT REPORT for missing equipment not originally noted on INVOICE and deliver to desk officer.
7. Receipt for vehicle on PROPERTY INDEX.
8. Deliver vehicle to storage facility and obtain receipt from Property Clerk's representative.

VEHICLE UNABLE TO BE DRIVEN:

DESK OFFICER

9. Notify Fleet Services Division, Department Tow at (718) 643-8727.

DEPARTMENT TOW TRUCK OPERATOR

10. Pick up vehicle and proceed to command to obtain related PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

DESK OFFICER

11. Assign member of service to check entries on INVOICE against condition and equipment of vehicle.

ASSIGNED MEMBER

12. Record discrepancies on INVOICE.
13. Report discrepancies to desk officer.

14. Prepare COMPLAINT REPORT for missing equipment not originally on INVOICE and deliver to desk officer.

DESK OFFICER

15. Enter identity of tow truck operator on PROPERTY INDEX.

DEPARTMENT TOW TRUCK OPERATOR

16. Receipt for vehicle on PROPERTY INDEX.

17. Deliver vehicle and corresponding INVOICE set to Property Clerk's storage facility.

DESK OFFICER

18. Countersign INDEX in Property Clerk Storage Number column.

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY INDEX (PD542-103)

P.G. 218-21 Rotation Tow

Date Effective: 11-18-02

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 check either "yes" or "no" in the box captioned "Double Tow" on the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, AND if "Double Tow" is authorized, he must enter signature in the adjacent box. 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) and rear of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET (PD571-147a).

(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, i.e., vehicle needs to be safeguarded due to the inability of the owner/driver to remove to a safe place (e.g. prisoner, aided, accident, 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 Division, if necessary.

3. Obtain relevant information from New York State Police Information System Network (NYSPIN) via FINEST System.

4. Prepare ROTATION TOW IDENTIFICATION STICKER (PD571-090).

a. Affix STICKER to glass (window or windshield) facing street side.

5. Enter information in ACTIVITY LOG (PD112-145).

6. Provide desk officer with all relevant information on recovered vehicle for notification to participating tow operator.

NOTE: OWNER WILL NOT BE NOTIFIED NOR WILL ALARM BE CANCELLED until tow operator has advised that vehicle has been removed to storage facility

7. Prepare, sign, and deliver to desk officer:

a. PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).

(1) Check box captioned "Rotation Tow".

(2) Check either "yes" or "no" in box captioned "Double Tow", and if "Double Tow" is authorized, enter signature in adjacent box. (Signature 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. COMPLAINT FOLLOW-UP (PD313-081), ONLY if previously reported stolen WITHIN NEW YORK CITY.

c. COMPLAINT REPORT, if investigation reveals that vehicle has been stolen WITHIN NEW YORK CITY, BUT THE THEFT HAS NOT BEEN REPORTED.

8. Obtain and attach to original and duplicate white copies of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, FINEST printout indicating:

a. Check of registration plate and V.I.N.

b. Listing of registered owner and insurance code

c. NYSPIN and NCIC checks.

NOTE: FINEST printout need not be attached to PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE for vehicles with missing or illegible V.I.N.(s).

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 (PD672-152) 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.

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 (1/2 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 (2) or more vehicles are recovered at one (1) incident by the SAME tow operator. (Such removal counts as one (1) turn in the rotation sequence).

16. Enter name of authorized rotation tow company under "Remarks" on the PROPERTY CLERK'S MOTOR VEHICLE/BOAT 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's Auto Pound on any weekday commencing on the eighth (8th) day and ending on the thirtieth (30th) day.

c. Vehicles remaining unclaimed commencing on the eighth (8th) day MUST BE DELIVERED to the Auto Pound any weekday, by the tow operator, by the thirtieth (30th) 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'S MOTOR VEHICLE/BOAT INVOICE and COMPLAINT FOLLOW-UP, if prepared.

NOTE: Desk officer/designee of requesting command will verify the accuracy of alarm transmission or cancellation by having a standard inquiry made to NYSPIN via FINEST System by plate or VIN number, from one (1) to two (2) hours AFTER the original request was transmitted. Discrepancies will IMMEDIATELY be corrected by modifying alarm transmission or cancellation via FINEST System.

19. Notify registered owner of vehicle as soon as possible after the recovered vehicle has been delivered to tow operator.

a. If telephone number of registered owner is available make at least one (1) attempt at a telephone notification.

b. Enter in the Telephone Record:

(1) The date and time of such an attempt and

(2) The invoice number from the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147) 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) That 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) Of the address and telephone number of storage facility or Pound.

NOTE: In all cases where the registered owner or insurance carrier did not recover the vehicle, they will be notified in writing, utilizing the ROTATION TOW-OWNER NOTIFICATION (PD 572-1210), even if a telephone notification has already been made.

20. Have ROTATION TOW-OWNER NOTIFICATION (PD571-1210) prepared.

a. Have one (1) photocopy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE prepared.

21. Make appropriate entries in ROTATION TOWING LOG and PROPERTY INDEX (PD542-103).

a. Insert words "Interim Status" and tow company name in "Disposition" column on PROPERTY INDEX.

22. Distribute ROTATION TOW - OWNER NOTIFICATION as follows:

a. Original copy of the ROTATION TOW - OWNER NOTIFICATION and a photocopy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE to owner via U.S. mail.

(1) Envelope addressed to owner will include precinct return address on upper left corner and PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE number on lower left corner.

b. Attach duplicate to the ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (when received) and place in the Rotation Towing 30-Day File maintained at the precinct.

NOTE: Envelope with ROTATION TOW - OWNER NOTIFICATION and attached copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE returned by the Postal Service as non-deliverable will be attached unopened to the original and duplicate copies (white) of the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE. A notation will then be made on the duplicate ROTATION TOW-OWNER NOTIFICATION that the original was returned undelivered.

UPON RECEIPT OF THE ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE FROM THE TOW OPERATOR:

23. Verify accuracy of information entered on ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE with information on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

a. Enter data from "Pct. Qty." captions on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (non-shaded areas) to "Pct. Qty." captions on ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE (shaded areas).

b. Indicate discrepancies, if any, under Remarks on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

c. Prepare COMPLAINT REPORT, if appropriate, and indicate serial number under "Remarks" on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

24. 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.

25. Complete required receipt entries on back of original copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (white "Property Clerk File Copy") and indicate date vehicle taken into custody by Rotation Tow Operator.

a. Have tow operator receipt for vehicle by placing his signature on line "Owner Agent".

26. Distribute PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE when V.I.N. has been obtained and ownership of vehicle has been determined, as follows:

a. Original and duplicate copies (white) to Rotation Towing 30-Day File, with ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE and copy of ROTATION TOW-OWNER NOTIFICATION attached thereto.

b. Blue copy to recovering officer.

c. Yellow, pink and green copies to tow operator.

NOTE: 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 (48) HOURS for confidential V.I.N. check as been entered under "Remarks" on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

b. Direct tow operator to deliver vehicle and ALL copies of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (except officer's blue copy) to Property Clerk Auto Pound within forty-eight (48) hours of completion of towing assignment.

c. Have tow operator sign PROPERTY INDEX as receipt for vehicle and INVOICES.

d. Retain ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE in Rotation Towing 30-Day File for entry of vehicle storage number pending receipt of NOTICE OF VEHICLE DELIVERY (PD571-128) from Auto Pound.

27. Advise tow operator to distribute copies of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE upon release of vehicle to registered owner/authorized representative/insurance carrier as follows:

- a. Pink - to owner/authorized representative/insurance carrier
- b. Green - to tow operator's file
- c. Yellow - deliver to precinct of recovery.

UPON RECEIPT OF YELLOW COPY OF PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE AT PRECINCT, INDICATING RELEASE OF VEHICLE BY TOW OPERATOR TO OWNER/AUTHORIZED REPRESENTATIVE/INSURANCE CARRIER.

DESK OFFICER

28. Ensure that INVOICE (yellow copy) is properly receipted and storage fees are indicated.

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 yellow copy of INVOICE will suffice as receipt for release of vehicle.

29. Attach yellow copy of INVOICE to original and duplicate copies (white) of INVOICE from Rotation Towing 30-Day File and maintain in separate designated file in pre-printed INVOICE number order with related documents, i.e., District Attorney's Release, etc., if any, attached.

30. File ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE in command.

UPON NOTIFICATION FROM TOW OPERATOR THAT VEHICLE IS BEING REMOVED TO PROPERTY CLERK'S AUTO POUND.

DESK OFFICER

31. Present tow operator with original and duplicate copies (white) of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE from Rotation Towing 30-Day File.

a. Retain ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE, pending receipt of NOTICE OF VEHICLE DELIVERY from the Property Clerk's Auto Pound.

b. Inform the tow operator that in no event shall any towing company charge the Police Department for storage charges incurred after the tenth (10th) day of storage.

32. Direct tow operator to deliver all copies of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (white [2], yellow, pink, green), with vehicle, to Property Clerk's Auto Pound.

a. Have tow operator sign PROPERTY INDEX as receipt for vehicle and INVOICES.

b. Enter vehicle disposition, "To College Point Pound," in the "Remarks" column of the ROTATION TOWING LOG.

UNIFORMED MEMBER OF THE SERVICE ASSIGNED AT AUTO POUND

33. Sign, time stamp and enter vehicle storage number on green and pink copies of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE as receipt for vehicle and return both copies to tow operator.

34. Prepare NOTICE OF VEHICLE DELIVERY and forward IMMEDIATELY to the desk officer, precinct of recovery.

DESK OFFICER

35. Enter vehicle storage number on PROPERTY INDEX and ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE upon receipt of NOTICE OF VEHICLE DELIVERY.

36. File ROTATION TOW OPERATOR'S MOTOR VEHICLE INVOICE in command.

COMMANDING OFFICER OR DESIGNEE

37. Inspect daily:

a. ROTATION TOWING LOG entries for previous twenty-four (24) hours to ensure completeness and accuracy.

b. Rotation Towing 30-Day File to:

(1) Determine status of all INVOICES.

(2) Ensure no vehicle is being held more than 30 days.

38. Enter date, time of inspection and signature in "Remarks" column of ROTATION TOWING LOG and include remedial action taken, if any.

39. 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 be 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

When a vehicle subject to the provisions of this procedure has a Car and Truck Leasing Association (CATRALA) sticker affixed thereon, the desk officer will enter the sticker number under "Remarks" on PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE and notify CATRALA by telephone of the recovery. CATRALA stickers are round with the silhouette of a blue cat on green background.

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:

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 AND PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET. 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 (PD571-090)
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 Patrol Guide procedure 113-16.

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 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 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 thereunder 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 New York State Registration Plates (P.G. 214-29)

Requesting U.S. Postage Stamps (A.G. 325-26)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

NOTICE OF VEHICLE DELIVERY (PD571-128)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE WORKSHEET(PD571-147A)

REPORT OF VIOLATION (PD672-152)

ROTATION TOW IDENTIFICATION STICKER (PD571-090)

ROTATION TOWING LOG (PD571-1412)

ROTATION TOW-OWNER NOTIFICATION (PD571-1210)

P.G. 218-22 Processing Boats In Police Custody

Date Effective: 01-01-00

PURPOSE

To safeguard boats coming into police custody.

PROCEDURE

Upon taking a boat into police custody:

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'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).

NOTE: Evidence or other property, not part of boat equipment, will be listed on PROPERTY CLERK'S INVOICE (PD521-141) and delivered to precinct of record.

4. Request patrol supervisor to respond to scene.

PATROL SUPERVISOR

5. Verify accuracy and completeness of INVOICE(S) by signing rank, name and shield number.

DESK OFFICER

6. Make required entries in PROPERTY INDEX (PD542-103).
7. Make entry in PROPERTY LOG (PD521-147) to account for any INVOICES prepared.
8. Notify owner, if known, and Harbor Unit for removal of boat to storage facility.

HARBOR UNIT, MEMBER RESPONDING

9. Verify entries on INVOICE.
10. Receipt for boat on "Police Officer's Copy" of INVOICE.
11. Deliver boat with PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-141) to storage facility.

UNIFORMED MEMBER OF THE SERVICE

12. Enter information concerning boat and disposition in ACTIVITY LOG (PD112-145).
13. Notify desk officer of disposition.

DESK OFFICER

14. Close out PROPERTY INDEX by inserting:

- a. Identity of Harbor Unit member removing boat
- b. Launch number
- c. Date, time and identity of member of service who released boat to Harbor Unit member.

HARBOR UNIT MEMBER

15. Enter Harbor Storage Number on all copies of INVOICE and related records.
16. Forward copy of INVOICE to Property Clerk Inventory Unit.
17. Identify and notify owner of boat, if such has not already been done.
18. Cancel alarm, if applicable.

NOTE: Alarm will NOT be cancelled until boat is actually at storage facility or receipted for by owner.

ADDITIONAL DATA

When a boat is found adrift by Harbor Unit personnel, the member assigned to Harbor Unit will prepare the PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE and notify the desk officer, precinct of record. The desk officer will assign the next precinct VEHICLE/BOAT INVOICE number and enter required information in PROPERTY INDEX, which will then be closed out by entering identity of Harbor Unit member taking custody of boat, the Harbor Unit launch number and date, time and name of desk officer making entry.

When a boat is found on a street, contact Department tow for removal. Do not contact Rotation Tow.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)
PROPERTY INDEX (PD542-103)
PROPERTY LOG (PD521-147)

P.G. 218-23 Processing Firearms And Firearm-Related Evidence

Date Effective: 10-17-03

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., weapon.
- d. Any type of simulated firearm such as a toy gun, imitation pistol, etc.

CARTRIDGE - Live ammunition. A cartridge consists of a bullet (projectile), and a shell casing together as one (1) 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.

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 MASKING 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 masking tape AND sign name legibly across the border between the masking tape and the container.

b. An NYPD Plastic Security Envelope has adhesive on the envelope flap and does not have to be fastened with masking tape; however, name must be legibly signed across the border between the flap and the envelope.

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.

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 (1) 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 (1) 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.

NOTE: If one (1) 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, package the entire box or boxes 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.

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 (2) 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 (2) 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 (2) 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'S 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.
 - 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. Describe the evidence as "cartridge removed from the chamber of the firearm."
 - d. List ALL of the other cartridge(s) removed from the firearm, other than the cartridge removed from the chamber, as ONLY one (1) item on the next line of the WORKSHEET, irrespective of the number of cartridges. Under "Quantity," list the TOTAL number of cartridge(s) removed from the firearm other than the cartridge removed from the chamber. Describe the evidence as "cartridge(s) removed from the firearm."
 - e. Silencer, whether or not affixed to a firearm, will be listed separately as the next item of the WORKSHEET. If more than one (1) 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 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), cartridges(s), silencer(s), appropriate accessories, etc., as the next items(s) of the WORKSHEET in accordance with the procedures and sequence contained in Steps 13a through 13f, as applicable.
 - 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 (1) 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."

NOTE: If cartridges were seized from more than one (1) person, list the cartridges seized from different persons on separate lines on the WORKSHEET and identify that person. Use only one (1) 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 (1) 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.

NOTE: If cartridges were seized from more than one (1) location, list the cartridges seized from different locations on separate lines of the WORKSHEET and describe the location. Use only one (1) 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 as only one (1) item on the next line of the WORKSHEET, irrespective of the total number of shell casings recovered. Under "Quantity," list the TOTAL number of shell casings. Describe the evidence as "shell casings recovered from crime scene."

k. List ALL fired bullets recovered from a crime scene as only one (1) 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. Voucher ALL cartridges NOT removed from a firearm that are recovered from a crime scene where a firearm may or may not have been recovered as ONLY one (1) item on the next line of the WORKSHEET, irrespective of the total number of cartridges recovered. Under "Quantity," list the TOTAL number of cartridges. Describe the evidence as "cartridges recovered from crime scene."

NOTE: 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 accessory(s) will be listed on a SEPARATE WORKSHEET and will be delivered direct to the Property Clerk Division. If there is more than one (1) accessory, invoice all of the accessories on one (1) INVOICE if possible, and list each accessory as a separate item on the WORKSHEET.

14. Place firearm and all other firearm-related evidence that is listed on the same WORKSHEET into one (1) Plastic Security Envelope and properly seal in presence of desk officer.

a. If firearm and firearm-related evidence will not fit into one (1) Plastic Security Envelope:

(1) Place the firearm and all other firearm-related evidence that are invoiced on the same WORKSHEET into the one (1) appropriate sized bag/container. If possible, DO NOT use more than one (1) 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 (1) 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.

NOTE: If firearms and/or other firearm-related evidence being invoiced are so numerous that more than one (1) INVOICE must be used, DO NOT place evidence listed on two (2) different INVOICES into the same Plastic Security Envelope or the same bag/container.

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 firearm(s).

a. Recovering command will not cancel alarm for firearms. CANCELLATION WILL BE MADE ONLY BY STOLEN PROPERTY INQUIRY SECTION.

17. Prepare an On Line Complaint System (OLCS) 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 (PD521-161) if firearm(s) and/or firearm-related evidence must be examined by the Firearms Analysis Section, Office of the Chief Medical Examiner (OCME) Forensic Biology Unit, or any other unit or agency.

19. Deliver firearm(s) and firearm-related evidence to the desk officer, command of occurrence.

COMMAND CLERK

20. Prepare PROPERTY CLERK'S INVOICE (PD521-141) from WORKSHEET.

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. Make notation in the "Remarks" section of the INVOICE that the corresponding firearm(s) have been unloaded/rendered safe and initial this notation.

23. Review OLCS 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. Prepare LETTER OF TRANSMITTAL - EVIDENCE (PD521-152).

25. Attach the following to the invoiced firearms/firearm-related evidence:

a. PROPERTY CLERK'S INVOICE:

(1) Property Clerk File copy (white)

- (2) Inventory Unit copy (white)
 - (3) Property Clerk Work copy (yellow)
 - (4) If the firearm is contraband, the Prisoner/Finder copy (pink)
 - (5) If the firearm is not contraband, a photocopy of the Property Clerk File copy (white) in addition to the original copy.
- b. Copy of OLCS computer generated COMPLAINT REPORT.
 - c. Copies of REQUEST FOR LABORATORY EXAMINATION.
 - d. Copy of FINEST printout.

26. Determine where the invoiced firearms and/or firearm-related evidence should be delivered, e.g., Firearms Analysis Section, OCME Forensic Biology Unit, Property Clerk Division, etc., and make arrangements to have expeditiously delivered in the appropriate manner.

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

FIREARMS INVOICED FOR SAFEKEEPING

Certain firearms coming into possession of members of the service which are categorized for "Safekeeping" should be listed on one (1) 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.

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 (1) INVOICE, if possible. The reason for the examination will be specifically explained on the REQUEST FOR LABORATORY EXAMINATION.

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:

1. DO NOT package biological evidence if it is wet; it must be air-dried before it is packaged.

2. 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.

- a. Write command and invoice number on the outside of each bag/container. If more than one (1) bag/containers 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.

3. Do not mark firearms and/or firearm-related evidence if to do so would contaminate, alter, damage, etc, the biological evidence thereon. Instead, write initials, unique consecutive number, command and invoice number on the outside of each paper bag/container. If more than one (1) 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.

The Office of Chief Medical Examiner (OCME) Forensic Biology Unit will perform all biological evidence examination/analyses. Therefore, firearms and/or firearm-related evidence requiring biological evidence examination/analysis will be invoiced on a separate INVOICE from any other evidence that will not be examined/analyzed by the OCME Forensic Biology Unit and will be processed as follows:

1. All of the firearms and/or firearm-related evidence that requires biological evidence examination will be listed on one (1) INVOICE, if possible. Specifically explain the reason for the examination on the REQUEST FOR LABORATORY EXAMINATION.

2. List EACH individual firearm and/or firearm-related evidence as a separate item on the INVOICE and specifically describe.

3. Attach the appropriate copies of the INVOICE and all other required forms to the biological evidence.

4. Have assigned/investigating member deliver biological evidence requiring examination/analysis and attached forms immediately to the OCME Evidence Unit, direct, for subsequent examination/analysis by the OCME forensic Biology Unit.

5. Immediately after the OCME Forensic Biology Unit completes collection/documentation of the biological evidence, the firearms and/or firearms-related evidence must be retrieved from the OCME Evidence Unit by the assigned/investigating member and immediately delivered to the Firearms Analysis Section, direct, for subsequent firearms examination.

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 by telephone at (212) 264-1000, approximately two (2) 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.

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 Organized Crime Control Bureau, Joint Firearms Task Force (JFTF) by telephone at (718) 254-7845 or (212) 466-4404. If a JFTF supervisor cannot be contacted at the above listed telephone numbers, contact the JFTF supervisor through the Organized Crime Control Bureau, Field Operations Desk by telephone at (212) 374-6620.

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, hand print "DO NOT TRACE" in block letters in the LEFT MARGIN of both the INVOICE and the REQUEST FOR LABORATORY EXAMINATION.

At any point during the investigation, when deemed appropriate by the unit commanding officer, a request to trace one (1) or more specific firearms, previously identified as "DO NOT TRACE," can be made by telephone DIRECT to BATF, Project Lead at (212) 466-4404.

RELATED PROCEDURES

Contraband Weapons - (P.G. 208-49)

Complaints Not Recorded On Complaint Report - (P.G. 207-02)

Crime Scene - (P.G. 212-04)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

LETTER OF TRANSMITTAL - EVIDENCE (PD521-152)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-24 Processing Controlled Substances/Marijuana Contraband Stored At Stationhouse

Date Effective: 01-01-00

PROCEDURE

To process controlled substances/marijuana contraband weighing less than eight (8) ounces and store it securely in controlled substances locker in stationhouse.

DEFINITION

CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drugs.

[I.O.9 s 04] 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'S INVOICE WORKSHEET (PD521-141a).

COMMAND CLERK

3. Prepare PROPERTY CLERK'S INVOICE (PD521-141) from WORKSHEET.

UNIFORMED MEMBER OF THE SERVICE

[I.O. 9 s 04] 4. Request serially numbered Narcotic Evidence Envelope (Misc.242) (security lock-type envelope) and Plastic Security Envelope from 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. Place contraband in security envelope.

a. Controlled substances contraband that contains phencyclidine (Angel Dust) will be put in a plastic security envelope, and sealed, prior to being placed in security envelope for narcotics.

8. Moisten flap, insert metal clasp, seal and sign name, shield number, command and date across flap.

[I.O. 9 s 04] 9. Place sealed and signed Narcotic Evidence Envelope inside a Plastic Security Envelope.

a. The captions on the Narcotic Evidence Envelope should be visible through the rear of the Plastic Security Envelope.

10. 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, shield number, command, and date across the seal.

11. Record the serial numbers of both envelopes in the "Details" section of the Property Clerk's Invoice.

12. Attach original, and three (3) copies of PROPERTY CLERK'S INVOICE to Plastic Security Envelope.

13. Deposit sealed security envelope with papers attached in controlled substances locker.

[I.O. 9 s 04] NOTE: Steps seven (7) through thirteen (13) will be supervised and performed in the presence of the desk officer. Staples are NOT to be used to seal the Narcotics Evidence Envelope and should only be used to affix the PROPERTY CLERK'S INVOICE (PD521-141) to the Plastic Security Envelope near the blue circles.

DESK OFFICER

[I.O. 9 s 04] 14. List cumulatively on LETTER OF TRANSMITTAL - EVIDENCE (PD521-152) all controlled substances/marijuana contraband placed in controlled substance locker.

a. Put envelope numbers next to property INVOICE number.

15. Enter serial numbers from Narcotics Evidence Envelope and Plastic Security Envelope in the PROPERTY LOG.

a. Use one (1) space on the PROPERTY LOG to account for all Narcotic Evidence Envelopes and Plastic Security Envelopes on the same PROPERTY CLERK'S INVOICE, if possible.

16. Sign and return officer's copy of INVOICE to uniformed member of the service.

17. Distribute Evidence Release/Investigation Copy (Green) as per instructions on rear of INVOICE.

UNIFORMED MEMBER OF THE SERVICE

18. Notify desk officer of docket number and disposition of case immediately after arraignment of the defendant.

DESK OFFICER

19. Process and forward controlled substances/marijuana contraband to Police Laboratory in conformance with P.G. 218-04, "Transmittal Of Controlled Substances And Firearms To The Lab."

[I.O. 37 s 03] NOTE: If vouchering controlled substance Khat, Desk Officers should be guided by Patrol Guide Procedure 218-25, "Processing Controlled Substances/Marijuana Contraband Not Stored at Stationhouse," which directs that the vouchered substance will be transported directly to the Police Laboratory located at 150-14 Jamaica Avenue, Queens. At NO time will Khat be placed in a controlled substance locker.

ADDITIONAL DATA

A member of the Narcotics Division 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:

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. Voucher hypo containers on a separate PROPERTY CLERK'S 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

Processing Controlled Substances/Marijuana Contraband Not Stored at Stationhouse (P.G. 218-25)

Transmittal of Controlled Substance And Firearms Evidence to Lab (P.G. 218-04)

Removal And Return Of Evidence From Property Clerk Division (P.G. 218-07)

FORMS AND REPORTS

LETTER OF TRANSMITTAL - EVIDENCE (PD 521-152)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY LOG (PD521-147)

P.G. 218-25 Processing Controlled Substances/Marijuana Contraband Not Stored At Stationhouse

Date Effective: 01-01-00

[I.O. 37 s 03] PURPOSE

To process controlled substances/marijuana contraband weighing eight (8) ounces or more or too large for deposit in the command controlled substances locker, or controlled substance KHAT.

DEFINITION

CONTROLLED SUBSTANCES CONTRABAND - Any dangerous drug or an instrument used to administer dangerous drug.

[I.O. 37 s 03] PROCEDURE

Upon obtaining controlled substances/marijuana contraband weighing eight (8) 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'S INVOICE WORKSHEET (PD521-141a).

COMMAND CLERK

4. Prepare PROPERTY CLERK'S INVOICE (PD521-141) from WORKSHEET.

UNIFORMED MEMBER OF THE SERVICE

5. Mark contraband for future identification.

a. 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.

[I.O. 9 s 04] 6. Request serially numbered Narcotic Evidence Envelope (security lock type envelope) and Plastic Security Envelope from desk officer, if contraband will fit in such envelopes.

7. Place contraband in security envelope.

a. Moisten flap, insert metal clasp and seal.

[I.O. 37 s 03] NOTE: If contraband will NOT fit in security envelope, securely wrap contraband in package and seal with tape.

If vouchering the controlled substance KHAT, immediately transport it to the Police Laboratory located at 150-14 Jamaica Avenue, Queens, and notify the Police Laboratory's Controlled Substance Intake Office at (718) 558-8812 so they can make arrangements for analysis. At NO time will KHAT be placed in a 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 Laboratory.

8. Sign name, shield number, command and date across flap of security envelope or taped area of wrapped package.

NOTE: Steps 5 through 9 will be supervised by and performed in the presence of the desk officer.

[I.O. 9 s 04] 9. Place sealed and signed Narcotic 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. Record the serial numbers of both envelopes in the "Details" section of the PROPERTY CLERK'S INVOICE.

DESK OFFICER

10. Prepare LETTER OF TRANSMITTAL - EVIDENCE (PD521-152).

[I.O. 9 s 04] 11. Enter serial numbers from Narcotic Evidence Envelope and Plastic Security Envelope in PROPERTY LOG.

a. Use (1) one space on the PROPERTY LOG to account for all Narcotics Evidence Envelopes and Plastic Security Envelopes on the same PROPERTY CLERK'S INVOICE, if possible.

12. Detach Evidence Release/Investigation Copy of PROPERTY CLERK'S INVOICE and process according to instructions on rear of form.

13. Give following forms to invoicing member:

a. Remaining five (5) copies of INVOICE.

b. Two (2) copies of LETTER OF TRANSMITTAL - EVIDENCE.

14. Have invoicing officer sign remaining copies of LETTER OF TRANSMITTAL - EVIDENCE and file forms in command.

UNIFORMED MEMBER OF THE SERVICE

15. Deliver to Police Laboratory:

a. Controlled substances/marijuana contraband

b. Original and two (2) copies of INVOICE

c. Two (2) copies of LETTER OF TRANSMITTAL - EVIDENCE.

LABORATORY CLERK

16. Sign receipt for contraband and record laboratory number.

17. Return form to delivering officer for return to originating command.

COMMAND CLERK

18. Attach receipt to file copy of LETTER OF TRANSMITTAL - EVIDENCE.

ADDITIONAL DATA

A member of the Narcotics Division 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.

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'S INVOICE (PD 521-141) apart from other property/evidence involved in same occurrence.

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.

RELATED PROCEDURES

Processing Controlled Substances/Marijuana Contraband Stored At Stationhouse (P.G. 218-24)

FORMS AND REPORTS

LETTER OF TRANSMITTAL - EVIDENCE (PD521-152)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY LOG (PD521-147)

P.G. 218-26 Processing Found Property

Date Effective: 01-01-00

PURPOSE

To record and process found property.

SCOPE

Found property valued at ten dollars (\$10.00) or more is required to be reported to, and deposited with, the police. However, members of the service coming into possession of found property on the New York City subway system, other than U.S. currency or contraband, will deliver such property to the NYC Transit Railroad Clerk for forwarding to the NYC Transit Lost Property Office. This procedure has proven to be an acceptable way of safeguarding a passenger's property while not losing the member from patrol for an extended period of time.

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 (1) of the eight (8) 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:

MEMBER OF THE SERVICE

1. Issue receipt to person delivering property, if other than a member of the service.

a. If turned in at command, command clerk will prepare PROPERTY CLERK'S INVOICE (PD521-141) and give finder appropriate copy of INVOICE as receipt.

b. If delivered to member on patrol, prepare appropriate captions on ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGMENT OF FOUND PROPERTY (PD301-092), including a description of the property and signature of receiving member.

c. If member of the service comes into possession of found property on the New York City subway system, other than U.S. currency or contraband, member will deliver such property to the NYC Transit Railroad Clerk for forwarding to the NYC Transit Lost Property Office.

NOTE: Prior to accepting found property on the NYC subway system, members of the service shall, whenever possible, direct or escort a person to the NYC Transit Token Booth Clerk to turn in found property. A receipt shall be secured from the NYC Transit Railroad Clerk, with a description of the property, and given to the person finding the property or retained by the member delivering the property to the NYC Transit Railroad Clerk.

2. Enter facts in ACTIVITY LOG (PD112-145).

3. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD571-141a).

4. Deliver property and WORKSHEET to desk officer.

NOTE: If member of the service comes into possession of found property on the New York City subway system, other than U.S. currency or contraband, steps 3 and 4 will not be performed.

COMMAND CLERK

5. Prepare PROPERTY CLERK'S INVOICE from reporting member's WORKSHEET, including circumstances of finding, under "Remarks."

DESK OFFICER

6. Sign INVOICE verifying accuracy and completeness and direct reporting officer to sign.

7. Complete entries in PROPERTY LOG (PD521-147).

a. Use one (1) space on PROPERTY LOG to account for all Plastic Security Envelopes or Jewelry Security Envelopes listed on the same PROPERTY CLERK'S INVOICE, if possible.

8. Make Command Log entry indicating presence of member of the service with property and INVOICE number.

NOTE: If property was delivered to command by other than occupant or person in charge of premises where found and property not claimed, the name of the occupant or person in charge or premises who was notified of police custody of property and time of notification will be included in Command Log entry.

9. Have REPORT OF UNCLAIMED PROPERTY (PD542-122) prepared and forwarded as indicated on form.

IF PROPERTY IS RETURNED TO OWNER AT COMMAND:

DESK OFFICER

10. Require the claimant to produce valid identification, preferably photo identification. (See P.G. 208-28, "Identification Standards For Desk Appearance Tickets", step 1, for examples of satisfactory forms of valid identification).

a. Identification should include claimant's name and current address.

11. Print on PROPERTY CLERK'S INVOICE next to caption "RTO" (Return to Owner):

a. Claimant's name

b. Date and time property returned.

NOTE: Have the claimant and the member processing the return sign the original copy of the PROPERTY CLERK'S INVOICE. Include the owner's name, address and telephone number if the claimant is not the owner.

12. Photocopy claimant's identification and attach to photocopy of PROPERTY CLERK'S INVOICE.

a. File at the command.

13. Have claimant sign for property in "Disposition" column on PROPERTY INDEX (PD542-103).

14. Destroy all copies of REPORT OF UNCLAIMED PROPERTY

NOTE: First (1st) copy of REPORT OF UNCLAIMED PROPERTY, with disposition entered thereon, will be forwarded to the Stolen Property Inquiry Section, if property is returned to owner after original REPORT OF UNCLAIMED PROPERTY has been forwarded.

RELATED PROCEDURES

Identification Standards for Desk Appearance Tickets (P.G. 208-28)
Invoicing Property - General Procedure (P.G. 218-01)

FORMS AND REPORTS

ACCIDENT INFORMATION EXCHANGE/ACKNOWLEDGMENT OF FOUND PROPERTY (PD301-092)
ACTIVITY LOG (PD112-145)
PROPERTY CLERK'S INVOICE (PD521-141)
PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)
PROPERTY INDEX (PD542-103)
PROPERTY LOG (PD521-147)
REPORT OF UNCLAIMED PROPERTY (PD542-122)

P.G. 218-27 Found Property Retained By An Interstate Transportation Company, Airline, Bank Or Safe Deposit Company

Date Effective: 01-01-00

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 (2) 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 (60) days and the property has not been delivered to command.

REPORTS AND FORMS

REPORT OF UNCLAIMED PROPERTY (PD542-122)

P.G. 218-28 Safeguarding Property Of Deceased Person

Date Effective: 01-01-00

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 - As used in this procedure, a co-occupant is 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, i.e., 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.
 - b. Have Harbor Unit member who removed a body from the navigable waters, search body and deliver property to a precinct member.

NOTE: A police officer (male or female) may search a dead human body.

3. Obtain at least one (1) responsible civilian to witness search, when possible.
4. Ensure that identity of witness is recorded in member's ACTIVITY LOG (PD112-145).
5. Supervise complete search of body.
6. Have all property (currency, jewelry, papers or documents, etc.) removed from body except clothing actually worn.

7. Have clothing or other property required as evidence processed on separate INVOICE.

NOTE: When an aided person is pronounced dead at a hospital, the assigned member will witness search by hospital authorities, record property removed in ACTIVITY LOG and sign hospital property record, as witness.

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. 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 ACTIVITY LOG entries by signing rank and name.

10. Enter pertinent facts in ACTIVITY LOG.

UNIFORMED MEMBER OF THE SERVICE

11. Enter details in 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'S INVOICE WORKSHEET (PD521-141a) containing itemized list of property, including key to premises.

NOTE: When the key to the premises is given to the member assigned to guard body, such fact will be entered on WORKSHEET. The desk officer will have the key delivered to Property Clerk Division with other property of deceased.

DESK OFFICER

13. Check property against PROPERTY CLERK'S INVOICE WORKSHEET.

14. Ascertain that key to premises is itemized on the WORKSHEET.

- a. Indicate why, if not entered.
15. Make Command Log entry of circumstances concerning property.
16. Instruct command clerk to prepare PROPERTY CLERK'S INVOICE (PD521-141).
17. Give police officer's copy of INVOICE to member delivering property to stationhouse.

18. Forward property of deceased with remaining copies of INVOICE to Property Clerk Division without delay.

19. Have SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120) prepared.

NOTE: A door to a premises will not be sealed if facts reveal that a co-occupant resided in the premises with the deceased. However, if the deceased lived alone and the door is sealed, the desk officer may permit a person to enter the premises to obtain clothing to bury the deceased. A uniformed member of the service will accompany such person and replace the SEAL FOR DOOR OF D.O.A. PREMISES with a new seal.

20. Direct that SEAL FOR DOOR OF D.O.A. PREMISES be pasted across door and doorjamb of premises after body is removed, if appropriate.

21. 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.

22. Give property, if not yet forwarded to Property Clerk Division, and fifth copy (green) of INVOICE to a properly identified representative of the Public Administrator.

23. Obtain receipt for property on remaining copies of PROPERTY CLERK'S INVOICE AND PROPERTY INDEX (PD542-103).

24. Enter disposition of property "to Public Administrator" on INVOICE and PROPERTY INDEX.

25. Forward remaining copies of INVOICE to borough Property Clerk's Section.

26. 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.

NOTE: 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 release of decedent's property.

MEMBER SAFEGUARDING BODY/PREMISES

27. Remain with body until it is removed by morgue personnel or authorized undertaker.

28. Obtain receipt on IDENTIFICATION TAG (PD317-091).

29. Secure premises when leaving and paste SEAL FOR DOOR OF D.O.A. PREMISES across door and door jam, if appropriate.

30. Deliver key for premises and receipt for body to desk officer.

RELATED PROCEDURES

Dead Human Body - General Procedure (P.G. 216-04)

Use of Security Lead Seals (P.G. 216-10)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

IDENTIFICATION TAG (PD317-091)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY INDEX (PD542-103)

SEAL FOR DOOR OF D.O.A. PREMISES (PD517-120)

P.G. 218-29 Invoicing Property Removed From Parolee

Date Effective: 01-01-00

PURPOSE

To invoice and safeguard property removed from a parolee by an officer of the New York State Division of Parole in non-arrest situations.

PROCEDURE

When an officer of the New York State Division of Parole delivers property removed from a parolee in non-arrest situations:

DESK OFFICER

1. Ascertain if property was obtained within the confines of the precinct.

NOTE: If property was obtained within another precinct direct the parole officer to deliver the property to the precinct concerned.

2. Have the parole officer prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A) or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147), as appropriate.

3. Direct the stationhouse clerk to prepare the appropriate INVOICE from the parole officer's work copy.

4. Give "EVIDENCE RELEASE/INVESTIGATION" copy OF INVOICE to the parole officer.

RELATED PROCEDURE

Invoicing Property - General (P.G. 218-01)

FORMS AND REPORTS

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD521-147)

P.G. 218-30 Invoicing Property Taken From A Person'S Possession

Date Effective: 01-01-00

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 noncontraband property is removed from the person or possession of any individual, and taken into police custody for any reason:

INVOICING MEMBER

1. Inform the person that he or she may examine the PROPERTY CLERK'S INVOICE (PD521-141) or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) for accuracy as to the property listed.

NOTE: The person examining the INVOICE must not be allowed to view complainant information. It is imperative that the property be listed and the list examined, prior to the complainant data being entered on the INVOICE.

2. Inform the person that the INVOICE may be signed if the itemized list of property is correct upon examination.

NOTE: The person is not obligated to sign the invoice, and refusal or failure to do so shall not preclude a lawful claim from being made as to the property.

3. Inform the person that if additional property was taken or if the property was erroneously INVOICED, this fact may be indicated on the INVOICE.

4. Indicate on the INVOICE concurrence or disagreement with the person's statement as it relates to the itemized list of property.

5. Give the pink copy of the 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.

6. 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 pink copy of the INVOICE.

DESK OFFICER

7. Ensure that the invoicing officer has complied with the above provisions.

8. Make a Command Log entry specifying that the person received both the INVOICE copy (pink) and the NOTICE TO PERSONS FROM WHO THE PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT.

a. Indicate in Command Log if one (1) or both documents were refused by the person, specifying the circumstances of the refusal.

9. 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

10. 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

These provisions are the result of a court order. Noncompliance could place the Department in contempt of court. It is incumbent upon desk officers to ensure that persons from whom property is taken into custody receive their copies of the INVOICE as well as a copy of the NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT.

RELATED PROCEDURES

Invoicing Property - General (P.G. 218-01)

FORMS AND REPORTS

NOTICE TO PERSONS FROM WHOM PROPERTY HAS BEEN REMOVED BY THE POLICE DEPARTMENT (PD521-124)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

P.G. 218-31 Processing Computer Evidence

Date Effective: 01-01-00

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, and so on. 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 at (212) 374-4247 between 0600 and 2000 hours, Monday through Friday.
 - a. At all other times, contact the Office of the Chief of Detectives at (212) 374-5430.
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'S 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 vouchering 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.

NOTE: Plastic security envelopes should NOT be used, because they can cause a discharge of static electricity, which can destroy data on the disk. In addition, DO NOT write on floppy disks, for this can also result in the destruction of data.

4. Voucher computers, floppy disks and related peripherals, which are to be delivered to the Computer Crimes Squad for examination, separately from other property being vouchered.

- a. Non-computer items are to be processed in conformance with existing Department guidelines.

5. Deliver original white copy, second white copy and yellow copy of PROPERTY CLERK'S INVOICE with computer evidence to the Computer Crimes Squad.

- a. Distribute remaining copies of INVOICE as per instructions at the bottom of the form.

6. Attach copy of search warrant to INVOICES being delivered to the Computer Crimes Squad, if applicable.

7. Complete entries on PROPERTY INDEX (PD542-141), and indicate that computer evidence was removed to the Computer Crimes Squad.

8. Prepare REQUEST FOR LABORATORY EXAMINATION (PD521-161).

- 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.

9. Present LETTER OF TRANSMITTAL - EVIDENCE (PD521-152) when delivering computer evidence to the Computer Crimes Squad.

- a. Insert "Commanding Officer, CITU," under caption "To" on form.

MEMBER ASSIGNED/COMPUTER CRIMES SQUAD

10. Sign REQUEST FOR LABORATORY ANALYSIS and insert a "CITU" Forensic Laboratory Number on form.

- a. Type "Delivered to CITU" under caption "Laboratory Use Only."
 - b. File pink copy with completed forensic report and file white copy with property.
11. Sign LETTER OF TRANSMITTAL - EVIDENCE, where indicated on form.
 12. Provide delivering member with the precinct file copy of both the REQUEST FOR LABORATORY ANALYSIS and LETTER OF TRANSMITTAL - EVIDENCE.
 13. Forward copy of forensic report to submitting officer, upon completion of forensic examination.
 14. Arrange for the delivery of property to the Property Clerk upon completion of the forensic examination, utilizing the PROPERTY TRANSFER RECEIPT (521-145).

ADDITIONAL DATA

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; don't 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, don't 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.
- * 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.).
- * Contact the Computer Crimes Squad with any questions concerning the seizing, packaging or transporting of computer related evidence. Telephone (212) 374-4247 from 0600 to 2000 hours, Monday through Friday. At all other times, contact the Office of the Chief of Detectives at (212) 374-5430.

FORMS AND REPORTS

LETTER OF TRANSMITTAL - EVIDENCE (PD521-152)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY INDEX (PD542-141)

PROPERTY TRANSFER RECEIPT (PD521-145)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-32 Processing Alcohol Seized In ABC Law Violations

Date Effective: 01-01-00

PURPOSE

To process alcohol seized as evidence in 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.
 - a. Follow directions in Additional Data statement when vouchering seized alcoholic beverages to be destroyed by Property Clerk's Division.
2. Deliver alcohol seized to precinct of occurrence.
3. Mark container holding alcohol for future identification.
4. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a) and REQUEST FOR LABORATORY EXAMINATION (PD521-161).

NOTE: Alcohol seized as evidence WILL ONLY be forwarded to the Police Laboratory for chemical analysis when required for court presentation.

DESK OFFICER

5. Direct the preparation of typed PROPERTY CLERK'S INVOICE (PD521-141) from WORKSHEET.
6. Attach original and two (2) copies of PROPERTY CLERK'S INVOICE and original and one (1) copy of REQUEST FOR LABORATORY EXAMINATION to evidence and place in command property locker.
7. Make arrangements for the delivery of evidence to the borough Property Clerk's Office.

WHEN NOTIFIED THAT CHEMICAL ANALYSIS IS REQUIRED FOR COURT:

UNIFORMED MEMBER OF THE SERVICE

8. Notify the desk officer, command of occurrence, immediately and provide the following information:
 - a. PROPERTY CLERK'S INVOICE number
 - b. Date of seizure
 - c. Date of next court appearance.

NOTE: The Police Laboratory requires a minimum of three (3) days to analyze alcohol and prepare a report.

DESK OFFICER

9. 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

10. Direct messenger to pickup alcohol evidence at the borough Property Clerk's office concerned.

11. Have evidence analyzed and a POLICE LABORATORY ANALYSIS REPORT (PD521-151) prepared and delivered to court concerned.

ADDITIONAL DATA

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. Uniformed members of the service will, upon seizing alcoholic beverages obtained as a result of A.B.C. Law Violation, comply with the following:

- a. Take photograph of entire seizure at time and place of occurrence and enter the following on the back side of the photograph:

- (1) Date, place of seizure, and precinct of occurrence.
- (2) Defendant's name and arrest number.
- (3) Property Clerk's Invoice number and number (s) of any related Invoices.
- (4) Identity and signature of member taking photograph.

- b. Select a representative sample from the seizure, preferably a sealed bottle, for analysis. Only one (1) sample is required regardless of the quantity of bottles, etc., seized.

- (1) Prepare PROPERTY CLERK'S INVOICE WORKSHEET and REQUEST FOR LABORATORY EXAMINATION for such sample(s).

- (2) Record photograph as an item vouchered on the WORKSHEET that lists the representative sample.

- c. Prepare additional PROPERTY CLERK'S INVOICE WORKSHEET for remainder of the seizure and make notation across the face of the worksheet to read: "Delivered For Destruction."

- d. Cross-reference both WORKSHEETS.

Desk officers will ensure that the directions listed above, as well as the pertinent provisions of the subject procedure, not in conflict with said directions, are complied with. Furthermore, desk officers will give special attention to the data to be placed on the backside of the photograph. Rubber stamps, with captions, will be utilized when distributed.

NOTE: This procedure does not apply to:

- a. Alcoholic beverages seized from peddlers within the purview of the Environmental Control Board (ECB) - comply with provisions of Patrol Guide procedure 209-12, "Environmental Control Board Notice of Violation and Hearing".

b. Sale of Alcoholic Beverages during Prohibited Hours - i.e., actual alcoholic drink served - comply with Patrol Guide procedure 209-09, "Service Of A Summons - Special Procedure".

RELATED PROCEDURES

Arrests - Child Unlawfully in Certain Licensed Premises (P.G. 215-11)

Arrests - Premises Licensed by SLA Involved (P.G. 208-63)

Invoicing Property - General (P.G. 218-01)

FORMS AND REPORTS

POLICE LABORATORY ANALYSIS REPORT (PD521-151)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY INDEX (PD542-103)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-33 Processing Sexual Offense Evidence Collection Kits In Sex Offense Cases

Date Effective: 01-01-00

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 crimes:

- a. Rape
- b. Sodomy
- 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.

[I.O. 1 s 04] 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.

[I.O. 1 s 04] 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.

NOTE: 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.

[I.O. 1 s 04] 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.

NOTE: If the sexual offense occurred within the previous seventy-two (72) 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.

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'S INVOICE WORKSHEET (PD521-141a).

DESK OFFICER

5. Direct the preparation of PROPERTY CLERK'S INVOICE(s) (PD521-141), based on WORKSHEET(s) provided.

a. An individual PROPERTY CLERK'S INVOICE will be prepared for the Sexual Offense Evidence Collection Kit. A separate PROPERTY CLERK'S INVOICE will be prepared for any other sexual offense evidence.

6. Direct the preparation of a REQUEST FOR LABORATORY EXAMINATION (PD521-161).

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 IMMEDIATE delivery of the Sexual Offense Evidence Collection Kit(s), and a copy of the COMPLAINT REPORT, to the Office of the Chief Medical Examiner, Evidence Unit, in all sexual offense cases.

NOTE: The O.C.M.E., Evidence Unit, will not accept any Sexual Offense Evidence Collection Kit or any other sexual offense evidence without a copy of the COMPLAINT REPORT.

10. Deliver other sexual offense evidence, EXCEPT FIREARMS, IMMEDIATELY to the Property Clerk, if a Sexual Offense Evidence Kit or evidence gathering container was used at the hospital AND there is other sexual offense evidence.

11. Deliver other sexual offense evidence, EXCEPT FIREARMS, and a copy of the COMPLAINT REPORT, to the Office of the Chief Medical Examiner, in all sexual offense cases, if no Sexual Offense Evidence Collection Kit or evidence gathering container was used at the hospital.

NOTE: Exceptions to this procedure will be made only after conferral between the assigned investigator and the Forensic Biology Unit of the O.C.M.E. A determination will be made if circumstances exist that require immediate delivery of other sexual offense evidence to the O.C.M.E. Evidence Unit for immediate analysis by the Forensic Biology Unit, e.g., analysis required to establish probable cause for an arrest, or the District Attorney's office requests DNA analysis for prosecution.

12. Follow procedures outlined in P.G. 218-23, [REV 03-04] "Processing Firearm and Firearm-Related Evidence", if the other sexual offense evidence is a firearm.

NOTE: Bloodstain, DNA, serology, body fluids, tissue, saliva, or other biological evidence, must be IMMEDIATELY delivered to the Office of the Chief Medical Examiner, Evidence Unit, the Property Clerk, or the Firearms Analysis Section of the Police Laboratory, as appropriate.

13. Direct that Property Clerk Storage Number be entered in the Property Index when other sexual offense evidence is delivered to the Property Clerk.

14. Forward investigation (green) copy of the INVOICE to the commanding officer of the detective squad assigned to investigate the case.

NOTE: The investigation (green) copy of the INVOICE will be sent to the Commanding Officer, Borough Special Victims Squad when the case is referred to the Special Victims Squad for further investigation. In Patrol Borough Staten Island the investigation (green) copy will be forwarded to the commanding officer of the detective squad assigned to investigate the case.

ASSIGNED INVESTIGATOR

15. Notify the Forensic Biology Unit of the Office of the Chief Medical Examiner of all unfounded cases, as soon as possible.

a. Telephone number for the Forensic Biology Unit is (212) 447-2618.

ADDITIONAL DATA

[I.O. 1 s 04] 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'S INVOICE, with a separate REQUEST FOR LABORATORY EXAMINATION (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 is 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 O.C.M.E. Evidence Unit is imperative.

The Office of the Chief Medical Examiner, Evidence Unit, is located at 520 First Avenue, New York, N.Y. 10016. The O.C.M.E. Evidence Unit is open, and will accept biological evidence, 24 hours a day, 7 days a week, 365 days a year. Upon notification that a hospital possesses a Sexual Offense Evidence Collection Kit, Drug Facilitated Sexual Assault Blood and Urine Specimen Collection Kit or other evidence container from a previously reported incident, the desk officer concerned will notify the detective squad assigned to investigate the case, to immediately respond to the hospital and pick up the evidence.

RELATED PROCEDURES

Invoicing Property - General (P.G. 218-01)

FORMS AND REPORTS

COMPLAINT REPORT WORKSHEET (PD313-152a)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY CLERK INVOICE (PD521-141)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-34 Property Of The Division Of The Lottery

Date Effective: 01-01-00

PURPOSE

To safeguard and return property belonging to the Division of the Lottery.

DEFINITION

PROPERTY - 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 ACTIVITY LOG (PD112-145).
2. Deliver property to desk officer.

DESK OFFICER

3. Notify New York State Tax Office of Recovery.
4. Safeguard property until picked up by Division of the Lottery representative.
5. Verify identity of Division of the Lottery representative claiming property.
6. Make entry in PROPERTY LOG (PD521-147) to account for any INVOICES prepared.
7. Obtain signature of representative on PROPERTY INDEX (PD542-103) and PROPERTY CLERK'S INVOICE (PD521-141) as receipt.
8. Deliver property and pink copy of INVOICE to representative.

COMMAND CLERK

9. Maintain original, white and yellow copies of INVOICE in designated command files.

ADDITIONAL DATA

Property owned by the Division of the Lottery will not be sent to the Property Clerk's Office. If property is received during other than business hours, notification to New York State Tax Office will be made at 0900 hours on the next business day.

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
PROPERTY CLERK'S INVOICE (PD521-141)
PROPERTY INDEX (PD542-103)
PROPERTY LOG (PD521-147)

P.G. 218-35 Processing Currency Required As Evidence

Date Effective: 01-01-00

PURPOSE

To record, process and safeguard currency required as evidence.

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. Determine if currency should be marked with evidence stamp.

NOTE: Stamp which reads "Evidence - Notify N.Y.C. Police Department Property Clerk Division" will not be used on the following currency:

- a. Currency with numismatic or sentimental value (see "DEFINITION," P.G. 218-36, "Processing Non-Evidence Currency With Or Without Numismatic 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. Stamp and initial face of each bill as directed by desk officer.
5. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A).
 - a. If currency is marked with evidence stamp, list each denomination as separate item and indicate quantity of each denomination
 - b. List each denomination of UNSTAMPED bills as separate item and indicate quantity of each item.
 - (1) The serial number of each bill MUST be listed.
 - c. Verify amount listed on WORKSHEET, insert currency in serially number Plastic Security Envelope and seal.
 - d. Complete entries in PROPERTY LOG (PD521-147), using one space to account for all Plastic Security Envelopes or Jewelry Security Envelopes listed on the same INVOICE, if possible.

NOTE: Steps 4 and 5 will be performed under the supervision of the desk officer. If the currency is not stamped by arresting/assigned officer, the name and rank of officer stamping bills will be entered under "Remarks."

6. Enter facts in ACTIVITY LOG (PD112-145).

7. Deliver currency and WORKSHEET to desk officer.

DESK OFFICER

8. Check accuracy of WORKSHEET.

9. Have PROPERTY CLERK'S INVOICE (PD521-141) prepared from WORKSHEET.

10. Verify accuracy of INVOICE and sign.

11. Have entries made on PROPERTY INDEX (PD542-103).

12. Deliver police officer's copy of INVOICE to invoicing officer as receipt.

13. Safeguard currency pending delivery to Property Clerk.

NOTE: Currency will be perforated ONLY by Property Clerk personnel at Property Clerk facilities.

ADDITIONAL DATA

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.

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.

Should there be a need for laboratory analysis, then the currency should be placed in a manila envelope, sealed and marked "MUTILATED CURRENCY - CONTAINS STAINED MATERIAL - USE CARE IN HANDLING." In addition, the invoicing officer should sign name, shield number, command and date across seal.

RELATED PROCEDURES

Invoicing Property - General (P.G. 218-01)

Processing Non-Evidence Currency With or Without Numismatic Value (P.G. 218-36)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141A)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

P.G. 218-36 Processing Non-evidence Currency

Date Effective: 01-01-00

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, which 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'S INVOICE WORKSHEET (PD521-141a).
2. Make entry in ACTIVITY LOG (PD112-145).
3. Deliver WORKSHEET and currency to desk officer.

DESK OFFICER

Verify accuracy and completeness of WORKSHEET.

5. Have PROPERTY CLERK'S INVOICE (PD521-141) typed from WORKSHEET.
 - a. Enter INVOICE number and plastic deposit bag serial number on all copies of deposit slip.
 - b. Complete entries in PROPERTY LOG (PD521-147), using one space to account for all Plastic Security Envelopes or Jewelry Security Envelopes listed on the same INVOICE, if possible.
6. Prepare and sign deposit slip.
7. Direct vouchering officer to place currency into plastic deposit bag.

NOTE: Plastic deposit bags contain two (2) pouches and a detachable receipt. Currency and the last copy of deposit slip are to be inserted into larger pocket of deposit bag. The remaining parts of the deposit slip will be inserted into the smaller pocket. The protective strip will be removed exposing the adhesive and the plastic deposit bag will be sealed. The receipt on the flap of the deposit bag, listing the deposit bag's pre-printed serial number, will be removed and attached to the PROPERTY CLERK'S INVOICE.

8. Indicate amount to be deposited on PROPERTY INDEX (PD542-103).
9. Place all copies of INVOICE in a separate folder to be maintained at desk, if no other property is involved.

10. Direct invoicing officer, accompanied by another uniformed member of the service or an Evidence/Property Control Specialist, to deliver deposit bag to local authorized Chase Bank night deposit vault.

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 ACTIVITY LOG entries.

NOTE: The night deposit vault will be utilized at all times, including banking hours.

11. Make entry in Command Log, including:

a. 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).

12. 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

13. Retrieve deposit slip(s) and record receipt of deposit slip(s) and INVOICE number(s) in ACTIVITY LOG.

14. Present receipted deposit slip(s) to desk officer.

DESK OFFICER

15. Attach two (2) copies of receipted deposit slips to INVOICE.

16. Indicate date deposited on ALL copies of INVOICE.

17. Enter in Command Log:

a. Return of receipted deposit slips

b. INVOICE serial number.

18. Retain INVOICE, with deposit slips attached, for delivery to Property Clerk borough office.

NOTE: If property, in addition to currency, is also recorded on INVOICE, retain INVOICE, with receipted deposit slips attached, for delivery to Property Clerk borough office.

PROCESSING NON-EVIDENCE CURRENCY WITH POSSIBLE NUMISMATIC/SENTIMENTAL VALUE

UNIFORMED MEMBER OF THE SERVICE

19. Follow normal invoicing procedures.

NOTE: DO NOT deposit currency with possible numismatic/sentimental value into bank.

20. Indicate on PROPERTY CLERK'S INVOICE under "Remarks" possible numismatic/sentimental value.

a. Itemize coins by quantity.

b. DO NOT enter any monetary value in "Cash Value" column.

21. 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".

ADDITIONAL DATA

In the event of seizures of large amounts of currency by any command city-wide, which contains more than two thousand (2000) bills, the Property Clerk Division should be contacted at (212) 374-5905 for special counting and deposit procedures.

All deposits into Chase Bank are made on a "subject to count" basis. Should Chase Bank discover a discrepancy, the bank will notify the Commanding Officer, Property Clerk Division. Upon such notification, the Property Clerk Division Integrity 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)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PROPERTY CLERK'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY INDEX (PD542-103)

PROPERTY LOG (PD521-147)

P.G. 218-37 Handling Of Red Dye Marked Currency And Intact "Exploding" Currency Packets

Date Effective: 01-01-00

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.

NOTE: 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.

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 gloves.
 - a. Department issue disposable gloves are acceptable.
5. Work in a ventilated area.
6. Wash hands thoroughly after handling currency.
7. Indicate clearly on PROPERTY CLERK'S INVOICE (PD 521-141) and Plastic Security Envelope that currency may be contaminated with CS Tear Gas.

NOTE: 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.

ADDITIONAL DATA

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 (15) to thirty (30) minutes.

If stinging or burning sensation on moist skin areas occur, 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 (2) 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 (2) 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'S INVOICE (PD 521-141)

P.G. 218-38 Processing Of Currency/Negotiable Instruments For Forfeiture

Date Effective: 01-01-00

PURPOSE

To expeditiously process seized U.S. currency and/or negotiable instruments valued at one thousand dollars or more (\$1,000+) 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 (\$1,000+) that are deemed forfeitable:

UNIFORMED MEMBER OF THE SERVICE

1. Notify the Asset Forfeiture Unit, twenty-four (24) hours a day seven (7) days a week, at: (212) 374-5762 and request a Forfeiture Log Number (s) for seized property.

NOTE: Should an Asset Forfeiture Unit investigator determine that seized property is not forfeitable, follow normal invoicing procedures.

UNIFORMED MEMBER OF THE SERVICE

2. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD 521-141a).

NOTE: U.S. currency and/or negotiable instruments earmarked for forfeiture will receive its own INVOICE, on which no other property will be included.

3. Check the "OTHER" box found in "This Property Is" section of INVOICE.

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 INVOICE.

NOTE: The remarks section of the PROPERTY CLERK'S INVOICE (PD521-141) shall include a statement 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 ACTIVITY LOG (PD112-145).
7. Deliver WORKSHEET and currency/negotiable instrument to desk officer.

NOTE: U.S. currency/negotiable instruments processed for forfeiture WILL NOT be "Evidence" stamped.

DESK OFFICER

8. Verify accuracy and completeness of WORKSHEET.
9. Have PROPERTY CLERK'S INVOICE (PD521-141) typed from WORKSHEET.

a. In instances where money seized pursuant to a search warrant is processed for forfeiture, a Polaroid picture will be taken of the currency before it is bagged and deposited in the bank. This photograph will then be attached to the yellow copy of the INVOICE - "Property Clerk Work Copy."

10. Prepare and sign deposit slip.
 11. Direct vouchering officer to place currency/negotiable instruments into Plastic Security Envelopes.
 12. Indicate amount to be deposited on PROPERTY INDEX (PD542-103).
 13. Place all copies of INVOICE in separate folder to be maintained at desk, if no other property is involved.
 14. Direct invoicing officer, accompanied by another uniformed member of the service, to deliver currency in deposit bag to local authorized Chase Manhattan Bank night deposit vault.
 - 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 ACTIVITY LOG entries.
- NOTE: The night deposit vault will be utilized for currency ONLY. The night deposit drop will be used at all times, including banking hours. (Negotiable instruments will be forwarded to the Borough Property Clerk's Office).

15. Make entry in Command Log, including:
 - a. INVOICE serial number.
 - 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.
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 OF THE SERVICE

17. Retrieve deposit slip (s) and record receipt of deposit INVOICE number(s) in ACTIVITY LOG.

18. Present receipted deposit slip (s) to desk officer.

DESK OFFICER

19. Attach two (2) copies of receipted deposit slips to INVOICE.

20. Indicate date deposited on ALL copies of INVOICE.

21. Enter in Command Log:

a. Return of receipted deposit slip.

b. INVOICE serial number.

22. Retain INVOICE with deposit slips attached for delivery to Borough Property Clerk's Office.

ASSET FORFEITURE UNIT

23. Determine whether seized assets are appropriate subject of forfeiture proceedings, and if so, assign log number, conduct follow-up investigation and initiate tracking procedures.

24. Confer with District Attorney's Office, Civil Enforcement Unit, and any other agencies involved.

25. In federal cases, request appropriate federal agency to adopt within thirty (30) days, or request the District Attorney to forward a completed State Forfeiture Release Form to the Asset Forfeiture Unit for processing.

26. Authorize the release of currency/negotiable instruments from the Property Clerk in forfeiture cases.

NOTE: The Commanding Officer, Asset Forfeiture Unit will direct and coordinate the post seizure investigative efforts of the Department.

PROPERTY CLERK

27. Process INVOICE and currency/negotiable instruments.

28. Upon written request of the Asset Forfeiture Unit, issue a check within three (3) business days for seized currency being processed for Federal or State Forfeiture.

29. 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

30. Prepare related paperwork and forward check to appropriate agency, in federal forfeiture cases.

31. 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.

32. Assist and forward related paperwork to the Civil Enforcement Unit, in local forfeiture cases.

33. Negotiate an equitable sharing agreement with other participants, in federal cases.

34. Prepare and process Application for Transfer of Federally Forfeited Property (DAG71) in Federal forfeiture cases.

35. Monitor and track all federal and state forfeiture actions throughout the entire process.

ADDITIONAL DATA

Seizures of currency/negotiable instruments valued at less than one thousand dollars (\$1,000) 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 (2,000) bills, the Property Clerk's Division should be contacted at (212) 374-5905 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.

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 PROCEDURES

Arrests - Forfeiture Proceedings for Seized Property (P.G. 208-26)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

PROPERTY CLERK'S INVOICE (PD 521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY INDEX (PD542-103)

P.G. 218-39 Seizure, Removal, And Disposition Of Property From General And Food Vendors

Date Effective: 01-01-00

PURPOSE

To remove property from unlicensed food/general vendor(s) or from licensed general vendors 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 - 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. (see ADDITIONAL DATA statement).

PLASTIC SECURITY SEAL - non-releasable, pre-numbered security seal used to provide increased security for peddler's property, which is seized and placed in large plastic bags to be vouchered.

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:

SCOPE

A police officer may seize any vehicle, pushcart, stand or goods of a licensed general vendor which are thereby subject to removal procedures for violating the following subdivisions of Administrative Code Section 20-465:

Subdivision b - No general vendor shall occupy more than eight (8) linear feet of public space parallel to the curb in the operation of a vending business and, in addition, no general vendor operating any vending business on any sidewalk shall occupy more than three (3) linear feet to be measured from the curb to the property line.

Subdivision e - No general vendor shall vend within any bus stop, or taxi stand, or within ten (10) feet of any driveway, any subway entrance or exit, or any corner. For purposes of this subdivision, ten (10) feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb. Subdivision i - No general vendor shall vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall or plaza.

Subdivision m - Those provisions which prohibit vending over a ventilation grill.

UNIFORMED MEMBER OF THE SERVICE

1. Serve Environmental Control Board Notice of Violation.

NOTE: A food/general vendor must possess a Parks Department permit to sell within the jurisdiction of the Parks Department and up to 350 feet from the outer boundaries.

2. Seize pushcart, stand, vehicle, and any goods or food offered for sale IF:

- a. NOT in possession of valid General or Food Vendor license
- b. General vendor is selling in an area prohibited by law
- c. Licensed food vendor is operating without a permit within Parks Department jurisdiction
- d. Licensed food vendor is operating without a valid Department of Health permit permanently affixed to his/her pushcart, stand, or vehicle
- e. Vendor refused or fails to move from a critical location, as defined in "Exigent Circumstances", when so directed. (See ADDITIONAL DATA statement).

NOTE: A licensed food vendor's equipment (vehicle, pushcart, etc.,) and food or goods will be seized when the vendor is peddling in an area under Parks Department jurisdiction without a Parks Department permit. However, the equipment and/or goods of a licensed general vendor who is peddling in a park without a permit may not be seized if the ONLY violation committed is peddling without a Parks Department permit.

3. Place all seized property into large plastic bag(s) and tightly twist top of bag(s) closed.

4. Affix plastic security seal, with prongs facing inward, around top of bag by pushing tie through slot and pulling loose end taut.

- a. Write pre-printed number of security seal on summons under issuing officer's signature.

NOTE: Steps 1, 2, 3, and 4, will be performed in presence of peddler.

5. Deliver pushcart, stand, food/property, and necessary forms as appropriate, to command of occurrence.

6. Do not permit vendor to assist in removal of property to command or ride in department vehicle, except in arrest situation.

7. Return vendor's (food or general) license to licensee after issuing Notice of Violation.

8. Prepare PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a).

- a. Write pre-printed number of security seal on INVOICE next to appropriate item number.

9. Mark PROPERTY CLERK'S INVOICE WORKSHEET "Removed/Safeguard."

10. Enter under "Remarks" on INVOICE WORKSHEET, time of arrival at command with perishable items, type of food or goods and how packaged.

11. Make appropriate entries regarding peddler seals utilized in CERTIFICATION OF PEDDLER SEALS (PD160-1410).

COMMANDING OFFICER

12. 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.

NOTE: Perishable foods or goods are not to be forwarded to the Property Clerk Division.

DESK OFFICER

13. Examine sealed bag to ensure that:

- a. It is properly sealed
- b. Pre-printed plastic seal number is accurately recorded on both INVOICE WORKSHEET and Notice of Violation.

14. Make entry in PROPERTY LOG (PD521-147) to account for number of pre-printed plastic seal used.

- a. Use one (1) space on PROPERTY LOG to account for all seals listed on the same PROPERTY CLERK'S INVOICE (PD521-141), if possible.

15. Have PROPERTY CLERK'S INVOICE (PD521-141) typed from member's WORKSHEET.

- a. If two (2) separate INVOICES are prepared, a cross-reference will be made.

16. Store plastic bag(s) with INVOICE(S) in property room, pending removal to the Property Clerk.

17. Notify Property Clerk Division if large amount of property is removed from vendor.

18. Notify Department of Sanitation when expeditious disposal of spoiled food or goods is required.

19. Have three (3) copies of a report prepared on OFFICIAL LETTERHEAD (PD158-151) addressed to the vendor, within twenty-four (24) hours after perishable food or goods has been disposed of, indicating:

- a. An itemized description of property AND
- b. Reason for destruction or disposition AND
- c. Date of destruction/disposition.

NOTE: Separate "Notices of Disposal" will be prepared and forwarded 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.

20. Send copy of report to vendor through United States Mail.

21. Enter on command file copy of PROPERTY CLERK'S INVOICE under condemned food or goods, and date and time report was mailed to vendor.

22. Attach copy of report to command file copy of PROPERTY CLERK'S INVOICE.

WHEN EXIGENT CIRCUMSTANCES EXIST:

UNIFORMED MEMBER OF THE SERVICE

23. Notify vendor to stop all selling at the location and, within one (1) minute, begin to move from the area.

24. Inform vendor not to return to location for at least two (2) hours unless conditions dictate otherwise. (VENDOR MUST BE NOTIFIED OF TIME PERIOD).

NOTE: The vendor must move a sufficient distance from the critical location to alleviate the existing condition. A licensed vendor (food or general) who refuses to move as directed, or who does not move to a location outside the critical area, or who returns within the prohibited time, as directed, will be issued an Environmental Control Board Notice of Violation and Hearing. A properly identified vendor (identification may be by license alone) will not be arrested SOLELY for violation of a General Vendor's LAWS OR REGULATIONS.

ADDITIONAL DATA

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.

Dedicated peddler enforcement supervisors will be present at all property seizures, when practical.

All peddler enforcement vehicles will be marked.

Supervisory span of control for peddler enforcement shall not exceed one (1) supervisor for five (5) police officers.

A peddler's license issued to a veteran by a County Clerk or a Parks Department permit (where required) alone is NOT SUFFICIENT. A vendor MUST possess a Food Vendor's license and a permit for vehicle, cart, or stand, if appropriate, from the Commissioner of Health or a General Vendor's license from the Commissioner of Consumer Affairs.

Food that is factory sealed, i.e., cans, bottles, etc., if not reclaimed by the vendor, will be forwarded to the Property Clerk.

The property of a licensed general vendor which has been seized will be returned, upon demand of the peddler, without payment of any fee when the vendor concerned produces a valid general vendor's license

An appropriate entry will be made on the PROPERTY CLERK'S INVOICE, under "Remarks." However, fees will be collected for the seized property of a licensed food vendor, as per P.G. 218-43, "Removal And Storage Fees For Food Vendors Equipment And Goods". Property of an unlicensed general or food vendor will become the subject of forfeiture proceedings as per P.G. 218-41, "Unlicensed Peddler Forfeiture Program".

When "exigent circumstances" exist which cause a uniformed member of the service to direct a vendor (food or general) to temporarily move from the ENTIRE AREA, the following guidelines for relocation will be followed:

TYPE	MAXIMUM HEIGHT
(a) Unusually heavy pedestrian or vehicular traffic	The SHORTEST distance in DIRECTION OF EITHER: three (3) city blocks, or 750 feet, on direct line of sight.
(b) Obstruction in the public space	The SHORTEST distance necessary to public space alleviate space congestion but NOT to exceed the above.
(c) Accident, fire, other emergency	Beyond police and fire lines to an area of emergency safety. If vendor's

presence causes further congestion,
follow (a) or (b) above

- (d) Other unusual event As circumstances require after conferral with a supervising officer.
- (e) Parade Along entire parade route including 1/2 block on either side, formation and regrouping areas, or as directed by a supervising officer.

Perishable foods stored in existing police facilities are deemed to be contaminated and unfit for human consumption and subject to condemnation when storage times exceed the following guidelines:

GROUP I - 2 HOURS

POTENTIALLY HAZARDOUS FOODS:

- a. Vulnerable foods: Protein salads, fruits and vegetables, which have been sliced or chopped.
- b. Baked goods filled with custard or toppings or fillings made with mold products, eggs or other ingredients capable of supporting rapid and progressive growth of microorganisms.
- c. Fresh and ready to eat meat, fish, poultry and products containing gravies or sauces made from meat, fish or poultry.

EXAMPLES: Frankfurters; knishes; felafel; all frozen desserts such as ices, ice cream, yogurt; shish kebab; prepared, smoked and cooked meats; fried and other fish products, milk and milk products, cooked onions, relish, etc.

GROUP II - 24 HOURS

UNWRAPPED AND UNPROTECTED FOODS AND FOODS SUBJECT TO BECOMING STALE, MOLDY AND OTHERWISE UNFIT:

- a. Food shall be deemed unwholesome and subject to contamination when they have been or are being stored or handled under inadequate conditions, and where the food is not or cannot be protected from dirt, dust, vermin or other potential forms of contamination and where such storage of foods can attract vermin or otherwise lead to unsanitary conditions that may adversely affect the health and safety of persons charged with custody of such foods.
- b. Foods in Group II may be considered unwholesome when stored in unprotected surroundings and subject to contamination for a period of twenty-four (24) or more hours.

EXAMPLES (but not limited to):

Pretzels, cookies; nuts; rolls and other baked goods; dried fruits; loose candies; condiments; thin skinned fruits, or fruits eaten with peel or skin; soda, or other liquid refreshment and food, other than in factory sealed containers.

GROUP III - 72 HOURS

- a. All other foods, except those in factory hermetically sealed containers and treated or processed to prevent spoilage or deterioration, shall be deemed unwholesome and subject to contamination when stored seventy-two (72) hours or more under inadequate conditions.

EXAMPLES:

Boxed cookies; nuts; dried fruits, Fruits and vegetables, which can normally be stored without refrigeration for some time such as grapefruits, oranges, acorn squash, etc.

In all cases when property of a LICENSED VENDOR is taken into police custody, a report will be prepared and forwarded to the patrol borough office (and filed) containing the following information:

- a. Name, address and date of birth of vendor.
- b. General vendor license number.
- c. Summoning officer, shield and command.
- d. Summons number(s).
- e. Date and time of removal.
- f. Date and time INVOICE is completed and property is available for redemption.
- g. INVOICE number.
- h. Type and quantity of property.
- i. Amount of removal fee due.
- j. Date and time of disposition of property (returned to vendor or forwarded to Property Clerk).
- k. Total amount of removal and storage charges waived.
- l. Rank, name and command of processing officer.

RE-BAGGING PEDDLER'S PROPERTY IF BAG BREAKS

In the event that a plastic bag containing peddler property breaks, a uniformed supervisor will be responsible to re-bag the property. Each command involved in peddler enforcement will be required to maintain a separate CERTIFICATION OF PEDDLER SEALS for command use. The assigned supervisor will not remove property from the damaged bag, nor will the peddler seal be removed. Rather, the entire bag, with the peddler seal intact, will be placed in the new bag and a new peddler 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 (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'S INVOICE (PD521-141)

PROPERTY CLERK'S INVOICE WORKSHEET (PD521-141a)

PROPERTY LOG (PD521-147)

CERTIFICATION OF PEDDLER SEALS (PD160-1410)

P.G. 218-40 Vendor Distributor Forfeiture Procedure

Date Effective: 01-01-00

PURPOSE

To confiscate vehicles of unlicensed 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 vendor distributor in a public place:

UNIFORMED MEMBER OF THE SERVICE

1. Serve Environmental Control Board Notice of Violation and Hearing, if violator eligible.
2. Confiscate vehicle and contents for forfeiture proceedings.
3. Remove vehicle to precinct of occurrence and comply with appropriate provisions of 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."

NOTE: Any subsequent demand by an unlicensed distributor for the return of seized property will be processed according to P.G. 218-41, "Unlicensed Peddler Forfeiture Program."

4. Prepare PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147) and print "FORFEITURE PROPERTY" in large block letters across top of form.

DESK OFFICER

5. Have vehicle removed to Property Clerk storage facility (see P.G. 218-20, "Delivery of Vehicle to Property Clerk").
6. Prepare PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155) upon arrival at stationhouse of individual seeking to reclaim seized property.

NOTE: When preparing the above form, the names and addresses of ALL PERSONS INVOLVED, i.e., driver, owner of vehicle and/or representative, if any, AND PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE serial number MUST BE ENTERED THEREON.

7. Have claimant sign perforated, tear-off portion of PEDDLER FORFEITURE QUESTIONNAIRE entitled "Peddler Property -Acknowledgement of Demand."

8. 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'S MOTOR VEHICLE/BOAT INVOICE

c. Environmental Control Board Notice of Violation or summons

d. ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), if applicable

e. Any other documents prepared within one (1) 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
Telephone: (212) 788-0819
FAX: (212) 791-9714 or (212) 788-0367

9. Provide claimant appearing at command with:

a. Peddler Property - Acknowledgement of Demand (perforated, tear-off portion of original PEDDLER FORFEITURE QUESTIONNAIRE

b. Pink (Prisoner/Claimant) copy of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE.

10. Forward to patrol borough coordinator:

a. ORIGINAL and one (1) copy of PEDDLER FORFEITURE QUESTIONNAIRE

b. Two (2) photocopies of front side of PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE, Environmental Control Board Notice of Violation and Hearing or summons and ON LINE BOOKING SYSTEM ARREST WORKSHEET, if applicable.

PATROL BOROUGH COORDINATOR

11. Retain copies of all forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for precinct file.

12. Maintain record of forms received from precinct under the following captions:

DATE	SERIAL NO.	CLAIMANT'S NAME	OWNER/ REPRESENTATIVE	VOUCHER NO	SUMMONS NO	VENDOR'S NAME
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13. Assign borough serial number to each PEDDLER FORFEITURE QUESTIONNAIRE received.

14. Check all forms for completeness and accuracy.

a. Return any form containing errors and/or omissions to command of origin for correction.

15. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

ADDITIONAL DATA

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.

The letters and numerals of such display shall not be less than one and one-half (1 1/2) inches in height, with a width of at least one-quarter (1/4) of an inch, and shall be colored black and white, whichever is most prominent against the background color. 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.

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 (1) day of the claimant's appearance at stationhouse to reclaim seized property.

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 (Rev. 2-93)

PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147)

P.G. 218-41 Unlicensed Peddler Forfeiture Program

Date Effective: 01-01-00

PURPOSE

To institute forfeiture proceedings against property seized from unlicensed peddlers.

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 "1," is subject to forfeiture. (A Department directive is published yearly listing the restricted streets for licensed general vendors).

PROCEDURE

Upon observing an unlicensed peddler operating in a public place:

UNIFORMED MEMBER OF THE SERVICE

1. Comply with provisions of P.G. 218-39, "Seizure, Removal And Disposition Of Property Of General And Food Vendors".
2. Print "FORFEITURE PROPERTY" in large block letters across top of PROPERTY CLERK'S INVOICE (PD521-141).

DESK OFFICER

3. Comply with provisions of 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.

NOTE: When preparing the above form, the names and addresses of ALL PERSONS INVOLVED, i.e., driver, owner of vehicle and/or representative, if any, AND PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE serial number MUST BE ENTERED THEREON.

DESK OFFICER

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'S MOTOR VEHICLE/BOAT INVOICE
 - c. Environmental Control Board Notice of Violation or summons
 - d. ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159), if applicable
 - e. Any other documents prepared within one (1) 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
Telephone: (212) 788-0819
FAX: (212) 791-9714 or (212) 788-0367

7. Provide claimant appearing at stationhouse with:

a. Peddler Property-Acknowledgement of Demand (perforated, tear-off portion of original PEDDLER FORFEITURE QUESTIONNAIRE

b. Pink (Prisoner/Finder) copy of PROPERTY CLERK'S INVOICE

8. Forward to patrol borough coordinator:

a. ORIGINAL (less tear-off portion) and one (1) copy of PEDDLER FORFEITURE QUESTIONNAIRE

b. Two (2) photocopies of front side of PROPERTY CLERK'S INVOICE, Environmental Control Board Notice of Violation and Hearing or summons and ON LINE BOOKING SYSTEM ARREST WORKSHEET, if applicable.

NOTE: Comply with steps 4 through 8 for EACH SUBSEQUENT CLAIMANT appearing at the stationhouse to reclaim same property.

9. Retain copies of all forms prepared on ORIGINAL and SUBSEQUENT SERVICE, if appropriate, for command file.

PATROL BOROUGH COORDINATOR

10. Maintain record of forms received from command under the following captions:

DATE	SERIAL NO.	CLAIMANT'S NAME	OWNER/ REPRESENTATIVE	VOUCHER NO.	SUMMONS NO.	VENDOR'S NAME
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11. Assign borough serial number to each PEDDLER FORFEITURE QUESTIONNAIRE.

12. Check all forms for completeness and accuracy.

a. Return any form containing errors and/or omissions to precinct of origin for correction.

13. Act as a liaison with Corporation Counsel in all matters pertaining to the forfeiture program.

ADDITIONAL DATA

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 (1) day of the claimant's appearance at command to reclaim seized property.

RELATED PROCEDURES

Seizure, Removal and Disposition of Property of General and Food Vendors (P.G. 218-39)
Removal and Storage Fees for Vendors Equipment and Goods (P.G. 218-43)

FORMS AND REPORTS

ON-LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)
PEDDLER FORFEITURE QUESTIONNAIRE (PD260-155)
PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 218-42 Obtaining And Returning Of Peddler Seals (Plastic Security Seals)

Date Effective: 01-01-00

PURPOSE

To record the distribution of peddler seals issued to uniformed members of the service assigned to peddler enforcement duty and to ensure the integrity of returned peddler seals.

SCOPE

Uniformed members of the service below the rank of captain, assigned to peddler enforcement duty, must carry a sufficient amount of peddler seals.

PROCEDURE

When assigned to peddler enforcement duty:

UNIFORMED MEMBER OF THE SERVICE

1. Obtain peddler seals and CERTIFICATION OF PEDDLER SEALS (PD160-1410) from desk officer.
2. Examine peddler seals to ensure that there are twenty (20) seals, consecutively numbered.
3. Sign for peddler seals on the PEDDLER SEAL DISTRIBUTION CARD (PD160-149).
4. Sign and deliver completed CERTIFICATION OF PEDDLER SEALS, to immediate supervisor, after all seals have been used.

NOTE: Supervisors will ensure that all peddler seals are accounted for by reviewing the completed CERTIFICATION OF PEDDLER SEALS and document said verification by initialing the top portion of the CERTIFICATION.

5. Deliver unused peddler seals and CERTIFICATION OF PEDDLER SEALS, to the command where they were issued, when transferred or separated from the Department.
6. Notify commanding officer, without delay, when a peddler seal is damaged or missing.

COMMANDING OFFICER/RANKING SUPERVISOR DESIGNEE

7. Examine CERTIFICATION OF PEDDLER SEALS to verify that:
 - a. All information has been recorded
 - b. No discrepancies exist.
8. Take appropriate action if discrepancies are found.
9. Obtain unused or damaged peddler seals from transferred or separated members.
10. Destroy unused or damaged peddler seals; they are not to be re-issued.

INTEGRITY CONTROL OFFICER

11. Make random inspections of CERTIFICATION OF PEDDLER SEALS.

12. Indicate inspection by entering date and initials on the reverse side of CERTIFICATION OF PEDDLER SEALS.

13. Report any discrepancies to the commanding officer.

FORMS AND REPORTS

CERTIFICATION OF PEDDLER SEALS (PD160-1410)

PEDDLER SEAL DISTRIBUTION CARD (PD160-149)

P.G. 218-43 Removal And Storage Fees For Licensed Food Vendors Equipment And Goods

Date Effective: 01-01-00

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.

NOTE: If goods/food and vehicle, carts, stand, etc. are stored separately, a separate storage fee will be charged for each.

2. 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.

3. Prepare two (2) copies of FEE RECEIPT (PD122-017).

NOTE: If error is made in preparation of FEE RECEIPT, mark receipt void, file in command and prepare new receipts.

4. Give original RECEIPT to claimant.

5. Have claimant receipt for equipment/goods on PROPERTY CLERK'S INVOICE (PD521-141).

6. Forward fees collected for removal/storage to Audit and Accounts Unit each day (except Saturdays, Sundays and civilian holidays).

NOTE: The New York City Administrative Code requires that fees collected be forwarded on the next business day. Fees received at commands after 1600 hours or on days when the Audit and Accounts Unit is closed will be safeguarded and processed the next business day.

7. File copy of FEE RECEIPT in command.

ADDITIONAL DATA

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'S 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 PROCEDURES

Invoicing Property - General (P.G. 218-01)

Forwarding Fees to Audit and Accounts Unit (P.G. 212-82)

Seizure, Removal, and Disposition of General and Food Vendors (P.G. 218-39)

Unlicensed Peddler Forfeiture Program (P.G. 218-41)

FORMS AND REPORTS

FEE RECEIPT (PD122-017)

PROPERTY CLERK'S INVOICE (PD521-141)

P.G. 218-44 Removal And Storage Charges

Date Effective: 01-01-00

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 an accident 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 an accident. (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 (3) 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 Audit and Accounts Unit.
 - c. Leave third copy in FEE RECEIPT BOOK as command file copy.
5. Forward fees collected to Audit and Accounts Unit each day (excluding Saturdays, Sundays and holidays) with three (3) 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 Audit and Accounts Unit is closed will be safeguarded and processed the next business day. The Audit 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 Audit and Accounts Unit (P.G. 212-82)

FORMS AND REPORTS

FEE RECEIPT (PD122-017)

P.G. 218-45 Pistol License Suspension, Revocation Or Cancellation

Date Effective: 01-01-00

PURPOSE

To facilitate the surrender of pistol licenses and firearms when a license is suspended revoked or cancelled.

DEFINITION

FIREARM - For the purposes of this procedure is defined as any pistol or revolver listed on a PISTOL LICENSE (PD643-052).

PROCEDURE

Upon receipt of a FIREARMS - SURRENDER NOTICE (PD641-123), through channels, from the License Division:

OPERATIONS COORDINATOR

1. Assign/designate a member of the service to record receipt of FIREARMS - 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.

NOTE: Investigations must be completed and all related forms forwarded to the License Division, through channels, within thirty (30) days of date FIREARMS - SURRENDER NOTICE is received at command.

UNIFORMED MEMBER OF THE SERVICE

3. Respond to licensee's address and request surrender of pistol license and firearm(s) indicated on FIREARMS - SURRENDER NOTICE.

NOTE: If licensee refuses to surrender firearm(s) after FIREARMS-SURRENDER NOTICE has been served, and the licensee offers no evidence or documentation indicating that firearm(s) were legally disposed of, the uniformed member assigned will contact the License Division for further direction. Commanding Officer, License Division, will confer with Legal and Detective Bureaus, if necessary, and advise the appropriate course of action.

4. Complete and sign pink copy of FIREARMS - SURRENDER NOTICE and present to licensee as receipt for surrendered item(s).

5. Prepare PROPERTY CLERK'S INVOICE (PD521-141), and process firearm(s) as per provisions of P.G. 218-23, "Processing Firearms", if firearm(s) is among items surrendered.

a. Include the following notation under "Details" on PROPERTY CLERK'S INVOICE:

NOTE: FIREARMS SHALL NOT BE RELEASED WITHOUT WRITTEN AUTHORIZATION OF THE COMMANDING OFFICER, LICENSE DIVISION.

UNIFORMED MEMBER OF THE SERVICE

6. Attempt to obtain new address if licensee no longer resides or is employed at address indicated on FIREARMS - SURRENDER NOTICE.

a. Enter new address on buff copy of FIREARMS - SURRENDER NOTICE.

b. Serve FIREARMS - 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 buff copy of FIREARMS - SURRENDER NOTICE and return to License Division.

c. Enter relevant information on buff copy of FIREARMS - SURRENDER NOTICE if new address cannot be obtained.

7. Prepare COMPLAINT REPORT WORKSHEET (PD313-152a) and refer to detective squad when:

a. Firearm 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 FIREARMS-SURRENDER NOTICE

c. Member believes firearms may have been used in commission of a crime.

(1) Forward REQUEST FOR LABORATORY EXAMINATION (PD521-161) and firearm to Firearms Analysis Section for analysis with a copy of COMPLAINT REPORT.

NOTE: A pistol licensee may legally dispose of a properly registered firearm by sale to a licensed New York State gun dealer, or to a person authorized to possess firearms, or by surrendering for safekeeping to a police agency. Such information must be entered on buff copy of FIREARMS - SURRENDER NOTICE.

8. Complete all relevant sections on buff copy of FIREARMS - SURRENDER NOTICE.

9. Deliver buff and white copies of FIREARMS - SURRENDER NOTICE to commanding officer.

a. Include the following items, if obtained:

(1) PISTOL LICENSE

(2) Evidence Release/Investigation copy of PROPERTY CLERK'S INVOICE

(3) Photocopy of COMPLAINT REPORT

(4) Any other substantiating documentation.

10. Make complete entry of relevant facts in ACTIVITY LOG (PD112-145).

COMMANDING OFFICER

11. Endorse buff copy of FIREARMS - SURRENDER NOTICE.

12. Forward buff and white copies of FIREARMS - SURRENDER NOTICE, along with the following items, if obtained, to License Division:

a. PISTOL LICENSE

b. Evidence Release/Investigation copy of PROPERTY CLERK'S INVOICE

c. Photocopy of COMPLAINT REPORT

d. Any other substantiating documentation.

NOTE: 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 (P.G. 218-01)

Processing Firearms (P.G. 218-23)

Incidents Involving Holders of Pistol Licenses or Pre-Exemption License Permits (A.G. 321-07)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

COMPLAINT REPORT WORKSHEET (PD313-152a)

FIREARMS - SURRENDER NOTICE (PD641-123)

PISTOL LICENSE (PD643-052)

PROPERTY CLERK'S INVOICE (PD521-141)

REQUEST FOR LABORATORY EXAMINATION (PD521-161)

P.G. 218-46 Processing Of Found Property Recovered By School Safety Agents In Facilities Or On Property Owned By The Board Of Education

REVISION: 00 - 04

Date Effective: 09-22-00

PURPOSE

To record and process found property recovered by a school safety agent. in facilities or on property owned by the Board 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 Board 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 precinct school safety sergeant respond. Supervisor will then sign the agent's ACTIVITY LOG.

3. Notify:

a. The School Safety Agent III/School Safety Supervisor, or precinct school safety sergeant and/or principal, as soon as possible

b. The School Safety Operations Center at (212) 979-3333 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 precinct school safety sergeant is not available.

SCHOOL SAFETY 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 Operations Center and the control/safety incident number assigned.

6. Deliver non-contraband, non-evidence property, including U.S. currency valued at less than \$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 precinct school safety 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 precinct school safety 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 precinct school safety sergeant is not available.

PRECINCT SCHOOL SAFETY 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 Board Of Education Facilities (P.G. 215-17)

Search Protocols For School Safety Agents (P.G. 215-18)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)

P.G. 218-47 Property Index

Date Effective: 09-28-01

PURPOSE

To provide central control of records concerning property coming into the custody of the Department

PROCEDURE

When commencing tour of duty with first platoon:

COMMAND CLERK

1. Prepare a PROPERTY INDEX (PD542-103) for the next twenty-four (24) hour period (0001- 2400).

a. Enter last previous pre-printed invoice numbers under appropriate captions for PROPERTY CLERK'S INVOICE (PD521-141) and PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE (PD571-147).

DESK OFFICER (ALL TOURS)

1. Enter other required information on INDEX from prepared invoice.

2. Enter on INDEX:

a. Property Clerk storage number when messenger returns from Property Clerk with copy of PROPERTY TRANSFER RECEIPT (PD521- 145).

b. "RTO" under "Disposition" when owner/claimant picks up property at stationhouse.

c. When member of the service removes property from command have member sign under caption "disposition" and include destination (court, etc.).

4. Indicate on INDEX whenever a pre-numbered PROPERTY CLERK'S INVOICE or PROPERTY CLERK'S MOTOR VEHICLE/BOAT INVOICE is voided for any reason.

DESK OFFICER (FIRST PLATOON)

5. Ensure that an entry is made on the INDEX for INVOICE prepared during the previous twenty-four (24) hours.

6. Distribute INDEX, voided INVOICES and INVOICES closed at command (RTO), as follows:

a. Original INDEX - maintained in binder at desk

b. Duplicate copy of INDEX - forward to borough Property Clerk office concerned in morning mail (specify appropriate borough in address)

c. File original WHITE and YELLOW copies of voided INVOICES and INVOICES closed at command (RTO) in precinct of record in separate precinct files in pre-printed INVOICE number order with related documents (District Attorney's release etc.) attached.

ADDITIONAL DATA

On PROPERTY INDEX, under caption "Pr.Clk. Storage No.," enter date of disposition of property. If no property invoices prepared during the twenty-four (24) hour period, INDEX will not be prepared.

RELATED PROCEDURES

Invoicing Property General Procedures (P.G. 218-01)

Return of Property/Vehicles At The Station House And Processing Voided Property Clerk Invoices (P.G. 218-02)

Delivery of Property, Other Than Vehicle/Boat to Property Clerk (P.G. 218-03)

Temporary Removal of Invoiced Property from Command (P.G. 218-06)

P.G. 218-48 Vehicle Seizure At Time Of Arrest

Date Effective: 10-29-04

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 MOTOR VEHICLE/BOAT INVOICE (PD571-147a) as indicated in Patrol Guide 218-19, "Invoicing Vehicles/Property As Arrest/Investigatory Evidence Or For Forfeiture Proceedings Or To Determine True Owner."

NOTE: If the vehicle qualifies for forfeiture, check boxes "FORFEITURE" and "ARREST EVIDENCE" on the invoice.

Vehicles registered or titled to third parties (e.g. defendant's parents, spouse, friends, relatives, or business entities) are generally not seized for forfeitures 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 invoice.

2. Prepare VEHICLE SEIZURE FORM (PD571-1218), including arrest number.

3. Insert precinct vehicle seizure number obtained from the COMMAND VEHICLE SEIZURE INDEX (PD571-091) on the VEHICLE SEIZURE FORM in caption indicated.

4. Issue pink copy of VEHICLE SEIZURE FORM to the defendant.

NOTE: A COMMAND VEHICLE SEIZURE INDEX will be maintained in a binder at the desk of all commands that process arrests.

DESK OFFICER

5. Verify VEHICLE SEIZURE FORM for accuracy and completeness, and sign.

ARRESTING OFFICER

6. Fax completed PROPERTY CLERK MOTOR VEHICLE/BOAT INVOICE along with a copy of VEHICLE SEIZURE FORM to Vehicle Seizure Unit, Legal Bureau (917) 454-1187.

7. Provide Assistant District Attorney preparing the criminal court complaint with the green copy of completed VEHICLE SEIZURE FORM.

8. 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 White copy of VEHICLE SEIZURE FORM.
- b. Copy of PROPERTY CLERK MOTOR VEHICLE/BOAT INVOICE (PD571-147a).
- c. Copy of signed criminal court complaint.

d. Copy of Police Accident Report (MV104AN), if applicable.

DESK OFFICER

9. Ensure that the VEHICLE SEIZURE FORM is issued and forwarded as indicated.

EVIDENCE/PROPERTY CONTROL SPECIALIST

10. Collect and maintain buff precinct copies of VEHICLE SEIZURE FORMS.

RELATED PROCEDURES

Invoicing Vehicles/Property as Arrests/Investigatory Evidence or for Forfeiture Proceeding or to Determine True Owner (P.G. 218-19)

FORMS AND REPORTS

COMMAND VEHICLE SEIZURE INDEX (PD571-091)

PROPERTY CLERK MOTOR VEHICLE/BOAT INVOICE (PD571-147a)

VEHICLE SEIZURE FORM (PD571-1218)

Police Accident Report (MV104AN)

Department Property

P.G. 219-01 Inspection Of Department Vehicles Each Tour By Operator

Date Effective: 05-30-03

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. Radiator is filled with water and antifreeze
- 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. Mobile Digital Terminal is operable, if applicable
- i. LoJack System is operable, if applicable
- j. Passenger area does not contain contraband, controlled substances, weapons or other property
- k. All seat belts are in proper working order
- l. E-Z Pass tag is affixed to center top area of windshield
- m. New York State inspection stickers (all Department vehicles) and New York State registration stickers (unmarked vehicles) are current and valid.

2. Inspect the following equipment assigned to vehicle:

- a. Blanket
- b. Four (4) traffic cones
- c. Crime scene signs
- d. Fire extinguisher
- e. Rope
- f. Crayon (for marking accident scenes)
- g. Life jacket and/or life ring (sectors bordering or having bodies of water within boundaries)

- h. Box of disposable gloves
- i. Crowbar
- j. Sledgehammer
- k. Cumalong (lever hoist)
- 1. Four (4) foot polyguard shield (not required in the supervisor's vehicle containing the five [5]foot shield).
- m. Safety flares (if assigned to vehicle).
- n. Patrol Kit (designated autos only).

NOTE: Commanding officers will arrange to use the Department issued engraving tool to mark each crow bar, sledge hammer, cumalong and polyguard shield with the command designation and identification 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).

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. Rolls of reflective tape (2)
 - f. Taser
 - g. Nova device mounted on a security rod
 - h. Water cannon (filled)
 - i. Shepherd's Crook
 - j. Restraining straps
 - k. Five (5) foot polyguard shield.
4. Enter in ACTIVITY LOG (PD112-145)
- a. Result of inspection

- b. Odometer reading
 - c. Gas gauge reading.
5. Report condition of vehicle and equipment, including missing or damaged equipment, if any, to patrol supervisor.

PATROL SUPERVISOR

- 6. Verify that proper inspection and required entries have been made in ACTIVITY LOG.
- 7. Direct correction of minor deficiencies and follow-up to ensure compliance.
- 8. Enter results in 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.

ADDITIONAL DATA

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.

RELATED PROCEDURE

Weekly Inspection Of Department Autos By Patrol Supervisor (P.G. 219-02)

FORMS AND REPORTS

ACTIVITY LOG (PD112-145)
DETAIL ROSTER/ASSIGNMENT SHEET (PD406-141)
INSPECTION AND EQUIPMENT RECORD (PD571 -143)
RADIO CODE SIGNAL CARD (PD112-090A)
RADIO REPAIR RECORD (PD547-141)

P.G. 219-02 Weekly Inspection Of Department Vehicles

Date Effective: 05-30-03

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).

NOTE: Ensure E Z Pass tag assigned to vehicle is affixed to center top of windshield and the tag 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 Radio Motor Patrol operator to make appointment with service station concerned for vehicles requiring preventive maintenance and enter appointment on preventive maintenance sticker of vehicle.
 - a. If operator is performing last day tour, lieutenant platoon commander/desk officer will attach note to second platoon roll call, directing the operator to make appointment when shop reopens.

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

RELATED PROCEDURE

Inspection Of Department Vehicles Each Tour By Operator (P.G. 219-01)

FORMS AND REPORTS
INSPECTION AND EQUIPMENT RECORD (PD571-143)

P.G. 219-03 Repairs To Department Vehicles

Date Effective: 01-01-00

PURPOSE

To obtain replacement parts or repairs to Department vehicles.

PROCEDURE

When a Department vehicle requires repairs or replacement of parts, including tires and tubes:

RMP OPERATOR

1. Notify desk officer/counterpart.
2. Call and make appointment as follows:
 - a. Speedometer Testing Machine Station concerned for repairs or adjustment to speedometer.
 - b. Borough Service Station for all other repairs and replacements -during business hours.
 - c. Central Repair Shop for repairs and replacements - other than business hours.

DESK OFFICER

3. Direct preparation of EMERGENCY REQUISITION (PD561-163).
4. Have Department vehicle operator deliver vehicle and EMERGENCY REQUISITION when required.

RMP OPERATOR

5. Notify radio dispatcher, with appropriate radio code signal, when leaving and returning to command.

ADDITIONAL DATA

The Fleet Services Division provides a Roadside Repair Service, capable of making minor repairs on inoperative Department vehicles. Requests for roadside repair service will be made through Department Tow.

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 than the next business day.

RELATED PROCEDURES

Department Tow (P.G. 219-09)

FORMS AND REPORTS

EMERGENCY REQUISITION (PD561-163)

P.G. 219-04 Washing Department Vehicles

Date Effective: 01-01-00

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 ACTIVITY LOG (PD112-145) 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

P.G. 219-05 Tire Repairs - Except Motorcycles

Date Effective: 01-01-00

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)

P.G. 219-06 Tire Replacement On Department Vehicles

Date Effective: 01-01-00

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 (1) for one (1) 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.

[I.O. 38 s 04] 16. Have Tire Replacement on Department Vehicles and copy of vendor's TIRE REPAIR VOUCHER filed in command.

[I.O. 38 s 04] 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.

RELATED PROCEDURES

COMPLAINT REPORT (PD313-152)

TIRE EXCHANGE RECORD (PD561-144)

TIRE REPAIR VOUCHER (PD571-061)

FORMS AND REPORTS

Typed Letterhead

Tire Replacement On Department Vehicles (Misc. 3991)

P.G. 219-07 Authorized Tire Repair Stations - Removal From List

Date Effective: 01-01-00

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 (2) 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)

P.G. 219-08 Tire Chains

Date Effective: 01-01-00

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 (1) set for each vehicle.
3. Store chains until needed.

NOTE: Tire chains are NOT to be installed on vehicles until more than four (4) inches of snow has accumulated. When less than four (4) 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)

P.G. 219-09 Department Tow

Date Effective: 01-01-00

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 (1) 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 at (718) 643-8727/8728.
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.

P.G. 219-10 Unmarked Department Vehicle Utilization Record

Date Effective: 01-01-00

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 - Accident
- 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 (24) 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)

P.G. 219-11 Computerized Gas And Oil Dispensing System

Date Effective: 01-01-00

PURPOSE

To automatically record gasoline/oil dispensed at Department fueling sites.

DEFINITIONS

OPERATOR CARD - (WHITE) - Issued to qualified members of the service who have been qualified to operate Department vehicles and who may dispense gas/oil.

VEHICLE CARD (BLUE) - Assigned to and kept in each Department vehicle. The card identifies the specific vehicle to which assigned.

PRIVATE VEHICLE CARD (RED) - Kept at each Department fuel dispensing station for use in conjunction with the Operator's Card to obtain fuel and/or oil for authorized private vehicles, including Department ambulance.

MASTER CARD (GREEN) - Kept at each Department fuel dispensing facility for use in conjunction with an Operator's Card to:

(1) Permit refueling of Department vehicle when Vehicle Card is lost, misplaced or damaged

(2) Provide fuel for small machinery without a vehicle identification number, i.e., snow blower, etc.

PROCEDURE

When a Department vehicle requires gas/oil:

MEMBER OF THE SERVICE

1. Proceed to fuel dispensing facility.
2. View LED screen to ascertain if the system is operational.

NOTE: If system is not operational, notify supervisor at dispensing facility and the Fuel Control Center (718-476-7524).

TO OBTAIN GASOLINE FOR DEPARTMENT VEHICLES OR AUTHORIZED PRIVATE VEHICLES:

3. Have Operator Card, either Vehicle Card or Private Vehicle Card, as appropriate, and odometer reading available.
4. Insert Operator Card firmly in card entry slot (magnetic tape MUST face down) and swipe through slot.
5. Use key pad to indicate pump number.
6. Use key pad to enter odometer reading.
7. Enter entire social security number when fueling authorized private vehicle or Department rental/leased auto.
8. Insert Vehicle Card or Private Vehicle Card, as appropriate, in the card entry slot and remove smartly.

OBTAINING GASOLINE FOR DEPARTMENT MACHINERY WITHOUT IDENTIFICATION NUMBERS OR WHEN VEHICLE CARD IS LOST OR DAMAGED:

9. Have Operator Card and Master Card available.
10. Use key pad to enter data as requested by LED prompt.
 - a. Department vehicle (patrolwagon, truck, etc.) - No Vehicle Card or card lost/damaged - enter 00 plus four (4) digit vehicle identification number.
 - b. Department scooter - enter 009 plus three (3) digit identification number.
 - c. Auxiliary police vehicles - enter 0088 plus two (2) digit identification number.
 - d. Motorcycles - enter 0089 plus two (2) digit identification number.
 - e. Equipment without identification numbers - enter 00 plus 9999.
11. Swipe "Master Card" in card entry slot and remove smartly.
12. Use keypad to select pump number.
 - a. Wait for LED screen to indicate that pump is ready.
13. Activate pump lever to obtain fuel.

NOTE: If refueling does not commence without delay, the system will shut down and the procedure to obtain fuel must be repeated.

ADDITIONAL DATA

If a member of the service (uniformed or civilian) loses, misplaces or damages a computerized Operator's Card or Vehicle Card, the member must immediately notify the Fuel Control Center (718-476-7524) so that the cards may be immediately invalidated. The Fuel Control Center will issue a replacement card for the lost/damaged card.

If the Fuel Control computer breaks down, communicate with the Fuel Control Center for instructions concerning a manual override procedure to insure continued availability of fuel.

If a uniformed member of the service, who obtains gas/oil for his private vehicle at a Department dispensing facility, is transferred, the Fuel Control Center 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 approval.

GASOLINE DISPENSED TO AUTHORIZED PRIVATE VEHICLES PRINTOUT:

The printout includes the date, time, fueling location, amount of gasoline dispensed and the member concerned by name and social security number. A sample of the printout is shown below with code data which will provide a comprehensive explanation of the information on the printout:

```
NYCPD PRIVATE VEHICLE FUELING (1)
      REPORTS FOR COMMAND 1 11-45 08/12/92 PAGE 1

(2) (3)
SMITH J. SS 123-45-6789

(4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14)
8094 05 07/27 13-43 CD 123 S 7 T1 F2 P1 G015.0 OC 1
```

(15)
SS 123-45-6789

(16)
GALLONS ISSUED 15.0

(17)
TOTAL GALLONS ISSUED THIS REPORT 15.0

REPORT COMPLETE

CODE DATA

1. Numeric Command Code	10. Tank Number
2. Operator's Name and Initial	11. Fuel Type F 1 = Leaded; F 2 = Unleaded
3. Operator's Social Security Number	12. Pump Number
4. Transaction Sequence Number	13. Gallons Pumped This Transaction
5. Transaction Type: 05 = Private Vehicle Fueling	14. Operator's Command Code
6. Date	15. Operator's Social Security Number
	16. Total Gallons This Reporting Period

ADDITIONAL DATA

This data will be compared to entries made by members of the service in the Vehicle Identification Plate/Private Vehicle Use Log to enhance the integrity of the fuel dispensing system.

RELATED PROCEDURES

Delivery Of Gasoline To Fuel Dispensing Stations (P.G. 219-12)

FORMS AND REPORTS

REQUEST FOR AUTHORIZATION - PRIVATE VEHICLE (PD471-160)

P.G. 219-12 Delivery Of Gasoline To Fuel Dispensing Stations

Date Effective: 01-01-00

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: The person assigned to security at those Department facilities other than precincts, e.g., Outdoor Range, Central Repair Shop, Police Headquarters, Street Crime Unit, 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 (TLS 350), which is located at the desk area in most commands with fuel tanks.

3. Press appropriate button on electronic tank monitor (TLS 350) and advise the delivery driver of the ninety percent (90%) ullage amount. (This is the amount that can safely be added to the storage tank.)

4. Ascertain meter reading on gasoline vendor's truck prior to pumping fuel into storage tank.

- a. Inspect and initial blank vending invoice prior to delivery of gasoline.
- b. Verify the same invoice is returned after completion of delivery.

NOTE: Amount of gasoline is determined from the meter on the vendor's truck. Assigned member must ensure that the meter is reset to zero (0) before pumping commences. If vendor is on-site and delivery cannot be made, a uniformed member of the service in the rank of sergeant or above must sign the vending invoice stating that the tank was full, or the tank was blocked by another vehicle (indicate vehicle plate number), or that no keys were available to unlock storage tank.

5. Use the electronic tank monitor (TLS 350) to verify delivery amount.

- a. Press print button and verify new volume (storage balance) reflects the delivery amount.

6. Report delivery amounts to desk officer/counterpart.

DESK OFFICER

7. Enter in Command Log the following information concerning receipt of fuel:

- a. Amount of gasoline 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. Notify Fuel Control Unit (telephone [718] 476-7524) of the delivery reading and number of gallons delivered by vendor.

NOTE: To eliminate an unnecessary shut down, it is imperative that Fuel Control Center be notified as soon as delivery has been completed.

9. Forward one (1) copy of Vendor's Invoice to Audit and Accounts Unit on day after receipt of gasoline.

a. File remaining copy of Invoice.

ADDITIONAL DATA

The Computerized Fuel System is programmed to shut down fuel pumps at a dispensing facility when the level of fuel, as determined by the computer, reaches a predetermined cut off point.

Gasoline is ordered automatically by Fuel Control Center personnel. However, engine oil must be monitored by fuel dispensing facility personnel and reordered from the Fleet Services Division when necessary.

[I.O. 48 s 03] Commanding officers of commands that are equipped with Department fueling sites will have a sensor report generated each month to comply with federal leak detection requirements under 40 C.F.R. 280.40. The electronic tank monitor (Veeder-Root TLS 350) will be used to conduct this test. Members concerned will press the print button to generate a sensor and inventory report. The member will then attach the report to the page in the assigned logbook, which will be subject to inspection by the Environmental Protection Agency. If tank monitor is malfunctioning and will not print a report, or is out of paper, commands will notify the Fuel Control Unit at (718) 476-7524. The Fuel Control Unit will be responsible to repair the tank monitor.

RELATED PROCEDURES

Computerized Fuel System Obtaining Gas And Oil (P.G. 219-11)

P.G. 219-13 Delivery Of Heating Oil

Date Effective: 01-01-00

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 prior to the commencement of pumping operations.

a. If the ticket has not been signed by a D.C.A.S. inspector DO NOT ACCEPT DELIVERY.

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 MUST be signed. If this certificate is not signed by a Department of Citywide Administrative Services Inspector, DO NOT ACCEPT DELIVERY.

5. Ensure that the meter on the delivery truck had been reset to zero prior 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 Audit 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 the Audit 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)

P.G. 219-14 Department Computer Systems

Date Effective: 02-28-01

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.

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

6. 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.
7. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
8. Record results in Command Log.

NOTE: The desk officer/designated supervisor will notify the MISD Help Desk at (212) 374- 3800 (24 hours) to report inoperable or malfunctioning computer equipment (except mobile digital terminals) and notify Fleet Services Division at (718) 476-7511 to report inoperable or malfunctioning mobile digital terminals. The above notifications will be entered in the Telephone Record.

PATROL SUPERVISOR/DESIGNATED SUPERVISOR

9. Inspect frequently all Mobile Data Terminals (MDTs) assigned to the command to ensure that the MDTs are being used within Department guidelines and are not damaged in any way.
10. Take immediate action to correct condition if any misuse or damage found and notify commanding officer and integrity control officer.
 - a. Record notifications in ACTIVITY LOG.

NOTE: Use of the Free Form Function on the MDT system is for official Department use only. Unofficial transmissions will not be sent.

INTEGRITY CONTROL OFFICER

11. Be responsible for computer equipment and data security for all computer systems assigned to command.

[I.O. 35 s 04] 12. Be responsible for and maintain the integrity of all official Department digital/analog recorded media (e.g. video tape, digital computer files or digital audio/video recordings).

13. 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.

14. Maintain effective operational performance by establishing the number of necessary authorized users for the command.

15. Ensure all authorized users of the command understand and comply with computer security guidelines.

16. Frequently observe all areas and Department vehicles with computer equipment and ensure security guidelines are complied with.

17. Investigate any circumstances or conditions which may indicate abuse of the computer system(s).

18. Maintain sign-on tables and issue passwords for the following systems:

- a. On-Line Booking System (OLBS)
- b. Booking Arraignment Disposition System (BADs)
- c. Local Arrest Processing System (LAPS)
- d. Special Police Response Inquiry Network (SPRINT)
- e. Repeat Calls for Service Analysis (SPIA).

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 conduction 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 system at any time, 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.

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.

Requests for focused audits of computer terminal activity from the Internal Affairs Bureau, commanding officers, integrity control officers, investigations unit, etc., must be prepared on Typed Letterhead, and addressed to the Commanding Officer Management Information Systems Division (M.I.S.D.) at 1 Police Plaza, Room 700. 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.

FORMS AND REPORTS
ACTIVITY LOG (PD112-145)
Type Letterhead

P.G. 219-15 Portable Radio Transceivers

Date Effective: 01-01-00

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)
 - (1) Complete prior to opening portable radio record and staple on inside front cover of RADIO ASSIGNMENT LOG.
 - b. Radio Identification Record (Misc. 249)
 - (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 Division 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 Commanding Officer, Communications Section.

UNIFORMED MEMBER OF THE SERVICE

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 (15) 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.
 - 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 - Commanding Officer, Communications Section, through channels
 - c. Copy - Electronics Section (WITH RADIO)
 - d. Copy - file.

WHEN RADIO IS DEFECTIVE:

UNIFORMED MEMBER OF THE SERVICE

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 (10) defective radios at a time. When radio antennas, cases or chargers are defective, notify Electronics Section stock room at (718) 476-7561 and comply with instructions given.

19. Make appropriate entry on Defective Radios form.

20. Telephone the Electronics Section within four (4) weeks to determine if 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:

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 at (718) 476-7560 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/borough task force member.

COMMANDING OFFICER

28. Investigate circumstances of loss, theft or recovery of radio.

29. Have COMPLAINT REPORT prepared for lost/stolen radio and COMPLAINT FOLLOW-UP (PD313-081) 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 Squad of loss/theft of radio by telephone and forward a duplicate copy of the COMPLAINT REPORT or COMPLAINT FOLLOW-UP, 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 Commanding Officer, Special Operations Division, 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.

36. Forward report as follows:

- a. Original - Bureau Chief concerned, through channels
- b. Copy - Chief of Department, DIRECT
- c. Copy - Commanding Officer, Communications Section, through channels
- d. Internal Affairs Bureau
- e. Copy - Command file.

BUREAU CHIEF CONCERNED

37. APPROVE/DISAPPROVE recommended disciplinary action by return endorsement on original report, except in cases involving the Patrol Services Bureau.

COMMANDING OFFICER

38. Forward copy of final disposition of disciplinary action taken to the Chief of Department.

INTEGRITY CONTROL OFFICER

39. Review Department records monthly pertaining to Department radios assigned to command.

- a. Ensure Department radios are being maintained and are accounted for.

40. 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 (7) days a week. A limited number of personnel will be performing duty between 1500 and 2400 hours for EMERGENCY repairs only.

RELATED PROCEDURE

Loss Or Theft Of Department Property (P.G. 219-20)

FORMS AND REPORTS

COMPLAINT FOLLOW-UP (PD313-081)

COMPLAINT REPORT (PD313-152)

RADIO ASSIGNMENT LOG (PD647-141)

ROLL CALL (PD406-144)

Defective Radios (Misc. 250)

Radio Identification Record (Misc.249)

Typed Letterhead

P.G. 219-16 Use And Maintenance Of Polaroid Cameras

Date Effective: 01-01-00

PURPOSE

To provide for control, accountability and continued effectiveness of photographic

PROCEDURE

When photographic equipment is assigned for use in a command.

COMMANDING OFFICER

1. Provide a safe, cool, dry location for storage of cameras and related equipment.
2. Ensure availability of cameras and film on all tours.
3. Have film stock rotated, using oldest film first.
4. Make certain that members concerned receive instruction in the use and maintenance of cameras.

MEMBER USING EQUIPMENT

5. Request photographic equipment from the desk officer.
6. Inspect and clean rollers and lens on camera, when necessary.
7. Inform desk officer or other designated member when camera or other equipment requires repair or replacement.

DESK OFFICER/DESIGNATED MEMBER

8. Inspect and account for the availability of photographic equipment at the commencement of each tour.
 - a. Make entry in Command Log.
9. Correct minor camera/equipment malfunctions at command, when possible, e.g., replace batteries, clean rollers, etc.
10. Telephone Quartermaster Section at 718-476-7567, Monday to Friday, between 0800 and 1600 hours, for instructions when repairs or adjustments cannot be made at command.

ADDITIONAL DATA

Commands usually requisition film from Quartermaster Section and detective squads obtain film at detective borough office. In emergency situations, the Quartermaster Section will supply additional film and equipment. If necessary, in mass arrest situations, commands may obtain film from Office of the Chief of Detectives, detective borough offices, or the Organized Crime Control Bureau's Operations Desk.

RELATED PROCEDURES

Identification Lineups/Showups (P.G. 208-24)
Desk Appearance Ticket -General Procedure (P.G. 208-27)
Arrests - Removal To Department Facility For Processing (P.G. 208-02)
Large Scale Arrest Processing (P.G. 213-06)
Arrest Of Juvenile Offenders (P.G. 215-10)

P.G. 219-17 Use of Patrol Kits

Date Effective: 05-30-03

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 (2) disposable gowns, two (2) disposable eye/mouth shields, two (2) pairs of heavy duty gloves, two (2) pairs of disposable shoe covers, ten (10) 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 ACTIVITY LOG (PD112-145) 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 (1) 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.

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 (32) gallon biohazard receptacle lined with a red biohazard bag.

NOTE: Only items contaminated with blood or OPIM need to be disposed of in biohazard receptacles located in each command. 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 at (718) 760-7606 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, leak proof 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.

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 (1) part bleach to ten (10) 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 are not 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 items/disposable gloves should be secured in the plastic bags supplied for such purpose and transported to the precinct/command of occurrence 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:

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 «" x «")	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)

FORMS AND REPORTS

ACTIVITY LOG (PD 112-145)

P.G. 219-18 Inspection Of Supplies

Date Effective: 01-01-00

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

P.G. 219-19 Inspection Of Department Lockers - Official Investigations

Date Effective: 01-01-00

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.

P.G. 219-20 Loss Or Theft Of Department Property

Date Effective: 03-26-04

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 OFFICER

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 Bureau Wheel (718) 243-8906 and Transit Bureau Special Investigations Unit (718) 243-3840 if property consists of a New York City Transit (NYCT) Police Pass Metrocard.

10. Forward three (3) copies of report to Commanding Officer, Fleet Services Division for loss of a tire, tool, etc., from a Department vehicle.

a. Forward one (1) copy direct to the Commanding Officer, Transit Bureau if property consists of NYCT Police Pass Metrocard.

11. Take other action as appropriate.

COMMANDING OFFICER

12. Review result of investigation.

ADDITIONAL DATA

[I.O. 48 s 04] 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 Squad of such loss/theft by telephone and forward a duplicated copy of the COMPLAINT REPORT or COMPLAINT FOLLOW-UP, as appropriate, with a covering report, on Typed Letterhead, to the Major Case Squad. 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 PROCEDURES

Portable Radios (P.G. 219-15)

Lost/Stolen Firearm, Shield, Identification Card (P.G. 219-21)

FORMS AND REPORTS

COMPLAINT REPORT (PD313-152)

Typed Letterhead

P.G. 219-21 Lost/Stolen Firearm, Shield, Identification Card

Date Effective: 01-01-00

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 Management Division 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 Management Division 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 Office of the Chief of Personnel 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." 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 not required as evidence, will be forwarded, with a report of the circumstances, to the Commanding Officer, Auxiliary Police Section. A PROPERTY CLERK'S INVOICE (PD521-141) is not 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)

Command Discipline (P.G. 206-02)

Authorized Penalties Under Command Discipline (P.G. 206-04)

Preparation Of Charges And Specifications (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'S INVOICE (PD521-141)

SUPERVISOR'S COMPLAINT REPORT/COMMAND DISCIPLINE ELECTION REPORT (PD468-123)

P.G. 219-22 Operation Of Vending Machines Within Department Facilities

Date Effective: 01-01-00

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 Division.
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.

(Mo./Day/Yr.)	of each transaction, starting with #1 each calendar year).	(Avoid cash, if possible)	(Amount of check)	(Brief description of reason for expenditure, e.g., club function, flowers, materials, etc.)
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(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.

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.

P.G. 219-23 Solar Cellular Callboxes

Date Effective: 01-01-00

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 Communications Division.
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 Division
 - 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 accident.

NOTE: Remove entire callbox or unattached components, as appropriate, to the stationhouse for safekeeping. In all instances the Communications Division must be notified as follows:

- a. Monday to Friday, 0800 to 1600 hours, [Rev 03-02] Telecommunications Unit (212) 374-5221 b. All other times contact the Lieutenant Platoon Commander (718) 254-1450.

COMMAND CLERK

5. Forward duplicate copy of COMPLAINT REPORT or MV104AN by Department mail, or FAX to:

[Rev 03-02] Telecommunications Unit, Room 910B

One Police Plaza
Fax Number - (212) 374-2460

ADDITIONAL DATA

Members of the Communications Division Callbox 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)

P.G. 219-24 Utilization Of And Accountability For Cellular Telephones Assigned To Patrol Supervisor

Date Effective: 01-01-00

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 [Rev 03-02] Telecommunications Unit located at One Police Plaza, room 910B.

P.G. 219-25 E-Z Pass Tags

Date Effective: 05-30-03

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 (example: NYS Thruway, NJ Turnpike, Garden State Parkway, etc.).

E-Z PASS USAGE IS AUTHORIZED FOR THE BELOW LISTED CROSSINGS ONLY:

Bronx-Whitestone Bridge
Brooklyn Battery Tunnel
Triborough Bridge
Henry Hudson Bridge
Queens Midtown Tunnel
Throgs Neck Bridge
Cross Bay Veterans Memorial Bridge
Marine Parkway-Gil Hodges Memorial Bridge
George Washington Bridge
Bayonne Bridge
Goethals Bridge
Holland Tunnel
Lincoln Tunnel
Outerbridge Crossing
Verrazano-Narrows Bridge

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

P.G. 219-26 Acquisition And Use Of Department Issued New York City Transit Police Pass Metrocards

Date Effective: 03-26-04

PURPOSE

To provide for the issuance, control, and strict accountability of Department issued New York City Transit (NYCT) Police Pass Metrocards.

PROCEDURE

When a commanding officer determines that a NYCT Police Pass Metrocard should be issued to a uniformed member of the service within his/her command:

COMMANDING OFFICER

1. Request issuance of NYCT Police Pass Metrocards by submitting a Typed Letterhead through channels to the Commanding Officer, Transit Bureau including the rank, name, and tax number of uniformed members of the service to receive Metrocards and reason for request.

NOTE: NYCT Police Pass Metrocards are valid for a period of two years and expire on January 31st of even numbered years (e.g. 01/31/04, 01/31/06). A new request is required every two years. Replacement Metrocards should be requested sufficiently in advance of the expiration date to allow for the processing and delivery of replacement Metrocards.

COMMANDING OFFICER, TRANSIT BUREAU

2. Review requests for Police Pass Metrocards.

COMMANDING OFFICER

3. When notified of an approved request, arrange for the pick up and safeguarding of Metrocards pending issuance to individual members of the command.

4. Have integrity control officer issue Metrocards to approved members of the command.

INTEGRITY CONTROL OFFICER

5. Issue Metrocards to approved members of the service and enter the serial number of each Metrocard as well as the rank, name, and tax number of assigned member and date of issuance on a Metrocard distribution list.

6. Collect expired Metrocards from all members of the command.

7. Deliver completed Metrocard distribution list and expired Metrocards to the Commanding Officer, Transit Bureau.

8. Retain copy of Metrocard distribution list in command.

9. Enter Metrocard serial number on member's FORCE RECORD (PD406-143).

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.

11. Notify the Commanding Officer, Transit Bureau whenever a Metrocard is to be reassigned to another member of the command.

NOTE: Police Pass Metrocards are to be issued to individual uniformed members only. Upon the retirement of a uniformed member of the service, any Police Pass Metrocard MUST be collected. Any Metrocard not immediately re-issued to an approved member of the service MUST be returned to the Commanding Officer, Transit Bureau. Under no Circumstances are commands to retain a supply of Metrocards for "pool" use.

INTEGRITY CONTROL OFFICER

12. Have Metrocards inspected at Roll Calls and during semi-annual uniform inspections.
13. Request replacement Metrocard when an assigned Metrocard is damaged or becomes defective.
 - a. Conduct investigation and prepare report on Typed Letterhead, if Metrocard is damaged.

UNIFORMED MEMBER OF THE SERVICE

14. Carry Department issued Metrocard at all times whenever a shield and IDENTIFICATION CARD (PD416-091) are required to be carried.
15. Safeguard Metrocard at all times.
16. Request replacement if Metrocard becomes defective.
17. Notify desk officer if a Police Pass Metrocard is lost, stolen or damaged.
18. Surrender issued Metrocard upon separation from the Department or upon expiration of Metrocard.

DESK OFFICER

19. Notify commanding officer and operations coordinator of lost or stolen Metrocard.

OPERATIONS COORDINATOR

20. 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.
21. Have COMPLAINT REPORT (PD313-152) prepared.
22. Notify Internal Affairs Bureau Command Center by telephone, and enter Internal Affairs Bureau Log number under "Details" of COMPLAINT REPORT.
23. Notify Stolen Property Inquiry Section.
24. Notify Transit Bureau Wheel (718) 243-8906 and Transit Bureau Special Investigations Unit (718) 243-3840.
25. Include Metrocard serial number on all Department forms prepared.
26. Prepare report on Typed Letterhead, including the results of the investigation as well as any proposed disciplinary action, if applicable.
 - a. Forward one (1) copy DIRECT to the Commanding Officer, Transit Bureau.

COMMANDING OFFICER

27. Review results of investigation.

ADDITIONAL DATA

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

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)
Typed Letterhead