



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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OPERATIONS
POLICY AND PROCEDURE NOTICE # 21/91

TO: DISTRIBUTION
FROM: BARRY G. COX
Assistant Commissioner
DATE: October 25, 1991
SUBJECT: ARREST PROCEDURES

PURPOSE:

To establish uniform procedures in arresting those persons who have violated the Administrative Code.

SPECIFICS:

1. All inspectors who note violations of any Stop Work Orders or Preemptory Vacate Orders shall immediately notify their supervisors, leave a telephone number where they can be reached and remain in the immediate vicinity of the site.
2. Any supervisor who is notified of the above violations shall immediately inform their respective Chief Inspector.
3. Any Chief Inspector who is notified of the above violations will immediately inform the Executive Chief Inspector. In the event the Executive Chief Inspector is unavailable, the Chief Inspector will contact the Assistant Commissioner for Borough Operations and the General Counsel directly.

4. The Executive Chief Inspector shall contact the Assistant Commissioner for Borough Operations and the General Counsel to determine if an arrest is appropriate.

5. Once it is determined that an arrest is appropriate, the Executive Chief Inspector will contact the notifying Inspector on how to proceed.

6. The General Counsel will contact the responsible Police Precinct to assist the inspector in effecting the arrest.

7. The notifying inspector will be instructed to meet the responding Police Officers at the site and to direct the Police Officers which person is to be arrested. **THE NOTIFYING INSPECTOR IS CONSIDERED THE COMPLAINING WITNESS.**

8. The responding Police Officers will transport the violator to the precinct for processing.

9. The notifying inspector will then report to the precinct to assist the officers in processing the violator, issue a DOB violation to the violator and notify the Executive Chief Inspector upon arrival. In the event that a DOB violation form and/or criminal court summons is required by the inspector, the Executive Chief Inspector will arrange for the required documents to be brought to the precinct.

10. The responding police officers will determine how the violator is to be processed. (ie. if a desk appearance ticket (DAT) will be issued or if the violator will be held for further processing.)

11. The notifying inspector will advise the Executive Chief Inspector when processing is completed and will return to the Executive Chief Inspector's office with all documents relative to the arrest and to complete the Affidavits of Service.

12. The Executive Chief Inspector will transmit all relevant documents and information to the General Counsel for prosecution in Criminal Court.

13. Any unforeseen events or circumstances will be handled after conference with all pertinent DOB employees.